

Memoirs of governor William Smith, of Virginia. His political, military, and personal history. By John W. Bell.

? P Aft

GOVERNOR SMITH. AGE 50 YEARS. WHEN GOVERNOR FIRST TERM. AUTOGRAPH AT 50.

DEDICATION

TO THE PEOPLE OF VIRGINIA, Whose sublime devotion to Government—Constitutional and Republican—was stimulated and illustrated by the unceasing and heroic exertions of the subject of these Memoirs, for full half a century, by precept and example; whose love and admiration for him through all his stormy contests on the Hustings, in the Cabinet and on the Field, was not surpassed by the depth of his political convictions, and his patriotism and love for the American Republic,

These pages are dedicated by The Author.

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the eye over any page, to discover the name of his friend, or acquaintance, or any locality or incident relative to the subject of this work.

Any other than a general reference to such, would be but a repetition of the Index to the main body of the Memoirs, except during the period of the Congressional life of Governor Smith. To particularize all the scenes and events and incidents in discussion with his numerous competitors in the House of Representatives, and mention their names, would be a profitless and well-nigh endless task. THE AUTHOR.

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ERRATA—MEMOIRS OF WM. SMITH.

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Page 4—29th line should read: “Colonel Caleb Smith was brother of the late Colonel William R. Smith.”

Page 10—19th line should read: “he would fall to cursing like a very Drab.”

Page 10—26th line should read: “they are trusty and well beloved cousins all.”

Page 16—29th line should read: “many had no confidence in his strength.”

Page 16—38th line, “semi-colon after canvass.”

Page 19—19th line, change initial to Shelton F. Leake.

Page 19—22d line, change name to Hon. James A. Seddon.

Page 19—4th line quotation should read: “heard so oft in worst extremes.”

Page 23—2d line should read: “old Richmond and Louisa Railroad.”

Page 26—27th line should read: “two of which were brought out under a lady's dress.”

Page 29—5th line should read: “if they were all trumps.”

Page 35—11th line, “John” should be “James” McDowell.

Page 37—Last line, Chapter IX,) parenthesis at end.

Page 45—2d paragraph should read: “This was a rare instance, if not the only one in the whole army, where a man holding a high civic position, relinquished it for a military command in the field when exempt from military duty, and received only his salary as Colonel of his regiment.”

Page 48—30th line from top, change asiduous to assiduous.

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Page 49—Casualties 49th Va. Infantry change total to “88.”

Page 54—7th line of Stiles letter, change “sixty-six” to “sixty-seven.” In same letter, second paragraph of 4th line change to “so that oftentimes.”

Page 56—3d paragraph, 1st line insert word “even” so as to read “Surrounded by emergencies which, at this distant day, EVEN can be well understood and appreciated.”

Page 65—14th line from bottom, insert initial P, so as to read: Lieut. Col. P. Bell.

Page 66—Same change as on page 65.

Page 68—11th line from bottom change to read: “each labored with tongue and pen to pronounce,” &c.

Page 69—2d line from top add] bracket at end of sentence.

Page 69—4th paragraph, 8th line, comma after confidence.

Page 70—Last paragraph should read: “Age could not weaken nor sorrow dim the glow of his early vow; in his eyes she was always young and beautiful.”

Page 82—In 10th line from top, following the name of Judge Bell insert “Lieut. Thomas S. Bell of Washington City.”

Page 85—In letter “To the Legislature,” 10th line, change to read: “he has ever discharged the duties of his position with great fidelity,” &c.

Page 99—“The writer of this article is mistaken. General Smith never, during the whole war, put foot under his own roof after the abandonment of Manassas by the Confederates in 1861. He would not have compromised himself as soldier by placing himself within easy

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capture by the Federals, even for the tenderness and attention of wife and family, though dangerously and it was believed mortally wounded.”

Page 99—The last paragraph should be read before the extract from N. Y. *Sun* to page 98.

PREFACE.

In presenting these Memoirs of a man who had for a half century filled a large space in the public eye and whose history is in reality an important part of the history of his State, the author was fully sensible of the difficulties of the task, as well as of the criticisms his adventure would incur.

The few fragmentary records found among the papers of Governor Smith furnish but meagre types of his individuality, and but little data on which the historian might found a biography. His letters to his friends and contemporaries, a large number of which was stamped from the originals, can never be recovered, nor can the copies be utilized, by reason of their indistinctness. Doubtless they would make a volume of themselves of most interesting and instructive matter. Some of more recent date may be found in the appendix to this volume.

The nervous activity and restless energy of his nature rendered him adverse to sedentary occupation: and after the severe wounds received at Sharpsburg, his right hand was rendered powerless to wield his pen.

To find the inner life of the man whose nature was cast in no common mould, we must mark the restless aspirations of his youth, the brilliant political triumphs of maturer manhood, and above all, the conspicuous part borne by him in that stern drama which enacted the birth and death of a nation.

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When the author revives his recollections of the thousand romantic incidents, the battles and the storms through which the subject of these Memoirs had passed, it is a cause of the deepest regret that he left such meagre and unsatisfactory records of his eventful life.

When the few of his contemporaries now living, and the many who have risen and flourished since he has retired from the political arena, shall contemplate his history, they will acknowledge how signally he triumphed over all personal hostility and political hate, and the calm judgment of future years will proclaim his unselfish devotion and fealty to that fair land, "The page of whose story The brightest or darkest is linked with his fame."

J. W. B.

Note. —It is proper, though, as the author was partly the writer, not strictly necessary, to give credit for the use of an article published in the *Democratic Review*.

GOV. SMITH'S RESIDENCE AT WARRENTON, VA.

MEMOIRS OF GOVERNOR WILLIAM SMITH, OF VIRGINIA.

CHAPTER I. GENEALOGY AND EARLY LIFE. The Doniphans (A. W. and John)—Their Ancestors, Commanded Spanish Troops—Fled to Scotland—One Son Settled at Jamestown—Grants of Land from Charles II.—Fought in the Revolution in John Marshall's Company—Father of A. W. Doniphan, at Yorktown—Justice of the Peace at Alexandria—Inogments in Favor of Gen. Washington—Wm. Smith's Birth—Col. Caleb Smith—His Sons and Daughters—William's School Days in Connecticut—Return to Virginia—At School at Nelson's—Studied Law—Success as Lawyer—Marriage.

Gen. A. W. and Col. John Doniphan came of a proud Spanish ancestry. Their primitive ancestor ALEXANDER commanded the Spanish troops in the wars against the Moors in the Sixteenth century. Failing to obey the orders of the cruel Phillip, to destroy the Moorish

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towns which he captured, he fell into disfavor with the king and fled to Scotland, where he married a Scotch heiress, and came into possession of valuable estates.

One of his sons shared in the first settlement of Jamestown. His family had a large grant of land from Charles II., on account of loyalty to Charles I.

From the Jamestown Doniphan descended three Doniphans who fought in the Revolutionary struggle in the company commanded by John Marshall, afterwards Chief Justice of the United States. In the battle of Brandywine one of these brothers was killed. Another, the father of General A. W. Doniphan, being mustered out, went to Boonesborough, Ky., where, in 1779, he taught the first school in that state, composed of the children of the fort. He afterwards returned to Virginia, and was present with the continental army at the surrender of Yorktown. He then married and was appointed a Justice of the Peace at Alexandria. His old docket is still in existence, in which several judgments are rendered in favor of George Washington, against his tenants, for so many pounds of tobacco, being the amount of rent due for the land rented of the "Father of his Country."

In 1791 he again moved to Mason county, Kentucky, where General A. W. Doniphan was born; also the father of Colonel John Doniphan. Colonel Doniphan's father was a surgeon in the war of 1812, and spent the winters of 1810 and 1812 three miles from the present site of Toledo, Ohio, then an unbroken wilderness.

General A. W. Doniphan, for whom the county of Doniphan was named, was, during his career, tendered many high positions of trust and profit; but refused them all, for private reasons. He died on the 8th of last August, in the 80th year of his age.

William Smith, the subject of the following biographical sketch, was the direct descendant of Alexander Doniphan, a Spaniard who, during the seventeenth century, emigrated to England and thence to Virginia in pursuit of religious freedom. Alexander, second son of Alexander Doniphan, senior, married, first, Mary Waugh, and was the lineal head of

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the Smith branch of the family* . The Doniphans' are mentioned in deeds in King George county, Virginia, in 5th year of William and Mary—1693—with Gent. attached. Genealogy is only a subject of pride when it traces the course of honest and chivalric blood; and to his Castilian descent William Smith may have been in part indebted for his dauntless courage in war, his wisdom in council and knightly courtesy in the domestic circle.

* Vide special Virginia edition of Hardesty's Historical and Geographical Encyclopedia, written by Dr. R. A. Brock, Secretary Virginia Historical Society, under the head of "Eminent Virginians,"—Appendix.

Note—The author regrets that the interesting sketch of his family on his paternal side and their genealogy, which the Governor, in his last years, became much interested in tracing, was destroyed by fire at Culpeper one year ago. This had resulted in reaching as far back as 1663.

Joseph Smith, born in 1741, in Richmond county, Virginia, son of Sir Sidney Smith, married a daughter of Sir Walter Anderson, of Wales, an officer of the British navy. The grandfather of the subject of these memoirs was issue of this marriage. They had issue Thomas, who was the father of Col. Caleb Smith, the father of William, afterwards the Governor of Virginia. The above names are still favorites with each generation. A very interesting account of the p127 3 gallantry of the Cavaliers—especial body-guard of Ferdinand, King of Spain, at the battle of Grenada, is given by Washington Irving in his "Alhambra." For their great services, Ferdinand knighted all who were not already knighted, and presented each a medal, bearing upon its face, a Moor, in chains. One of these medals was still in the possession of Dr. Doniphan, of Lexington, Ky., about sixty years ago.

The Records of the Clerk's Office of the county of Westmoreland, show deeds to many thousands acres of land to the ancestors of the Smith's, in the reign of William and Mary.

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One of them sold forty thousand acres lying on Goose Creek, in Loudoun county, for forty thousand pounds of tobacco, which was then the currency of the Colony of Virginia.

William, the third child of Colonel Caleb Smith, was born at Marengo, the old homestead of his father, in King George county, Virginia, on the sixth day of September, 1797. Col. Caleb Smith was one of a numerous and wealthy family, and wielded for many years an extraordinary influence over the people of his county. He acquired and maintained, through a long and useful life, the personal esteem and political confidence of his fellow citizens. He frequently occupied places of honor and profit voluntarily conferred on him by the people. The honor of a seat in the General Assembly of Virginia was repeatedly awarded him, unsought and unbidden.

He amassed considerable wealth and was thereby enabled to afford his children superior educational facilities. He was blessed with a numerous family of sons and daughters. Thomas, the second son, was bred a lawyer, and rose to distinction in his section of the state. So expert and successful did he become in the practice of the law that Judge John Tayloe Lomax, of the Fredericksburg circuit, appointed him his prosecuting attorney, and Thomas accompanied him as such, to most of the courts in his judicial circuit. He accumulated a considerable fortune from the practice of the law; but preferring a more congenial and higher profession, graduated in the ministry at the Episcopal Seminary at Alexandria, Virginia, and followed assiduously that sacred calling to the time of his death.

James Madison, the third son, was also a lawyer; graduated at the University of Virginia; became a brilliant essayist and journalist, and in behalf of the Democratic party, took an active and aggressive part in the politics of the state. Later in life he emigrated to the West to fill a federal appointment conferred on him by President Pierce, and there died.

Colonel Smith's daughters were of superior intelligence and several of them of masculine minds.

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Frances married Alexander Keech, of Maryland, who became a well-known and distinguished scholar and educator at Waverly Academy, near Washington City.

Maria, married the Rev. Dr. Johnson, of Georgia, a learned and well-known Episcopal minister of that state. He was chaplain in the army and won the *soubriquet* of “the Fighting Parson.”

Martha married William Bell, of Culpeper, Va., who for many years held the responsible office of disbursing clerk of the U. S. Post Office at Washington. Refusing to take the additional oath of office required immediately anterior to the war, he abandoned his commission and vacated his office. He afterwards became one of the most expert and efficient prosecuting attorneys of claims against the government of the United States.

Catharine married John Blackford, of Shenandoah county, Virginia.

Colonel Caleb Smith was brother-in-law of the late Colonel Wm. R. Smith, a venerable and esteemed citizen of Fauquier county. It is worthy of remark here and literally true, that the lamented Robert E. Scott and himself, antipodal to each other in the politics of that day, were the only two men who could be elected to the Legislature at their volition without opposition.

William, the distinguished subject of these memoirs, at the age of ten years was sent by his father to remain a short time in the family of Judge John W. Green, of Fredericksburg, 5 Virginia, who was then a lawyer of extensive practice in that city and section, that he might be prepared to give his father an opinion with respect to the mental capacity of his son, and his ability to receive a classical education.

The opinion of Judge Green was very favorable.

In 1811 William was sent to the town of Plainfield, Conn., then bearing some academic repute, to commence his studies of English and the classics. At this early age he is said

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to have been distinguished for zeal and mental vigor in the prosecution of his studies. But at this institution he was destined to remain a short time. When the war of 1812 was declared, the condition of things became more unsettled. Young William became fired by that ardent and generous spirit of patriotism, which in his subsequent life formed a distinguishing trait in his character. He immediately and earnestly besought his father to procure for him a midshipman's warrant. In this perturbed condition of the country and the agitation of the public mind in which the ardent and enthusiastic youth greatly shared, it was deemed best by his father to recall him to his home. His father disapproving his ambition to enter the navy and deeming him too young for the army, determined to give his son the best education the country could then afford. Accordingly he entered William at the then celebrated English and Classical School of Thomas Nelson, in Hanover County, Va. Here, and at a private school at his father's house, established expressly for the tuition of his own children, William acquired a liberal English and classical education.

Encouraged by the flattering opinion theretofore expressed and destined for the profession of the law, he commenced its study in the office of Judge Green; continued it with Hon. Thomas L. Moore, a lawyer of high reputation of the town of Warrenton, Va., and concluded it in the law office of General Winder, of Baltimore. He commenced the practice of the law in the County of Culpeper and resided at the County seat, in the month of August, 1818, at twenty-one years of age. Endowed with a robust frame and vigorous constitution, zealous and enthusiastic in its prosecution, he soon satisfied the Courts of his legal acumen—the juries of his great powers as an advocate, and the public with his fidelity to his clients. The result was an increasing business and reputation in all the courts in which he practiced.

Sometime thereafter, young Mr. Smith was united in marriage to Elizabeth H., the eldest daughter of the late James M. and Amelia Bell of Bell Parke. Capt. Bell was a wealthy and prominent citizen of Culpeper, who dispensed a “Virginia hospitality,” well noted at that day for its uniform courtesy and affluence.

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Thus the young attorney found himself in the hey-day of prosperity and success. But that exuberance of spirits and active mental energy that accompanied him through life, and which, if confined to his profession, must have contributed greatly to eminent success as a lawyer, would not suffer him to remain “cribbed, cabined and confined” in a dull country village. The little village of Culpeper sixty years ago—then called Fairfax—the home of Mr. Smith's adoption, was literally in the “mountain fastnesses.” With great natural advantages of soil, beauty, scenery, much wealth and talent and a hardy, spirited and intelligent yeomanry, that, in common with the whole Piedmont region, demanded an outlet to market and rapid communication with the world.

CHAPTER II. Contracts with the United States Government—Pioneer of the South—Country Improved—His Stage and Boat Lines—Great Competition—Free Passage and a Bottle of Wine—Brocks Virginians.

Partly to improve his own fortunes and partly to accommodate the people, Mr. Smith contracted with the Government of the United States to establish a line of United States mail and passenger post coaches from Washington city to Lynchburg, touching the towns of Fairfax, Warrenton, Culpeper, Orange Court House and Amherst Court House, Va. This line proved to be a great advantage to the country through which it passed, and remunerative to the contractor.

Pleased with this result, he soon enlarged his contracts with the Government, and extended his lines of mail and passenger coaches through the States of Virginia, North and South Carolina, to Milledgeville, Ga., a distance of 650 miles. All along this line between the different termini, were established at points about equidistant, relay houses, hotels, stores, blacksmith shops, stables, etc., for the accommodation of the traveling public.

The consequence was, the whole country rapidly advanced in material improvement, and developed its resources to a wonderful degree. At that day there were no railroads in

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these States, and Mr. Smith was emphatically called the Pioneer of the South. January 1, 1835, Mr. Smith was the successful bidder for the mail contract by steamboat and coach line between Washington and Richmond. Messrs. Edmonds, Davenport & Co., started a passenger line in opposition to the regular main line, and for a short time the opposition was so strong that free passage was offered on both lines, until finally the tradition was, that an additional inducement of a bottle of wine was presented to the passengers.

This ruinous competition was soon terminated by the transfer of the latter contract to the former contractors.

Mr. Smith also ran a line of steamers between Baltimore and Norfolk. This, however, was of temporary existence. But his restless and progressive temper would not let him stop here. His next enterprise of like character was to establish a semi-weekly steamer called the "Champion" which ran from Pensacola, Fla., to Galveston, Tex. This also was of temporary duration.

For the general incidents and anecdotes occurring in the early part of the life of this remarkable man, the reader is referred to a sketch of his life in Hardesty's Historical and Geographical Encyclopædia, under the head of "Eminent Virginians," by R. A. Brock, Esq., of Richmond, Va., Secretary of the Virginia Historical Society. This is a special Virginia edition, giving a history of the two Virginias and biographical sketches of the distinguished men of the States from a very early day in their history. It is an intensely interesting and valuable work, especially to all Virginians.

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Pending the prosecution of these different enterprises, Mr. Smith labored under an enforced absence from home, and hence, greatly to the neglect and detriment of his legal business and profession. Despite his protracted absence from the bar, when he did return to it and offered himself again a candidate for practice, his old clients and friends rallied to his support, and freely trusted him again with their dearest personal and property

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rights. So great was their confidence in his ability as a lawyer and advocate at the bar, that he was often called to distant parts of the State, and to the United States Courts at Washington, in the line of his profession.

CHAPTER III. Mr. Smith's Initiation into Political Life—His Political Principles—His Admiration of Jefferson and Madison—First Election to the Legislature of Virginia—Election of United States Senator—W. C. Rives—The Conservative, Whig and Democratic Parties—Mr. Rives a Candidate—Mr. Smith's Determined Opposition to Him—The Reason Why—Senator Smith's Speech against Him—Distinguished Whigs of that Day.

Some years before his entrance regularly into political life, Mr. Smith had been a bold and outspoken co-laborer in the Democratic-Republican party. In 1824 he opposed the election of Clay and Adams, and preferred the election of Crawford over Gen. Jackson. In 1828 he warmly supported Gen. Jackson for the presidency. After his election he was a warm adherent of his administration in the main. He opposed the proclamation and the Force bill however, and was very pronounced in his disapproval of the doctrines set forth in those State papers. He warmly approved the veto of the bill for re-charter of the United States Bank, and the removal of the deposits, and took bold and decided position on the French Indemnity question, sustaining the administration in its measures and policy on that delicate and dangerous subject.

Mr. Smith was a firm believer in the resolution of '98-'99 as expounded by President Madison and Jefferson; and on all questions of government polity closely adhered to the fundamental principles that, all powers not granted to the Government of the United States and not necessary to carry out those that are granted, are reserved to the States or to the people respectively.

In 1836 Mr. Smith was elected to the Senate of Virginia for four years. This body was then composed of experienced and talented members and who were among the best debaters

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in the State. He soon took the front in the Democratic party; and on all questions of finance and banking and State internal improvements, showed himself thoroughly conversant and an able and ready debater. He was a bold and fearless thinker and became the master-spirit of the Senate. He waged a bold and determined war against the banks of the State, and denounced the whole banking system as inefficient and inherently corrupt. By reason of this radical and aggressive spirit, Mr. Smith was regarded by the Whig party as a dangerous politician and ahead of the age in which he lived.

In March, 1839, the term of service of the Hon. W. C. Rives, a Senator of the United States from Virginia, would expire. Several gentlemen of distinction were spoken of besides himself to supply his place. Senator Rives was an able and rising democratic statesman in the country, and was in fact the most popular public man in the State. But he had offended many of his friends and admirers by reason of a more defined disaffection towards the then Federal administration; and doubtless his own party by its own action had given offense to him. The contest was absorbing and the election was an exciting one. Senator Rives's disaffection culminated in the formation of the Conservative party. There were three candidates for that high office. The Conservatives were about fifteen in number. The Whigs counted about eighty. The Democrats were therefore in a minority. The policy, perhaps the plan, was for the Whigs to vote for Mr. Tyler, afterwards President of the United States, and the Conservatives for Mr. Rives. The Democrats of course supported their own candidate. Then all rules of party action were to be reversed and the majority must give way to the minority. Party bitterness and factional animosity ran high. 10 This was an anomalous condition of things at that day. In a speech of great power and force, Mr. Smith said:

“Mr. Speaker—What train of reflection ought this extraordinary state of things to excite? Ought we to look at it as a subject of ridicule or regret? Ought we to laugh at the vows which the tongue utters ‘when the blood burns,’ or mourn over the frailty of our nature which makes us forget them? You recollect, sir, how Mr. Rives was denounced. The human wit ranged the whole field of language to *file* the tongue with words of bitterness.

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You, sir, have no doubt often witnessed his revilers stretch out their arms to yon bright vault, and call God to witness their oath of eternal hatred to him. Sir, often have I heard one of his most eloquent champions now abuse him in highways and in byways—in season and out of season—from the bar-room to the rostrum, in terms of bitterness only limited by his own happy powers of denunciation and the poverty of his mother tongue. Yes, sir, “He would drown the stage with tears, And cleave the general ear with horrid speech; Make mad the guilty and appal the free; Confound the ignorant, and amaze, indeed, The very faculties of eyes and ears.’

“At another time, and in another mood, he would ‘fall a cursing like a very Arab.’ Yes, sir, I have heard it declared by this eloquent Whig, that he preferred Mr. Rives to any man living or dead—to Mr. Madison, if he were on earth, in the zenith of his fame, and in full possession of all his noble faculties. What a change has come over the spirit of his dream! No more do we see the smile of scorn, or hear the howl of indignation for imputed sins yet unrepented. No more do we see the disposition to cut him off, even in the blossoms of his sins, ‘unhouseled, unanointed and unannealed;’ but now, to use a quotation of Mr. Rives himself, ‘they are trusted and well-beloved cousins all.’”*

* The Hon. John S. Pendleton was the gentleman alluded to. He was at that time a member of the Virginia House of Delegates from the County of Rappahannock. He was a devoted Whig and great admirer of Mr. Rives. Of him, it was said by the celebrated Thomas Ritchie in the *Richmond Inquirer*, of that date, that he led off in that election in a nominating speech of Mr. Rives of “surpassing eloquence, stud covered himself with glory.” Mr. Ritchie was decidedly opposed to the re-election of Mr. Rives. Mr. Pendleton was afterwards a member of Congress and *Charge de Affairs* to Chili.

This election gave rise to much angry discussion and bitter heart-burnings between the two great Whig and Democratic parties of that day. The Whig party was represented and led in Virginia by the larger proportion of wealth and power, education and social family distinction. It had Leigh and Tyler; the two Barbours, ex-Governor and John S.,

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both brilliant men and splendid orators. Judge Baldwin, Judge Summers, A. H. H. Stuart, Henry A. Wise, R. E. Scott, J. M. Botts and that unique platform orator, John S. Pendleton. Senator Lyons, an elegant gentleman and distinguished lawyer, with several others, led the Whig party in the Senate.

Unaided and undaunted by the *allied powers* against him on this occasion, Senator Smith's genius and courage did not forsake him. The line of his duty was marked out plainly before him. He did not believe that Mr. Rives ought to be re-elected to the Senate of the United States. He continued in the following graphic and eloquent strain:

"Mr. Speaker," said Mr. Smith, "Let me here pause and for a brief space contemplate the moral grandeur of our position. While the Whigs, greatly stronger than the party with which we act, are, as is supposed, about to commit an extraordinary act of political prostitution; while the Conservatives are ready and anxious for that unholy embrace from which no good can come, we, deficient in numbers, yet firmly stand upon our principles, recognizing *no necessity* for their abandonment. Conscious that our destiny may be defeat, and deeply anxious to conquer, yet we sternly resist all the seductions of temptation, confiding in the justice of our cause and the wisdom of the people, we fear not defeat, satisfied that it will enrich that victory, which, sooner or later, we must certainly achieve.

"Our principle, sir, the Democratic principle, must win favor as it is understood. It is a principle of humanity, benevolence and love. It seeks to abuse no man, but to elevate all. It seeks to alleviate human suffering, to bind up the broken-hearted, and to make us love one another as ourselves. It labors to purify the affections and expel from the human heart that selfishness which is the source of such innumerable woes. It teaches without ceasing, the lofty principles of unadulterated philosophy in order that man may be all that the creature should be who is made after God's own image. It is a principle of veneration and change, with ceaseless efforts for the happiness of man, and bears the same relation to the moral, that the Christian principle does to the religious world. The principles of both are love; for both seek the happiness of man. The one seeks to perfect the character of

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man here below; the other, in addition thereto, seeks to make him fit company for the society of just men made perfect. In fact, the only difference between these vital and glorious principles is, that the one is of earth, the other of heaven. Our principles teach us that *all mankind are free and equal*. Impress this doctrine upon the heart, and we must love our brother as ourself. Let us do this, and we must have charity and humility; and then sir, with our hearts thus purified and attuned to love, the Christian laborer has naught to do, but to invoke the regenerating principles of Divine grace. The Democratic principle is the grand moral adjunct of the Christian principle; and it is the bounden duty of every son of heaven to spread it far and wide. Sir, the foe of the Democratic principle, is the aristocratic principle.

“What are its characteristics? Pride, vain glory and ambition. It turns with loathing and disgust from the laboring millions. It considers the many as only fit to be ‘hewers of wood and drawers of water.’ Its affections are only of this world, and it goes up into high places, and thanks the Lord it is not as that poor publican. What chance has the Christian laborer here?

“And such sir, is the principle which regulates the political conduct of a very large portion of our adversaries. Is it then wonderful, Mr. Speaker, that our principles should have borne us on conquering and to conquer? Is it wonderful that under its rule we should have determined to bear our banner aloft, resolved as, I have before remarked, ‘to conquer or die’ beneath its ample and imperishable folds.”

The purity of the principles and political tenets of the two great Democratic and Whig parties of former days are not to be discussed or passed on here.

The relative merits of each were submitted to the great arbitrament of the people, and their judgment has passed into history. About the causes of its (the Whig party's) organization and formation in this country, there could be many opinions and much discussion. Its organization was solid and compact. Its management was able and

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dexterous. Certain it is that, it was for years led and directed by some of the ablest men in America. The great Clay was the master spirit and genius of the Whig party; and even the incomparable Webster and Calhoun would sometimes follow in his wake in opposition to the alleged usurpations of Presidents Jackson and Van Buren. They stood like a stone wall against the encroachments of the Democratic party—and as has been said of the old Whig party of England, “with the steadiness of a great oligarchy,” the Whigs “combined their characteristic immobility.”

CHAPTER IV. Mr. Smith's Second Term in the Senate—Without Opposition—His Resignation—Presidential Election—Mr. Rives Again—His Discussion with Mr. Smith—The “Hard Cider Campaign”—Henry Wilson's Log Cabin—Mr. Smith's Great Discussion with Governor Barbour at Staunton, Va.

So wide-spread was the distinction that Senator Smith had achieved in the legislature of Virginia during his first term, that he was unanimously nominated again for re-election in every county in his district in 1840, and was again elected without opposition. The Presidential election was soon to take place, and formidable opposition to the Democratic nominee was threatened by the Whigs. In consequence, Mr. Smith consented to be a candidate again, but on condition that he could resign at discretion. He served one term and did resign at the expiration of the first year of his second term. This was, in fact, an enforced resignation. It was in deference to the earnest demands of his profession as a lawyer, and the condition of his private affairs.

In 1840 the Whig party had greatly increased in numbers, buoyancy and boldness. The people had tired of Van Buren's administration, and the war-cry of the party was “change,”—“change”—change of men, and change of measures.

BARN AND FARM YARD AT GOV. SMITH'S RESIDENCE.

13 In the excess of their confidence, the Whigs boasted that they would carry the old Tenth Legion of Democracy, and actually sent out a challenge from old Rockingham,

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then the Gibraltar of the Democratic party of Virginia, to meet them on a day fixed for the discussion of the great issues involved in the canvass. The Democrats of course accepted the challenge at once. This was just what such a bold and daring spirit as animated Mr. Smith's bosom desired.

Mr. Rives by this time had left the Democratic party and given in his adhesion to Mr. Clay and the Whig party. He had traversed a portion of the State, addressing the people from the stump and bitterly denouncing President Van Buren and all the measures of his administration. He was an able, adroit, and fearless debater. He was a Senator of the United States, had been a minister to the Court of France, and his prestige and popularity were elements hard to withstand. Some Democrats became demoralized, and quailed before his coming. Then all eyes were turned to William Smith. Fearless, unflinching and intrepid, Mr. Smith, on different occasions, measured lances with Mr. Rives, and displayed an eloquence and ability theretofore unequalled by himself, and exciting the admiration and pride of friend and foe.

In this great contest of 1840, Mr. Smith had acquired a fame and celebrity which impelled the people of the neighboring States of Ohio, Pennsylvania and North Carolina, to press him to visit them, and address them on the same issues. He was not a man to be confined to a single State. He met their best men in those States, and lost nothing in his tilts with them wherever he was invited to appear; and for six months, toiled in the Democratic vineyard in those States, as well as in his own.

This was the fiercest and bitterest contest save one, that ever took place in the United States. It was known as the "Hard Cider Campaign"—"Tippacanoë and Tyler too!" was the refrain sung throughout the United States. "'Twas in that campaign that Henry Wilson of Massachusetts, a shoemaker by trade, constructed a coarse ox-wagon, loaded it with barrels of hard cider, and traversed his State, advocating 14 the claims of Harrison and Tyler. 'Twas in that campaign that Wilson conceived he possessed a "speaking talent,"

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drove his own wagon and made his own speeches, and afterwards became Senator and Vice-President of the United States.

Mr. Smith frequently encountered such men as Ex-Gov. Barbour, J. S. Barbour, senior, Judge Summers, Judge Baldwin, Hon. A. H. H. Stuart, afterwards President Tyler's Secretary of the Interior, and other distinguished Whigs of Virginia. The writer has often heard Governor Smith relate and comment with pleasure, upon the celebrated discussion he had with Gov. Barbour at Staunton, Va. He said, among other things of much interest, that Gov. Barbour spoke on that occasion for five hours, and made the ablest speech he ever heard from the lips of any man.

Gov. Barbour had been the Governor of Virginia in the War of 1812, and Minister to the Court of St. James. He was called from his retirement on this occasion especially to combat with Mr. Smith and discuss the exciting and vital issues of the contest. Gov. Barbour was then about seventy-five years of age. He presented an imposing presence, with a striking face, long shaggy eyebrows, and head covered with silvery flowing locks; with a majestic and sonorous voice, he filled one's conception of the grandeur of a Roman Senator in the best days of the Republic.

But no fears entered the hearts of the Democrats when William Smith was at hand. With cool, calm, lofty bearing, with a magazine of facts at his command; with infinite dexterity and resistless eloquence, he met the Ex-Governor at every point of attack, and gained bright laurels as one of the foremost debaters in the State. Although the Whig candidates (Harrison and Tyler) were elected, Virginia was saved to the Democracy. It was declared then and will be acknowledged now, that this result in Virginia was mainly due to the unrelenting energy and powerful influence of William Smith.

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CHAPTER V. Vacancy in Congress—Col. Banks Becomes a Candidate—Mr. Smith Urged to Run—Declines—His Letter on the Subject—The People Determined to

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Nominate Him—Elected to Congress—His Course in Congress—Speech on the Tariff—“Attalus” Congressional District Re-arranged—Extract of his Letter to Col. Parker.

Hon. J. M. Patton, who then represented the Culpeper Congressional District, resigned his seat in the House of Representatives. Mr. Smith was still a member of the Virginia Senate. Col. Lynn Banks, who had been Speaker of the House of Delegates for twenty-six years consecutively, announced himself immediately after Mr. Patton's resignation independent of a convention, a candidate to supply the vacancy. He had always been a consistent Democrat from that brave old fortress of democracy, the County of Madison, then one of the counties of Senator Smith's district. Senator Smith was warmly urged to become a candidate also. A popular Whig had declared himself a candidate. Under these circumstances Mr. Smith declined to run. He addressed a letter to the people urging concession and harmony, which, to some extent, allayed the dissatisfaction. Unfortunately this letter cannot be found; but, at a much later date, he wrote a letter to his friend Col. Parker, in which, among other things, he makes the following statement:

Warrenton, Va., Dec 1, 1873.

Col. J. A. Parker, Tappahannock, Essex County.

My Dear Sir: Although you may be familiar with the leading facts of my life, yet hoping to have your active support, I deem it proper to possess you of my statement, upon which you may implicitly rely.

I was educated for the law, and commenced my professional career in the county of Culpeper, in August, 1818, and soon took part in the politics of the State, but never even desired to be a candidate. At length in 1836 a convention for our Senatorial District was convened to select a candidate, and the choice fell upon me. I protested I could not be a candidate; that I was deeply in debt, and to enter public life would be my ruin, and so declined the nomination. It was then renewed, and my acceptance demanded as a party

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duty, and I yielded. After an active canvass I was handsomely elected; *so I commenced public life.*

Having served out my four years with some credit, I proposed to retire, but it was again insisted that I should run, which I finally agreed to do, with the understanding that I might retire after serving the first year of my renewed term. I was elected without opposition, and as agreed, resigned. And this is my whole service in the Legislature of our State (five years.)

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“In the meantime Mr. Patton having been elected a member of our State Council, resigned his seat in Congress, and Col. Lynn Banks announced himself a candidate for the unexpired portion of Mr. Patton's term. Many of my friends insisted that I should run, and proposed to settle the difficulty through a convention, but Col. Banks declined, and insisted that he was in the field and would submit to no arbitrament whatever. This very naturally produced great dissatisfaction, taking advantage of which Mr. Slaughter, a Whig, announced himself a candidate. My friends urged that I too should announce myself a candidate, insisting that I could beat them both. This, however, I declined, reminding my friends that our Democratic majority in the district was 600 only; that our defeat would be inevitable, and that I would be held responsible for it. We, however, finally settled the question, and in some degree allayed dissatisfaction by my agreeing to run whenever the Whigs would not run a candidate. The contest was then left between Banks and Slaughter. I took an active part for Col. Banks, and notwithstanding all my efforts he was elected by a majority of, I think, only sixteen. The regular election coming off between the same candidates, Banks was elected by some three hundred majority.

“It thus became evident to the Whigs that the effect of their policy was to fasten Col. Banks upon the district indefinitely. And the next election approaching, a number of prominent Whig gentlemen called upon me to know if I did not intend to become a candidate. I replied, you gentlemen know the situation. Your party can make or prevent me from being

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one. Therefore they pledged themselves to me that if I would become a candidate no Whig would. This pledge embraced on the part of the Whigs no obligation to support me; they were to be left to their own pleasure as to the part they might take in the election, their policy being to try the effect of a family quarrel. Satisfied with the honor and influence of those who gave the pledge, and in compliance with my promise to do so when I could without endangering Democratic ascendancy in the district, I announced myself. It produced quite a sensation. Three years of acceptable service by Col. Banks had subdued much of the active opposition to him, which his conduct in the beginning had provoked; many had no confidence in his faith, and considered all was lost, while my ardent friends considered my election an assured fact, and thus relaxed their vigilance and exertions, which, on such occasions, nothing can excuse. The result was that Col. Banks got the return by four votes. I contested the election and without waiting for the judgment of the House, we agreed to run it over. It took place in November, and was morally only a continuance of the spring election. But my friend Slaughter thought otherwise, and considering the Whig pledge exhausted, declared himself a candidate. I was nothing daunted. Fully sensible of the peril of my position, that I would be held responsible for Democratic defeat, I boldly entered the canvass, asked if I were a Virginian among Virginians, that any should be so bold as to call upon our people to become aiders and abettors of the foul wrong now being attempted in this district, etc. The result was my triumphant election.

At the next election for Congress the same circumstances confronted Mr. Smith, and he again refused to imperil the unity or harmony of his party, and declined to become a candidate. A third election coming around, the people's anxiety had ripened into a well-settled determination to nominate Mr. Smith and run him for Congress. This determination, it was plain, could not be restrained. A Whig and a Democrat were still in the field, but Mr. Smith became a candidate, made a short, but energetic and powerful canvass, and triumphed 17 over both competitors by over 400 majority. This election clearly tested his great popularity and power among the people.

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This was his first term in Congress. The Tariff Bank Distribution of the proceeds of the sales of the public lands among the States, Internal Improvement by the General Government and the Loan Bill, were the absorbing topics of discussion in Congress and amongst the people. They were great questions of Government policy. Mr. Clay was the author of the American System, and advocated all these measures with great ability and had acquired a tremendous following in the country.

The questions of Banks, Banking and the Tariff were Mr. Smith's specialties. His speech on the Tariff was one of masterly ability. This speech was used in the celebrated contests of '44 in Virginia and other States, as one of the principal campaign documents in these elections.

Mr. Smith was the author of a series of articles which appeared in the Richmond *Enquirer* over the signature of "Attalus," advocating the establishment of the Independent Treasury Scheme. His active participation in the discussion of these measures was enough to show that he was as able and efficient in the Councils of the country, as he was powerful before the people.

To prevent his re-election and to effect his exclusion from the House of Representatives in the next and future Congresses, the Whig Legislature re-arranged his Congressional district, so as to ensure a Whig majority of 900. Upon this point Mr. Smith thus speaks in a letter to his friend Parker, under the aforesaid date:

"It was during my term the State was re-districted for Congress and my district was portioned into three parts, literally made a Poland of, and made parts of three districts. Under this arrangement I had been left in a district hopelessly Whig, and I quickly accepted these arrangements as the final close of my political career.

"Having previously concluded to move to Fauquier, a fine field for my profession, and where superior advantages for the education of my children existed, and even before

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my arrangements were completed, I was called upon to run for Congress, in the district to which I have before referred. I frankly stated to the gentlemen my situation, and that it would be almost a crime against my family to think of it; they replied that the canvass would be short and that I was the only man in the district who could rally the party. I then most unexpectedly became a candidate, and in a 18 canvass of three weeks reduced the usual Whig majority of 1,200 to 265, exciting a large amount of apprehension and alarm.

“Bear in mind, I beg you, that debt had long borne heavily upon me, which just culminated; that my firmness and character had been subjected to tests from which few escape without injury, and that at the most trying moment of my troubles, gentlemen called upon me again to enter the political arena, stating that I alone could organize and arouse the Democratic vote of the district, thus telling me, in effect, that I had not suffered from the fiery ordeal through which I had passed. I was greatly gratified at it and cherish the memory of it with infinite satisfaction.”

CHAPTER VI. Mr. Smith Neutral between Mr. Calhoun and President Van Buren—Appointed Democratic State Elector—Hon. R. E. Scott Whig Elector—Traversed the State as Democratic Elector—Mr. Rives once More—Discussion at Culpeper with Mr. Smith.

In 1843 when Mr. Calhoun and Mr. Van Buren each had his warm admirers and adherents for the Presidency, Mr. Smith attached himself to neither side. He had been the warm supporter of the latter's administration, and cherished homage for the great South Carolinian. Mr. Smith was decidedly in favor of the annexation of Texas from the initial agitation of that question.

In 1844, Mr. Smith was appointed by the Democratic State Convention, presidential elector for his Congressional District, the Loudoun district, the only Whig district then in the State. He was thus put in competition with one of the most talented and popular Whig electors in the State, the Hon. R. E. Scott of Fauquier. He was blessed with a splendid physique

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and was a prodigy in oratory and power before courts and juries. When they “locked horns,” it was indeed the “war of the giants.” It was the manly, brave old custom then for the two great parties of that day to meet by appointment on day and place, divide equally the time and discuss the great issues of the contest—a custom which should be now more honored in the observance than in its breach—a custom which always met with the approval and pleasure of William Smith; one, which, on all occasions generated the true *guadia certaminis* in his bosom, and always proved him the great tribune of the people.

In the great contests of 1844 as in those of 1846, Mr. Smith was again looked to by the people 19 “As their liveliest pledge Of hope in fears and dangers.” He was not permitted to confine himself to his own district, but was often called to a distance to meet the best men of the Whig party all over Virginia and West Virginia. The great Clay was again a candidate versus James K. Polk, who was comparatively undistinguished in the councils of the country. The Whigs were bitter and denunciatory in the extreme, and scouted the very idea of their great commoner's defeat.

The campaigns of '40–'44 were very similar to the Western campaigns in song and revelry, in wassail and spectacular. The Whig banners were emblazoned in capital letters with the couplet: “Walk along John, you can't stay, The people's choice is Harry Clay.”

On the other hand, the Democrats sported the refrain: “Walk along John, you can't stay, The people's choice is Jimmy K.”

In the meantime the Democratic party had recovered from their disastrous defeat of 1840. They were able to bring to the front some of the most brilliant and talented debaters in the State. There was William Daniel, afterwards Judge of the Court of Appeals of Virginia, and father of the great orator, John W. Daniel, at present Senator of the United States. Shelton H. Leake, afterwards member of Congress; John S. Caskie,* afterwards Judge of the Circuit Court of Richmond, Va., and member of Congress; John Z. Holliday, A. H. Bernard. Henry Bedinger, Hon. James A. L S eddon, afterwards Secretary of War of the

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Confederate States, and others on the Democratic electoral ticket not now remembered. But to William Smith, whose voice had been “heard so oft In most extremes,” they again looked, “In all assaults their surest signal.”

* Judge Caskie beat J. M. Botts for Congress, from the Richmond district. Mr. Botts was one of the most consistent and powerful Whig orators in Virginia.

It was in the spring of 1844 when Mr. Rives's defection to the Democratic party had become known of all men. He had by this time openly and boldly espoused the nomination and election of Mr. Clay to the presidency. They were then both in the “firmament of their power.” The Whig leaders of Virginia were radiant with confidence; and the advocacy of their Henry of Navarre by the ablest and most popular man in the State, was a valuable accession to their strength as well as to their audacity and aggressiveness.

Mr. Rives had invaded the territory of the old Tenth Legion of Democracy—had as was represented, made a great speech to the Democrats of Rockingham, at the town of Harrisonburg without opposition or response. The effect upon the Whigs was exhilarating, upon the Democrats it was depressing. He was called at once to Culpeper to repeat his speech. His conquest it was declared, would be easy and but a repetition of what had attended his effort at Harrisonburg.

Mr. Rives came according to appointment. Arrangements were made for the discussion. It was the old Culpeper County Court day. The crowd was very great. Intense interest was felt by both Whigs and Democrats. Party spirit rose upon the crest of the wave. Great issues were involved, and great men were to discuss them before that tribunal that at last must hold the destinies of our Republican government in the hollow of its hand.

Mr. Rives arrived in the morning. A large deputation immediately waited on Mr. Smith, and both gentlemen were conducted to the platform. The crowd being so large, a stand was at once improvised in the rear of the old Court House. Both gentlemen were fully prepared and the people “eager for the fray.” At that day, all parties were invited and free to attend,

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and reap what advantages they could from a bold, brave and manly discussion of men and measures.

What a sad contrast at this day! and how it grated upon the feelings of the grand old commoner, before his death, that a large portion of his old friends, whom he had so often taught the first principles of government, and on whose eloquent and persuasive lips they had so often hung, should be deprived of that popular privilege and right.

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Mr. Rives being a stranger to the people and non-resident of Culpeper, was introduced by Hon. John S. Pendleton in a laudatory and unusually eloquent style. The discussion was able and courteous, and worthy of the two great champions and riveted each in the affections and admiration of their respective parties.

Again the Democratic party triumphed over the Whigs, and Virginia passed through the "battle and the storm" the "Flag-ship of the Union."

CHAPTER VII. Mr. Smith's Election of Governor of Virginia for Three Years by the Legislature—His Nomination for the Senate of the United States—His Defeat by a Combination of the Whigs and Conservatives—Extracts from His Letter to Col. Parker as to His Election of Governor—His Administration as Governor—His Visit to and Sojourn in California.

In December, 1845, Mr. Smith was chosen Governor by the Legislature of Virginia, for three years from the 1st of January, 1846. He thus speaks of that election:

"Having accepted my defeat in perfect resignation, as the final close of my political career, I devoted myself to my profession and was prosecuting it with ardor and success, when walking on the Main street of Warrenton, with saddle-bags on my arm, having just returned from Prince William Court, a friend addressed me as Governor Smith. I asked him what he meant by addressing me by such a title. He said he had so addressed me, because I was

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the Governor-elect of Virginia. I replied that I hoped it was not so, for I at once saw that I would have to give up my profession, and as the Governor's salary would barely support a family in a very moderate way, I would at the close of my term be utterly destitute. It turned out as stated. I had been nominated in caucus the preceding night, and as that was equivalent to an election, so I was duly elected. It was a severe trial to me. To be elected Governor of Virginia under any circumstances was no light honor, but to have that great distinction tendered me not only without request, but also without expectation, overpowered me with emotions I had no language to describe. But the personal sacrifices I would have to make would be too great, and I determined to decline the position. This purpose was communicated to some of my leading friends, who had been most active in my election; who stoutly resisted it, representing that by doing as I proposed, I would delight my enemies and deeply mortify my friends who had staked themselves upon the wisdom of my selection. Suffice it to say, I yielded to my friends and became Virginia's Governor. How I bore myself is a matter of history to which I fearlessly refer the curious, satisfied that they will find but little complaint of my administration. My election occurred in December, 1846, and was for three years."

Gov. Smith had been warmly urged by his friends some time before the next election for United States Senator, for a seat in that body. In a mass meeting by the people held by 22 the leading and influential men of Madison County, Mr. Smith was nominated for the next vacancy. In January, 1846, a day was fixed by the Legislature for the election of a Senator to succeed the Hon. William S. Archer, whose term of service was to expire on the 4th of March, 1846. According to the usage of parties, a caucus of the Democrats was held in the Capitol. In violation of the uniform rule, a resolution was passed, requiring the nominee to receive a majority of all the members present and the members of both houses who were absent.

The preference for Gov. Smith for a seat in the Senate of the United States had been made manifest long anterior, in different parts of the State, then consisting of East and West Virginia. Gov. Smith filled even the requirements of this resolution. His friends

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believed his election was assured. The day of election arrived and he received seventy votes on the first ballot; his competitor received twenty-three. On a subsequent ballot, R. M. T. Hunter, with the aid of the "allied powers" had increased his vote from twenty-three to a number sufficient to elect him; and through the aid of the Whigs the voice of a large majority of the people was stifled. In the succeeding election of members of the Legislature, but three of the twenty-three who were candidates for re-election were returned.

To show how ardently Gov. Smith's defeat for the Senate was desired by the leading Whigs of the State, it is worthy of a memorandum here, that pending the canvass and election of Senator, a prominent Whig politician came to Richmond and urged his defeat, saying, "you have got the lion chained, for God's sake keep him so."

Gov. Smith's defeat for the Senate by party disloyalty did not abate his fidelity to and zeal for his party. As Governor, his administration partook largely of his characteristic energy and progressive spirit. The Mexican war was then in progress. Gov. Smith's messages to the General Assembly on matters connected with the war, were fervid and glowing with a characteristic zeal and patriotism worthy the best and ablest of his predecessors. On all matters of State policy they were 23 always original, bold and aggressive. He recommended in the strongest terms the extension of the old Richmond and Louisiana Railroad, one of the first railroads projected in Virginia, now the Chesapeake and Ohio Railroad, to the town of Charlottesville and across the Blue Ridge, on to Covington to connect Richmond with the Southern and Western States, so as to ensure the trade and travel through Virginia to that city. This scheme at first was rather coldly received, as on too large a scale and too expensive. It was, however, plain if carried out and completed, it would be of immense advantage to the capital city of the State, putting her at once in competition with the largest Southern cities. The Governor was still regarded as too radical and ahead of the age. Of course it met with strong opposition from the Anti-Internal Improvement party in Virginia, of whom there was then no inconsiderable

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number, especially in “Tide-Water” Virginia, where nature had supplied ample means of transportation.

But some years after Governor Smith had retired from office, his views and recommendations had obtained a good foot-hold and assumed important proportions. The Legislature at last took hold of the subject, and many years before his death, the Governor enjoyed the pleasure of seeing this grand work accomplished, and his loved State and her beautiful capital city receiving into her lap, daily advantages therefrom. Upon all subjects of public improvement which had been neglected and permitted to languish, he was outspoken, original and pronounced. He projected and executed valuable changes and reforms on the capitol square and public grounds, the utility and beauty of which may be seen to this day to captivate the eye and please the taste of resident and visitor.

On the first day of January, 1849, Gov. Smith retired from office with a credit and eclat not surpassed by any one of his most distinguished predecessors. Although party rancor had been deep and bitter, he was accorded on all hands a degree of popularity of the most flattering and pleasing character. He was esteemed a statesman of broad and liberal mind, always ready to grasp the condition of things before him, and become master of the situation.

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When his term expired, he straightway betook himself to his profession again, and just here, he speaks for himself again:

“My term of office having expired on the 31st of December, 1848, I returned to my residence in Fauquier. My situation was one of great embarrassment and required prompt action. With but little delay I resolved to try my fortune in California. But to do this a considerable sum of money was indispensable to pay a description of debts which I could not leave unadjusted—to provide something for my family, and to defray the indispensable expenses of my proposed adventure. And to this end, I applied to my friends, without

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hesitation, for small contributions, with a distinct notice that they would lose them if my enterprise should prove a failure, but if otherwise, that they would be returned with interest. I soon raised \$2000—the amount required—completed my arrangements, and leaving my family behind me, got off in April, 1849, *for the land of promise*. On reaching California, in May following, I at once commenced the practice of the law and prosecuted it and some other enterprises with considerable success, and on the 1st of December, 1852, left for home, which I happily reached on the 31st of the same month. I had not fully accomplished the object of my visit to California, *ability to pay my debts*, but much had been effected, and I had so arranged matters I thought, that time would do the rest. Besides, I could no longer bear separation from the endearments of home. Nearly three years of absence I could but think would satisfy the most exacting, and home I came.

“I was received with cordiality in California. I was called to preside over the first Democratic Convention which was ever convened in the State. I was put in nomination in caucus for the United States Senate, and was assured that I would be elected, but as soon as apprised of it, I promptly put a stop to it, for I could not forget, that Virginia was ‘my own, my native land.’ Nor was this all. I soon found that Southerners and Virginians especially, at once enjoyed the confidence of those around them. Sitting one day in the office of Mr. Casserly, recently one of the United States Senators from California, he remarked, that it was a remarkable fact that the Southern gentlemen, and especially those from Virginia were, on their arrival among them, received with cordiality and treated with confidence, while it took Northern men, say from his own State, New York, a full year of exemplary conduct to reach the same gratifying position. He said he could not understand it, it fretted him that it should be said; and yet he found himself sharing in a prejudice which accorded to Southerners, a trust and confidence denied to Northern strangers.”

CHAPTER VIII. Gov. Smith's Return from California—His Candidacy for Congress—The Failure of a Convention to Nominate a Candidate against Him—A Triangular Contest—His Election to Congress over a Democrat and a Whig—His Election to Congress in 1853, 1855, 1857 and 1859—His Visit to Washington in the Winter of

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1860-'61—Procured three Maynard Rifles—Brought two out of the City with the aid of a Lady's Dress.

The incidents and events in this chapter of Gov. Smith's life from the time when he ceased to be Governor from the 1st day of January, 1849, to the spring of 1861, were perhaps the most exciting and interesting of his political career. It may be that, in the judgment of some, the two memorable presidential contests of 1840 and 1844 may be considered exceptions.

What exemplified the courage and moral heroism of the man as much as any other act of his checkered life, was his voluntary separation for three years from the wife whom he worshipped. His removal to California, to improve his fortune, to enable him to pay off his debts (heavy from his postal operations), and to dispel those clouds of mortification that ever hang heavily over every honest and proud man, were acts of self-abnegation and probity of intention, which must excite the admiration of all unprejudiced and liberal minds.

The following extract from his letter to Col. Parker will be read with interest by his old friends and acquaintances in Virginia:

“Having reached home hopeful and happy, and mixed awhile among old constituents and friends, I soon found a disposition rife among them to restore me to my former position in the Federal Congress. It was not my wish to go to Congress. It was but little better than a bear garden in the House, and I really had no wish to share in its stormy deliberations. My wish was our State Senate, where I had spent five years of the happiest portion of my public life, and where I knew I should have the society of gentlemen. But I was not left free to consult my will, and the course of an interest hostile to me, constrained me to declare myself contingently, a candidate for Congress. About this time, the spring of 1853, the Legislature had to re-arrange the State into Congressional Districts. My friends insisted that I should go to Richmond to provide myself with a suitable district as others were doing. I declined, however, to do so, stating that if Loudoun was a part of

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the district it would be Whig, and I certainly would not embarrass an undoubted majority in the untrammelled right of selecting their representative; but if Loudoun was not a part of my district it would be Democratic, and no matter how composed, I was a candidate. Well, Loudoun not being a part of the district, I finally announced myself a candidate. In the meantime a convention had been called to nominate a candidate. Out of ten counties composing the district four only appointed delegates, and one of them, my native county, King George, instructed their delegates to withdraw from the convention after understanding I was a candidate. I was elected, and so in 1855; and so in 1857. In 1859 I had a trying contest. Both Judge Shackelford a Democrat, and Judge Thomas a Whig, announced themselves. And as the Democratic majority in the district was only about three hundred, many thought that all was lost and that my star must now set to rise no more. But I did not share in the despondency of friends. The very difficulties of my situation inspired confidence and aroused exertion. I saw plainly before me, a new edition of my contest with Banks and Slaughter, with the like result. The effect of the Democratic candidacy was to divide the Democratic party; it was an offense to party fealty and intelligence, and, of course, must fail. It has always been my fortune to receive a scattering Whig vote, when a candidate; and the effort of Judge Thomas to unite the Whig vote upon himself was greatly embarrassed by the appearance of foul play which the canvass necessarily assumed. Without dwelling upon this subject or needlessly extending this letter, I will merely say, that I was triumphantly elected, beating the Democrat by an overwhelming vote, and Thomas by a handsome majority. I thus entered Congress for the last time. I warned the House of the calamities it was bringing upon the country, implored it to pause in its mad career before 26 it was too late. Had an affecting interview, even unto tears, with Mr. Buchanan. Had quite an exciting interview with General Scott, who while he did not say so, left me to infer that he would take side against our Mother State. And quite unwell as I had been all the winter, amid the deep mutterings of the coming storm, I took my departure on the 4th of March, 1861, for home, unalterably resolved, come weal, come woe, to share the fate of my beloved State.

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“My public life, I had good reason to suppose, was now brought to a close. I had been called before the people in 1836, surely against my will, and elected to the Senate. I had retired from my position the first moment my friends would permit me to do so, was pressed to run for Congress, but positively refused to do so as long as Democratic ascendancy in the district might be jeopardized thereby—became a candidate as soon as such danger disappeared and was triumphantly elected—was elected Governor in 1845 without being a candidate or even consulted about it; after serving out my term, went to California to mend my fortune—returned in December, 1852, and in the following spring became a candidate for Congress and was elected in 1853, again in 1855, again in 1857 and again in 1859—in every position which I have held since the commencement of my career, giving satisfaction to my constituents and growing in the estimation of my State.

“During the winter of 1860 and 1861, I was very unwell; but rapidly recruited as spring approached. Early in April I visited Washington city to settle the accounts of my nephew, who had resigned his rank in the Federal army, to visit my niece near Bladensburg, and to look around me. The city was full of Federal troops, and it was considered the height of folly for me to go among them. But as the communication between Alexandria and Washington was uninterrupted, a single sentinel only being posted at the northern entrance of the long bridge, I determined I would not forego my purpose—made my trip and accomplished my wishes, including three beautiful Maynard rifles, two of which were brought out under a lady's petticoat and all with ammunition to suit.”

From what the reader has seen in the preceding pages of these imperfect memoirs of this remarkable man, he must be satisfied that Gov. Smith's civil and political life was one of intense and passionate struggle; of upward and onward progress from the date of his first mail contract with the United States Government to the close of the late war. Of robust and powerful frame, healthy and vigorous constitution, he enjoyed with one or two intervals, uninterrupted physical and mental vigor.

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Bold, self-reliant and aggressive—conscious of his own inherent powers, in all his political enterprises and elections, he scorned the tricks of the *intriguante*; repudiated the management and *finesse* of the demagogue; and presenting himself before the great masses, like the immortal Henry before him. he boldly and fearlessly proclaimed his principles and his faith, and asked their free and unpurchased support, and like that incomparable man, was rarely ever disappointed.

Some author has said that “we must stand away from the 27 mountain, if we would see its magnitude.” Not so with Gov. Smith. In his manners he was plain, simple, accessible and courteous to all. Without parade or the semblance of ostentation, with a fine descriptive talent and conversational ability, it was to see and well know him, to measure and admire his charming personal and domestic qualities and virtues. On the hustings before the people, he was always courteous and polite, and often deferential. He condemned pomp and parade—was simple and inartistic, but as an English author has said of Pitt, “wielded the strength of a resistless eloquence.” In all his speeches and letters he adhered closely to his subject and indulged but little in quotations. As the same author says of the same great man, his was “the eloquence of the statesman and not the rhetorician.”

Gov. Smith's wonderful influence as a public speaker, rested not in Congress nor the Legislature, but before the people. Before the great masses he was always superb and supreme. He was literally *semper paratus* with his facts and his arguments. He enjoyed a degree of popularity and public favor never excelled in the country by any public or representative man. Superadded to this he could now employ a ceaseless stream of fluent and persuasive eloquence, and then when demanded, a torrent of passionate invective.

It is upon Gov. Smith's political and domestic life that the author of these memoirs would delight to dwell and enlarge, but time and space will not permit. He was emphatically called the “great commoner,” the peoples' man. In political nomenclature, a Democrat of the “most straitest sect,” as well as in the most extended sense of the term. He was the poor man's friend at the bar and on the hustings. He was a Jeffersonian Republican,

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and fought for the rights of the many against the few. He esteemed Mr. Jefferson the wisest and greatest American statesman that ever lived. In all his speeches and in all his colloquial discussions his standing text was one of Mr. Jefferson's himself, "Power is always stealing from the many to the few."

He would warn the people, the politicians and their leaders, to beware of the centralizing tendencies of the Federal Government, 28 and invoked them to the day of his death, to adhere to the State Rights doctrine of the Resolutions of '98-'99 as set forth by Madison and Jefferson and enlarged and treated of by Professor Tucker in his series of lectures at the University of Virginia.

In his speech at Madison Court House, on the occasion of his nomination in mass meeting tot a seat in the Senate of the United States, might be found a model synopsis of the articles of his political faith—unfortunately this paper cannot be found. It was in tabulated form, and succinctly defined the respective rights of the States and those of the United States Government. It was the chart by which he steered throughout his whole political life, without "variableness or shadow of turning."

CHAPTER IX. The Ex-Governor's Visit to Fairfax Court House—The Surprise by the Federals and Fight on the Night of the 31st of May, '61—Company B United States Dragoons—Capt. Marr's Company—Marr Killed—Col. Ewell Wounded and Turned over the Command to Smith—The Enemy Routed—Gov. Smith Raised a Regiment—Was Commissioned Colonel by Gov. Letcher—First Battle of Manassas—His Gallant Conduct there—Singular Order by Col. Smith to the 49th Virginia—Major Smith Severely Wounded—Col. Smith's Horse Shot Under Him—His Humane Treatment of a Federal Officer.

In 1861 Gov. Smith had reached his three-score years and four. He was wholly exempt from military duty; but in the vigor of his manhood. Impelled by that same ardent patriotism of his youth, and burning with indignation at the President's Proclamation, Gov. Smith at

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once determined to raise a regiment of volunteers, present it to the Governor, and ask for his commission of Colonel. The ex-Governor raised his regiment and promptly received his commission. His own rehearsal of the initial fight at Fairfax Court House and of the first Manassas on Sunday the 21st of July, 1861, will be found below and read with thrilling interest.

“A company was raised about the month of May from and around Warrenton, by Capt. J. Q. Marr, which had been moved to Fairfax Court House, and was quartered in the Methodist church at that place. Feeling sufficiently well, I concluded to visit my boys, as I called Marr's company, and thoroughly armed and mounted, reached the command the P. M. of the 31st of May, 1861. After the usual interchange of civilities, 29 I went to a Mr. Gunneli's to spend the night. I was aroused the next morning a little before day, by a scattering fire of small arms. I had sprung from my bed and was rapidly dressing when my host rushed into my room informing me that the enemy was upon us—that he was off for the woods, but that I could do as I pleased. I replied that I would see them out, if they were all tramps. I dressed and fixed my Maynard with all despatch, and hurried to Marr's command. In the meantime the enemy, consisting of Company B, 2d United States Dragoons, about ninety strong, had charged through the village, firing at random, to the right and left, and scattering a small body of our cavalry encamped on the turnpike. On reaching Marr's command, I found only about forty-five remaining, the balance having no doubt been taken off by our scattered cavalry. I asked for their Captain—they replied, that they knew nothing about him. He was lying about thirty yards off, in the clover lot around his quarters, where he had taken his stand to receive and form his men as they reported, and where he was killed without a struggle, by a concussion over the heart, by one of the enemies random balls, which did not, for I saw it, disturb the continuity of the flesh, as I am fully satisfied. I then asked for his lieutenant and received the same reply. It is right I should say here, that I subsequently ascertained that he spent the night at the house of Mr. Moss, no one entertaining any apprehension of the enemy's approach. Knowing that the men did not care for their other officers, I said to them boys, you know me, follow me.

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They sprang with alacrity over the fence against which they were leaning, when I, without the slightest knowledge of tactics, and guided by instinct alone, commenced rapidly to form them into two lines. Having nearly completed this duty, Col. Ewell, without hat or uniform and bleeding, having been struck in the fleshy part of the shoulder by a pistol shot as he ran across the enemy's line of march, came up. We soon completed the little command and moved it at quick step to the turnpike; then wheeled to the left, and at a short distance, met the enemy returning from the run in a very disorderly condition. This was most fortunate for us—fenced in, both on the right and left, by high board fences and armed only with carbines, we could neither escape nor resist a dragoon charge, except with the contents of our guns. These we promptly gave them, which so staggered them that they came promptly to the 'about face,' and returned to the run *to reform*. Then Col. Ewell said to me, 'Governor you seem to have a taste for such matters, take the men and move them forward, while I dispatch a courier to bring up some cavalry which is at Fairfax Station.' I moved the men promptly, and on reaching a wagoner's shop, halted them, seeing a strong post and rail fence on each side of the turnpike over which the enemy was expected to return. I at once divided my command, posting each half on the inside of the fences, opposite each other, my object being to protect my men against a charge of cavalry and to concentrate upon the head of the column such a heavy fire as to arrest its forward movement, throw it into confusion and prevent an attempt to charge by us in the darkness and excitement. Our arrangements were scarcely completed before the head of the enemy's column loomed up in the dark. I had given general orders that every man should fire at the head of the column when the command to fire was given. At about seventy yards the word was given. The enemy reeled under the blow, and after three rounds broke and fled. Thus I may claim to have planned the battle, fought and routed the enemy in the first fight of the war, for Col. Elwell did not join us until the affair was over.

"My next movement was to raise a mounted company of old men for home defence, to be known as "The Silver Grays." But meeting with little encouragement I soon gave it up.

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“With fine health and great physical vigor, I could not bear to be idle, although in my 64th year. Wholly unused to arms, I thought I knew how to take care of men. Wise and Floyd already had brigades. I could not see why I could not take care of a regiment. Accordingly, I applied to Gov. Letcher to commission me as Colonel of the 49th. With my commission and Gen. Lee's order to Gen. Beauregard to make 30 up my regiment out of the companies as they reported, I returned to Manassas and commenced earnestly the new duties I had undertaken. I had only been able to get half of my regiment together when the battle of Manassas was fought. I was posted at the foot of a bluff with my companies and on the bluff had two pieces of artillery. It was due north from the Lewis House on Bull Run, and my duty was to check any flank movement which might be attempted in that direction.

“While thus waiting for events, the firing being very heavy at the front, two regiments swept by us in order and to the rear. I galloped to their front and arrested their retreat, and had scarcely reached my position before they were again moving. Again I stopped them. And again as soon as I left them they started. For the third and last time I stopped them, and on the line of a farm road brought them to a rest. The enemies' shells were occasionally passing over us and the firing at the front still continued heavy.

“I had scarcely returned to my post when I received an order that every man not in front of an enemy should move into action. Promptly forming my command into two lines I moved them by the flank at quick step to the front. While on my march a South Carolina company crossed my line, I ordered them to fall in on my rear. Immediately thereafter two companies of Mississippians crossed my line of march, to which I gave the same order. These companies were lost and gladly obeyed the order to fall in. As I passed the woods near the Lewis House, Lieut. Col. Tebbs of Hunton's regiment, who was posted with three companies in the edge of the woods, begged that I would let Col. Hunton, who was posted on the opposite side of the woods, know my order. Placing my command in charge of Col. Murray with orders to proceed, I dashed through the woods with all practicable despatch,

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delivered my order and soon overtook my command. I found Gen. Beauregard not far from the Harrison House, with several of his staff, no troops, no firing near him and things looking unpromising. I reported for orders with about 600 men. What can you do, Colonel, was the General's reply. I promptly answered, put us in position and we will show you. I then said, General, Col. Hunton with a gallant regiment is posted near the Lewis House, and burning with impatience to join in the battle. He promptly issued the requisite orders, placed himself by my side, at the head of my command, and we moved, soon reaching our line of battle, opposite the Henry House, and as I inferred *re-forming* in the edge of the pines, I know not why, but when we reached our line of battle I announced Gen. Beauregard; up went three rousing cheers. We then moved off to the left in the rear of our line, and after marching some 80 yards I again announced Gen. Beauregard, and again the cheers went up. And again, and again. And when we had nearly reached the extreme left of our line, and the General having given me orders to form on the extreme left, and had said that he must go to the right without further delay, and had proceeded some distance, a confused mass of soldiers in front of me cried out that they would see Gen. Beauregard. Therefore I called the General back, who courteously returned. I announced him to the men, up went the usual cheers, the men fell into line, the General left us, and I formed my command on the extreme left, thus extending our line of battle. My command consisted of eight companies, five of Virginians, two of Mississippians and one of South Carolinians, and aggregated some 600 men. I may here pause and remark that the cheers of which I have spoken produced quite a sensation in the enemies lines. At least, I so infer, for their letter writers spread it throughout the Northern States as the evidence of our receiving heavy reinforcements. It was known that I was in Gen. Beauregard's command, and the cheers were for the General and not for the men I led.

"I had scarcely posted my men as ordered in the edge of the pines when I observed at a considerable distance to my left a heavy force of the enemy advancing in mass, with colors flying, along the crest of the long bill on one side of which our lines of battle rested. As my part of the line would be the first the enemy would reach I thought it probable that

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I would have an excellent chance to be thoroughly cut up. 31 But just at this moment, the two regiments of which I have spoken, and whose retreat I had stopped, came up on my left and filled the whole space between me and a distant body of timber. In the mean time the enemy came on, in beautiful order, apparently unconscious of our proximity. And when he had passed these regiments so that the head of his column was not more than 80 yards from the left flank, a private in the North Carolina regiment to my left, who doubtless recognized me, called to me, saying "that is the enemy, shall I fire," I replied, "don't fire upon friends, don't be in a hurry." But, a puff of wind at the same instant, catching their flag and spreading it, I added, "there can be no mistake give them h—ll." And thus the battle then and there began, near the bridle way from the Lewis House where it crosses the ridge to the Sudley road, a short distance from where it crosses the Warrenton turnpike. The fight soon became obstinate immediately in my front. My men and the Stonewall's charged and took and lost as often as three times as I remember, and finally kept three pieces of artillery. I know the Stonewall's take this achievement to themselves, but it is not right; we charged together and I had two men, by the name of Wells and Brothers, *who were wounded on one of the guns*. This was about the last of the fight; a number of my men had been wounded, and the dead were buried where they fell. My Major had his thigh broken, my horse was shot in the neck. And after getting all my wounded in my part of the field and made a Yankee captain as comfortable as I could, for he was badly wounded, by giving him my saddle blankets and leaving with him my servant, instructed to remain with him and to get him off to the hospital by the first wagon that passed. I then, about 9 o'clock P. M., having been in the saddle since sunrise, left the field, amid the groans, cries for water, and other relief of the wounded and dying Yankees, to whom it was impossible to render immediate assistance.

"This ended my connection with this famous battle. I was wholly unused to arms, I had just joined the army; I had but half a regiment, and with the exception of two or three of my officers my command was as green as I was. In this extremity, I may term it, I saw I must rely upon my knowledge of men and my own instincts. Accordingly, my men having

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lost a night's sleep and being otherwise much fatigued, I ordered they should have a full night's sleep preceding the expected battle and a hearty breakfast before they were moved next morning. My commissary assuming that we were to be defeated enquired of me if he should destroy his stores. I replied, no, issue them to my men according to regulations. "But sir, the enemy may take them." To which I warmly replied, "Sir, as long as you are a part of my command, never think of defeat." Having been posted as stated, before, I went upon the bluff to see about the battery that was to support me, I found but one gun, "Why, Lieut. (Heston,) I said, where is your other gun?" "Yonder, posted there by Gen. Cocke," he replied, pointing to it some half mile off and near the Lewis House. I answered, "I will have it here in ten minutes." And putting spurs to my horse dashed at the top of his speed to Cocke's position. As I passed the gun, I hollowed, "Be ready to start in a gallop for the bluff, when you see me returning at the top of my speed." Dashing up to the General I said, "pardon me, but I respectfully suggest that, 'that gun,' pointing to it, would be of infinitely more importance by its mate, than it can be where it now stands." He replied, "well, if you think so." Touching my hat and rapidly wheeling my horse, returned at an accelerated pace. The gunners, seeing my speed, was in motion in a trice, and we made quick time to the bluffs to the great delight of its gallant Lieutenant. I thus strengthened my position.

"This duty was scarcely finished before a new and more difficult question was before me. Two regiments in order, swept by me, in retreat. I knew I must be junior to their commanding officers, but I was also satisfied that I must *look* to be their senior and I resolved to save them for the exigencies of the day, if possible. It was done—how, you know.

In moving to the front, it was my good fortune to pick up these companies as 32 stated, nearly doubling my command and to carry them into the fight, and also to get Gen. Hunton's regiment up in time, by reporting to Gen. Beauregard its position.

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“And when we reached the rear of our lines of battle, the impulse which induced me to announce General Beauregard to the men and which, successfully brought forth that series of world-renowned cheers, of which I have spoken, and which undoubtedly inspirited our own men and caused a corresponding depression of the enemy, it must be conceded produced a happy effect.

“And finally, when I was posted, and the advance of the enemy threatened me with destruction, it seemed to be an act of Providence that the two regiments whose retreat I had stopped, should appear, most unexpectedly, on my left, interpose between me and the enemy, and somewhat equalize the coming conflict, and stranger still, recognizing me, that I should be called to form their ranks to know if they should fire, and that I should order them to do so.

“Whether we made the most of our great victory is a mooted question, and will probably ever remain so; I think not. Our cause was just, our men were fired with enthusiasm, our graneries were full, and the enemy which “had lately attacked” us “with audacity,” were now flying in terror, before us, abundantly supplied with every necessary we could possibly want. It would have been glorious, had we known, that nothing had been effected while there remains anything to be performed.

“Well, we returned to our old position, to complete our organization and improve our discipline. My regiment was filled and my organization completed. Doubtless our drill was improved and our knowledge of tactics greatly enlarged.”

[For some reason Governor Smith seems to have broken off quite suddenly the narration of his experience in the field, which, however, he continues in his letter of the 28th of March.— Ed. Lance.].

We follow up this affair at Fairfax Court House with an interesting account of incidents by Gov. Smith himself; a short note from Capt. Dunnington, of Washington city, a participant

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in the fight, and who was captured that night; also, Gen. McDowell's official Report of same, and some details appearing in a city paper of that date. In the appendix will be found a corrected statement of the first skirmish or fight of the war in Northern Virginia, in consequence of some recent publication by the United States Government of the Official Records of the United States and Confederate Armies:

Warrenton, October 23, 1881.

If I understand the diagram correctly, it makes the enemy charge entirely around the Court House or jail lot, at least it would appear so, from the dotted lines which indicate, as the diagram says, the route of the enemy. Now, I was at Gunnells, was aroused by the first firing at our pickets, nearly a mile below town; as soon as ready, run over to the church to look after Marr's company, found a part of it, some forty-five, leaning on the fence, which enclosed the church lot and at the same time formed, in part, the street the diagram says, the enemy passed over. It was just at the corner formed by this fence and that on the walk leading from the Church to the Court House, that I commenced forming Marr's men into double files. I had nearly finished the formation, when I heard an altercation at the head of the column. I immediately moved up to

DIAGRAM OF GROUND AT THE FAIRFAX FIGHT.

33 it to learn what was the matter, and there found Lieut.-Col. Ewell, who had just come up; he was without hat or uniform coat, bareheaded, bald and bleeding, very little like an officer. I announced him to the men, they not having seen him before, and the trouble ended. Col. Ewell told me that as he ran across the road from the hotel in the direction of Marr's quarters, just ahead of the enemy as he charged through town, and that Lieut. Tompkins had fired upon him, as he had done so, striking him on the fleshy part of the shoulder; that he had jerked off his uniform and thrown it over in a lot, that the enemy might not discover his rank and so make a special effort to capture him. So that it is plain the enemy did not go around the Court House lot as the dotted lines of the diagram indicate. Besides, Florence, our picket, who was captured and made his escape, says to

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me, through a letter I have just received, that the enemy charged through town, neither turning to the right or left, and firing at random, he thought, merely to alarm. Again, from the dotted lines it would seem the enemy returned and went from town on the Vienna road. This was not so. The enemy after passing through, and no doubt watering their horses at the branch west of the town, returned as far as the Court House lot. In the meantime having moved Marr's company to the turnpike and Ewell having placed it under my charge, while he went to procure a courier to carry a dispatch to bring up Harrison's company at Fairfax Station, I turned west and had just got cleverly on the turnpike when the enemy appeared *in disorder*, we fired upon him, when without returning the fire, he came to the right-about and returned to the branch—I had no doubt to re-form and charge through town, in order, and so recover the road by which he had come. As Marr's men had no bayonets, and the position we held on the turnpike was wholly untenable against a charge of cavalry, I followed the enemy quickly until I got to the wagon shop. I there found a strong post and rail fence on each side of the turnpike, both of which I promptly occupied, a moiety of my men in rear of each fence, so that all were protected against a charge of cavalry. As soon as the men were posted, I told them the enemy would, doubtless, soon appear—that all they would see would be the head of the enemy's column, a dark moving mass, the individuals composing which, they would be unable to distinguish, as it was dark—that my object was to crush in the head of the column, throw the enemy into confusion and get another deliberate fire upon him before he could become aggressive; that when I gave the word to fire, each man must fire into the head of the enemy's column; and I had scarcely finished these directions before the enemy, as I had expected, appeared. I let him, for awhile, advance; when, a little east of the Episcopal church, I gave the word to fire. He was thrown into great confusion—two or three irregular fires were exchanged, when he broke, crossed the branch, pulled down the fence near the Mt. Vinyard House, crossed the plantation and entered the Vienna road. This ended this affair between the veteran Company B, Second United States Cavalry, and a volunteer force of but little over half their number, and that, too, without their officers, and for the first time under fire. And it was all done in a hurry, and while Col. Ewell was getting his courier and sending off

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his despatch for Harrison's company, and that without a scratch on our part, in the fight. It is true Ewell had been wounded, as stated, and Mart killed by a spent random ball. It is *known* that some of our cavalry fled by the road near which Mart was found and took off quite half of Marr's men. *My theory* is that Marr was struggling to stop the flight of his men with his face to the foe and that a spent ball, fired from the turnpike, a distance in a straight line of some 300 yards, either at random or at our fleeing cavalry, struck him upon his heart and killed him instantly. I examined him carefully, his wound was over his heart, the skin was not broken nor a drop of blood shed, but there was a suffusion of blood under the skin of the full size of a Spanish milled dollar. It was the shock which stopped the machinery of the heart, and I have no doubt killed him instantly. I make these hasty remarks to assist in getting a correct version of this little affair. Please correct and return the enclosed.

Yours, very truly, William Smith.

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1202 F Street, N. W., Washington, D. C., Jan. 31, 1882.

Governor Smith:

Dear Sir—I received, a few days since, a postal card from Capt. Davis, of Brentsville, asking, for your use, my recollection of the skirmish at Fairfax Court House, on June 1, 1861. I delayed replying to the request until I could search for an extract taken from the *Evening Star* of that date, which, there was reason to believe was somewhere among my papers. Herewith you will please find them it , and barring some few corrections which will at once be understood by you, the account is reliable.

The loss on our side was Capt. Mart, killed—and the four mentioned in McDowell's report captured. The treatment received by the captured at the hands of the enemy, was not such

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as is usual in so-called civilized warfare, but, considering that all of us, at that time, were “amateurs,” better was scarcely to have been expected.

Hoping that the extracts may be of benefit to you, and with the best wishes for your continued health and welfare, I am, very respectfully, C. A. Dunnington.

Official Report of Gen. McDowell Of The Fight At Fairfax Court House.

The following is the official report of Gen. McDowell to Gen. Scott, of the fight at Fairfax Court House. Lieut. Tompkins, who commanded the company, was severely wounded, so much so that he was unable to make his report:

Headquarters, Department Eastern Virginia, Arlington, June 1, 1861.

Col. E. D. Townsend, Assistant Adj't General, Headquarters of the Army, Washington.

Sir—The following facts have just been reported to me by the Orderly Sergeant of Company B, of the Second Cavalry, commanded by Lieut. Tompkins, the commanding officer being too unwell to report in person.

It appears that a company of the Second Cavalry, commanded by Lieut. Tompkins—aggregate number 75—left their camp at half past 10 o'clock last night on a scouting expedition. They reached Fairfax Court House about 3 in the morning, where they found several hundred men stationed—Capt. Ewell, late of the U. S. Dragoons, said to be in command. A skirmish then took place, in which a number of the enemy were killed—how many the Sergeant does not know. Many bodies were seen on the ground, and several were taken into the Court House, and seen there by one of our cavalry, who was a prisoner in the Court House for a short time, and afterwards made his escape.

The following is the report by the Sergeant of our loss:

KILLED.

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Private Saintclair 1

WOUNDED.

Corporal Max, ball through the hip 1

Corporal Turner, ball in the ankle 1

Private Lynch, ball in the hand 1

Private Baggs, ball in the foot 1

MISSING.

Private Sullivan 1

Total casualties 6

35

Five prisoners were captured by our troops, their names being as follows:

John W. Ryan, private of the Old Guard.

H. F. Lynn, Prince William Cavalry.

Charles A. Dunnington, Prince William Cavalry.

F. W. Marders, Prince William Cavalry.

Chas. F. Washington, son of the late Col. Washington, of the U. S. Army.

Having no good means of keeping prisoners here, they are sent to headquarters for further disposition.

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As soon as Lieut. Tompkins recovers, a less hurried report than this will be submitted by Col. Hunter, commanding the brigade.

John Mcdowell, Brigadier-General commanding.

Further Details of the Fight at Fairfax Court House.—Three Dragoons in the Hands of the Secessionists.—A Midnight Alarm. —The wounded officers engaged in the fight at Fairfax Court House, last Saturday morning, have been removed to the hospital in this city, where they are doing exceedingly well, and will be able to get out to their camp again in a short time. The company left three privates in the hands of the Virginia forces—one wounded, the others probably dead, but of this they are not positive. Their names are Sullivan, Harrison and St. Clair. The prisoners captured by the cavalry were armed with Allen's new revolvers, sabers and the German yager, one of which was loaded with thirteen pistol balls.

The cavalry lost nine horses, six shot down in the engagment and three so badly wounded as to render it necessary to kill them shortly after leaving the village. The shot from the Union Hotel was fired by a man in his own room, and the lighted candle upon the floor made him a good target for one of Uncle Sam's rangers.

The troops at the Court House were composed of the Prince William Cavalry, Capt. Thornton, 60 men; Warrenton Rifles, Capt. John Q. Mart (arrived the previous evening), and a Rappahannock horse company—about 40 men.

Last night, about 12 o'clock, the pickets discovered several suspicious looking characters prowling about their outposts, and immediately fired upon them. They scampered off, and succeeded in escaping in the bushes. The report of the muskets aroused the neighboring camp, and the Sixty-ninth, together with a portion of the New York Eighth, with six field pieces, were on hand in a trice. The Twenty-eighth were under arms until morning, but no rebels made their appearance, and all quieted down.

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Capt. Marr, who was amongst the killed in the skirmish, was one of the two delegates from Fauquier county in the late Virginia Convention, and was one of the first and most popular men of his county. He had been an Unionist up to the passage of the secession ordinance. Extra Billy Smith had been making speeches to the men on the day previous, and took command (of Marr's company) when Marr was shot down.

The officers say they could have easily taken the field piece, but as they had no means of bringing it with them they did not attempt it. From the Court House they returned to their camp, having no difficulty at all in the way, the rumor of an attack on Vienna station being entirely unfounded. The men all speak very highly of Lieutenants Tompkins and Gordon, whose coolness and bravery alone brought them through with so little damage. The officers of the New York Fifth, Quartermaster Fearing, Assistant Quartermaster Carey and Adjutant Frank, did good service, are also highly complimented by Lieut. Tompkins.

The prisoners are at the navy-yard and do not seem to realize their position, most of them appearing entirely unconcerned, and having a jolly time with cards, etc. Dunnington is a son of C. W. C. Dunnington, formerly chief of the Capitol police. Washington, son of the late Col. Washington, U. S. Army, has been released, having taken the oath of allegiance.

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A gentleman coming from Richmond, via Fairfax Court House, assures us that he positively saw five or six dead bodies there on Saturday afternoon, and believes that numerous others were laying dead there.

The Fight at Fairfax Court House. —From residents of Fairfax county, who visited this city yesterday, we glean the following further details of the fight at the Court House on Saturday morning: The U. S. cavalry left the village just at daylight, and proceeded quite leisurely along the road with their five prisoners strapped on behind, and about three miles from the Court House stopped and watered their horses at a well, the property of Mr. Kidwell. Here they shot two of their horses, which had become much weakened from loss

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of blood occasioned by wounds received in the engagement. After spending a short time at this place to rest, they came on down to their camp. About fifteen minutes after they had left the Court House, two large bodies of secession cavalry followed out after them, but they did not venture out of sight of the village, and after a conference they returned to their quarters. They were armed with sabers and fowling pieces, a few having double-barreled shot guns. A darkey, who was at the Court House during the engagement, states that "he could not tell how many were killed, but the dead were lying around mighty thick."

It must be admitted that this initial fight or skirmish, of what proved soon after, one of the most bloody and gigantic battles of the war, was, all things considered, one of astonishing success.

A "high private," as it were, with no other tie to the command than that of a common sympathy, wholly undisciplined and undrilled in military strategy, to be placed in command of companies of raw volunteers, to beat back a superior force of United States Dragoons on a surprise in the night, was indeed a wonderful feat. But it was a foretaste of that courage, intrepidity and readiness of resource that were more fully developed and conspicuous in his subsequent career in the war.

In the first Battle of Manassas on the 21st July, 1861, he again won fresh laurels for gallantry and courage in the adroit management of his regiment, as well as other troops in the field. His daring and success on that memorable day, were honorably mentioned in the regular reports of Gens. J. E. Johnson and Beauregard, to the War Department, at Richmond.

In his report of August 26th, (October 14th) 1861, of the Battle of (first) Manassas, dated Headquarters First Corps Army of the Potomac, General Beauregard says:

"Col. William Smith was as efficient as self-possessed and brave. The influence of his example and his words of encouragement, were not confined to his immediate command;

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the good conduct of which is especially noticeable inasmuch it had been embodied but a day or two before the battle.”

37

Gen. J. E. Johnston in his report of October 14th 1861, dated Fairfax Court House, says:

“Col. (late Governor) Smith with his Battalion, and Col. Hunton with his regiment, were ordered up to re-enforce the right. I have since learned that Gen. Beauregard had previously ordered them into the battle; they belonged to his corps. Col. Smith's cheerful courage had a fine influence, not only upon the spirit of his own men, but upon the stragglers of the troops engaged.”—(See Official Records of the Union and Confederate Armies, Series 1, vol. 2, p.p. 475, 500.

“In this fight Col. Smith's Battalion lost one officer and nine men killed, and one officer and twenty-nine men wounded, making forty men killed and wounded.

“Col. Smith's Battalion at this time belonged to Cocke's Brigade, Beauregard's Corps.”—(See page 570, vol. 2, Official Records, etc.

CHAPTER X. Col. Smith's Report of date July, 1862, of the Battle of Seven Pines of 25th June, 1862, to Gen. Mahone—Extracts from Gen. Mahone's Report Relative to 49th Virginia Volunteers, and Col. Smith, at Battle of Seven Pines—Extracts from his Report of June 30th, 1862—Gen. D. H. Hill's Report of Battle of Seven Pines of 31st May, 1862, as to Conduct of 49th Virginia—Gen. Huger's Report of July 21st, 1862, as to same—Inscription on its Banner for Distinguished Gallantry in a Fight at “Kings School House,” Seven Pines and at French's Field—Col. Smith's Report to Col. B. G. Anderson, Commanding Brigade of same fight of 31st May, 1862—Extract from Report of Col. Anderson, Commanding Gen. Feather-stone's Brigade—A Florida Flag Found in the Brush—Col. Smith Bears it at the Head of his own Regiment—Ordered by Commanding Officers to give it up—Seized by a Florida Boy—Bravely Bears it Through the Fight—The Colonel and Lieut.-Colonel Severely

Wounded—Three Captains and six Lieutenants Wounded, and one Killed—Col. Smith's Horse Fatally Shot Under him—Extract from Dr. Horseley's Letter to Col. Smith.

It is manifest from the heading of this chapter, and the reports of the Commanding Generals of the brigades, that these were among the hottest contested and bloodiest battles of the war. We have inserted below in full, the reports of Col. Smith to Col. Anderson, commanding Special Brigade, Third Division, Army of the Potomac, of the part he bore in the battle of Seven Pines and French's Field, and his report to Gen. Mahone, to whose brigade the 49th Virginia Volunteers was then attached, of the fight of June 25th, 1862, as they came from his own hands of that date.

His alternate successes and defeats were of the most trying character; and his chivalrous and admirable conduct on those occasions, elicited the warmest commendation of those of the most distinguished generals of the army of Northern Virginia.

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No. 93. Reports (2) of Colonel William Smith, 49th Virginia Regiment, (Battles of Seven Pines and French's Fields, Virginia).

Headquarters 49 th Virginia Volunteers, Special Brig. 3d Div., Army of the Potomac, June 5th, 1862.

Colonel: In consequence of the lamented illness of our brigade officer, General Featherstone, it was your good fortune to command our brigade in the fight of May 31st. To you, therefore, and in compliance with general orders from headquarters of the division, I proceed with pleasure to give you a narrative of the part taken by my regiment in the battle of the 31st ultimo, and of the 1st instant.

On the morning of the 31st ultimo, I received your orders to move by the left flank, file right, preserving such a distance from the 4th North Carolina regiment on my right,

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as would afford me room, promptly to form in line of battle. I accordingly moved, and unfortunately had to make my way through a trackless forest, encountering at almost every step brush, bramble and ponds, and after a most exhausting march of upwards of a mile, we cleared the woods and entered the open field. Passing through this field to the right, we, with the previous orders renewed, entered the next body of timber, which was either occupied in common by, or separated us from the enemy. The 4th North Carolina was on my right, and the 27th and 28th Georgia on my left. Dressing by the right, we were ordered carefully to preserve our distances, that not a moment might be lost in forming in line of battle; I endeavored to obey this order literally, and in so doing was brought in contact with an enormous abattis, and with rifle pits, all right in front, and with a redoubt on my right flank. Here I met with General Garland, who, stating that his brigade had been cut to pieces, urged me forward. I gave the order and my gallant boys dashed into the abattis, pressing forward with every possible dispatch. My men were falling fast from the fire of an unseen foe—indeed, several had fallen in the timber through which we had just passed, from the shell of the enemy, and yet they gallantly pressed forward, and had more than half perforated the abattis—had passed the rifle-pits, and were under a galling fire, front and flank, before I opened fire. Never did men behave more like veterans under such trying circumstances. We were under heavy fire upon both of my flanks, and direct in front of the enemy, and also from the rear by our friends; some of whom skulked behind the brick ruins, some three or four hundred yards in my rear, and some from the bush, and galled us with their fire, until finally, I had to dash back to the fellows before could be relieved of their annoyance. Nor was this all. The 28th Georgia, by pressing to the right oblique, had entirely lost its place in line of battle, cut through my line and fell in on my right, except about two companies, which lapped my right, and was a source of great annoyance and of some loss of time. Through the activity of my Adjutant and of one of the officers of the Georgia regiment, whose name I do not know, this embarrassment was removed by placing it fully on my right. I do not particularly know what became of this regiment afterwards, but, from what my Adjutant informs me, it advanced from the rifle pits, which it had occupied, fell into line with my command, and gallantly for an hour performed

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its duty until we fell back. Still pressing forward, my regiment soon cleared the abattis and entered the open field; my left flank sheltered somewhat by the woods, and my right fully exposed. As I have since learned, the 27th Georgia had fallen back, leaving my left also entirely exposed.

We had been under fire for three and a half hours, a portion of the time under a combination of four opposite fires. Our brigade had promptly relieved Garland's shattered columns, yet during my long and protracted struggle of three and a half hours, I had received no succor, and no command as to my progress and management. My regiment, which went into action three hundred and ninety strong only, had been cut down to a mere handful. My men were without ammunition, having

Scene at the Battle of Seven Pines, between Gen. Smith, the Florida Boy and Gen. Hill's (D. H.) Courier, Virginia and Florida Flags Flying in same Regiment at same time.

39 exhausted their sixty rounds. We had no supports at hand or in prospect, as far as I saw or was informed. The enemy was before us in force and moved with a cheer, to turn my left.

In this state of things I regarded it as a military necessity that we should have fallen back, and to the order which was directed by my gallant Major, I firmly believe I am indebted for the preservation of the remnant of my regiment from capture and destruction. I had not recovered the ground I had lost when I went back to suppress the fire in my rear, when I met my command falling back, I am proud to say, in perfect order. Finding that my men were retiring with sullen reluctance, and ascertaining that they were without ammunition, I ordered my Adjutant to promptly report to General Hill, ascertain if he could supply us, and ask for orders. In reply I was informed that the General could not supply us, and that we must fall back upon my ordinance wagon and there replenish my empty boxes. This was done in order—most leisurely order. The boxes were filled, the pocket supply secured, and then I moved my regiment back to the field, and finally to the ground on the edge of the

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battle field, which was selected for our encampment after it was clear. The fight was over for the day.

Early on the morning of the 1st instant, your brigade, including my regiment as a part of it, was moved and placed in line of battle on a new and exposed position as was supposed, where it remained until we fell back, early on the 2d instant.

I have said, Colonel, but little of my neighbors in the field, and what little I have said may be unjust, for, ordered to move to the front, and having confidence that my superiors under any new and unexpected combinations would see that all was well, my attention was strictly confined to the duties of my own command; but, there was an incident I will mention. In pressing through the abattis, I crossed a battle flag lying in the brush; I took it to be my own; I called to some one to take it, but in the din of the battle, and the excitement of the forward movement, I was unheard. Bidding my Adjutant, who was near by, to hand it to me, I seized and bore it until your kind and thoughtful consideration transmitted me an order through Captain Foot to give up the flag. At the time a youthful stranger was hard by, probably not twenty years old, and heard the message delivered. He stepped promptly up, stated that he belonged to the 2d Florida, had lost his regiment, and would like to join mine for the fight, and with my permission would gladly bear the flag, and, if need be, plant it in the cannons' mouth. Without a word I handed it to him and nobly did he bear it; and curiously enough, it turned out to be the flag of his own regiment, and how it reached the spot where I found it is still veiled in mystery, and probably will ever remain so.

I have said that we went in the battle with about three hundred and ninety, rank and file. I will now add that I had twenty-nine company officers, and five field and staff officers, also. Of this number, I received from a minie ball, a severe contusion of the thigh; Lieutenant-Colonel Gibson received a very severe contusion of the side, and quite a severe flesh wound on the left forearm. Of the Company officers three Captains were wounded. Captain Horsley, supposed mortally, and not heard from since the battle; Captain Jacobs

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slightly, and Captain Randolph in the arm, severely. Of the Lieutenants, six were wounded, and one killed, to wit: 1st Lieutenant James M. Anderson, commanding Company "A"; 1st Lieutenant James C. Cabell, Company "C"; 2d Lieutenant R. K. Christian, Company "B"; 2d Lieutenant R. M. Spicer, Company "D"; 3d Lieutenant R. S. Cabell, Company "K"; 3d Lieutenant William W. Larkin, Company "F"; and Samuel Hill, 1st Lieutenant, Company "K" (killed).

The color-sergeants and color-guard consisted of Sergeants Curry and Spencer, and Corporals Sutphin, Stone, Jewell and Maddox, who behaved with distinguished gallantry, and all of whom were either killed or wounded. Corporal Jewell was killed in line. Sergeant Curry, it is feared is mortally wounded, while the others were 40 all more or less severely wounded; notwithstanding all, they nobly bore the flag forward throughout the day, never receding for a moment until ordered to fall back about 5 P.M.

Of the rank and file, 32 were killed, 158 wounded, and 22 missing.

Recapitulation:

At opening of the fight, my regiment in rank and the consisted of men, 390

Company officers in fight 29

Field officers, commissioned and non-commissioned 5

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Killed. Wounded. Field officers 2 Company officers 1 9 Rank and file 32 158 33 169 Total 202 Number in command at beginning 424 222 Missing in action 22 200

It will be observed, Colonel, that I lost of my regiment in killed, wounded and missing, over one-half of the entire command, which was still further weakened by the necessary details to take off the wounded, so you can readily see how severely that portion of it which remained in the field was cut up, and when it is remembered that six of my companies

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had never been under fire before, that all steadily advanced through great and unusual difficulties, and that, too, under most trying circumstances, that my regiment promptly responded to every command; that I was but little afflicted with that curse of an army, stragglers, you will pardon me I am sure, if I dwell with some complacency upon the valor, steadiness, and effective discipline of my command, the 49th Regiment, Virginia Volunteers.

The more difficult duty now remains of specifying those who have won the claim of special merit. Among my field and staff officers I cannot discriminate. Lieut.-Col. Gibson, as I have stated, was twice wounded, and had his horse shot, but not so badly as to be unable to bear him from the field, which he refused to leave (although I urged him to do so) until the regiment fell back. Major Christian had to dismount on the outskirts of the abattis and proceed on foot with the command, which he did most gallantly. He escaped unhurt. My Adjutant, Kincheloe, always calm and collected, yet prompt and ready, contributed much to the steadiness of the command and cheerfully obeyed all my orders. He himself escaped, but had his horse badly shot. My Sergeant-Major led the advance, rifle in hand, displaying the valor, and perhaps sometimes the rashness of youth. My horse was badly shot and died about seven P. M. on the day of battle.

Of my Company officers I have no language or praise which I might not safely bestow, but I have no power to discriminate between them. Where all behaved so well, discrimination is difficult and would certainly be unjust. I commend them, Colonel, most cordially to your favorable consideration.

Colonel, I close this report, sending herewith a list of the killed and wounded; sending also a list of those, in a few instances, commended for special merit, and tendering you herewith my cordial congratulations, under the exposure to which you were constantly subjected, at your escape from the dangers of this bloody field.

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I am, sir, most respectfully, your obedient servant, William Smith, Colonel 49th Virginia Volunteers.

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To General William Mahone, Army of the Potomac.

Headquarters, 49th Virginia Volunteers, 2d Brigade, Huger's Division, July 1862.

General: In consequence of the degree of importance attached to the battle of June 25th, within the lines or front of Brigadier-General Wright, and of your order, I respectfully report as follows: On the morning of June 25th, a considerable firing having been heard on your left, or rather on the right of General Wright's position, you ordered me to move my regiment, consisting of about one hundred and fifty, rank and file, being the number not on other duty. Approaching the scene of conflict, you ordered me to take a position in the woods, to arrest a movement which you thought the enemy might make to flank one of our regiments, the 4th Georgia, which had laid down in the wheat near French's house, or to flank the enemy, should it at any time prove judicious to do so. Having ordered the 41st Virginia to support me, I remained in my position some hours, when shortly before sunset a large regiment, the 48th North Carolina, Colonel Hill, appeared upon the field in line of battle, and opened upon the enemy with spirit and effect. Just before doing so, I received your order to flank the enemy. The order was promptly obeyed; I was moving by the left flank, and ordered the 41st Virginia to keep close to my right. Before, however, my flank movement was completed, by being within a satisfactory distance of the enemy, the North Carolinians broke and precipitately retired, the enemy persuing them.

With but a fragment of my own regiment, and unsupported by the 41st Virginia, which had been unaccountably (at the time) detained in the woods, in the presence of a greatly superior force of the enemy, and without assurance of support from any quarter, I was in great doubt for a moment as to my line of duty; but it was for a moment only. I ordered my left wing to open upon the enemy, (the right having already secured a most favorable

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position) which was promptly obeyed. The effect was magical; it arrested the pursuit of the North Carolinians instantly. The enemy broke in dismay, with but little effort at resistance, and the field was soon our own. But for the unfortunate detention of the 41st Virginia, we must have realized much more complete results; as it was, we recovered all the ground we had lost, killed and wounded a number of the enemy, took a few prisoners, (whom their guard was ordered to report to you) and closed the day very differently from what the enemy anticipated in the morning.

I had not time to give the field a close examination as it was getting quite late, and my time was occupied in forming a new line of battle of the various regiments as they came up to receive a new attack of the enemy, which was expected.

I am glad to inform you that my loss was not heavy. Lieutenants Boyd and Colbert were severely wounded. Lieutenant Boyd being permanently disabled, and six men were wounded, some of them dangerously.

All which is respectfully submitted.

William Smith.

Col. 49th Virginia Volunteers.

P. S.—I had commenced my report before I received your order to prepare it, hence the character of my first paragraph.

W. S.

Enough to paralyze the stoutest hearts of most men, he rose to the exigency of the great occasion, and accomplished ends and purposes which none but a man of extraordinary resources could command.

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We give below an extract of Gen. William Mahone's report of an artillery duel on Monday, June 30th, 1862, in which he says:

“The 49th Virginia, occupying like relations to the Battery, with the same commendable firmness, stimulated by the characteristic coolness of its fearless commander, Col. William Smith, also suffered heavily under this fire, losing, in killed, two men, and twenty-eight wounded.”

Following that, is Gen. Mahone's account of the fight on the 25th of June, 1862, referred to in Col. Smith's report to him. Speaking of the Colonel of the 49th Virginia Volunteers, as well as the Regiment itself, he says:

“Meantime, Col. Smith, of the 49th, with that of the 41st and the 2d Battalion of the 6th, had been placed in a skirt of woods leading out on the enemy's left flank, most opportunely moved forward and attacked him upon his rear and flank. Thus pressed, simultaneously upon front and flank, the enemy fled precipitately,” etc.

Again, Gen. Mahone says;

“The timely appearance of Col. Smith with his regiment, his deliberate and judicious direction of his actions, rendered the combined movement of our forces at this point, eminently successful. His report to me is herewith forwarded as an interesting paper in connection with the engagement.”*

* See the Report above, dated July, 1862.

Gen. D. H. Hill, in his report of the battle of Seven Pines, fought May 31st, 1862, says:

“The Yankee column was almost in musket range of the gallant Col. William Smith (ex-Governor of Virginia), 49th Virginia, and his noble regiment.”

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Gen. Huger, in his report of July 21st, 1862, recommends that the 49th Virginia be authorized to inscribe on its banner, "49th Virginia Volunteers—King's School House," for having distinguished itself in the fight at that place.

Col. George B. Anderson, of the 4th North Carolina Infantry, commanding Special Brigade, in his official report, June 5th, 1862, of the battle of Seven Pines, or Fair Oaks, says:

"Col. William Smith, 49th Virginia, was conspicuous, as I can testify from my own observation, for coolness and courage. His exposure of his person was perhaps almost a fault."

For reasons obvious to some who were officers and soldiers in Col. Smith's regiment, then in the 2d brigade, Huger's 43 division, I have thought it appropriate to insert in these memoirs a short extract from a letter from Dr. Horseley, of the 49th Virginia, to Col. Smith. The letter was of a personal as well as of an official nature, and speaks for itself. It was particularly gratifying to the old hero when living, and is a graceful tribute to his virtues and fidelity as an officer:

* * * * *

" Appomattox.

" Gen. William Smith. —Your letter, though unexpected, was not the less gladly received. Apart from that feeling of attachment which every soldier must entertain for his old commanding officer in a struggle like that of ours, there exists in this instance of yourself, an intensified interest growing out of the fact that at one time, your valuable services and personal sacrifices to our cause were by some of your command not properly estimated; which want of appreciation was for a moment, through undue influences, shared by myself. Long, however, before you ceased to be our regimental commander, I learned to value rightly your real worth, and can truly say with all sincerity, that I do not believe that

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of all the many noble men who devoted themselves to the 'lost cause,' that a single one labored within his special sphere with greater zeal and efficiency than yourself.

"I hope you will pardon this digression and possibly inappropriate allusion to the past, but cannot fail to avail myself of a long wished for opportunity to make known to you my regrets, for having for a moment, entertained or given expression to sentiments which I believe so unjust.

"I am gratified to know of your intention of writing your autobiography, and with numbers of others, will anxiously await its forthcoming. There are some interesting incidents in your military history that I am afraid your modesty will prevent special mention to be made of. One of these happened during the battle just referred to (Seven Pines), in which engagement, after several of the color-bearers of our regiment had been, in rapid succession, shot down, you dismounted from your horse, seized the colors already pierced by a number of bullets, from the hands of the dying sergeant, remounting your horse, sat waving it in line of battle as long as I had sight of you.

"Another incident, with which I was specially struck, happened at Sharpsburg. I was standing by you in line of battle when you received the severe wound in your shoulder, which afterwards gave you so much trouble. Though unexpressed, I saw that you were suffering greatly from the effects of the wound. I approached, and insisted upon your retiring to the rear, and allowing a sergeant to be called to your aid; both of which you refused to do, but remained with your command until the enemy had been driven back.

"I remain very truly and sincerely yours, " William A. Horseley. "

Col. Smith's gallantry and adroit and judicious management of his regiment in the fights spoken of in the different reports above, had so impressed his superior officers and President Davis, that his promotion was determined on at Richmond, and it was only a question of time, with due reference to other promotions and existing circumstances and

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facts, when 44 his commission should be made out. In due time it came, and without solicitation from him directly or indirectly.

Many other interesting facts and incidents of this battle of the Seven Pines, I might mention Mechanicsville, Savage Station, Frazier's Farm, Marye's Hill, Fredericksburg, Hamilton's Crossings, Second Manassas, Engagement at Bristol, capture of the Fort at Winchester and expulsion of Millroy by Gen. Early, and the fights in the Wilderness and Spotsylvania, and other minor affairs in Virginia, speak with emphasis of the great efficiency and heroism of Col. Smith as an officer and soldier in the Army of Northern Virginia. But, that would involve more history of the War than is quite compatible with the original purpose of these memoirs, and we will hasten on to other matters and to the next grand drama in which he bore a conspicuous part.

CHAPTER XI. Col. Smith's Election to the Congress of the Confederate States—Took his Seat in Congress, February, 1862—Gen. Johnston falls back from Manassas, 9th March, 1862, to Clark's Mountain—Thither moved his Army to Yorktown—49th in charge of Lieut.-Col. Murray—Congress adjourned—Col. Smith rejoins his Regiment at Yorktown and took command—Elected Colonel by the Officers of the Companies, under Act of Congress—Resigned his Seat in Congress—Evacuation of Yorktown—The Seven Pines again—The Colonel's Celebrated Order to “Flush the Game.”

In the fall of 1861, while the army was stationed at Manassas, Col. Smith was elected to the Congress of the Confederate States, to assemble at Richmond, then the Capital of the Confederacy, over R. E. Scott, Esq., of the County of Fauquier, one of the ablest men of Virginia, without leaving his regiment for a single day, but assiduously performing his duties as Colonel of the 49th Virginia. When Congress met in February, 1862, Col. Smith qualified as the member from his district, leaving his regiment in charge of Lieut.-Col. Murray, a competent drill officer, and recently an officer in the U. S. Army. On the 9th day of March, 1862, General Johnston evacuated Manassas and fell back to Clarke's

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Mountain, south of the Rapid Ann River and thence to Yorktown. On the 16th day of April following, Congress adjourned, and 45 Col. Smith immediately rejoined and took command of his regiment.

In the meantime, the Legislature of Virginia having passed an Act turning over her Volunteers to the Confederate Government, to take effect on the first day of May following, with the privilege of reorganizing, it became necessary for Col. Smith to elect which of the positions he then held, he would retain.

By the arrangement of the reorganization, the field officers were to be elected by the officers of the companies, and they were chosen by the men or privates of their respective companies. The election came on and Col. Smith was elected by an almost unanimous vote. Making his election, he retained the Colonelcy of his regiment and immediately resigned his seat in Congress. This was a rare instance, if not the only one in the whole army, where a man holding a high civic position, relinquished it for a military command in the field.

Col. Smith's Regiment was posted on the left wing of the army, which stretched across the Peninsula, its right wing resting on the James River. The enemy was in close proximity to our entire line, and in great force. Gen. Johnston soon determined to evacuate Yorktown and retire his army in the neighborhood of Richmond. This movement, it was plain, was full of peril and difficulties. To the 49th Virginia, among other troops noted for their steadiness and courage, was assigned the onerous duty of covering the rear. The Colonel's 49th Virginia was, therefore, the last to leave Yorktown.

The Peninsula narrowing here and its roads concentrating at Williamsburg, the left of the army at Yorktown, took the lead here. The enemy pursued and made a fierce attack upon our retiring army, and, after several hours of severe fighting, were handsomely repulsed. Meanwhile, night approached, and it being thought the enemy would renew their attack in the morning, we were recalled and again ordered to the rear. Then the 49th resumed its

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position, and so close to the enemy in the woods, the Confederates could hear them. 46 talk, and so remained the whole night under arms and in a drenching rain. But the attack was not renewed, and about day-break our army resumed their march undisturbed.

On the 31st of May, 1862, the battle of the Seven Pines took place. That fight has been sufficiently spoken of in the next preceding chapter. It was, perhaps, so far as Col. Smith's regiment was concerned, at that time a part of G. B. Anderson's brigade, the most disastrous battle of the war. The brigade was ordered to keep on the left of the Williamsburg road. In obeying this order, the 49th Virginia was constrained to encounter a formidable *abattis* of heavy felled timber a half mile in extent, and a row of rifle pits, and also a formidable earth-work, held by the unseen enemy. The enemy, however, could see the Confederates. It was on this occasion, and in this embarrassing condition when the Colonel gave his celebrated order, to "flush the game." This order gave rise to many pleasant newspaper comments on either side. This was a murderous advantage the enemy possessed; but, the brave 49th quailed not. The order was obeyed at once—the "game was flushed." Under a heavy fire from the enemy, our men steadily advanced, and drove them from their fastnesses, and captured and pillaged their camp.

It was related of the late chivalrous General Forrest, of one of the Western commands, that when going into battle he always called out to his men, "Forward, boys, and mix with them!"

It was in this desperate battle of the Seven Pines, spoken of in the next preceding chapter, that Col. Smith found two flags flying at the head of the column at the same time, in a bloody fight; a phenomenal occurrence without a parallel in the history of the war.

GOV. SMITH IN 1864. AGE 67. GOVERNOR OF VIRGINIA SECOND TIME.

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CHAPTER XII. Battle of Sharpsburg—Col. Smith Assigned to the Command of Early's Brigade temporarily, by Gen. Early—Receives three Wounds in one Volley

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—Promoted Brigadier-General, and Assigned to Command of Fourth Brigade—Casualties in this Fight in the 49th Virginia—Gen. J. E. B. Stuart and Gen. Early's Reports of Col. Smith's Conduct in this Fight—Candidate for Governor—Made no Canvass—Did not leave his Brigade—Elected by a Large Majority—Retained Command of his Brigade in the Gettysburg Campaign—Promoted to Major-General—Agreed to Qualify as Governor—Entered the Recruiting Service—Qualified as Governor on the first day of January, 1864—Delivered his Inaugural in the Hall of the House of Delegates.

Early's brigade, of which Col. Smith's regiment formed a part, held the key of the position at Sharpsburg on the 17th of September, 1862. The 49th Virginia constituted the right of Early's line of battle. The 49th was at the foot of a long wooded slope with an ascending grade from their position some three or four degrees for three hundred or four hundred yards. The growth on this gentle slope was not such that they could not easily see every movement upon it. The crown of this slope was occupied by the enemy in great force, and seemed moving and massing upon the 49th with a slow step.

At this movement, a regiment much superior in numbers to our own, moved out from the body of the enemy at quick step to turn the flank of the 49th, the main body moving slowly as if desiring first to see the effect of the flanking movement. In his own language, written sometime after the war, we find in some of his war reminiscences a short graphic narrative of his movements against the enemy on that occasion.

* * * * "As the enemy swept around my flank, one of my men cried out from the ranks, 'Colonel, they are surrounding us!' My answer was, 'Men, you conqueror die where you stand. I will not yield the rascals an inch—but remember, everything depends upon steadiness and courage. Obey orders, and I'll answer for the result.' At this time the enemy in front were only ten or twelve minutes in time distant, and finding that their flankers had reached my rear, in a line diagonal to my own line of battle, and at a distance of seventy or eighty yards, I gave the order 'about face'—around came the whole command, when

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I cried out, 'take aim—cover your objects—the man who pulls trigger without an object under his sight, ought to be drummed out of camp after this fight is over—fire.' My great necessity was a crushing volley, and such a volley, I never heard! It is to this day with me one of the rich memories of the war. The Yankees did not even return the fire, but with quick step retired on the line of their advance, and rejoined their advancing columns.

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"The temptation to cut off the retreating enemy was great, but the close proximity of the advancing columns, and the possible effect upon the balance of our lithe of battle, forbade the attempt. Under the exhilaration of the moment, I exclaimed, 'there they go, boys, just as I expected; it is a sore temptation, but we must not break our line of battle—about face.' Perceiving before me, about thirty feet off, and immediately between my regiment and the advancing enemy, a remarkable out-cropping of rock, about hip high, I determined to avail myself of the great advantage it would give me. I moved my regiment up to the obstruction, and then halting it, said: 'Boys, you hold now an important position, and it is essential you should maintain it; the enemy outnumber you, but in every other respect you have the advantage. I repeat, everything depends on your steadiness and courage. Now take your position; fire at will, and give them h—ll. Dropping down behind this line of rocks, every man, no doubt, had resolved 'to do or die.' They awaited the enemy. At this time, Capt. Payne (A. D.) dashed up with orders from Gen. Jackson, for our gallant General (Early), 'to hold his position at all hazards?—but missing our General, he delivered this order to me. I replied: 'Tell General Jackson that is just what we are going to do.'

"A few minutes after this, the battle began; for a short time it was fast and furious—a few volleys from our gallant boys, from their protected position, at a relatively small loss to them, into the masses of the enemy, soon covered the ground with their dead and wounded. The enemy finally broke, leaving, besides their killed and wounded, 350 prisoners on our hands."

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In this terrific and ever memorable conflict of arms, the Colonel and Lieut.-Colonel of the 49th Virginia were severely wounded. Col. Smith received three wounds in one volley; the one in his shoulder being thought mortal for some months, being much shattered, and three pieces of the bone having been taken from it. For some time these wounds were considered mortal, and no one thought he could possibly recover. But, contrary to all expectation, through the skill of the surgeon and the assiduous nursing and attention of his beloved wife, and servant, George Hunter, after an absence of eight months from the army, he returned, and found himself promoted to Brigadier-General, and assigned to the command of the Fourth Brigade, Early's Division, then resting at Hamilton's Crossings, near Fredericksburg, Va.

EXTRACT FROM LETTER OF GEN. EARLY TO MAJ. ROBERT STILES.

In speaking of the situation after the battle, Gen. Early says:

"I found Col. Smith standing by himself in a lime-stone ledge; I rode up to him and said to him: 'Colonel, get your men together and re-form your regiment as soon as possible, the enemy may come back again,' He answered, 'General, is he gone?' 'Yes,' I said, 'but he may come again, and we must be in condition to receive him.' He replied, 'you will observe, General, I am very badly wounded, and can't do anything more.' I looked at him and saw the blood streaming from his left shoulder, 49 which indicated a very serious wound, and I was not advised that he was shot in another place, the leg, I believe. These wounds were in addition to the one inflicted by the ball which struck him in the arm, which was, I believe, but a bruise. It was very evident he was very seriously wounded, and I saw he was unable to move, though he was standing up. He was subsequently carried from the field in a helpless condition, and was confined with his wound for a considerable time.

"I have always said, in speaking of him, he was as brave a man as I ever saw, and seemed always insensible to fear.

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“You will find my report about the battle of Sharpsburg in the second volume of the Operations of the Army of Northern Virginia, 1862, printed by the Confederate Government in 1864, pages 189–195. I think the book can be had from the Archives of the Southern Historical Society.

“If you communicate this to Miss Mary Smith, I wish you to assure her of my sincere sympathy with her in the loss she sustained in the death of her father, and of my high respect for his memory.

“Very truly yours, J. A Early. ”

“ Maj. Robert Stiles, March 5, 1888.”

Of this brigade, he took charge in April, 1863. While here his wounds were still discharging. Here his faithful colored servant, George Hunter, so often and feelingly spoken of by him, extracted the ball and the last piece of the shattered bone from his shoulder, which, from that moment healed with magical quickness.

The casualties in the 49th Virginia Infantry at the battle of Sharpsburg were: Killed, 8; wounded, 8 officers, 64 men; missing, 8. Total, 85.

Major-General J. E. B. Stuart, commanding Cavalry of Operations, September 2, 20, in his report of February 13th, 1864, to Col. R. H. Chilton, Chief of Staff, Army Northern Virginia, says:

“Brigadier-General Early behaved with great coolness and good government, particularly after he came into command of his division; and Colonel (since General) William Smith, 49th Virginia Infantry, was conspicuously brave and self-possessed.”

The report of Brigadier-General Early, C. S. A., commanding Ewell's division, September 3, 27, of January 12, 1863, says:

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“Col. William Smith, 49th Virginia, and Lieut.-Colonel Gibson, were seriously wounded, the former receiving three severe wounds, but remaining on the field in command of his regiment after the close of the fight.”

On this occasion Gen. Early directed Col. Smith to take command of his (Gen. Early's brigade), and resist the enemy at all hazards.

Note: —See Official Records of the Union and Confederate Armies, Series I, Vol. XIX., Part I, Reports.

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About this time, yielding to the solicitations of friends and the exigencies of public affairs in the State Government, which called for a vigorous and intrepid executive, General Smith announced himself a candidate for Governor of the State. Thomas S. Flourney and Col. George Wythe Munford, gentlemen of high character, and great popularity, one of whom had been connected with the administration of the State Government as Secretary of State and Clerk of the House for forty years, and the other as a member of the House and former candidate for Governor, also declared themselves candidates. Gen. Smith never entered the canvass or left his command for a single day. His brigade was then lying at Hamilton's Crossings, near Fredericksburg, Va. He was elected over both competitors by a very large majority.

Great solicitude was then manifested that Gen. Smith should retire from the army, and thus escape the casualties of the field. Although it was morally certain that he was elected Governor to take effect on the first day of January, 1864, no official returns having been made, Gen. Smith determined to participate in the Pennsylvania campaign. This was against the earnest protest of both people and army. The old hero said that although he had suffered many “hairbreadth escapes” he could not “resist the romance of the campaign before him;” and he retained charge of his brigade in the Gettysburg fight.

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Returning from this expedition, so perilous and disastrous to us, while stationed a short time at Hagerstown, Maryland, he received conclusive evidence of his election.

The following brilliant and classical sketch, is from the pen of that gifted writer, the Hon. Robert W. Hunter, of Virginia. He was an eye witness of the incidents therein related, and cognizant of all the surroundings.

Major Hunter was appointed on the staff of Gen. Edward Johnson, in the midst of the battle, after the death of Maj. Leigh, and wounding of Maj. Douglass.

TOMBS OF GOV. SMITH AND WIFE AND SONS At Hollywood, Richmond. Va.

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GEN. (GOVERNOR) WILLIAM SMITH AT GETTYSBURG.

BY MAJOR R. W. HUNTER.

The biographer of Governor William Smith will be at no loss for rich materials, if only a part of what is worthy to be recorded of him, can be gathered from the different fields on which he was a conspicuous actor.

Rich as our old Dominion is in historic treasures and noble names, there are but few in the long catalogue, whose careers are as replete as his, with varied and picturesque interest.

Achieving prominence at a very early period of life, he maintained his place among the foremost public men of the State, long after the great majority of his youthful contemporaries, had been cut down by death, or retired to the repose of private life.

His ardent temperament and indomitable pluck, saved him from the enervation of idleness, while his temperate habits and chaste associations made him proof against the ravage of dissipation.

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It was this wonderful reserve of vital power that enabled the old Governor to “renew his youth like the Eagles” and spring to the front, as it were with a bound, when the war-cloud burst over the land, and the call to arms came to all the old and the young, who could bear the fatigue, the hardship and deprivations of active service in the field. There is not less of value than interest to the youth of the land in the story of such a life, and I am glad it is to be told by one who knew and loved him.

I can only contribute to it a single incident in his career as a Soldier, at the battle of Gettysburg, which made an impression on my mind that remains as vivid as if it had occurred but yesterday.

I thought *then* in the midst of the War, when deeds of valor and heroic deaths were of daily occurrence; and I think *now* after the lapse of a quarter of a century, when the great conflict has gone into history with its unsurpassed record of martial achievement that there was no more lustrous example of personal prowess and patriotic devotion, on any of our battle fields, than Governor Smith exhibited on that memorable occasion.

It was on the morning of the third day's battle.

The significance of the incident, however, cannot be appreciated, without a reference to the antecedent conditions of the struggle, which are here given in brief by way of introduction.

On the evening of the second day, after a tremendous contest between Andrews' artillery and that of the enemy on the height opposite, Gen. Edward Johnson, whose division was on the extreme left of our wing advanced to the assault of the East face of Culp's Hill a natural fortification, held by a strong force, and rendered more formidable by deep intrenchments and thick abattis. Only three brigades, Steuart's Nichols' and J. M. Jones' participated in this assault. As the Stonewall brigade was about to advance the enemy made a demonstration on our left flank which Gen. Walker was ordered to repulse. The

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opposing force was larger, and the time consumed in driving it off, longer, than was anticipated so that Walker could not join the other brigade till early the next morning. This night assault was very spirited and vigorous. Speaking of it in his official report Gen. Lee says:

“The troops moved steadily up the steep and rugged ascent under a heavy fire, driving the enemy into his intrenchments, a part of which were carried by Steuart's brigade and a number of prisoners taken.”

The position gained was of great strategic importance. Its capture made a breach in the enemy's lines near the Baltimore pike, within musket range of his reserve artillery and ammunition and the headquarters of Gen. Slocum, the commander of the right wing of their army.

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The Federal historian, Bates, says the lodgment effected was “in dangerous proximity to the very vitals of the army;” and Swinton declares “it was a position, which, if held by him, would enable him to take Meade's entire line in reserve.”

It is probable, as Gen. Howard says, that owing to the rough ground and thick woods, our Generals did not realize till morning what they had gained; but it is improbable, even if the situation had been fully realized, that anything more could have been accomplished under the circumstances, as Gen. Edward Johnson, one of our sturdiest fighters, testifies in his official report that this night attack “was as successful as could have been expected considering the superiority of the enemy's force and position.”

With the first streaks of the dawn, however, there was an unmistakable revelation of what had been lost on the one side and gained on the other, from the mouths of a powerful artillery, which had been concentrated in our front during the night, with the double

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purpose of resisting the farther advance of our troops, or co-operating with their infantry in an effort to recover their lost works.

A little after sunrise the enemy charged in heavy force and with great determination, but were repulsed with great slaughter. Then, in accordance with General Lee's plan of battle, General Johnson, reinforced by two brigades from Rodes' division, again assumed the offensive and assailed the enemy's right with terrific fury. It was expected that Longstreet, whose corps was the right wing of our army, and whose position was on the other side of the ridge, nearly opposite ours, would attack at the same time; but, unfortunately, for reasons which have never been satisfactorily explained and need not here be discussed, there was a failure of that concert of action upon which General Lee depended for success.

Johnson's assaults were met by overwhelming odds and the splendid valor of his troops was of no avail. Eighteen hundred of his own division lay dead or disabled upon the field. Capt. Randolph McKim, of Steuart's staff, who was with the Maryland men in the fore-front of the fighting, describing the terrible carnage, says: "It was as if the sickle of Death had passed along the line and mown down the noblest and the bravest."

While this desperate struggle was at its height, a large force of the enemy advanced upon our left and rear, of whose approach, there being no cavalry at hand to give warning, we were not aware until it was in very dangerous proximity. Unless it could be checked disaster was inevitable. Not a man could be spared from the front; and any attempt to withdraw men from there would precipitate the enemy upon us in such force as our already weakened lines could not possibly resist. Never was situation on battle-field more critical. As a forlorn hope, the Second Virginia Regiment, which was on the extreme left, was deployed with orders to arrest the enemy's advance at all hazards, and, at the same time, a staff officer was despatched to notify General Smith (whose brigade was at a considerable distance to the right in reserve) that our left wing could only be saved by an immediate reinforcement. The men of the Second Virginia, posted at wide intervals

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behind rocks and trees, contested stubbornly every inch of ground, firing with a rapidity and precision that materially delayed and disconcerted the enemy; but there was no expectation that this thin skirmish line could hold back for many minutes the serried ranks of a force fifty times greater than its own; nor was it thought possible that any reinforcement could reach the ground in time to prevent a catastrophe. Meantime, the fiery *cordon* was contracting its fatal embrace, and the issue hung, as it were upon a thread. "The bravest held their breath for a while." At this supreme moment was heard the voices of Smith and his men dashing forward to the rescue. The rumble of Longstreet's approach and thunder of Stephen D. Lee's guns were not more welcome sounds to Jackson's hard pressed veterans in the Railroad cut at Second Manasses. The Scotch bagpipes, heralding relief, were not sweeter music to the ears of the starving garrison of beleaguered Lucknow.

They stood not upon the order of their coming, but came with a rush, the old 53 Governor in the lead, his voice rising above the din of battle, more potent than a blast from the bugle horn of Trelawney. Taking the highest position he could find, reckless of shot and shell, with bare head and sword in hand, pointing to the enemy, he harangued each regiment, as it double-quickened past into the arena of blood and fire.

I cannot recall his exact words. All that I know is that they were not in the conventional forms prescribed by Hardee, Upton or Gilham. Like Wellington, when the moment came for the death-grapple at Waterloo, the old Governor either could not recall the "orders" as laid down in the books on Tactics, or deemed them too insipid for such an emergency. Such, however, was the emphatic muscularity of his military dialect that there was never a moment's doubt or hesitation as to what he meant. His "boys," as he affectionately called them, knew and understood him, and off they dashed with a spirit and a vim that soon drove back the enemy.

It was done so handsomely; the old Governor's bearing was so superbly gallant; his voice so ringing and inspiring; the reinforcement he brought so opportune, so welcome and so

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effective, that the troops in that quarter, rejoicing in their deliverance, in heartfelt tribute to that "good grey head that all men knew," and with a spontaneous impulse such as only soldiers in such a plight can feel, with one accord raised the shout: "Hurrah for Governor Smith," which went along the lines like an electric current, mingling with the sullen roar of the enemy's cannon.

The Federal Generals, in their official reports of this engagement, speak of Johnson's "heavy reinforcement," but the fact is, that, besides the two brigades of Rodes' division, already spoken of, which had been with him on the right of his line all the morning, not a man came to his assistance, except Smith's small brigade of Early's division. The impressiveness of the incident we have attempted to describe was intensified by the Governor's age, then upwards of three score and seven years; by the fact that he was then Governor-elect of Virginia for the second time; and furthermore, because he was still suffering from a severe wound in the shoulder, and, had doubtless, disregarded the injunction of his Surgeon in exposing himself to the hardship and excitement of such an active campaign. If ever a soldier had honorable and unquestionable title to retirement upon his laurels, surely it was Governor Smith. His election as Governor was a summons from the field to the Capital, with the plaudit of "well done" by his people, and would have amply sufficed for any man cast in a less heroic mould. But such was the ardor of his zeal; such the abounding and unstinted wealth of his love for his State and people that he could not lag idly in the rear while there was strength left in his arm to wield a sword among his brave boys in the front.

The General Assembly of Virginia, recognizing the eminent appropriateness of the loving tribute to one who had served her so long and well, authorized the placing of Virginia's coat of arms on the beautiful bronze shield that marks his grave in Hollywood's sacred shades. The cottage in the grounds of the Confederate Soldier's Home at Richmond, will keep alive memories in the hearts of our scarred veterans, which will be as sweet incense to the departed spirit of their illustrious comrade, in whose honor it was erected. But it seems to me that something more remains to be done. There ought to be in our

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State Library (alongside of the *ante-bellum* portrait of Governor Smith already there) a battle-picture by some artist with the genius of a De Neuville or Meissonnier, which would represent, in a way that words can at best but feebly do, how a Governor-elect of Virginia, despite the weight of years and the drain of wounds, dashed at the head of his men into a storm of battle, unsurpassed in its fury, at Gettysburg, and averted what otherwise would have been an irretrievable disaster.

The following is from Major Robert Stiles, then of the Confederate Army, now a prominent lawyer of Richmond, Va, 54 It vividly portrays some of the salient points in Gen. Smith's army life.

BY MAJOR ROBERT STILES, OF RICHMOND, VA.

“No one who ever knew Gov. Smith, could fail to be impressed with his absolute fearlessness. It was perhaps, the most prominent characteristic of the man, and distinguished him even among Confederate officers. That doughty old soldier, Gen. Early, who, as we all know, had almost a monomania on the subject of personal intrepidity, and was himself characterized by it to such a degree, that the mere prudence of most men, savored to him of timidity, in a private letter to the writer, after speaking of the heroism with which Gen. Smith (then sixty-six years of age) received and bore three wounds at Sharpsburg, adds: ‘I have always said in speaking of him, that he was as brave a man as ever I saw, and seemed always to be insensible to fear.’

“Gen. Smith's courage was not only marked in degree, it was also very peculiar in quality. It was so natural, so ingrained, so thoroughly characteristic of him, that it was never strained, and seldom passionate, but almost uniformly simple, easy and unaffected, so that oftentimes the very highest exhibitions of it did not even break his customary manner of hearty and cheerful courtesy. I recall a very extreme instance of this, when Early captured Milroy's forces at Winchester in 1863, an instance which, in almost any other

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man I ever knew, would have suggested, from its very simplicity and naturalness, the idea of affectation.

“Gen. Smith was standing on the right of a long line of infantry, lying flat on their faces under a terrible fire, and erect, with his folded arms, securing his horse's bridle rein, and, save the artillery men following their guns, just then changing position at a gallop, he was the only human being I saw erect upon that field.

“As the cannoniers dashed by with faces blanched, lips pressed against the teeth, and eye-balls straining out of their sockets, I saw Gen. Smith bow politely, and heard him greet each one as he passed, in a rich, smooth, full, clear voice; ‘How do you do, Sir! how are you to-day, Sir!’ and I noted, too, the effect upon the men; for each lifted and threw back his head proudly as if he felt—‘Gen. Smith must have noticed me, specially; I certainly meant to do my full duty in this fight, at least.’

“Although sixty-seven years old during this, the Pennsylvania campaign of 1863, it was yet a matter of constant interest to observe him on the march, as well as in battle; he was so brimming over with life and spirit, and being in a somewhat independent position, I always tried to be somewhere in his neighborhood.

“I remember one day while we were marching north, and not very far from the Potomac, I heard a great cackling and shouts of laughter at the head of the column, and riding forward to see what it ment, found Gen. Smith dismounted in the road, surrounded by a bevy of pretty girls, every one of whom he was kissing, despite very vigorous sham resistance, and, as he performed the ceremony in each case, he would comfort his blushing, laughing victims, by the reflection, ‘Never mind my dear, its all right; you just tell your father it was Extra Billy did it, and he'll say it's all right.’

“On another occasion, after we had crossed into Pennsylvania, Gen. Smith's brigade being in the advance, as we approached a considerable town, with a smile of genuine fun and

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good humor, he directed his son 'Fred' to put the hand in front, and order them to play 'Yankee Doodle.'

"He himself road at their head, and as the town's-people thronged the side-walks, he bowed first to one side, and then the other, saying, 'How do you like this mode of coming back into the Union; you see we've come in force, and, I hope, come to stay. I trust you enjoy it as much as we do.' And gradually riding more slowly, and the hand ceasing to play, his brigade at last halted, and resolved itself into a sort of political meeting. The General was in his element, and made from the saddle, 55 one of the raciest stump speeches I ever heard. His grizzled veterans fraternizing good naturedly with the sleek Pennsylvania Dutch burghers, and both shouting wildly at his many happy hits, until 'Old Jube,' with difficulty forcing a way for himself and his horse through the motley crowd, broke up the love-feast, and the column formed again, and marched laughing through the town, and out beyond to camp.

He then applied for and obtained a leave of absence for ninety days. He repaired at once to Richmond, when and where he found a higher compliment than he had ever yet received—he had been promoted to the grade of Major-General in August, 1863. It was then determined he should accept the office of Governor, and in the meantime, until his term should begin, he should canvass the State in aid of the recruiting service. These were pronounced and emphatic acknowledgments to him for his great services and talents as civilian and soldier.

On the first day of January, 1864, Gov. Smith qualified as Governor of Virginia; delivered his Inaugural in the Hall of the House of Delegates, and immediately entered upon the regular duties of his office.

CHAPTER XIII. Governor Smith's Administration of the State Government—His Bold and Energetic Executive Measures—Creation of the Home Guard—History of this Extraordinary Measure—Suspected Mutiny among the Troops—His Visit and

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Address to them—His Firm and Decisive Action on this Occasion—Effect upon them—Asks for an Appropriation to Purchase Supplies for Army and People of the City and Country—Bill Fails—Organized a Plan Despite its Failure, to Furnish them—Raised Large Sums of Money to Purchase Supplies—Organized and Procured a Railroad Train to Transport them to Richmond—Signal Success of the Plan—Reduced Prices for Necessaries of Life—Loaned Liberally to the Confederate Government in 1864—Great Relief to the People of the City and Country.

I cannot attempt a minute detail of his executive action during his brief administration of the State Government in those stirring and tumultuous times. The utmost I can hope to do toward that end is to gather from the meager civil and political history that has been preserved to us of that day, and rescue from oblivion a few of the leading and conspicuous measures of his administration. In that highly excited and reactionary period of the war, when great numbers thought they were entitled to exemption from duty, and the hardships 56 of the war, and to some peculiar privileges, it was universally acknowledged that Gov. Smith was the right man in the right place, and the choice of the people and the army was soon vindicated.

The first great want was, men for local defense. The author of these memoirs well remembers with what boldness and energy the Governor applied himself, night and day, to effect this difficult work. Determining to utilize every available means, he formed two regiments out of the exempts, to wit: those discharged from military service for age and disability, and those who had contracts with the Government, unnaturalized foreigners, etc. To each of these regiments he attached a small company, for the purpose of scouting when the regiments were on duty, and also to enable the rank and file to have communication with their homes. These regiments were well organized, armed and equipped, and well drilled by their commanding officers; but all orders for service emanated from the Governor. These forces were well understood to be strictly for home defense.

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Surrounded by emergencies which, at this distant day can be well understood and appreciated, the Governor saw the necessity of exercising exclusive authority. He did so in a parental way, which, however, would tolerate no disobedience or insubordination. When called out to fill a gap in the line of circumvallation around the city, which once did occur, for three weeks continuously, the required number was at hand. The Governor looked well after their comfort, and they understood he would be on hand when a collision with the enemy should take place. In a short narrative respecting this extraordinary measure, the Governor best speaks for himself:

“We had, in one of these regiments, about twenty Italian foreigners, unnaturalized, who, while acknowledging their international obligations, insisted they were discharging them when ready to defend their own hearth-stones; and it was reported to me that they had avowed that in the event of a collision with the enemy they would not fire upon them. Considering a crisis had come involving the fate of the whole command, I determined to deal with it decisively. Mounting my horse, I rode to the front, where my regiments were then posted, and ordered them to turn out and form into line of battle. This was promptly done. I rode up and down the line informing the men of what had been reported to me. I told them the alleged fact was of grave import, and must be unmistakably ascertained, and when established, must, in these times, be dealt with promptly and without delay. All men in line then who had made up their minds not to fire upon the enemy in action, will, when the word of command is given, march ten paces to the front, and then halt; but not a man moved, to my great gratification. Pausing a moment, everything profoundly still, I raised my hat in salutation to the whole line; ordered my Colonels to return to their former positions, and retired.

“These regiments were organized shortly after my inauguration. They rendered frequent and valuable service, with ready and cheerful obedience, and never gave me the slightest trouble afterwards. They disappeared from the scenes of their patriotic services when the fall of Richmond rendered them no longer necessary.”

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The next great want that presented itself to the Governor was, perhaps, greater than the first. It was of the most imperious and vital character. It was food for man and beast—supplies of every description for citizen and soldier. Desolation marked the march of the armies of the enemy. The upper and lower valleys of Virginia, the great granaries of the State had been laid waste; what they did not consume, they wantonly destroyed, and the women and children in their merciless tread were left to suffer and to starve.

To meet such exigencies, County Committees had been formed, whose duty it was to supply the destitute with bread. But it frequently happened that the corn was not in the country—the authorities were then obliged to draw from those sections which were better supplied. Then clothing was in great demand for the State Guard and our public charities, and for the people generally; and to supply such wants it was necessary to work up materials in our own Penitentiary. The Governor, equal to this great occasion, digested a plan for such necessities. He at once applied to the Legislature, then in session, for an appropriation to carry it out. Such an act required the concurrence of both Houses, by a two-thirds majority of each. The House promptly passed the bill, but it failed in the Senate. That body gave it a numerical but not a constitutional majority of two-thirds; it being a bill to appropriate money, failed.

“Deeming the measure of the greatest consequence and as sanctioned by a heavy majority of the Legislature, I determined to carry it out with such means as I could command. I drew from the civic and military contingent fund \$40,000 each, and from Wm. H. MacFarlane, President of the Farmers' Bank, Virginia, with the proper explanation, \$30,000—so that I started with a capital of \$110,000. I employed an agent to run the blockade to procure such supplies as could only be had abroad, supplying him with cotton to make his purchases. I also organized a railroad train—obtained from the Government a formal protection against all interference on the part of its subordinates—placed it in charge of an efficient agent, with the necessary funds, with 58 instructions to proceed

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South and purchase corn, rice and other needful supplies—to proceed with despatch, and so continue delivering his cargoes to my Quartermaster in Richmond, Va.

“These operations were conducted with the most signal success. I supplied all State institutions with corn, at \$10.00 per bushel, and rice at 50 cents per pound, when corn could only be had from private hands at \$60.00 per bushel and rice at \$3.00 per pound. I also supplied all country applications for the poor at same rates, and all other recognized claims. Indeed, I put rice on the general market at Richmond at 50 cents, and practically drove the retailer out of the market. At these prices, I was enabled to preserve my capital and have a margin of 10 per cent. also, with which to cover losses. My supplies were such that I was enabled to make occasional loans to the Confederate Government. At the time Richmond was evacuated, that Government, at Confederate prices, was indebted to the State, on such accounts, at least \$300,000.

“The last loan of 2,500 bushels of corn, was under quite exciting circumstances. Sitting in my office, engaged in the dispatch of the public business, with quite a crowd around me, I saw my Quartermaster step in; in a few moments, two Confederate officers stepped in; satisfied that there was something of more than ordinary interest on hand, I invited them to seats, saying, they should have my attention as soon as the business on hand was disposed of. Being soon at leisure, I said to the crowd, that I was sorry to postpone them, but that the officers who had just come in, were doubtless on public business, and must have first attention. Turning to them, I said to them, ‘Gentlemen, what can I do for you?’ whereupon one of them drawing his chair close to mine, said in a low voice, which was doubtless heard by all in the room, ‘I am Major Clairborne of the commissary department; I find that you have a train of corn to arrive this morning.’ ‘Yes,’ said Major Fitzhugh, ‘My Quartermaster and I have come to report its arrival, and to receive your order as to its disposition.’ ‘Well,’ said the Major in a low tone of voice, ‘When I saw it arrive, I thought it was a God send, and I have come to see if I cannot borrow it of you, promising to return it in a few days.’ ‘Ah! Major’ I replied, ‘that corn is for the starving women and children of Virginia.’ ‘Well’ replied the Major, ‘all I have to say is, that this day, Lee's Army around

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Petersburg, has but a pound of meat to the man, and to-morrow they will have none, without your corn.' Although usually under self-control, I was so appalled at this revelation, that I lost all command of myself, sprang from my seat, walking the floor in my wrath and in fiery indignation, demanded the management which had brought a great cause to such a crisis, as a chance arrival of a train of corn! Recovering myself, I resumed my seat; I directed my secretary to make out at once, an order to my Quartermaster, in view of the exigency of the public service, to turn over the train of corn in question to the Confederate Government. During all this time, not a word was spoken except by myself, and when this transaction was finished, I bowed the gentlemen out, and resumed the business they interrupted.

"This incident took place about two weeks before the evacuation of Richmond. Having ample funds with which to carry on my operation, and to pay all debts they had made necessary, and desirous of relieving myself of the personal responsibility I had assumed, exclusively for the public good, as I feared that the end was near, I concluded at once, to pay into the treasury the \$80,000 I had drawn from my contingent fund, and to pay the Farmers' Bank the \$30,000 I had borrowed from it, which was done; and thus, my adventure was out of debt.

"I had supplied a large amount of public and private wants, controlled to a considerable extent the rapacity of private traders; kept Lee's Army in the field as before, and at the collapse, had cleared for the state, the large debt due by the Confederate Government of \$75,000 in currency, burnt in the great fire, according to the Quartermaster's report; \$40,000 in the hands of an agent, the proceeds of a sale of leather, at Greensboro, N. C., besides considerable supplies of food in Richmond, for the 59 various State agencies, most of which were destroyed by the great fire, but of which I can give no particular account; the whole aggregating at Confederate prices from three to five hundred thousand dollars. This large amount was made by an unauthorized enterprise in about ten months, through the advance of ten per cent., or cost prices, which was not intended for profit, but to cover probable losses, as I was bound to preserve my capital intact; but there were no

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losses, and the whole enterprise was most actively and successfully conducted. To this view, may be added the speculative advantages to suffering destitute humanity, the values of which cannot be estimated.”

The bare recital of the above facts imprint Gov. Smith as a man of rare administrative and executive ability—of extra-ordinary resources and originality, courage and intrepidity, both as statesman and soldier. These two last named conspicuous measures of his administration, standing alone, would signalize his conduct as Governor, and hand down his name and fame with historic glory.

It must be admitted that both measures were of doubtful authority; perhaps both *ultra vires*; but the whole country was in the midst of a Revolution, a gigantic and bloody War was raging between the North and the South. The South had staked her all upon the result of the conflict. The Capital of Virginia and the Capital of the Confederacy was besieged. If Richmond fell, all was lost! Gov. Smith fully appreciated this momentous crisis. He well knew that the spirit of the times had grown to turbulence and insubordination—that there were some in the capital and some in the country who would fain see the best blood of our people poured out freely in the trenches and on the field, whilst they were playing the parlor knights and coining money out of the blood of the soldier. He determined to submit to this condition of things no longer, but following the splendid example of Gen. Jackson, at Orleans, when Pakenham was besieging the city, he would put a musket in every man's hands who could bear arms, and order him to defend his own property.

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CHAPTER XIV. The Eventful Sabbath Day in Richmond—President Davis in Church—Dispatch from General Lee—The President Sends for Governor Smith—The President and Governor Leave the City—Mrs. Smith's Demeanor—The President Opens the Confederate Government at Danville, Va.—The Governor Opens the State Government there, also—The President Proceeds to Greensboro, N. C.—Trying Scenes at Danville—Governor's Speech to the Troops—Its Effect on Them

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—Outbreak Suppressed—Guerilla Policy Adandoned—Peace Resolutions at Staunton—He Determines to Surrender Himself—\$25,000 Offered for his Arrest—The Governor Leaves the Valley—Entreated not to Return to Richmond—His Sojourn at Charles W. Dabney's, Esq.—Safe Conduct to Richmond from General Patrick—Manner of his Reception—His Recall by the President of the United States.

Passing over other interesting cotemporaneous measures of his administration, we are brought at once to the catastrophe in the great drama of the war.

On the eventful Sabbath Day of April 2d, 1865, when the people of the capital felt comparative repose, and many attending Divine service in their respective churches, Governor Smith was sitting in his pew in St. Paul's Church, (Rev. Dr. Minnegerode), when a dispatch was handed to President Davis by a special messenger. Glancing at the paper for a moment, the President left the church immediately. All eyes were at once turned to him; but the emotions of the congregation were subdued and the services proceeded without further interruption. At their conclusion, the Governor proceeded at once to the Executive Mansion. When arrived, he received a message front the President requesting his personal attendance at the President's house, without delay. On his arrival, the President handed him the dispatch he had received in church. It was from Gen. Lee, expressing the fear that he would not be able to hold his lines of defense around the city, and that he (the President) should be ready to move at a moment's notice.

After a brief conversation, the Governor informed the President that he would be governed by his movements, and that when he evacuated the city he, with the State Government, would, as far as practicable, do likewise. About this time, the President had ordered a train to be in readiness to move, and invited the Governor to take a seat in his car. To

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61 this invitation the Governor returned thanks, but said that he was the Governor of Virginia, and must share her fate, and that all his arrangements would have an eye to the protraction of the war, if practicable.

The Governor then determined to transfer the State Government to Lynchburg, and ordered all arrangements necessary to that end. The officials and public records, and the officers and students of the Virginia Military Institute, were to proceed up the canal (James River and Kanawha), and he and Aid, Lieut.-Colonel Smith, and servant, were prepared to go through the country, on horseback. The Second Auditor, H. W. (since Judge) Thomas, of Fairfax, was put in charge of the Capitol and contents, and other public buildings, and requested to make the best arrangements with the enemy to save them from injury and destruction.

By this time night had fallen in, and no orders from Gen. Lee. Repairing to the War Department, and finding the way open, he at once communicated with the General, and asked if the "City is to be evacuated to-night?" The reply was, "By all means!" The President left by 10 o'clock P. M. on his train. The Governor having seen his boats off, left at the foot of the canal at 1 o'clock that night, taking, with his Lieut.-Colonel and servant, the tow-path, for Lynchburg, Va.

This condition of things may be imagined, but hard to be appreciated by one on whom rested no responsibility, domestic or public. The unhappy end of the Confederacy was at hand. As has been beautifully said by the author of Long's Lee, I beg leave to reproduce it here:

"After four years of courageous sacrifice and patriotic devotion, the city of Richmond was compelled to yield to the decree of fate, and bow her proud crest to the victor. But she felt no shame or disgrace, for her defense had been bold and chivalrous, and in the hour of her adversity her majestic fortitude drew from her conquerors respect and admiration."

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On this eventful Sabbath there was, of course, unusual activity and confusion. The Governor's family—his wife and daughter and two lady friends—were at the Executive Mansion. Mrs. Smith, who was a woman of marvellous decision of character, firmness of purpose and will, and on whom her 62 husband had often relied in many a dark hour before, in a tranquil and composed manner approached him and said: “Smith, I may feel like a woman, but I *can* act like a man. What is the matter?” There were no secrets then. The dreadful disclosure must be made, and instantly, as ever before, she was his counselor and help. She said to him: “Attend to your public matters, and I'll make my own arrangements to evacuate the Governor's house, to-morrow morning.”

During the whole of these trying scenes, not a tear or tremor was seen, usually affecting her sex in such an ordeal; but she displayed a calm and heroic firmness, worthy of all admiration. After a thrilling episode in his journey to Lynchburg he reached the city.

On his arrival he learned the President had halted at Danville, and opened the Confederate Government there. He proceeded to that town at once. Then and there he learned of the surrender of General Lee, and found the President preparing to leave for Greensboro, N. C.

Still confronted with reverses and revulsions, enough to depress and discourage the stoutest heart, yet, true to his manhood, to his own native resources and intrepidity, he determined to remain in Danville as long as he could, to exert all the power and influence he might possess to preserve the good order and well-being of society; and he met these emergencies, “Like a brave man struggling with the storms of fate”—

On this occasion the Governor shall speak for himself:

“I opened my office as Governor of the state, and am gratified to believe that I materially contributed to the peace and good order of the community. On going about the city, I discovered that the Commissary and Quartermaster Departments were busily engaged

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in shipping their stores to Greensboro; I went to the officers in charge, and remonstrated against it. I represented that our men on their way to their homes in the South, would, of course, be in want of everything, and would make for Danville as the nearest railroad point for transportation and supplies; and if they did not find them here, as they had a right to expect, would, being in a bad humor at least, more than likely sack the town, if they did not burn it to ashes; and, that I hoped that they would not only stop all further shipments, but would have their stores ready for prompt delivery, upon requisition, according to army regulations, which, 63 I would have them to insist upon, as by doing things in order, discipline would insensibly resume its sway, and with that, order and safety would be assured. These counsels prevailed. A day or two afterwards, while in my office, the Mayor, in much agitation called upon me, and informed me, that there was a great crowd of soldiers at the depot, in a very dangerous mood, threatening to burn the town because they were not supplied with shoes; they being made to believe that the supply was ample, but that the citizens had got them and hidden them for their private use; when, in fact, they had all been shipped to Greensboro, under orders, before it had been concluded to stop the further shipments of the public stores; and begged that I would go to the depot and pacify them, and thus save the town from its impending peril. Mounting my horse, I rode to the depot, and found an excited crowd of some 3,000 of Lee's late army; I rode into their midst; I saw, I was known to many of them. I addressed them. 'Attention, men!' The noise was hushed. 'I am the Governor of Virginia, your late compatriot in arms. You seem to be in a bad humor! What is the matter?' The answer came promptly. 'We are barefooted—want shoes, and can't get them, the citizens having proclaimed them to be for their own use.' I replied, 'this is a grave charge against a people heretofore distinguished for their sacrifices and their patriotism, and should not be made except upon the clearest testimony—what is your evidence? (a pause) speak out.' Then, some one cried out from the crowd; 'We have evidence which satisfies us of the fact.' I, at once, replied, 'speak out, and do not leave us to infer that you have been listening to the whisperings of the mischief-maker, whose only aim is to plunder with impunity during the confusion he may produce. I say to you, men, there are no shoes in Danville; and her people are not to be found who would

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deny to the soldier an article so essential to his comfort.' A single contradiction was heard; and thereupon, a deepened voice came up from the crowd, saying, 'let no man, at his peril, contradict General Smith—we know him.' I then said, 'Men, when I came here some days ago to do what I could in the performance of my duties, I soon saw that the public stores were being rapidly removed; knowing that you would soon be here, hungry and almost naked, I remonstrated against it, and by my influence, your wants, so far, have been supplied. Have you not had your rations?' 'We have plenty to eat,' was the reply. 'Have you not had your clothing?' I asked. 'We have everything we want to wear,' was the reply.' And yet, with this conclusive evidence of the desire of the authorities here to supply your wants, you are ready to believe that they connived at the pilfering of the stock of shoes, which they knew you would need so much, by the noble people of Danville. If there be a man among you who can name the base defamer, let us bring him before Judge Lynch, and hang him as high as Haman. But, men, the shoes are ahead of you. In three hours, your train will be ready to receive you; in three hours more, you will be in Greensboro, where shoes will be issued to you, and whence, in your anxiety to reach your homes, you will soon forget the fever and injustice of this hour. And now fellow citizens and friends, fellow soldiers no longer, wishing you a safe and speedy trip to your families and friends, I bid you an affectionate farewell. And raising my hat to the cheering crowd, quietly returned to my office, satisfied, that all was well."

The *coup de main* was truly characteristic of Governor Smith. It had the desired and happy effect of suppressing the outbreak by the troops so much feared by the citizens of Danville.

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PROCLAMATION BY THE GOVERNOR.

State Of Virginia, Executive Department, Danville, April 20, 1865.

In consequence of the occupation of the Capital of the State by the forces of the United States and the surrender of the Army of Northern Virginia, numerous evil-disposed

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persons, associated in bands and small parties, embrace the unhappy opportunity to inflict upon the persons and property of the good people of the Commonwealth such outrages as threaten the destruction of all social order. This deplorable state of things makes it indispensable that all good citizens should thoroughly organize for the suppression of lawlessness and for the enforcement of the laws.

Therefore, I, William Smith, Governor of the Commonwealth, do hereby command the Sheriffs and other civil officers of the several cities, towns and counties to proceed, with all despatch, to organize the citizens thereof, with a view to the maintenance of the laws and the preservation of order. It is enjoined upon all persons to be active in the performance of all these duties. The Sheriffs are authorized and required to collect from citizens and others, in their respective counties, such public arms as they may find necessary for the purposes indicated.

Persons passing through the country are advised to demean themselves in a quiet and orderly manner and to return to their homes without delay; there to await further developments and information. And in the meanwhile, all citizens are enjoined to resume their ordinary avocations and pursue the same with energy and industry.

Never in the history of Virginia have such claims been made upon the fortitude, love of order, good sense and courage of our people, and it is hoped and confidently believed that those high qualities will not be wanting on the present trying occasion.

William Smith.

After an unavailing conference with the Secretary of War, at Danville, and with President Davis, at Greensboro, as to the policy of maintaining a guerilla warfare, the Governor retraced his steps. Still unwilling to yield absolutely, he determined to go amongst the people: mingle with them, and as far as he could ascertain their feelings and sentiments as to the guerilla policy and the further conduct of the war. Traveling as far North as Staunton, Va., he discovered the people adverse to any such purposes, and they had a

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mass meeting and passed resolutions counseling the “policy of peace.” Fully satisfied that all further efforts would be futile, he determined to make his way to Richmond, and there to surrender himself to the Federal authorities. The Governor then, with no one but his aid and servant, George, passed into the James River Valley, crossed the river at Balcony Falls, and again took the tow-path of the canal, in which he came near losing his life on his retreat from the city.

All along the line of his travel, the Governor was persuaded and urged not to think of returning to Richmond at that time. 65 General Echols, on his way from Richmond, most earnestly remonstrated with him; told him that the enemy was extremely bitter in their feelings toward him, and if he got there in safety, he would be “roughly handled.” He also informed him that a reward of \$25,000 had been offered by the United States authorities for his arrest.

One gentleman accosted him while crossing the river at sunrise next morning near Cartersville, and told him: “Governor, I am just from Richmond—\$25,000 is the reward offered by the United States Government for your head, and I tell you. you had better keep a sharp look-out.” The Governor replied with his accustomed nonchalance, “No difficulty, my friend, no difficulty,” that he apprehended no ill-treatment at the hands of the Federal officers or soldiers; and that when he surrendered, he would do so under protection, and would not be captured with a reward of money thereto attached. This view was eminently proper, high-toned and honorable. Thanking these several gentlemen and friends for the interest they felt in his welfare, he resumed his journey and duly reached the Forks of Hanover.

This was then one of the most retired and secluded portions of that section of the State. Here was the handsome residence of his friend Charles Wm. Dabney, Esq. Here the Governor sojourned for three weeks, in company with his son, Col. Bell Smith, and servant, who were treated with the greatest hospitality, and of which the Governor often spoke with suitable gratitude, At Col. Dabney's he was within 23 miles of Richmond and

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within 7 miles of the Federal posts. Many citizens in this vicinity knew who he was and his locality. As a general thing the people were quite poor. They knew, also, that a large reward was outstanding for his arrest; yet, not a man was found who would make his fortune by betraying him to the common enemy; a rare, phenomenal instance of personal self-denial and patriotic duty, worthy of the highest admiration and praise.

Determining to bring his wanderings to a close, and put a stop to this distasteful and disagreeable suspense, Governor Smith addressed, to the Provost Marshal at Richmond, Gen. 66 Patrick, a communication, stating that it was his purpose to surrender himself, and asked his written protection against arrest. This note was transmitted and handed to General Patrick by Lieut.-Colonel Bell Smith, the former Aid to the Governor. This protection paper was promptly supplied for ten days from its date. The Governor soon set out for Richmond and reached the city without interruption of any kind—reported to Gen. Patrick, and rejoined his family; was paroled from day to day, until finally he was allowed to return to his home at Warrenton, Va., in company with his family, having been treated throughout this trying exigency by the Federal authorities with all proper respect and consideration.

During his sojourn in Richmond his demeanor was quiet and sedate and characteristically conciliatory. He was received by the citizens of all classes and grades with the greatest cordialty. His conspicuous efforts in their behalf in defending them from the incursions of the enemy, and his wonderful success in supplying them with bread and meat, and often with a small modicum of luxuries, were green in their memories and are cherished to this day. So manifest did it appear to the President of the United States on his arrival in Richmond immediately after the city was invested, that the official presence of Governor Smith in the city was most desirable in many regards, that it was then reported and is yet believed, that President Lincoln, on his own motion, as Commander-in-Chief, issued an order, recalling the Governor to his post. But his Cabinet overruled him, and the order never reached the Governor.

CHAPTER XV. Gov. Smith at Home—Still Standing by the South—Precepts to his People—“A Bundle of Good Habits”—His determination to Remain in Virginia—Coincidence of Feeling and Judgment with Gen. Lee—Extension of his Parole—Proclamation of the President 29th May, 1865—Reconstruction—Mingles Warmly in the Election for First Governor, Under New Constitution—Again Elected to the Legislature—Election for United States Senator—Devotion to his Wife and Children—Extracts on this Subject—Anecdote related by himself.

In June, 1865, Governor Smith returned to his little farm Monterosa. near the town of Warrenton, Va., after a continued

MRS. E. H. SMITH. AGE 80.

67 absence of four years, from the time he entered the army as Colonel of a regiment in the Confederate service, at an age when the strength of man is altogether vanity, but with that glowing ardor and elasticity of spirit which always attended his remarkable career through life. He found his little home unenclosed, not wantonly damaged by the enemy, but from time and neglect, greatly dilapidated, and requiring thorough renovation. A new system of labor was then to be inaugurated; agricultural implements and horse-power supplied, and all things readjusted. Here, again, was a fair field for the exercise of his ever suggestive and recuperative powers.

Fortunately, at this period, he ascertained something might be saved from the wreck of his affairs in California. Through the business talent and fidelity of a friend and relative, he was enabled to realize a sum sufficient to pay off pressing debts and rehabilitate his home to a considerable extent.

That he did not return to the practice of his profession was always with him a subject of regret. But the improvement and restoration of his farm monopolized his energies, and he applied himself to its development with the enthusiasm of youth and the judgment of mature years. The natural fertility of the soil. the excellence of the society of Warrenton, its

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proximity to the celebrated Fauquier White Sulphur, and its hourly communication by rail and telegraph with the marts of the world, rendered it one of the most elegant and valuable homes in Piedmont, Va. Here the fiery energies which had impelled him as statesman and soldier, grew calmer if not less potent, and in the peaceful pursuit of agriculture, he exhibited that ceaseless activity which always marked his eventful life.

Though embarking in his new life with vigor and enthusiasm, and regarding agriculture as the noblest pursuit of man, Gov. Smith lost no opportunity of promoting the material and political good of the people. His acknowledged abilities and his persuasive eloquence were wielded for the grand aim of reconciling and reconstructing the Governments, both State and National, to their original integrity. Though defeated in the great struggle for political and property rights and constitutional liberty, his heart was ever stout and brave, and he insisted that all was not lost. Returning from the stricken field crowned with the warrior's wreath of splendid daring, he stood proudly erect, and in the gloom which shrouded his own beloved banner of the South, he never forgot its glory.

True to first principles and his original convictions, he soon became again the great Commoner of the people's rights. Everywhere he encouraged them to be of "good cheer," to "bear up against defeat with a manly pride," and "never despair of the Republic." He would invoke his old friends and neighbors, and especially the young men, to "go to work;" to "practice economy;" "have no bad habits;" make "no bad debts," and "live within their income." We think we can hear him on the rostrum and in the Legislature, quoting his old axiom that "a bundle of gored habits was equal to a bundle of good principles."

Gov. Smith had made up his mind never to leave his native State, as so emphatically expressed at the evacuation of Richmond, but to remain and share the fate of his own people. In all his conversation and intercourse with them and in his public addresses, he expressed the same unfaltering and patriotic love for his native Virginia.

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It is a pleasing coincidence and worth recording in this connection, that the ex-Governor of Virginia and the ex-Chieftain of the Confederate forces, without knowledge of each others resolves, were engaged in the same labor of love. Both impressed on their comrades in arms the necessity and duty of standing by their stricken country; both labored with tongue and pen to pronounce desertion under such circumstances as abhorrent to his feelings.

Gen. Lee implored his tried and trusted friends then in voluntary exile, to return, and those who meditated leaving their native State, by example and precept, to remain in the South with their own people, who needed the presence of her sons more than at any period of her history, and to share their fortunes, as the course indicated by true patriotism. These two great men had shown themselves soldiers and statesmen, and ready to make the last sacrificial offering for the relief and salvation of their devoted country.—[See Lee's Letters in Jones's Lee.

Under these convictions Governor Smith procured from the President of the United States an extension of his parole granted at Richmond June 13th, 1865, dated 30th August, 20th September and 9th November, 1865, respectively. He also subscribed to the oath prescribed by the President of the United States in his proclamation 29th May, 1865. These extensions permitted him to visit freely the States of Virginia, West Virginia, Maryland Pennsylvania and New York.

Gov. Smith strictly observed the terms of his parole, and attended no political meetings until the first election for Governor under our present Constitution. He was warmly in favor of the “expurgation” of the obnoxious clause therein which disfranchised so many thousands of our best citizens.

This period formed a great crisis in the history of Virginia. All things were in a state of dislocation, and the State was suffering the throes and pangs of reconstruction; moral and political elements were involved; right and wrong were again to be adjudicated, and the patriotic sentiments of the people appealed to. Time's rapid march was making many and

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visible changes in the political, economic and social polity of the Government. Internal taxes, high taxation and illegal exactions were the orders of the National Government.

Superadded to this, the presence of "visiting statesmen" was well calculated to exasperate the people and enhance their dissatisfaction with their own situation. In this unsettled condition of the public mind, Gov. Smith's voice was again most skillfully applied to quell apprehension, and to harmonize as well as might be, "District No. 1" with the Government at Washington. He intuitively took in the situation, and his knowledge of men, his firm hold upon the public confidence greatly mollified the general sentiment, and assimilated it to the actual condition of things.

Gov. Smith entered the canvass between Walker and Wells, in favor of the former, with an energy and enthusiasm only commensurate with the importance of securing the defeat of the latter.

70

In the year 1877 he was again called by the people from his retirement, and elected to the Legislature of Virginia for two years, after which he never entered political life.

In the winter of 1878 he was warmly pressed by his friends for election to the Senate of the United States. Several distinguished Virginia statesmen were candidates for the same position. Gov. Smith came within a few votes of an election in this obstinate and animated contest. Both Houses, however, in joint caucus united in nominating the incumbent.

Love of agriculture and the charms of domestic life, strengthened with his declining years. In the improvement of his farm and the pleasures of his beautiful home, he spent a retired life the rest of his days. It was the seat of the most generous hospitality, and graced by the attentive manners of wife, daughter and son, Col. T. Smith, was second to none in elegance and beauty.

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We cannot close this imperfect sketch without adverting briefly to the dominant traits of his nature in the social and domestic circle. Prominent among these was his knightly courtesy and reverence for woman. An exalted sense of female purity and virtue lent a refinement to his salutations, a delicacy to his attentions, as touching as it was sincere. Woe to the luckless wight who transgressed these laws in his presence. Swift justice, in stern measures, was dealt out to him on the spot.

Of his relations to his children it is only necessary to say, that not one of that household band would have hesitated to imperil his own life, nay, to have poured out his heart's blood for him. Three, of that once numerous household yet live, and on their hearts are written in characters which cannot fade, the memorial of their father's worth. But the feeling which more than all else moulded his ambition and irradiated his life, was his devotion to her who, through the storms and sunshine of sixty years, had stood by his side to counsel and to comfort.

Age could not weaken nor sorrow dim the glow of his early vow, in his eyes. She was always young and beautiful. And at last, when deprived of his beloved partner, so overwhelming 71 was his grief, it seemed for a time that death could not sever the perfect union of their lives, and that one grave would receive them both.

As age and infirmities increased, it was touching to see the white-haired old man, each Sabbath morning, wending his way with faltering footsteps to place an offering of fresh flowers on the grave of her who he had loved so well.

No words of ours could more forcibly illustrate the chivalrous nature of his tenderness for his wife than the following, extracted from a page of his fugitive writings taken from his library.

“Marrying early in my twenty-fourth year, I never, during my long married life of nearly sixty years, forgot the troth I plighted to my dear wife—never failed to reach my home at

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the appointed time, except on three or four occasions, when I was in a heated canvass. Never allowed her to enter the room in which I was seated, without rising to receive her, impressing her with the sweet conviction that it was my happiness to treat her always with the tenderness of the lover, and also the gallantry of a knight. In short, that she was ever young to me; if she ever neglected a duty, it dwells not in my memory.

“Sometimes she would come to the library door and say, ‘Smith, if you will keep your seat, I will come in.’ Springing from my seat, I would be at the door in a trice, and handing her in, would playfully rebuke her, by asking how she could have the heart to deny me the luxury of playing the gallant. Sometimes she would say, ‘Smith, you are too fond of the girls.’ I would reply, ‘not too fond dear wife, I trust, but very fond I acknowledge; how could it be otherwise with so fine a sample of her sex;’ putting my hand tenderly upon her shoulder, or more likely giving her a kiss; but notwithstanding my long and repeated absence from home, in consequence of business demands, she was always present to receive me on my return, except, on occasions when her health required me to take her to the Springs, where I would sometimes leave her to attend to indispensable duties elsewhere; and on one other occasion, when I reached home three days ahead of the time I had fixed for my return.”

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CHAPTER XVI. Gov. Smith's Manners—His Habits, Public and Private—His Uniform Abstinence from Liquor and Tobacco—His Great Aversion to a Drunken Man—Temperance Speeches—His Abhorrence of Purchasing Votes with Money or Liquor—His Cheap Canvasses for Congress and the Legislature—Some Maxims or Rules of Debate—His Religious Faith—Last Attack and Illness—His Death.

It may be proper here to say a word of the manners and habits of Gov. Smith. Through sixty years of his manhood, as testified to by his contemporaries and others, his personal manners amongst his fellow-citizens were uniformly courteous and urbane.

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Sometimes, in the heat of discussion, he might be thought to have departed from that rule; but this was exceptional. In a few moments he would resume his wonted politeness to his competitor, and all would proceed as smoothly as before.

His passions and temper were strong and deep, but always under the control of his judgment and better feelings. In discussion at the Bar and on the rostrum, he was always calm and self-possessed. He could always wield complete mastery of himself, He never stooped to petty, vulgar slang, too frequently indulged in in modern days, and thereby altogether ignoring the real matter in debate.

He was always an advocate for open public discussion before the people in all matters that interested them directly or indirectly on which they were to pass. To prejudices he never yielded. To defamation and abuse he would not condescend. His tastes and judgment seemed to soar above all paltry matters, and marched up directly to his subject in hand and in that line, "He trod his stately course, Like the proud swan conquering the stream by force."

He was gifted with unusual system and order of mind. Sagacious and well balanced, with great powers of logic and analysis, a versatility and genius for debate what the schoolmen would call a *gaudium certaminis* to an extraordinary degree. It is fitting just here to insert a few rules of debate drawn out and observed by himself, recently found in papers left in his library. For wisdom and sententiousness of expression

EX.GOV. SMITH OF VIRGINIA. AGE 90 YEARS. Ex. Gov. MrSmith of Va.

73 they can scarcely be surpassed. The following is a *fac simile*:

Some

Never underrate your audience

Always speak sense & so that you. can be understood

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Always speak earnestly so that your audience may believe that you all you say

State no

use or anecdote not one offensive to religious sentiment.

His habits from the earliest of his business life for simplicity, sobriety, economy and virtue, were simply marvellous. Immersed in business for many years, often of a multiform and harrassing character, often embarrassed almost beyond endurance, mingling with people of every grade and race, in conflicts and contests at the Bar, as stage contractor in four States and one district, as candidate for Legislature and Congress, as member of both for years, actively engaged in a four-years war—through all these trials of fiery temptation, Gov. Smith came out of them all with the purity of his habits unsullied.

He was an open advocate of temperance for sixty-eight years; made temperance speeches repeatedly, from twenty-four to an older age. He abstained from all intoxicants, tobacco and all unnecessary luxuries through his whole life. He had the greatest aversion to a drunken man, and always 74 avoided such. He was inexorably opposed to the use of liquors in elections, and cordially despised the use of money in purchasing votes. We have often heard him declare that of his numerous canvasses, he never purchased a vote directly or indirectly in his life, and that the most expensive he ever had, was for necessary traveling expenses, and did not amount to over fifty dollars. He abhorred everything that tended to corrupt and demoralize the yeomanry of the country; and often he would exclaim, with burning enthusiasm the old distich:

“An honest yeomanry, the country's pride, When once destroyed can never be supplied.”

But in the zeal of his conviction, upon the isolated question Of “total abstinence,” he ever maintained a liberal tolerance and conservatism; but preferred in this case, as in all other matters of doubt and difference of opinion, moral or political, the well-known maxim of

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Jefferson, that "error ceases to be dangerous when reason is left free to combat it;" and that other, equally true, that "the world is governed too much;" and in that other grand old religious sentiment of the Holy Catholic Father, which he was so fond of quoting, "in non-essentials let there be liberty; in essentials, unity; and in all things, charity."

Gov. Smith, in early life, imbibed the precepts and example of Thomas Jefferson, believed him to be the great apostle of American liberty, and followed him and his precepts, as such, to the day of his death.

I could not dare to enlarge upon the religious and spiritual condition of Gov. Smith's mind as indicated by himself. I have therefore remitted that pleasing task to one that had been intimate in his family and far more able to give expression to those utterances which fell from his lips a short time anterior to his death.

"It was the voice of God speaking," in the dying appeal of his wife, which first led Governor Smith to give his thoughts to the subject of revealed religion. How patient and constant his search for the truth as taught in the Holy Scriptures; how fervent his prayers for light, are attested fully by those of his own household. Of a mind naturally combative, and adverse to receiving any but demonstrable facts, the doctrine of a three-fold union of the God-head, was to him a dark problem. Always approaching the subject with reverence, and realizing that his footsteps were on holy ground, he failed, for a time, of that blessing which, in the end, is always given to the earnest and patient seeker after spiritual truth. But the answer he had so yearned for came at last; and a short time before his death, during a conversation with Rev. A. D. Pollock, he said that he was ready to yield his own pride of opinion to an humble belief in that sublime plan by which alone Mercy and Justice can "meet each other."

But the shadows were lengthening and the weary feet were nearing eternal rest. Of this fact he was calmly aware, and remarked, a few days previous to his death, "though friends

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congratulate me on my health and strength, I feel within myself that I am now passing 'within the shadows,' and that a few months at most are all that remain to me of life."

On the evening of May 16th, 1887, while occupying his favorite seat on the piazza, he complained of a congestive chill, which, after some hours, was followed by slight nervous excitement. Then followed, quickly, an eclipse of all mental perception; and for the first time the endearments of love and the passionate cry of filial grief met no response. At 7½ A. M., on the 18th day of May, in the room which had been the scene of his happiest hours, among the books which had been the eloquent companions of his declining years, and the manuscripts which bore the last impress of his pen, the old hero lay dead. The life which had been spent amid the stern conflicts of the forum and the tented field, passed away as gently as "dies the wave along the sunset shore."

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CHAPTER XVII. Funeral Obsequies at Warrenton—Guard of Honor—Body lies in State—Bethel Cadets—Body at the Church—Address of Rev. Lindsey—Cortege Leaves Warrenton—Proceedings at Richmond—Body in the Capitol, in State—Message of Governor Lee—Proceedings of the Legislature—Judge Christian's Funeral Oration—Procession to Hollywood—Eulogies on Governor Smith, by Captain Payne, Colonel Stribling and Major Heaton, in Legislature.

When the Governor's death was announced, though not altogether unexpected, it was received by the whole community with the deepest feeling. The Town Council was convened immediately, and the solemn tolling of the church bells gave signal that a great man and a leader had fallen.

Warrenton, which had been the arena of his best and strongest years, claimed the right of holding his body in State, and appointed a Guard of Honor to bear the remains to the Hall, and to maintain their vigils beside him until the dawn of the coming day.

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Far into the night, friends thronged the building to take a last look at the calm, strong face of the dead. Early on Friday, the Bethel Cadets, Capt. McIntyre, who had so often listened to words of cheer and warning from the lips that never more might hail them the "boys in gray," and types of those with whom he had bled and suffered, received the sacred charge of escorting the body to the church. With arms reversed and muffled drum, they slowly and sadly followed the bier, while each young face bore the impress of a filial grief.

The church was thronged with youth, manhood and old age; and as the grand words sounded through the edifice, "I am the Resurrection and the Life," every head was bowed in sorrow. The beautiful, and true as beautiful, extempore address of the Rev. John S. Lindsay, D.D., his former Rector, then of Georgetown, and now of Bridgeport, Conn., was as follows:

ADDRESS, By the Rev. John S. Lindsay, D. D., Rector of St. John's Church, Georgetown, D. C.

We pause in our march to the silent city of the dead, with the mortal remains of our distinguished fellow citizen, to pay him a simple tribute; just and moderate, but sincere and heartfelt.

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There were salient points in the nature and life of Governor Smith, that even a casual observer would not fail to note, and which deeply impressed all who knew him well.

As his friend, pastor and neighbor for a good many years, I enjoyed an intimate acquaintance with him, and was naturally an interested student of one who had been conspicuous for so long a time in this community, in this state and in the whole country.

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His abounding health and vigor, that preserved the exuberant spirits of youth, down to the closing period of his life; his fine physique, his temperance and his industry, often excited my admiration.

Till recently, he had the springy step of a boy, and he hardly ever lost the ruddy countenance and the sunny smile that bespoke health and happiness. I have often seen him, at an early morning hour when many younger men were asleep, walking rapidly to the post office with letters that he had spent the first fresh hours of the day in writing. A walk over his farm, or several hours work at his desk, was no unusual prelude to his breakfast.

Devoting his bodily and mental energies industriously to the service of his people who so often placed him in responsible positions, he naturally acquired great popularity.

Conspicuous amongst his virtues, was courage. It sustained him in the political arena, under the fiery ordeal of hostile criticism, and it bore him through the war, which he entered voluntarily when over three score years and a half of age, to high and honorable distinction.

His was the courage of a fine physical organization; of a mind that perceives clearly the sharp line between truth and error, and holds its convictions with a firm grasp. I lay stress upon this characteristic, because no noble nature can be without courage.

I might, if I had time, speak of other phases of his moral character. While I can not claim him as a communicant of the church, I can say, that he was not an irreligious man, and that he threw the weight of his influence on the side of christianity, as far as he could do it without identifying himself with the church. He ever spoke with scorn and contempt of the men who sought to rob society of the influence of the christian faith.

He was a thorough believer in God, he acquired the teachings of the Bible—its moral teachings, heartily and without hesitation. In the very last interview that I had with him, he told me what he fully believed as to the doctrines of the Bible, and then added: "I suppose

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we must take the rest by faith”—that he read the sacred Scriptures, and prayed in private. I know you who are here to-day remember him as a constant attendant upon the services of this church.

It was certainly at one time, his habit to remain in church during the celebration of the holy communion. I have often seen him witnessing that solemn service, with his face bathed in tears. Now that he has gone from among men, we leave him with the God and Father of all, who “sent not as man sent; for man worketh on the outward part, but God worketh on the heart.”

Some think that our judgments of the dead are too lenient, and our laudations fulsome. While it is true that the closest friends, and nearest relatives of the departed, may give them extravagant praise, it is equally true that the justest estimate of a man's life is formed when that life has closed.

There is something in daily contact with a fellow man, that makes us see only the commonplace in his nature, while diverse opinions and conflicting interests excite antagonisms that too often conceal what is admirable in his life and character, from the generation of his cotemporaries. Death lifts him above, and away from us, and we contemplate his character in a calmer, clearer light, taking in its lines and its proportions impartially and completely.

I do not doubt that we who knew Governor Smith, and believed that we appreciated him, will look back upon his long life, and consider his remarkable character with ever increasing admiration for his fine sense, his sturdy honesty, his courage, fidelity and patriotism, and for those sweet domestic graces which are so sacred in their manifestations, that I have not felt at liberty to lift the veil that conceals them from your gaze.

As I look upon this man to-day, gone from us forever on earth, he rises before me like a pillow of granite, hewn from the mountains of his own native Virginia, lofty, massive and

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well proportioned, chiselled by a firm and steady hand, rugged and yet graceful, whose very strength is its beauty.

God help us to emulate his virtues as a man, a citizen, a husband, a father, and a friend. And having served God in our generation, may we be gathered to our fathers' in the confidence of a certain faith, in the comfort of a reasonable, religious and holy hope, in favor with our God and in perfect charity with the world.

REMARKS BY HON. J. V. BROOKE, PREFACING THE OFFERING OF THE RESOLUTIONS.

Ladies And Gentlemen: It gives me heartfelt pleasure, however sad the occasion, to lay an ivy leaf upon the honored ashes of my departed friend. *Friend* I am proud to call him, and so he was. It was our fortune more than once to enter the list of political antagonism, upon opposing sides. It may have been that sometimes excitement got the better of calmness and moderation; but if these contests left in his heart or mine any thorn to rankle, I know it not. On the contrary, I believe that the links of personal friendship were rather strengthened than weakened by them, and grew more strongly cemented as the years went by. His kindly solicitude, in my behalf, when a short time since, it was thought that I was about "to cross the river," has been and will be treasured in grateful remembrance, and the tears which I now shed about his honored remains, is the honest tribute of a heart that could appreciate the virtues that clustered about his venerable head.

The poet has said:

"Come to the bridle chamber, Death! Come to the mother when she feels,
For the first time her offspring's breath;
Come where the blessed seals, Which bind the pestilence
are broke, And crowded cities wait its stroke;
Come in consumptive's ghastly form
The earthquake shock, the ocean storm,
And thou art terrible!"

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But thus it does not seem to me to be, when life's work is well rounded, and nothing is left for one to do, save to watch the approach of decrepitude and decay. Then death comes as a white-winged messenger of love, and the drama of life seems to be fitly and beautifully closed. Such has been the experience of our lamented friend. So may we live that the sinking sun may not go down in clouds and darkness, but in a bright refulgence, that shall be the harbinger of a dawn of eternal joy!

I have the honor to present the following preamble and resolutions, and move their adoption. (Resolutions drawn by Capt. Brooke to be found on page 81.)

REMARKS BY MAJOR JOHN SCOTT, OF THE 2D PARTISAN RANGERS, C. S. A.

I have listened with pleasure to the eulogies passed upon the career and character of Gov. Smith, who lies there on his bier, and I concur in every word which Mr. Brooke and Mr. Green have spoken. But it seems to me they have left out the hero in failing to view Gov. Smith, in connection with the State Rights principle in our government, to which he devoted himself from his first manhood. In the courage and constancy which he displayed in that respect, there is no example in ancient knighthood by which it is surpassed. In every theatre of debate throughout the 79 length and breadth of Virginia, he defended by argument and eloquence the cause which lay so near to his heart. He saw clearly that unless the centralizing tendency of the system could be successfully resisted in the measures of the government, that the fate of Virginia would be fixed as a mere department of a vast Federal Empire, instead of being what she intended in the outset to be, a Sovereign State, with the right to seek better government elsewhere, if her sense of self-protection decided her so to act.

But neither the young man, nor the middle-age man, nor the old man, could control the impetuous tide of Federalism which the system engendered; and he was soon limited to the choice either to abandon the contest in the union, or secede and renew it with perhaps

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better success out of the union. And now began an era in this distinguished gentlemen's career, which was as extraordinary as it was brilliant.

With no scintilla of military training, at the age of sixty-five he recruited a Regiment of infantry; "he who had never set squadron in the field," and threw them into the first battle of Manassas, and at the decisive point at the "Henry House," fought them with unsurpassed valor and success.

Col. Smith ordered a charge of bayonets; it was the first in the war; and it was said there was never made a more gallant charge.

He rose to the position of Major-General, winning his promotion by hard fighting and superior generalship. Gen. Early, with whom Gen. Smith had served, told me that he "had never known a braver man;" and no one knew better, the metal of a soldier.

His cause of State Rights, was lost too, in the field of war; for Gov. Smith could no more control the red tide of battle, than the turbid current of politics. He fought life's battle valiantly, and he was tried in its fiercest fires; but he came forth like a strong man, glorying in his strength, and in taking his long farewell of us, and as he descends to the grave, a dark door to another and more glorious life, he leaves behind a character to cherish and admire, and a memory to love.

I knew Gov. Smith as the people saw him, and liked him; I saw that he was a man of a large mould. Until we are summoned by the dread angel to follow him, we will all remember his bright smiles, and cheerful greeting; for he was too brave in life's battle to allow its crosses and troubles to cast a shadow on his brow.

[From the Warrenton Index.]

IN MEMORIAM.

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Wednesday, 18.—Hon. William Smith died at his home this morning. The news, preceding salutation, is borne from lip to startled ear throughout the town before the breakfast hour. No one asks who was this State Senator of the olden time, this grand Commoner, this citizen, twice filling the Gubernatorial Chair, and four terms a seat in the halls of Congress; this untrained soldier, holding undisciplined troops to posts of duty under deadliest fire by force of a magnetic presence and sight of the snow-white plume beneath his chapeau. And why? Because he was ever knightly to woman, ever pleasing to childhood, approachable to the lowliest as well as the most exalted—always the old Virginia gentleman to every one. Our town and vicinage feel moved to pay honor to the memory of this noble old man. Hence we find our City Fathers promptly assembling and passing the following resolutions submitted by its committee, Messrs. Brooke, Campbell and John A Spilman;

Whereas, the Council having been apprised of the death of ex-Gov. William Smith, and having assembled for the purpose of voicing the feeling of our community upon this occasion, we do now resolve:

That we recognize in the long life now closed lessons of wisdom and virtue that the living should not ignore; that we recall with inspiring pleasure the purity that adorned, and the ability that guided his public service; his patriotic devotion to his people, to which the dark days of late civil war bear eloquent testimony; and that we hold up to the rising generation his stainless character, so remarkable for qualities that lead to domestic happiness and public good.

That the Mayor present a copy of the above resolution, with the sympathy of this town, to his bereaved family, and that the same be published.

The Council meeting is followed up at night by a meeting of citizens, who appoint a committee consisting of Hons. James V. Brooke, C. T. Green, Col. E. C. Lightfoot, Capt.

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J. S. Payne and Mr. John A. Spilman to report to an adjourned meeting at Town Hall at 11 o'clock to-morrow.

Thursday, 19.—The Hall is thronged at 11 o'clock this morning by town and country folk, neighbors and friends of Gov. Smith. Rev. John S. Lindsay, late rector of the Episcopal church here and chaplain to Congress, at motion from Mr. Williamson, chairman of the adjourned memorial meeting, opens the proceedings with an impressive prayer. That ended, the Chair calls for report from the Committee on Resolutions, when Hon. James V. Brooke advances to the dais and reads the following paper, eloquent in every line:

The Hon. William Smith is no more! His familiar form, so erect beneath the pressure of many years, has vanished from our sight! His clarion voice, ever potent to sway the impulses of his follow-men, is hushed in death! The place he so long filled, with signal prominence in public and private life, is vacant forevermore!

In view of this event, so sad and startling, it seems fitting that we, his surviving friends and neighbors, should give expression to the sentiments it has awakened, and unite in paying some humble tribute of respect to the memory of the departed.

Governor Smith (as we used to call him), was no ordinary man. This fact is abundantly attested by a review, however cursory, of his long and varied career.

Beginning life without the external advantages which often elevate mediocrity into a false prominence, he won his way to distinction by the innate power of an iron will and an energy of purpose that recognized no possibility of failure. And then in spite of obstacles that would have damped a less courageous spirit, he was enabled "to climb the heights where Fame's proud temple shines afar," and to engrave his name in no mean characters upon the enduring tablet of his country's history. Peculiar gifts, with which he was endowed by nature, secured to him the fealty and devotion of those who sympathized with him in

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sentiment; and early in life he was recognized as a leader in the heated contests so long waged for political supremacy.

The hustings were his favorite arenas, and there were few of his opponents who did not find in him “a foeman worthy of their steel.”

Services so valuable were speedily recognized as worthy of appropriate reward; and from time to time, the voice of the people called him to offices of honor and trust, State and Federal, and twice to the elevated position of Chief Executive of this Commonwealth. In all these official relations, and notably during his last incumbency of the Gubernatorial Chair, *flagrante bello*, he brought to the discharge of his duties a tenacity of purpose, a promptness of action, and a fidelity to the obligations of patriotism which challenged the respect even of those who might disapprove the policy of his measures.

The late war found him a man of sixty-five years. But at the first call of his native State “to arms,” he sprang into the fight with all the alacrity and enthusiasm of youth. He was not learned in the art of war, but he found promotion. For his courage was conspicuous, his devotion to duty unswerving, and his spirit unconquerable through all the vicissitudes of suffering, disaster and defeat.

The war over, he sought the quieter scenes of domestic life, and found in rural pursuits food for his still undiminished energy and habitual industry—and to these, with slight interruption, he devoted the remnant of his life.

He was a man of exemplary habits—a stranger to the vices which so often deform the character of the political leader—a champion of temperance—an earnest advocate of moral reform—and in himself a striking illustration of the efficacy of a virtuous life in securing to its votary the blessings of a ripe and vigorous old age.

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We may not enter the sanctuary of domestic life, but the most superficial observer could not fail to perceive that in all its relations his deportment was not only above reproach, but marked by an all-pervading sentiment of true affection.

That the deceased had his faults and frailties none can deny. Who is without them? But whatever they may have been, let them be buried in his grave—and let only that which was true, and good, and beautiful, and brave, survive in memory.

But the measure of his usefulness was full; and while as yet the *grass hopper* had not become a burden, while his eye was still undimmed and his natural force unabated by the decrepitude of age, Death, with his gentle finger, touched him and he slept.

And now that full of years and full of honors he has been gathered to his fathers, we, his surviving friends and neighbors, do resolve as follows:

First, That while we bow in submission to the will of Divine Providence in removing from our midst our venerable and esteemed fellow-citizen, the Hon. William Smith, we cannot fail to recognize the fact that in his death the country has lost one of its most distinguished citizens, our State a truly devoted and patriotic son, and the community in which he lived, its oldest resident, one whose walk in and out amongst us has always been characterized by urbanity of manners, constancy of friendship, cheerfulness of spirit, devotion to duty and integrity of life.

Second, That to the family of our deceased friend and neighbor, who will sadly miss the presence and counsels of a loving and tender parent, counsellor and guides we hereby extend our cordial sympathy in their severe bereavement.

Lastly, That a copy of the foregoing preamble and resolutions be transmitted to the family of the deceased, and that the same be published in the papers of the town.

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Mr. Brooke follows up the report of his Committee with a speech most beautiful in diction and studiously true in every utterance. When seated, Hon. C. T. Green will not let the occasion pass without giving expression to his admiration for the life and character of the late living link between the fathers of the Constitution and the present generation—and he evidently speaks from the abundance of the heart. Mr. Green is followed by Major John Scott in a pertinent endorsement of all read and spoken; supplements his remarks by a call for “the question” on the resolutions. This motion was put to a rising vote and the vast audience responds “aye.” Here the Chair said he was authorized to state that the remains of Gov. Smith might be seen at his residence on Culpeper street for a few hours after 3 P. M.; whereupon at the suggestion of Mr. John R. Spilman a motion is carried that a committee be appointed by the Chair to confer with the family of the deceased and request consent to have the remains lie in state at the Town Hall in charge of a “Guard of Honor” till removed to the church. This committee is John R. Spilman, J. S. Payne and James V. Brooke. The additional motion is put and carried that the Mayor of Warrenton and three associates be appointed by the Town Council to accompany the remains to Richmond. The family assenting to the request of the meeting of citizens, the Mayor appointed the following “Guard of Honor”: Major Grenville Gaines, M. B. Payne, C. W. Smith, L. McKay, John A. Francis, John S. Latham, J. P. Jeffries, Alex. Payne, C. W. Rosenberger, W. H. Hope, George Newman and John P. Wyer. The body is taken to the Hall after 5 P. M. and to a late hour in the night it is viewed by friend and stranger.

Friday, May 20th.—At an early hour Bethel, a pet child of the dead soldier's age, is astir. A march of 4 miles and the sacred duty is at the end of it before the cadets. They take rations under the belt and are off at 6 o'clock. On the way the march is at will; in town they close ranks and touch elbows, catch the stop and bear themselves with the clock-movement of veterans. Thus before 8 o'clock the old commander of volunteers has a military guard, and of “boys in gray.”

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Now bell answers bell like minute guns on sea and shore. As they toll, the following pall-bearers take their places: M. M. Green, William P. Hilleary, William P. Helm, Julian P. Lee, John A. Spilman, Inman H. Payne, Major A. G. Smith, W. 82 W. Williamson, Col. Lightfoot and A. D. Smith. The procession promptly forms at the Hall—hearse, pall-bearers, cadets, with guns at reverse arms, and citizens. It moves with measured step along Main and Culpeper streets to the church. The church is packed; it cannot accommodate all who have gathered to honor themselves by doing honor to a revered fellow citizen. Here funeral service is read and a touching eulogy delivered, the Rev. J. S. Lindsay officiating. The fact is revived that the old Governor was ever a defender of the Christian faith although not a communicant of the church.

The hour has arrived for the remains to be shipped on the cars for Richmond. Major A. G. Smith, Eppa Hunton, Jr., Judge Keith, M. M. Green and Judge Bell go as an escort on the part of the family; while Mayor Nelson, John A. Spilman, J. R. Spilman and Captain J. Scott Payne go on the part of our citizens.

At the conclusion of the services, the body was escorted by his family, the Bethel Cadets, the Guard of Honor, and a large concourse of citizens to the cars, which, at 8:30 A. M., moved out of the depot for Richmond.

The funeral cortege reached Richmond at 3:30 P. M., where it was met by an additional Guard of Honor, headed by Gen. Lee, Governor of the State, many members of the Legislature, then in Session, and a large concourse of citizens. The procession moved at once to the Capitol, and deposited their sacred charge, where thousands viewed the body of the dead soldier.

He laid in state, in the rotunda at the base of Washington's Statue, between the doors of the Senate and House of Delegates, until the hour of the final obseques arrived. Gov. Lee had sent a special message to the Legislature announcing the death of ex-Governor

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Smith. Meanwhile both Houses of the Legislature were observing every honor and respect to the distinguished dead under the sound of fifteen-minute guns.

Captain A. D. Payne, of the "Black Horse" and Colonel Stribling of "Stribling's Battery," delegates from Fauquier, and other members, made feeling and eloquent speeches, while the Hon. H. Heaton, of the Senate, was alike happy in the resolutions and remarks submitted by him on that occasion.

Though not a member of either House, Judge Christian, in right of his intimate personal relations with Gov. Smith, was called on to pay his tribute of respect and esteem to the memory of his dead friend. It is related that Pliny, the 83 younger, reckoned it as the last addition to the happiness of a great man, that he had the honor to be praised at his funeral by the most eloquent Tacitus, then Consul. So it may be said of the subject of these memoirs that he had the honor to be eulogized over his dead body in the Capitol, by one comparable in virtue and eloquence to Tacitus himself.

After Judge Christian's oration, the procession took up the line of march to Hollywood in the order prescribed by the military authorities.

The military companies of the city, with furled banners and muffled drums, preceded the funeral cortege. As the shadows of twilight were darkening, the hearse reached Hollywood, and as the sublime words of the Burial Service were spoken, the body of William Smith was placed in its last resting place.

After "life's fitful fever," he sleeps beneath the shadow of his own Virginia's loved Capitol and by the waters of her historic River. No fitter grave could earth furnish the Patriot and Soldier.

Below will be found a faithful narrative of the proceedings at the Capitol, and thence to the cemetery:

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[From the Richmond Whig.]

EX-GOVERNOR SMITH.

LAST HONORS TO THE MEMORY OF VIRGINIA'S DISTINGUISHED SON—THE REMAINS ARRIVE ON THE AFTERNOON TRAIN C. & O. RAILROAD—THEY LIE IN STATE AT THE CAPITOL FROM THREE TO SIX O'CLOCK—RESOLUTIONS OF RESPECT IN THE LEGISLATURE—EULOGIES ON THE DECEASED—A PLASTER CAST TAKEN—THE LAST SAD RITES.

As previously announced would be done, the body of ex-Governor William Smith was brought to this city from Warrenton yesterday afternoon on the 3:05 train, Chesapeake and Ohio Railroad. It was accompanied by the Mayor and a delegation from the City Council of Warrenton, and was met at the train by the pall-bearers, consisting of Governor Lee, General Anderson, General Wickham, Senator Heaton, and Delegates Payne and Stribling. It was at once escorted to the Capitol, where it lay in state in the corridor between the statue of General Washington and the Senate Chamber.

VIEWING THE REMAINS.

The lid of the coffin was removed soon after its arrival, and the body was found sufficiently well preserved for the features to be exposed. The face was very natural, and with the exception of the waxy appearance peculiar to the dead, was quite life-like. Thousands viewed the remains during the time that they were open 84 to the public gaze, and many were the expressions of regret that another of the antebellum statesmen of Virginia, who reflected honor, credit and dignity on the old commonwealth—a race of men fast vanishing into the past—had forever passed away, and that the places which knew them so well on earth would know them no more again forever.

A PLASTER CAST.

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About 5 o'clock a piaster cast of the face was taken by Mr. Valentine, the well-known sculptor of this city, assisted by an Italian workman engaged with Mr. Valentine. While this was being done the doors were closed, and no one was allowed to be present. The operation lasted about three-quarters of an hour, and is said to have been entirely successful.

THE CEREMONIES AT THE CAPITOL.

At 6 o'clock preparations were made for taking the body to its last resting place at Hollywood. The Capitol grounds and the Capitol itself were crowded with an immense concourse to do honor to the illustrious dead. Before the body was removed the hall of the House of Delegates was filled to repletion with an audience to hear eulogistic remarks on the deceased, to be delivered by Judge Joseph Christian, an old friend of the ex-Governor, and who had been familiar with him for many years.

JUDGE CHRISTIAN'S TRIBUTE.

Dr. Stribling, member from Fauquier, the home of ex-Governor Smith, arose and said: "There is a distinguished gentleman present who was a life-long friend of Governor Smith," and he requested Judge Christian, late President of the Court of Appeals, to address the audience. Judge Christian, who had no notice that he would be called on, promptly came forward and said:

It gives me great pleasure to take a humble part in these ceremonies commemorative of the life and death of one of the noblest and greatest men of Virginia. I am glad to see that this whole city has turned out to carry with civic and military honors this grand old man, who for more than half a century has been, in one way or another, connected with the history of this State, and of the whole Union.

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There are two men octogenarians who on both continents have filled the public eye—Gladstone, of England, and William Smith, of Virginia. Both have been the advocates and defenders of civil liberty and local self-government.

One fought in a cause that did not succeed, but not the less honorable for want of success. The other, now about eighty years of age, is still fighting for the freedom of Ireland. God spare Gladstone until Ireland is free.

Governor Smith is a man whose memory can never pass away from the minds of the people of Virginia. He was twice Governor of the State; for more than ten years in the Congress of the United States. He was there when there were such men as Webster, and Clay, and Benton and Calhoun, and he was the peer of any of these bright men.

During the unhappy civil conflict he took the side of his State, which he loved with the devotion of a patriot, and although beyond the military age, went to the front and fought for a cause which he believed to be right, and I say here in this presence, that with all the civic honors that have been heaped upon him, the greatest and most honorable title of all is that of Major-General of the Confederate States of America.

Now, what does the life and character of such a man teach? What does it say to posterity? What does it say to the youth of the country? What would you put on his monument? I say this: Courage, Fidelity, Truth, Integrity, and Here Lies a Man who discharged Faithfully every Duty, Public and Private.

The honors which we pay to him to-day are the honors deserved by a noble life, and that life, public and private, is an example to be followed by those who still live. Virginia, in honoring William Smith, honors herself, and here in the Capital of the State he loved so well, his body shall be guarded and his tomb be sacred to all lovers of liberty and patriotism.

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THE MARCH TO THE GRAVE.

At the conclusion of Judge Christian's remarks the body was taken from the Capitol, placed in the hearse, and the line of the funeral march was formed, as follows:

Squad of Police. General Anderson and Staff. Stuart Horse Guards.

The First Regiment, headed by the Bugle and Drum Corps.

The Richmond Light Infantry Blues. Lee Camp in Carriages, as a Special Escort.

The Pall-Bearers, in Carriages.

Carriage containing Rev. Mr. H. M. Jackson, of Grace Church, this city, and Rev. John S. Lindsay, formerly Rector of the Episcopal Church at Warrenton, who accompanied the remains to Richmond.

The Hearse.

Special Friends of the Deceased. Members of the Legislature.

The General Line of Carriages.

SERVICES AT HOLLYWOOD.

The procession marched up Grace street, which was thronged with spectators on both sides as far as the eye could reach, and proceeded on its mournful way to Hollywood. There the military formed in line and came to "present arms" as the body was taken from the hearse, and passed before them. On reaching the grave, the solemn and beautiful funeral rites of the Episcopal Church were read, and the last of one of the most remarkable and distinguished sons of Virginia was consigned to the tomb, in the Bosom of the State he loved so well, there to remain until the sound of the last trumpet. The grave was filled

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in solemn silence, and when the last clod of earth was thrown upon the mound, the First Regiment fired a military salute as a farewell to him who had served his State and Country with honor and fidelity, both on the forum, in her councils, and on the tented field.

ARTILLERY SALUTES.

As the train arrived in the city with the remains, a detachment of the Richmond Howitzers—Battery A, First Battalion Artillery—stationed with two guns in the Capitol Square, began firing fifteen-minute guns. This was kept up until the body was removed from the Capitol, when the firing was changed to two-minute guns for one hour.

PROCEEDINGS OF THE LEGISLATURE.

During the morning the Governor sent a communication to both Houses of the General Assembly, officially notifying that body of the death of ex-Governor Smith, as follows:

Commonwealth Of Virginia, Governor's Office, Richmond, Va., May 20, 1887.

To the Legislature:

The painful duty devolves upon me of officially communicating to the General Assembly the intelligence of the death of General William Smith, ex-Governor of Virginia, who died at his home in Warrenton, Fauquier county, Va, on the morning of the 18th instant. His funeral will take place from the Capitol at 6 P. M. this afternoon. The long public life and eminent services of this distinguished citizen and soldier has been closely interwoven with the history of his native State for over a half century.

As its honored Chief Executive for two separate terms, or as a representative in legislative halls, State and National, or upon the battle-field, he has ever discharged the duties of his position with great ability, conspicuous courage, and rare ability.

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Now when Fame's trumpet is sounding everywhere his many virtues, it is eminently proper for the legislative branch of the Government to mark, by appropriate action, its respect for the memory of the dead hero.

Fitzhugh Lee.

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TRIBUTES TO THE DEAD.

As soon as the above letter was read, Mr. Payne, of Fauquier county, offered the following resolutions:

Whereas, the Governor has communicated to the General Assembly the melancholy intelligence of the death of the venerable William Smith, who during his long public career served this Commonwealth and his Country with distinguished patriotism, fidelity, and ability, twice as Governor of Virginia, many times as a representative in the Congress of the United States, and as a member of the two branches of the General Assembly of Virginia, and successively as Colonel of the Forty-ninth regiment of Virginia volunteers, Brigadier-General and Major-General of the Confederate States Army in the late war between the States; and, whereas, by his death this Commonwealth has lost a citizen whose eminent services entitle his memory to be revered as one of her most illustrious sons, the qualities of whose mind and heart were commensurate with his preeminent ability as a public leader, soldier, and statesman; therefore.

Resolved, By the House of Delegates (the Senate concurring therein),

1. That he who has passed death's portal full of years and honors carries with him the love and reverence of a grateful people.
2. That the General Assembly respectfully tenders its sympathy to his family in their bereavement.

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3. That these resolutions be spread upon the Journal of each House and be communicated to the Governor, with the request that he impart them to the family of the deceased.

4. As a further mark of respect, that upon the passage of these resolutions that both Houses of the General Assembly attend his funeral in a body.

The House unanimously adopted the resolutions, and eulogistic speeches were made by Delegates Payne and Stribling, of Fauquier.

MR. PAYNE'S REMARKS.

Mr. Payne, in offering these resolutions, said: The announcement which has just been communicated by the Governor will be heard by every member of this House with heartfelt regret. At his home at Warrenton, on Wednesday last, surrounded by friends, full of honors and in the consciousness of a well spent life, Governor Smith went to his long home, and the humble tribute which I shall pay to his memory and the recognition I shall ask of this House, is but due to one who in a long and useful life endeared himself to the hearts of his fellow-citizens. Born in 1797, in the life-time of Washington, during the administration of the second Adams, and in the infancy of his country, he would, had he lived until the 7th of September, his next birth-day, have attained the age of ninety years, or ten years longer than the three score years and ten spoken of by the Psalmist as the allotted period of man's existence. And during his long life he filled every position of trust and honor to which he was called with unswerving fidelity, and so acceptably as to command the applause of all classes of citizens. In 1836 he was elected a member of the State Senate, and was afterwards re-elected. He served his State in Congress, and was twice chosen her Chief Executive; and during the dark days of the war, after he had attained an age when most men would have sought rest and retirement, and sought to put their houses in order for another world, he enlisted as a soldier, and displayed the zeal and vigor of a young man. He was also a member of the Confederate Congress, and was known afterwards as the

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War Governor of Virginia. And when the conflict was over and the war drum throbbed no longer, he retired to private life, and pursued his occupation as a farmer with the same energy that had always marked his character. In the discharge of his public duties he was able, faithful and honest; in war he combined the wisdom of age with the vigor of youth; in private life he was a devoted husband, fond father and most exemplary citizen. I now ask that these resolutions to his memory be adopted by this House.

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MR. STRIBLING'S EULOGY.

Mr. Stribling, of Fauquier, also arose at the conclusion of Mr. Payne's remarks, and said:

It is not my purpose to go into a history of the public career of the distinguished dead. That has already been outlined, and his record is embalmed in the archives of the State and the hearts of the people. I speak because my fortunes were connected with his in the old Forty-ninth Regiment, his regiment, and the regiment he organized and led with distinguished courage. During the long, protracted, and desperate struggle which ended at Appomattox, the Forty-ninth regiment never broke, and he was proud of its record. We know full well how his heart swelled with pride whenever he recalled the deeds of daring of that regiment, which he loved with the love of a father for his child. And now he is gone to join his noble comrades who passed away to their eternal home before him.

“On Fame's eternal camping ground. Their silent tents are spread, While Glory guards with solemn sound, The Bivouac of the dead.”

[Applause.]

The resolutions were then adopted by a rising vote.

ACTION OF THE SENATE.

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The joint resolutions introduced by Mr. Payne in the House, were communicated to the Senate.

Mr. Heaton made a pathetic address in reference to the death of Governor Smith, reviewing his history and commenting upon the many virtues that made him beloved and famed. The resolutions were adopted by a unanimous rising vote, and the Senate adjourned forthwith to meet the remains when they arrived on the evening train.

[From the Richmond Dispatch.]

HONORARY PALL-BEARERS.

Gov. Lee, Gen. Wickham, Captain A. D. Payne, of Fauquier, Col. R. M. Stribling, of Fauquier, Gen. Joseph R. Anderson and Senator Henry Heaton of Loudoun. Active—Col. A. L. Phillips, Col. J. W. White, Col. J. B. McKenney, Captain B. M. Watkins, Captain T. J. Bowles, Mr. J. J. H. Brower, and Mr. B. D. Core.

All the active pall-bearers were members of Lee Camp, and were in uniform.

THE MILITARY.

While the *cortége* was forming in the Square the military part of the procession was also getting into position. Under orders from Brigadier-General Anderson, the cavalry was to form with its right resting on Ninth street; the companies from the regiment on the left of the cavalry, the Blues on the left of the regiment. The latter company was promptly on the ground, but the others were not. About fifteen minutes after the appointed time the Blues were directed by the Brigadier-General to move out on Grace street and take position on the left of the regiment, which they did.

THE PARADE.

About half past 6 o'clock the procession moved off in the following order:

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Detachment of Police. Stuart Horse-Guards. Regimental Drum Corps.

Detachments from Companies of the First Regiment.

The Blues.

Pall-Bearers in Carriages.

Hearse.

Friends, Legislators and Citizens in Carriages.

After going several squares up Grace street the procession moved into Franklin and thence continued to Cherry and to Hollywood.

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THE INTERMENT.

The remains were interred in Gov. Smith's vault, on Midvale avenue, in Hollywood, where lie his wife and several sons. The services were conducted according to the services of the Episcopal Church by Rev. J. S. Lindsay, of St. John's Church, Georgetown, who used to be the Governor's pastor at Warrenton, and Rev. M. Jackson, of Richmond.

FLOWERS.

The coffin was covered with a mass of flowers which came with it on the train.

A beautiful floral harp, from the members of the House of Delegates, was placed on the grave.

THE HOWITZERS.

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All the afternoon two sections of the Howitzers, with two pieces, fired a gun every fifteen minutes, on the square. From the time the procession left the Capitol until it reached the cemetery a gun was fired every two minutes.

The following men composed the sections, under the command of Lieutenant Boshier: First gun—Sergeant, C. W. McFarlane; Gunner, R. F. Camp; 1, A. S. Rust; 2, J. M. Graves; 3, George D. Place; 4, H. L. Siegel; 5, H. L. Pitts; 6, J. L. Perkins; 7, J. H. Cole. Second gun—Sergeant, H. M. Starke; Gunner, B. M. Gwathmey; 1, J. W. East; 2, B. L. Meades; 3, W. B. Ball; 4, J. F. Smith; 5, S. B. Atkins; 6, E. S. Kellam; 7, R. C. Gatewood.

GOVERNOR SMITH'S VAULT.

Gov. Smith's section is on Midvale avenue, about fifty steps from the stone bridge. Most of the processions going from old Hollywood to the recently added grounds pass the spot. Within the inclosure is a vault of Virginia granite, and over it is a shaft of the same material, thirty feet high. Near-by is a marble shaft marking the resting-place of two sons. The vault has three apartments; in one is the body of Mrs. Smith, in another Governor Smith was placed yesterday afternoon, and the third is left for their daughter. Upon the slab in the vault is the following inscription:

Elizabeth H. Smith, Born March 10, 1800. Died January 7, 1879.

And upon the granite shaft is the following:

Elizabeth H. Smith, Beloved wife of ex-Governor William Smith, of Virginia, and daughter of Captain James M. Bell, of Culpeper county.

Born March 10, 1800. Died January 7, 1879.

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One day of a long life brought sorrow to her friends—the last; a Christian, sublime in faith; a wife, tender in love, wise in counsel, strong in support—a woman of rare gifts of person and manners. This cherished dust waits the hour when the Lord shall make up His jewels.

On the right-hand (west) side of the shaft over the vault is:

To passed Midshipman William Henry and Judge James Caleb, First and Second Sons of ex-Governor William and Elizabeth H. Smith, Born November 5, 1822.

William Henry: Lost at Sea September, 1850.

A Virginian in whom, as a citizen, son and brother, were blended the noblest qualities of lofty manhood. Born June 24, 1824.

James Caleb: Died in Nicaragua, South America, May 2, 1856.

Gifted and winning, he was at an early age elevated to the Supreme Court of San Francisco.

Purer officer never wore the ermine.

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The northern face of the shaft is without inscription, and so is the western; but on the base of the shaft on the northern side are the words “ William Smith. ”

Beneath the marble shaft, standing near the vault, rest the remains of two of ex-Governor Smith's sons, and upon it is the following inscriptions, north side:

Here repose the remains of Austin E. And P. Bell, Beloved sons of William and Elizabeth H. Smith, of Fauquier county, Virginia.

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To the memory of their virtues their stricken family, in their deepest sorrow, dedicated this monument.

On the eastern side of this marble shaft is:

Lieutenant-Colonel Austin E. Smith, C. S. A., of California.

Died on the 27th day of June, A. D., 1862; aged thirty-three years, of a wound received at the battle of Gaines's Mill. As a son and brother he filled the hearts and hopes of his family; as a man of exalted virtues and gifted talents he had a high place in the admiration and confidence of his State, and as a patriot he illustrated all the attributes of the most elevated devotion to his native Virginia.

Peace to his noble soul.

On the western side of this marble shaft is:

Lieutenant-Colonel P. Bell Smith, of Virginia.

Died 1863; aged twenty-seven years.

He knew no emotion above love for his family, no motive but honor; and his life was an exemplification of justice and manliness. With an able mind highly elevated, the fruition of his future would have been useful and brilliant.

Heaven bless his gentle spirit.

SELECTIONS FROM EULOGIES ON GOVERNOR SMITH.

[From the Warrenton True Index.]

EX-GOVERNOR SMITH DEAD.

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Ex-Governor William Smith passed away quietly and peacefully on the morning of Wednesday, May 18th, at 7.30.

Although his health was precarious and he was subject to attacks of nervousness, yet his death was entirely unexpected because of his very favorable condition for some weeks past. On Sabbath last he walked to church, quite a distance, and expressed himself as feeling stronger and better than for some time past. On Monday he became chilled from sitting in his front porch. On Tuesday morning he was unconscious, and remained so until his death, from nervous prostration, at 7.30 Wednesday morning, as stated above.

He will be buried in Richmond in the family vault erected there, in which his wife and other members of the family are laid.

We cannot content ourselves with this brief notice of one who has filled so many positions of honor and usefulness, and whose example and precepts have ever been in favor of all that is noble, just and honorable. It may well be said that his voice was never raised in favor of anything that he did not believe was for the public good, and his hand was ever ready to defend his own rights and the rights of his State.

William Smith was born in King George County, Virginia, September 6th, 1797, and consequently would have been 90 years of age September 6th, 1887. He was the son of Caleb Smith and Mary Waugh Smith, whose ancestry it is not our purpose now to trace. We will merely say he did them no discredit, and they were worthy of such a son. In his boyhood he walked several years six miles to school. He was then sent to Judge Green, of Fredericksburg, afterwards of the Court of Appeals of Virginia, an intimate friend of his father, that his capacity for receiving an education might be determined. Judge Green reported favorably, and he was sent to Plainfield, Connecticut, to be prepared for college. The war with England occurring about this time, the subject of our notice was exceedingly anxious to get into the navy, but he was ordered home. His father died in 1815, when he began to study law with Judge Green. He next moved to Warrenton and became

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associated with Thos. L. Moore, then a leading lawyer with a large practice. This was of great advantage to the young lawyer, as he had charge, practically, of all the office work; and when he became an applicant for business found himself fully equipped. After staying a short while in the office of Gen. Winder, of Baltimore, he returned to Virginia, and in 1818 commenced the practice of law at Culpeper. It was about this time he became engaged in extending mail facilities from Culpeper, which, in the end, reached Milledgeville, Georgia. Every time the line was extended extra pay was granted, hence the sobriquet "Extra Billy," a name to which he never objected, and a name which his friends used as a term of endearment and pride. Unfortunately for his pecuniary interests, about this time he was brought into politics, much against his own inclinations; but true to the rule of his life, never to flinch from any duty, he consented to serve his district in the State Senate. This was the beginning of a long and successful political career, in all of which it was his boast, that he never sought or obtained votes by appealing to anything else than the reason of his fellow-citizens. He won favor by the use of neither money nor drink, and ever scorned the misrepresentation of facts. In all his contests he upheld Democratic doctrines and in all things was for State Rights and a strict construction of the Constitution.

In 1838 he was elected to Congress from the Culpeper District, but a change being made, in 1840 he was an opponent of Samuel Chilton in the Loudoun District, and reduced the 1,200 majority to 265. He took an active part in the Presidential campaigns of 1840 and 1844, having refused to be a candidate for Congress in his own district because of two Whig candidates being in the field, giving as a reason the district was Whig and he was too good a Democrat to seek to deprive a majority of their representation. This is strange reading in view of the present condition of politics. In 1845, without his knowledge or consent, he was elected Governor of the State for three years, an honor indeed, yet, one he sought to avoid, because of his very straightened circumstances and the total inadequacy of the salary to support the position. While Governor he was the caucus nominee of the Democratic party for Senator, but was defeated by a coalition of Hunter Democrats and the entire Whig vote. Having served his term, he returned to his home in

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Warrenton in 1849. Dissatisfied with the prospects of recovering from the sacrifices he had made for his party in time and money, he went to California in 1851, where he presided at the first Democratic State Convention ever held there. He was very successful in his law practice and returned to Virginia in 1853, with enough to make him comfortable for life. He was elected to Congress in 1853, again in 1855, and again in 1857, the last Congress previous to the war. In the debates and trying times in Congress he was firm, conservative and consistent, and when it was seen that a war must come, he retired with the Southern members who had not before done so. Although sixty-four years of age he was at the first skirmish upon Virginia soil at Fairfax Court House, became Colonel of the 49th Regiment, remarkable for its discipline and efficiency. He was made Brigadier-General shortly before he was called from the field to again become Governor, which position he held at the close of the war. He was complimented for the cheerful courage and efficiency at the first Manassas; he held position of honor on the extreme left at Sharpsburg, where he was severely wounded, and in all things proved himself as valuable in war as he had been in the councils of his State and 91 Country. Thus we might fill pages in giving an account of his public life; yet, he was best known and most admired as husband, father and friend.

In 1821 he married Miss Elizabeth H. Bell, daughter of the late Captain James M. and Amelia Bell, of Culpeper; raised a family of twelve children, and all of them who reached maturity showed the same indomitable will, gallantry and fearlessness of danger in the discharge of duty. Of all this numerous family but three survive: Miss Mary Amelia, the comfort of his manhood's life and the solace of his declining years, his wife having preceded him several years ago; Col. Thomas Smith, and Capt. Fred. Smith, both of which sons are now in the Southwest, filling responsible positions.

Governor Smith was noted for his gallantry and high appreciation of the female sex. Age could not dim either, and the former added greatly to his interest in young men. For fifteen years or more he attended the Bethel Academy Final Exercises, distributed the honors among the students, and always accompanied awards with words of cheer and good advice. The last words ever uttered to the writer were "that he had never done anything he

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knew to be wrong, nor had he ever avoided the discharge of a known duty." Another fixed principle was, "never to create a want;" and he never did, thus keeping clear of all the bad habits which incur expense and too often embitter life. We would say more but time and space forbid. Shall we ever look upon his like again, and who will supply the place once filled by him?

[From the Warrenton Virginian.]

DEATH OF GOVERNOR SMITH.

On Wednesday morning, May 18th, 1887, at twenty minutes of eight o'clock, ex-Governor William Smith departed this life at his home in Warrenton, after an illness of only two days. He was born in the year 1797, and early in life commenced the practice of law.

It was before the age of steam, when all the coach lines ran east and west, that he conceived the idea of opening a line that would run north and south, crossing those that went from the Blue Ridge eastward. The line at first extended from Washington city to Culpeper. He increased its distance from time to time until it reached Milledgeville, Georgia, and was for its day and generation as important a route as that of any railroad at the present time. He had a contract for carrying the United States mail. As he increased the length of his route he was entitled to extra pay, and his application to Congress for extra pay became frequent and won for him the sobriquet of "Extra Billy."

With the advent of steam cars his coach line, with others, faded from sight, as it has since nearly faded from memory, and his restless, active nature found relief in the practice of law and in politics. He was elected four times to Congress and was twice made Governor of Virginia. On the hustings he was invincible. He made hosts of friends, true and warm, who stood by him in every emergency.

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At the outbreak of the war he entered the Confederate service and rose to the rank of General. The lack of military training was made up by personal bravery that never paled in the face of the foe.

Let it be said to his credit that during his long and eventful life, money was never an object to him. He lived on what he made and died comparatively poor.

Of all that can truly be said in his honor, the most beautiful lines that will record the history of his life, will be those that describe his admiration of and his chivalrous bearing towards the opposite sex. He looked upon woman as she deserves to be, the equal of man in all things, and his superior in most. Even when age had made his step unsteady and his hand scarcely able to reach his head, he lifted his hat and bowed with gallantry alike to the aged woman and the rosy-cheeked school girls that he met in his walks. Of the stormy scenes that he often encountered not a trace remained 92 mained in his countenance when he entered the precincts of home. Of the fierceness with which he could turn on a foe, his wife and children saw nothing. They knew him only as tender and loving. If nothing else could be said of him this would be enough to make his death lamented and his memory cherished by all.

A mass meeting of our citizens is being held to pay respect to his memory at the time of this writing.

We also extract the following from *The True Index*, a paper published in his own town:

EX-GOVERNOR SMITH.

Ex-Governor Smith was laid to rest with the setting sun of the beautiful 20th of May, after having received the highest civic and military honors at the hands of the noble people of Fauquier, and the noble city of Richmond. It will be gratifying to his friends, the people of Fauquier, indeed, the people of the State generally, but especially his comrades of the gallant old 49th, whom he led and so loved, to learn that every attention

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was paid him; that the Governor and other good citizens were honorary pall-bearers, that gallant Confederates in full uniform tenderly handled the casket, that both houses of the Legislature adjourned out of respect for one so worthy; that eulogies were pronounced in the Hall of the House, and that his remains lay in State in the rotunda of the Capitol, and were visited by thousands; that the cavalry and a large body of infantry furnished an escort to the cemetery, followed by a long procession of carriages, while the houses and the side walks from the Capitol to Hollywood were filled with respectful, sympathizing friends and admirers, among the women and children whom, as war Governor, he had made every effort to feed, not being able to withstand their cry for bread; that the Richmond Howitzers from the time his remains reached Richmond until placed in the vault, boomed at intervals in honor of one who had so often smelled the smoke of battle; and that when laid away, the last sad Christian rites of burial having been performed, the soldiers fired over his resting place the parting volley, and all returned to their homes, having thus honored themselves in honoring one who had never other than the highest motives of patriotism, and who had spent a long life in the service of his Country and State. The entire proceedings were most gratifying to his friends and relations, for having been out of public so long, it was feared that his services might have been forgotten; but a grateful people could never so far forget themselves, and the reception was as heart-felt and spontaneous as inspiring. The fact remains impressed upon the people that it is well to do well for one's country. If we may suggest anything it would be that the old 49th, with whom he fought and so often won, pass some resolutions that may be treasured among the relics of their old Chief, who ever spoke of them with pride and doted upon them with the fondest affection. Too much praise cannot be given those who had charge of the ceremonies, everything being conducted as quietly as gracefully.

Also, the following from the *Temperance Advocate*:

EX-GOVERNOR SMITH.

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Resolutions offered by Bro. Frederick Horner, M. D., and adopted by District Lodge of Good Templars, in session with "Evening Star" Lodge, June 7th, 1887:

Whereas, in the decease of ex-Governor William Smith, of Virginia, the Independent Order of Good Templars and the Friends of Temperance of this county, have lost an able advocate of the principles of total abstinence, and one who never failed to raise his voice against the iniquities of the liquor traffic, and also one of the 93 founders of the Temperance Alliance of Virginia, and often plead eloquently in this behalf at the annual Bush Meetings of Good Templars of Fauquier county; therefore be it

Resolved, That we would earnestly commend to our fellow-citizens of Virginia to imitate the example, and to heed the teachings of the illustrious dead on the subject of the dire consequences of drunkenness and the importance of the total prohibition of the liquor traffic, and that we shall ever cherish a most grateful recollection of the ex-Governor, who, during his eventful official life—in the Halls of Congress, twice Governor of Virginia, and a distinguished General in the Southern Army during the late civil war—for a period of sixty years inclusive was never known to indulge in ardent spirits, nor as a candidate for public office sought to obtain the suffrage of the people through the bribery of the bar-room or at the social board.

Resolved, We cordially tender our united sympathies to the bereaved family of ex-Governor Smith and hereby instruct the Secretary to have the above resolutions published in the two county newspapers and the *Temperance Advocate*.

IN MEMORY OF GOVERNOR WILLIAM SMITH.

[A representative number of the 49th Virginia Regiment met last Monday by appointment at the Lion House and resolved themselves into a memorial meeting. It is worthy of remark that fifteen out of the eighteen veterans present bore honorable scars of battle upon their bodies, and that all of them speak from personal knowledge. We append the stirring

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address of their orator, T. H. Robinson, and the resolutions they unanimously adopted.—
Index.]

Comrades of the 49th Regiment: I am unaccustomed to speak in public, and feel greatly embarrassed in getting up to do so now. But I feel I would be derelict in duty should I refuse to raise my voice on this occasion.

We are here to-day to express sorrow over the departure of our old Commander, General William Smith, and also to express, if possible, our high appreciation of the noble example he has left us. He has gone, not as the world goeth, but as the noble, the true, and the brave go.

To follow him through his political and military life would be to repeat the history of Virginia for half a century.

He was a man that was true in every phase of life—true in peace, true in war—true in the cabinet and true in the field. When the clouds of war burst over his native State, the land he loved, well do you remember how his hoary locks amid the storm and smoke of battle marked the spot where deadliest conflict raged, and that, like a Ney, with uniform riddled with bullets, he often beat back the tide of battle.

The great Cheronæa of the South has been fought, and the constitutional rights of Virginia, like the rights of Athenians, have been violently outraged; but the principles for which we fought still live, and will live on as long as the mind is capable of appreciating the blessings of liberty and justice.

Comrades, though no monument may mark the final resting place of our old Commander, yet when a future bard shall touch his harp to sing a requiem over the fading nations of earth, the figure of William Smith will appear dim in its dizzy niche among the highest in the temple of Fame.

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Comrades, Demosthenes swore by the names of the heroes of Marathon and Plætœa. Let us swear by the memory of our dead Commander never to forget the example he set us, and to hand it down as a precious legacy to our children's children to the remotest generations.

The war of the Revolution is over; the heroes of Yorktown and New Orleans sleep within the grave; the small remnant of the gallant army that placed the American flag upon the walls of the Montezumas have been provided for; but to-day, for the first time in American history, do we find a class of old, feeble and disabled 94 soldiers within our borders without paternal Government to extend to them the least aid in their declining years. God grant, Comrades, that the ægis of Virginia may ever protect yours and mine, until we, like our old Commander, shall be called from earth to greet the spirits of Lee, Jackson and Steuart.

We, the surviving members of Company C, 49th Virginia Regiment, deem it meet to express our appreciation of our friend and beloved Commander, the late Gen. William Smith, who endeared himself to the hearts of his countrymen not only in peace but in war, and who ardently espoused the cause of the South in council, and when the time for action was forced upon us was found in the ranks bravely battling for our rights. In his fidelity to the land and people he loved, he poured out his blood to consecrate the principles he taught, and offered to lay his life on the altar of liberty. Grand old hero! Nobly performed he the duties of life, and cherished will be his memory, his example, his fame. In his sacred ashes Hollywood holds an inspiring shrine. Be it therefore resolved:

First. That in the death of Gov. William Smith we feel that we have lost a dear friend whom we delighted to honor, our country a valued, useful and most distinguished citizen, our State one of her most eminent leaders, brightest orators and truest defenders.

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Second. That we tender our sympathy to his bereaved family, and direct that the original of these proceedings be presented to them as our testimonial, and that a copy be furnished to the county papers for publication.

J. A. Pilcher, Chairman.

W. B. Tompkins, Secretary.

It is not extravagant to say that the above tribute is a representative expression of the reciprocal affection and admiration that existed between commander and soldier of regiment and brigade as long as those relations subsisted between Gen. Smith and his officers and men. They ever after cherished the warmest esteem for each other.

The following editorial sketch from the *Richmond Dispatch* of May 19th, 1887, of the life and career of Governor Smith, by a political contemporary, is as accurate as it is elegant:

EX-GOVERNOR WILLIAM SMITH.

A great man has fallen in Virginia. A statesman, soldier, and patriot has passed to his rest. Ex-Governor William Smith died at his home, near Warrenton, yesterday morning, aged four-score years and ten, thus closing a life than which few have been more crowded with incidents, and fewer still have been fuller of honors. It is not our purpose to attempt a biography of Governor Smith. That would involve attempting a review of the political history of Virginia for two-thirds of a century. Within the period named there is hardly an important event bearing upon the politics of the State with which his name is not associated prominently and honorably. We therefore give only the principal data in his career, leaving it for the Virginia political historian to build in its grand proportions that monument to his memory which his influence in shaping the destinies of the Commonwealth entitles him to. We furnish only a few threads to aid in weaving the chaplet of cypress and laurel-leaves which to-day Virginia, the mother he so loved

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and honored and served, would lay upon his grave. Governor Smith was born in King George county, Va., September 6. 1797. In 1811 he was sent to Plainfield, Conn., in order to commence an academic career, but in December of the following year he was ordered home in consequence of his application to his father to get for him a warrant in the navy. For several years he went to fine classical schools. After becoming well grounded in the classics he began the study of law, reading first with Green and Williams, of Fredericksburg, then with T. L. Moore, of Warrenton, and finally with the elder General Winder. of Baltimore. In August, 1818, when in his twenty first year, he settled in the county of Culpeper and commenced the practice of law. Culpeper was closely divided in politics, with the speaking talent, as a rule, in the ranks of the opposition party. Governor Smith was an ardent and devoted Democratic Republican. At that early age he formulated what he called his political trinity, from which he never swerved to the hour of his death. That trinity was "strict construction, frugality in the public expenditures, and honesty in the public servant." He was soon called to take the stump, and his aggressiveness and talents as a speaker almost immediately raised him to the position of a leader. For eighteen years his voice was heard in every canvass, but during all that time he never sought to be a candidate for any office. It was along in this period of his life that he undertook contracts for carrying the United States mails, which finally led to his sobriquet of "Extra Billy" Smith. This grew out of his perfectly legitimate demands of extra pay for extra services. In 1836, however, in the face of his earnest protest he was nominated for the State Senate. He declined, but was re-nominated, his acceptance demanded, and he was elected. He served out his term of four years, and was again nominated, and after serving one year of his second term resigned. In 1841 he was elected to Congress. His term expired in 1843, and having been, under the congressional reapportionment based on the census of 1840, thrown into a district hopelessly Whig, Governor Smith announced his retirement from politics and moved to Warrenton for the purpose of educating his children and resuming the practice of law. But it was not destined that his political career should terminate here. Virginia had other and higher honors for him. His party had other battles for him to fight. There were other victories for him to win. In 1845 he was elected Governor of the State

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by the Legislature, his term commencing January 1, 1846. He served in the gubernatorial office for three years, and in 1850 went to California, where, soon after his arrival, he was elected president of the first Democratic convention ever held in that State. In 1852 he returned to Virginia, and in the year following was a candidate for Congress, was elected, and served four successive terms. When the war broke out, although Gov. Smith was sixty-four years of age, he offered his services to the State, and was commissioned by Governor Letcher colonel of the Forty-ninth regiment of Virginia volunteers. Governor Smith's regiment was known to every man in the army of Northern Virginia as one of the most remarkable organizations in that army. The old hero had no idea of discipline and less of military tactics, but a braver commander and braver man never faced an enemy. His "Come on, Forty-ninth," has become historic. His leonine courage inspired both devotion and confidence, and where the Forty-ninth would not go no other set of men would dare go. The writer once heard a member of the Richmond Howitzers remark: "I saw the Forty-ninth follow the old man into a place where I did not think a mosquito could live." Governor Smith was elected from camp a member of the Confederate Congress, but stayed in that body only one session. He was eager to get back to the field. He returned to his regiment in 1862, was shortly thereafter made a Brigadier-General, and subsequently promoted to a Major-Generalship. He was severely wounded in battle, and in 1863 was elected by the people of Virginia Governor of the State, which position he held when the flag of the Confederacy went down in darkness and tears and despair at Appomattox. After the war the Federal Government put a price upon Governor Smith's head. He escaped to Danville, thence to Lexington, and finally came to the neighborhood of Richmond. Having remained in this vicinity about two weeks he concluded, as he remarked, that he would not strain the virtue of his fellow-citizens any further, and rode into the city and gave himself up. We believe, however, that 96 he was immediately given his liberty, and that no action was taken against him by United States authorities, as indeed there certainly ought not to have been. Since the war he served one term in the Legislature.

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Governor Smith was a man of firm religious convictions, of granitic integrity, of courtly manner, and the most chivalrous instincts. He gave to whatever cause he espoused his every energy. He was a generous foe, and his admiration for woman amounted to worship. This latter was the most beautiful of his many splendid attributes. Never was there a time when the word woman was powerless to bring from his lips some pure and reverential sentiment; never was there a time when this nineteenth-century knight would not have risked his life and broken a lance for the humblest of the weaker sex. He was a Virginian of Virginians. To him his mother State was all that was good and great and noble. His last years were a beautiful reminder that "age is not all decay; it is the ripening, the swelling of the fresh life within, that withers and bursts the husk." He went down to the grave leaning upon "a staff of honor" jeweled with his own good deeds, his public services, and the admiration and respect of his follow-men.

Among the interesting and gossipy incidents gathered by the Rambler of *The State*, there appears the following characteristic anecdote:

Since the death of the lamented ex-Governor Smith, the newspapers have published many interesting stories about the great commoner. I heard a soldier relate one to-day which I have never seen in any of the sketches of the old man's life. At the battle of either the first or second Manassas the ex-Governor, who had not then won the high military title which he afterwards earned, was in the thickest of the fight. It was an exceedingly hot day, and he sat upon a white horse holding above his head a big umbrella. The commanding officer, who was a short distance away, spied the white horse and the big umbrella, and instantly inquired, "Who is that officer with the umbrella raised?" "It is Lieut. (!) Smith," came the answer. "Go tell him to lower that umbrella, and that I say he is making himself a target for the whole Yankee army."

The order was carried, and the umbrella went down. Presently it was raised again, and immediately afterwards the order was again given by the general in command: "Direct Col. Smith to lower that umbrella." The old Governor received the order, but added, after

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saying, "I can't tell what's going on for the sun; tell Gen. — I will lower my umbrella, but I do it under protest." The umbrella was laid aside, and the brave old ex-Governor sheltering his eyes from the burning sun with the brim of his hat stood there in the thickest of the fight, and nerved up his men by his own bravery.

The following article is from a Texas paper:

Slowly but surely the old landmarks of our political life are passing away. The men who made our history for the past fifty years, with its lights and shadows, its wisdom and folly and its gravity and eccentricities are, one by one, falling into the grave and leaving behind them only memories of what they have been. One of the last and most prominent figures was ex-Governor William Smith, of Virginia, who was known popularly as "Extra Billy," who died at his home at Warrenton a few days ago. He had nearly reached his ninetieth year, and the history of his long and busy life is full of incident. The pseudonym "Extra Billy" was earned when he was a mail contractor between Washington city and Milledgeville, Ga., an enterprise beginning in 1831, in which he amassed a snug fortune. In 1834 a noted attack was made upon the administration of W. T. Barry, then Postmaster-General. In the rapid development of the postal facilities of the Southern country, the expenditures of the department were largely increased. In the Blue Book, or official register of the United States Government, the salaries or compensation of its officers or contractors' compensation, for instance, of additional service ordered to be performed, is indicated by an asterisk. Every extra allowance beyond the stipulations of the original contract was thus designated. As the route of Mr. Smith was one of rapid development, his entries of service were abundantly thus marked. The circumstance was noted in debate by Benjamin Watkins Leigh, from Virginia, who, without calling the name of Mr. Smith, yet affixed upon him the life-long sobriquet of "Extra Billy."

His history is not confined to the mail contracting business. In 1818, when he was twenty-one years old, he settled at Culpeper and began legal practice. At the same time he eagerly entered the political arena as a vigorous and favorite exponent of Democratic

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doctrine. He was a firm believer in strict construction, frugality in public expenditure and honesty in the public servant. During eighteen years he took active part in all political campaigns without being a candidate for any public position. In 1830, against his own wishes, he was elected a member of the State Senate for four years. He was re-elected for another four years' term, but resigned after serving one year. He was the representative of his district in the Congress which expired in March, 1843. Under the reapportionment of that year the district was so arranged as to give it a large Whig majority. Mr. Smith then removed to Warrenton and resumed active work in his profession. In a letter written three years ago Governor Smith thus describes his first election as Governor of the Old Dominion: "Everything was going well with me, when, in December, 1845, having just returned from one of my courts, I was addressed by one of my friends as Governor Smith. I asked him what he meant by thus addressing me. He said that I was the Governor-elect of Virginia. I replied that I trusted it was not so, but so it proved. The Legislature at that time elected our Governor, and, without having the idea suggested to me by a human being, I found myself elected Governor for three years from January 1, 1846. The salary was wholly inadequate to support the proper hospitalities of the position. I had no private fortune to supply the deficiency, and public opinion would not allow the Governor to practice his profession. I wrote to my friends that they had placed me in a cruel dilemma; that I wanted bread and they gave me a stone; that I should have to decline the high position to which they had elected me. There was no help for it. But I did accept, served out my term and returned to my home." In April, 1852, Governor Smith sailed for California, and on reaching San Francisco announced himself ready for legal practice. He was, without previous notice to him or solicitation on his part, made president of the first Democratic State Convention held in the new State. David Broderick, afterward United States Senator from California, became jealous of Mr. Smith's influence in the party. The quarrel resulted in a duel between Broderick and James Caleb Smith, a son of the Governor, who had preceded his father in emigrating to the new Eldorado. It took place at Sacramento and was witnessed by 5,000 people, Governor Smith being one of the spectators. According to the rules of the code each was to surrender all articles from

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his pockets. Broderick, drawing his watch from his fob pocket, offered to surrender that if Smith so desired, but Smith intimating that it was immaterial, Broderick restored it to his fob. Smith put four balls through Broderick's watch and cut the chain with another. Smith was untouched and Broderick uninjured. The watch was hung up in a public place in Sacramento. Governor Smith returned to Virginia in the autumn of 1854. In March, 1855, he was elected to Congress and served four successive terms. In June, 1861, he was commissioned Colonel of the Forty-ninth Virginia Confederate Volunteers, and was soon after elected from his camp a member of the Confederate Congress, in which he served one session, resigning in May, 1862, to return to his military command, being soon after promoted as Brigadier and Major-General. In 1863 he was elected by the people Governor for a term of four years, from January 1, 1864. Since the war he has served one term in the State House of Delegates for a special purpose. At the age of sixty-four he entered the Confederate service and among a host of brave men distinguished himself signally by his coolness, courage and bravery on the battle-field. He will be long remembered as one of the most remarkable men of the century.

[From the New York Sun.]

GOVERNOR SMITH DEAD.

A MAN WHO WAS ELECTED GOVERNOR OF VIRGINIA IN SPITE OF HIMSELF.

Warrenton, Va., May 18.—Ex-Governor William Smith, popularly known as “Extra Billy” Smith, died at his home, near this place, to-day, in the 90th year of his age.

Governor Smith was born in King George county, Va., on Sept. 6, 1797. After receiving a classical education in Connecticut and Virginia schools he studied law, first in Virginia and later in Baltimore. In 1818 he began to practice his profession in Culpeper county, in his native State, and immediately interested himself in politics. After serving the Democracy as a stump-speaker in a dozen campaigns, he was elected to the State Senate by his party in 1836. There he served five years, next entering the political arena in 1841 in a

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triangular contest for a seat in Congress. He was elected and served his term; but at its close found that a reapportionment had made his district strongly Whig. Then he removed to Fauquier county, where, in December, 1845, having just returned from one of his courts, he was addressed by one of his friends as "Gov. Smith." He asked what was meant by this, and was told that he was Governor-elect of Virginia. The Legislature had elected him Governor for three yeats from the first of January, 1846, without even consulting him. The salary was wholly inadequate to support the proper hospitalities of the position. He had no private fortune to supply the deficiency, and public opinion would not allow the Governor to practice his profession. He accepted the honor, however, and filled out his term of three years.

In 1852 Governor Smith went to California, and was president of the first Democratic Convention held in that State. Within a year he was back to Virginia, and in 1855 he was elected to Congress, where he remained until 1861. In June of that year he was commissioned Colonel of the Forty-ninth Virginia Volunteers, and soon after was elected to the Confederate Congress. He resigned his seat a year later for the more active duties of the field, and was promoted to the rank of Major-General, receiving a serious wound at Antietam. He was elected Governor again in 1863 for a term of four years. After the war Governor Smith's connection with politics was less active, but he served one term in the Virginia House of Delegates. During his long life he was prominent in many other ways than as a politician, one of his achievements while yet a young man being the establishment of a line of post coaches through Virginia, the Carolinas, and Georgia. He contracted to carry the mails in these coaches, and his demand for extra compensation gave him the nickname of "Extra Billy," which clung to him until his death.

[From the Madison Chronicle, Nebraska.]

WAR REMINISCENCES.

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Ex-Governor William Smith, of Virginia, who on Sunday entered upon his ninetieth year, is in the full enjoyment of his mental and physical powers, and personally superintends operations on his 300-acre farm at Warrenton.— *Ex.*

Reading the above item brings to mind some old war reminiscences which have never been published, and which may be of interest to our readers. When General 99 Pope took command of the armies of Virginia, and was re-organizing the same, Gen. McDowell's corps (the old first army corps) was quartered in the vicinity of Warrenton, and McDowell's headquarters were established in ex-Governor Smith's residence—occupying the library, which was a large front room on the lower floor, just to the left of the main hall entrance. The building was a large, plain, substantial two-story brick, and about the last building on Culpeper street. At that time “Extra Billy,” as he was familiarly called by the old inhabitants, was Colonel of the 49th Virginia Confederate Infantry. We occupied this library while the corps remained in the vicinity of Warrenton, while the family occupied the balance of the mansion. The writer hereof was then on detached duty, among others, at headquarters as clerk. While there one of the clerks was taken sick, and Mrs. Smith, learning of the fact, insisted on his being taken to a room, put into a comfortable bed, and properly cared for. (The clerks were sleeping on the floor of the library, with their army blankets for bedding.) The patient, under the kind and attentive nursing of Mrs. Smith and her attendants, was soon convalescent. When the army was ordered to advance, and we were packing up, Mrs. Smith came out to bid the “boys” good bye, and said if we ever happened in Warrenton again we must be sure and call on her. We asked her in a half joking manner, if she would not like to see us coming back with Stonewall Jackson after us? “No” said she, “I really wish no harm to you; you have all acted like gentlemen while here, and when I meet gentlemen I always treat them as such.” Thus we bid Mrs. Smith a pleasant good-bye, and moved onward. The army advanced. The battle of Cedar Mountain soon followed. Then came the flank movement of General Lee, the retreat of Pope's army, the series of engagements along the Rappahannock, the battles of Groveton, Gainsville, and Second Bull Run, in rapid succession, the final retreat within the fortifications of

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Washington, the crossing of the Potomac into Maryland at Point of Rocks by Lee's army, the rallying of the Army of the Potomac under General McClellan, the battles of South Mountain and Antietam, and retreat of Lee up the Shenandoah Valley, while McClellan's army advanced on the east side of the Blue Ridge. At Warrenton the army again halted, where McClellan was removed and Burnside put in command. During this halt some of the clerks who were formerly at McDowell's headquarters, accepted the invitation previously extended by Mrs. Smith and called on her. They were cordially received, but ascertained while there that Colonel Smith, her husband, had been severely wounded at Antietam, and was then in the house, perhaps on his death bed. Mrs. Smith requested that nothing be said by "our boys" of the presence of her husband, for fear he might be taken prisoner by the "Yankees," and die from exposure or want of proper nursing. From a sense of high esteem the boys held for Mrs. Smith in her kindness to them a few months previous, her request was complied with. Colonel Smith's presence at home was not reported to the Union officers, and under the tender care of a loving wife he was nursed back to health.

He afterward (we believe the following year) was again elected to the Governorship of Virginia—having served a term in the gubernatorial chair before the war. This is the last we have heard of him until the above item caught our eye, which brought up all these old war recollections.

We have nothing but the kindest feelings for the old hero, and for Mrs. Smith, whether she be living or dead, we shall ever remember as one of those human angels who could so overcome her personal prejudices as to minister to the wants and comforts of her "enemies" while they were her unwelcome guests.

While there was much retaliation for cruelty and insult during that unfortunate struggle, there were also many acts of kindness extended and reciprocated which have never been told.

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The following just tributes from the Nebraska, New York and Pennsylvania papers deserve an insertion in these LC 100 memoirs to show the character and extent of the name and fame of Governor Smith in those States, as statesman and soldier.

[From the New York Herald.]

A NOTED VIRGINIAN'S EXTRAORDINARY PUBLIC CAREER—CIVIL AND MILITARY SERVICE—STATE SENATOR, GOVERNOR, MEMBER OF CONGRESS AND CONFEDERATE GENERAL.

Ex-Governor William Smith, of Virginia, long familiarly known as "Extra Billy," died at his home in Warrenton, Va., yesterday morning at twenty minutes to eight o'clock. If his life had been spared until September 6 he would have completed the ninetieth year of his age. For three score and ten years he has been very prominently identified with State and National politics and excelled as a debater upon the hustings. He was twice Governor of his native State, his second term covering the notable last years of the civil war. At the age of sixty-four he entered the Confederate army and distinguished himself for his sublime daring on the battlefield. He was badly wounded at Sharpsburg, and afterward made Brigadier-General, achieving for himself and his brigade great distinction.

HIS EARLY LIFE.

Governor Smith was born in King George county. At the age of fourteen he was sent to Plainfield, Conn., to commence his academic career, but was ordered home a year later in consequence of his expressed wish to secure a position in the Federal navy. He subsequently attended classical schools in Virginia. His legal studies were prosecuted at Fredericksburg and Warrenton, Va., and finished in the office of General Winder, of Baltimore, Md. In 1818, when he was twenty-one years old, he settled at Culpeper and began legal practice. At the same time he eagerly entered the political arena as a vigorous and favorite exponent of Democratic doctrine. He was a firm believer in strict construction,

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frugality in public expenditure and honesty in the public servant. During eighteen years he took active part in all political campaigns without being a candidate for any public position. In 1836, against his own wishes, he was elected a member of the State Senate for four years. He was re-elected for another four years' term, but resigned after serving one year. He was the representative of his district in the Congress which expired in March, 1843. Under the re-apportionment of that year the district was so arranged as to give it a large Whig majority. Mr. Smith then removed to Warrenton and resumed active work in his profession in order, as he said, to educate his children and rebuild his fortune, which had become impaired during his previous political career.

FIRST ELECTION AS GOVERNOR.

In a letter written three years ago Governor Smith thus describes his first election as Governor of the Old Dominion: "Everything was going well with me, when in December, 1845, having just returned from one of my courts, I was addressed by one of my friends as Governor Smith. I asked him what he meant by thus addressing me. He said that I was the Governor-elect of Virginia. I replied I trusted it was not so, but so it proved. The Legislature at that time elected our Governor, and, without having the idea suggested to me by a human being, I found myself elected Governor for three years from the first of January, 1846. The salary was wholly inadequate to support the proper hospitalities of the position. I had no private fortune to supply the deficiency, and public opinion would not allow the Governor to practice his profession. I wrote to my friends that they had placed me in a cruel dilemma; that I wanted bread and they gave me a stone; that I should have to decline the high LC 101 position to which they had elected me. There was no help for it. But I did accept, served out my term and returned to my home."

THE CALIFORNIA EPISODE.

In April, 1851, Governor Smith sailed for California, and on reaching San Francisco announced himself ready for legal practice. He was, without previous notice to him or

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solicitation on his part, made President of the first Democratic State Convention held in the new State. David Broderick, afterward United States Senator from California, became jealous of Mr. Smith's influence in the party. The quarrel resulted in a duel between Broderick and James Caleb Smith, a son of the Governor, who had preceded his father in emigrating to the new Eldorado. It took place at Sacramento, and was witnessed by five thousand people, Governor Smith being one of the spectators. According to the rules of the code each was to surrender all articles from his pockets. Broderick, drawing his watch from his fob pocket, offered to surrender that if Smith so desired, but Smith intimating that it was immaterial, Broderick restored it to his fob. Smith put four balls through Broderick's watch and cut the chain with another. Smith was untouched and Broderick uninjured. The watch was hung up in a public place in Sacramento.

HOME AGAIN.

Governor Smith returned to Virginia in the autumn of 1852. In March, 1853, he was elected to Congress, and served four successive terms. In June, 1861, he was commissioned Colonel of the Forty-ninth Virginia Confederate Volunteers, and was soon after elected from his camp a member of the Confederate Congress, in which he served one session, resigning in May, 1862, to return to his military command, being soon after promoted as Brigadier and Major-General. In 1863 he was elected, by the people, Governor, for a term of four years, from January 1, 1864. Since the war he has served one term in the State House of Delegates for a special purpose.

“EXTRA BILLY.”

Mr. Smith was given the prefix “Extra Billy” while he was a mail contractor between Washington city and Milledgeville, Ga., an enterprise beginning in 1831, in which he amassed a snug fortune. In 1834 a noted attack was made upon the administration of W. T. Barry, then Postmaster-General. In the rapid development of the postal facilities of the Southern country the expenditures of the department were largely increased.

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In the Blue Book, or Official Register of the United States Government, the salaries or compensations of its officers or contractors' compensation, for instance, of additional service ordered to be performed, is indicated by an asterisk. Every extra allowance beyond the stipulations of the original contract was designated. As the route of Mr. Smith had one rapid development, his entries of service were abundantly thus marked. The circumstance was noted in debate by United States Senator Benjamin Watkins Leigh, from Virginia, who, without calling the name of Mr. Smith, yet affixed upon him the life long sobriquet of "Extra Billy."

THE BEREAVED FAMILY.

Two sons and a daughter survive Governor Smith. The elder son, Colonel Thomas Smith, is United States District Attorney of New Mexico. Captain Frederick Smith, the other son, is a prominent citizen of Arizona Territory. William Smith, his eldest son, was, while serving as a midshipman in the United States Navy, lost in the Pacific Ocean. Another son, Colonel Austin Smith, was killed in the battle of Seven Pines. A sister, Mrs. Maria Johnson, the wife of the Chaplain of Hampton's brigade, died in South Carolina last week.

The remains of Governor Smith will be carried to Richmond on Friday and placed in the family vault at Hollywood cemetery. The Board of Aldermen of Warrenton yesterday afternoon passed resolutions of respect to his memory, and last 102 night the citizens generally met at the Court House to testify their high appreciation of his services as a citizen, statesman and patriot. The State Legislature, in session at Richmond, adopted resolutions in honor of his great public services and private worth.

[From the Columbia (Pa.) Democrat, Oct. 11.]

EX-GOVERNOR SMITH, OF VIRGINIA.

This able champion of Democracy and honored representative of the old Dominion, has been spending a few days in Columbia and speaking to her people. Gov. Smith, is one of

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the most estimable men in all the social and political relations of life with whom it has ever been our fortune to associate. Frank, fearless and intelligent, plain of speech and honest of purpose, he is at once a model specimen of the true Virginia gentleman. Nor is this all. He is without exception the most logical reasoner, ablest debater and finest orator we have ever heard in Northern Pennsylvania.

Old Virginia may indeed be proud of her cherished son and patriotic statesman, upon whom she has bestowed the highest honors within her gift, and who now holds his seat in the National Legislature by a majority of over 6,000! Never have we heard a man before treat more fully and fairly all the issues of the day, than did Gov. Smith in all the thrilling speeches he delivered in Columbia. He supports Mr. Buchanan, not because he is *pro*-slavery or *anti*-slavery, but in the name of Democracy of the Old Dominion asks only the preservation of the Constitution and the Union. Proudly and truthfully can he point to the history of his State to prove that she has done more for the cause of freedom than all the fanatics who revile her. She voted in the Federal convention to abolish the slave trade in 1800, while Massachusetts and other New England States voted to continue the traffic to 1808, that they might make money in propagating slavery by their commerce. She gave the Northwest Territory to the cause of freedom, and it has since made five free States. She petitioned, when yet a colony, to the British Parliament for the abolition of the slave trade out of which the New Englanders made their wealth.

Gov. Smith labored assiduously, whilst with us, and did yoeman's service in the Democratic cause. The thousands who heard his instructive discourses and impressive eloquence, will long cherish the recollection as a treasured reminiscence. He spoke on Friday afternoon at Rohrsburg; on Friday evening he addressed a large meeting in the Court House at Bloomsburg. On Saturday afternoon he addressed a meeting at Cambria, and in the evening another one at Orangeville. On Monday afternoon he spoke at Berwick, and in the evening at Espytown. On Tuesday he addressed a large meeting at Mordansville in Mount Pleasant, and on Wednesday, at Thomas Barr's Hotel, in Limestone, Montour county. In the evening before leaving for Virginia, the Governor

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addressed the citizens of Danville, in the Court House, which was filled to overflowing, in one of the most eloquent and telling speeches ever delivered within that Hall of Justice, and which was received with rounds of cheers and applause.

The following is from the pen of the distinguished poet and scholar, James Barron Hope.

THE SAGE AND VALIANT DEAD.

The death of ex-Governor William Smith, at a good old age, has already been announced to our readers and to what has already been said, it is not necessary to add much more. The deceased had been a prominent and noble figure in making history, and there was little need of any biography of him within the limits of his native State. He was a man of singularly frank and manly spirit, and his personal 103 valor was of a heroic type. Nothing appalled him, and while he despised military technicalities, there never was a better soldier in any army for fortitude, dash and staying power than Major-General Smith. In civil as well as in military life he was an honor to the commonwealth, and his ashes most appropriately have been consigned to the bosom of beautiful Hollywood, among the sleeping statesmen and soldiers by whose remains they are surrounded.

[From the Bristol News, Dec 14, 1875.]

A good humored rivalry exists between ex-Governor Smith, of Fauquier, and Patrick H. McCaull, of Pulaski, as to which is the junior member of the House. Both of them are serving for their first time as Delegates, and although the former is aged seventy-eight and the latter twenty-three, the Governor asserts that he is actually the younger. He is as straight as an arrow, as buoyant as a game cock and full of useful labor. His Democracy is purer than that of Andrew Jackson; his bravery and dash were not surpassed by those of Stonewall Jackson during the war, and although he celebrated, several years since, the golden anniversary of his wedding, he says the honeymoon is not yet over with him. He bids fair to celebrate his centennial birthday, and if he does, the historian will record

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that, while his was the longest, it was one of the most useful and brilliant of the lives of the public men of Virginia.

VIRGINIA'S GOVERNORS.

In an interesting contribution to the *Richmond Dispatch* styled "Virginia's Governors," signed "X," we find the following relating to our highly esteemed and venerable townsman, ex-Governor Smith.— *Warrenton Virginian*.

Of the ante-bellum Governors of Virginia, William Smith, of Fauquier, is the only survivor. His life has been one continued illustration of benevolence, high principles, able purposes and stern devotion to what he held to be right—in peace and in war—at home and abroad—at the family fireside and in the political arena. Past the period allotted to the reach of man, even "by reason of great strength," he is as straight as an arrow; walks nimbly as a youth; with mind clear as a bell. For more than fifty years he has held a prominent position in the politics of the State—again and again serving the people in their councils; and when long passed the years of military service, he led his old constituents in many hard fought battles, in one of which he was desperately wounded. Bright and shining as his public record has been, his home record is yet more beautiful. Never father loved his children more devotedly than he. No man was ever more wrapped up than he in the wife of his bosom—his comforter in the toils and vicissitudes of his earlier life, the misfortunes of maturer years, and the sharer of his prosperity and honors. He was always as tenderly attentive to her as mother to her babe. He was proud of her for her many virtues, and as the vein of his heart he hallows her memory. Pure as an angel she lived, happy as a saint she died, and in the spirit land awaits reunion with the pride and love of her soul. X

In the same paper, a few days later, we find the following from Mr. John Pollard:

GOVERNOR SMITH.

To the Editor of the *Dispatch*.

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"X gives us in your paper a very interesting account of the Governors of Virginia from the times of Lord Delaware to the present day. Very handsome and very 104 just is his tribute to the venerable William Smith, of Fauquier, who walks among us as the sole representative of those eminent citizens occupying the gubernatorial chair before the war between the States. In enumerating the jewels that appear in this statesman's civic crown, it is surprising that "X" should have failed to notice one which is as resplendent as any other—I mean his temperance. In his earlier days he was often before the people as a candidate, always secured the office for which he ran, and yet never found out, what some are accustomed to allege, that no man can carry an election without treating the voters to intoxicating liquors. According to a communication that recently appeared in your columns, at his receptions when Governor the intoxicating bowl was conspicuous for its absence. I have myself heard him say that he has refused—and refused without offense—to drink with a President of the United States. Before many an assemblage in Virginia and elsewhere, he has pleaded eloquently for temperance, and he has repeatedly made the public declaration that he regarded it as the highest honor of his life to be permitted to devote to this good cause his declining years. Whoever shall write the life of William Smith, or pronounce his eulogy, or prepare his epitaph—still distant be the day when the tomb shall bear his name—will leave the task very incomplete if no allusion is made to his practice and advocacy of temperance through a long and eventful career.

John Pollard.

We understand that Gov. Smith, was born in the county of King George, Virginia, on the 6th day of September, 1797; that his father, Col. Caleb Smith, was also born and died in the same county, as his father was born before him, although the county was then called Richmond. Gov. Smith's mother was Mary Waugh Smith, and was born in the county of Fauquier, Virginia. Her mother was Elizabeth Doniphan, a lineal descendant of Alexander Doniphan, it is believed in the family, a Spaniard by birth, who having married Margaret Mott, a Scotch lady, settled in the Northern neck of Virginia prior to 1663, with

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his wife's father, uncle and four sisters. The Smith branch of the family did not come into the country until 1720, when Sir Sidney Smith, a British naval officer and family, and Sir Joseph Anderson and family of Wales, settled in Richmond county then, but King George now. These families intermarried and thus the parents of Gov. Smith, both Smith's became related.

The following admirably written article is from the ready and fluent pen of a gentleman well known in the social and political circles of Richmond, and deserves a prominent place in these memoirs:

DEATH OF EX-GOVERNOR SMITH.

THE GREAT COMMONER PASSES AWAY AT THE AGE OF NINETY—SKETCH OF HIS CAREER HIS BIRTH-PLACE AND EARLY LIFE—AT THE BAR, IN THE LEGISLATURE, IN CONGRESS, AND TWICE GOVERNOR OF VIRGINIA—HIS POWER OVER THE MASSES.

[Written for the Whig.]

The golden chain of Virginia's representative men which connects the past with the present time, is growing shorter every day. One by one the links have dropped out, until now scarcely a single one remains. We have now the melancholy duty to perform of recording the loss of one who was perhaps the most shining and prominent link of this glorious group of Virginia's worthies in this generation.

EX-GOVERNOR WILLIAM SMITH, of Fauquier, is no more. He departed this life, at his residence in Warrenton, on the 18th of May, 1887, at the ripe old age of ninety years. He was born in the county of King George in 1797, reared to manhood in that county, but soon after receiving his license to practice law. he removed to the county of Culpeper, where he pursued his 105 profession in addition to other occupations for many years, until about thirty years ago, he removed to Warrenton, where he has ever since resided,

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with the exception of a few years spent in California. He married in early life a daughter of Capt. J. M. Bell, of Culpeper, and reared a family of five sons and one daughter, only two of whom have survived him. His oldest son, William, was an officer of the United States Navy, and was lost at sea in 1850, in the Pacific Ocean, between San Francisco and the Sandwich Islands. His second son, J. Caleb, became a Judge in California, and was a prominent man in that State for several years. Austin Smith was a lawyer, and died of wounds received in battle during the war. Col. Peter Bell Smith, who was his father's private secretary during his second term as Governor, died in Richmond, and lies in Hollywood. His only living son, Col. Thomas Smith, is a lawyer, and was a prominent member of the Virginia Legislature, and is now United States District Attorney in New Mexico.

It will be seen from the successful career of his boys, that their father must have instilled in their youthful minds some of those qualities of mental activity and physical energy which he possessed in as high a degree as I have ever known in any man whose fame and acts have made their possessor prominent in the world. William Smith, in his early manhood, was fairly successful at the bar, and had he chosen to have given his whole unremitting attention to his profession of the law, I have no doubt he would have reached eminence as a lawyer. He had qualities of mental discrimination, indefatigable energy and perseverance, fine address and very great forensic power, and he evinced his ability to contend successfully at the bar against such men as Judge John Scott, John Shackelford, John S. Pendleton, Robert E. Scott, Sam. Chilton, and others, who adorned the bar of Culpeper and Fauquier, and were forever worthy of any man's steel. But Governor Smith's inclination led him into the stormy field of politics, which was, perhaps, better suited to the energetic activity of his mind; and upon that theatre he had the opportunity to display his highest powers. His political career was eminently successful. He was elected to the Legislature many times, to the Congress of the United States, to the Governorship twice—the only man except Patrick Henry so distinguished in all the annals of Virginia. Indeed, so

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bland and insinuating was his demeanor, and so popular and powerful were his speeches on the stump in his canvass, that he was hardly ever beaten in a popular election.

I recollect that after his return from California he arrived in Fauquier just before the canvass for the election of a member of the House of Representatives from the Eighth district. John Willis, of Orange, James Barbour, of Culpeper, General Hunton and others, of Fauquier, Frank Smith, of Alexandria, and other younger Democrats were candidates for the nomination, all of whom urged against the Governor that he was a Californian, and the people ought not to select him as their candidate, but the Governor took the stump against the tremendous odds, and his old constituents could not withstand the power and influence of his eloquent voice, and they elected him to Congress against such tremendous opposition. In 1845 he was a candidate for the United States Senate before the Legislature of Virginia, but he was defeated by Judge Pennybacker, of Shenandoah. Upon that occasion, John Hampden Pleasants, in the *Whig*. thus speaks of him, which from a political enemy of such distinction, is the highest compliment that could be paid to any man:

“The man does not breathe to whom its party in Virginia owes the heavy debt it does to Mr. Smith, of Culpeper. In 1840 and 1844 no one of them fought the battle with so determined an energy and throughout so extensive a range of country. We dreaded the harm that Smith could inflict upon the Whig party by his energy and clodian talents more than all the silk-stockng orators from the towns put together. The result, we believe, justified our fear and our sagacity. From Culpeper to the Ohio, from Halifax to King and Queen, Smith was omnipresent and wielding more influence than all the successful orators united. We speak not this in compliment. We speak what we do know. We feel rather relieved that this champion—this ‘Smith of 106 the wynd’—this fighting Smith—is not to be sent to make head against the Whigs in the Senate, and that the mantle is to devolve upon one less uncompromising, more conciliatory, tractable and manageable. We can well imagine how

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the friends of such a man, strong and ardent, as he is strong and ardent in all his relations, must feel rather taken aback at the preference given to an inferior over him.”

The *Fredericksburg Recorder* (Democratic), then conducted by a very able editor, thus speaks in his behalf for the Senatorship: “William Smith is our man; and in behalf of the thousands of Democrats in this region, who have for years witnessed his noble, gallant, manly, and sacrificing course, we call upon the Democratic party in the Legislature TO BE JUST. No man in Virginia can present stronger claims than Mr. Smith for the Senatorial office, we care not whether talents, integrity, or hard service, shall constitute the obligation. He is a politician who can neither be corrupted nor coerced. His metal has often been proved, and his friends may justly boast of his valor, his prowess, and his success. Indeed, his enemies, or his rivals, if he has them, will fully accord to him, the distinguishment of having saved Virginia in one campaign, and carried her to a more brilliant triumph in another. Is that nothing? Then indeed are republics ungrateful.”

Thus spake the great Whig editor, in the highest terms of him as a man, but in fear and dread as a Democrat. Thus the Democratic editor voiced the universal opinion of the people of Virginia, evidencing the high regard, favor and affection he was held in by them. King caucus often-times, before and since, committing great iniquities, defeated him. But the people remindful of his great services to his party, immediately elected him Governor of Virginia, and on the 2d of January, 1846, he took charge of that high office. Before that time Governor Smith was known all over the State by his firm, undeviating attachment to the Democratic party, and by his powerful speeches in its behalf. He was perhaps the “best stump speaker in Virginia,” and that is high praise, when we consider who were some of the men who were often-times his antagonists in debate.

Between the years 1840 and 1850, there were political giants in the land. In his own county of Culpeper, there lived three men who were the peers of the best in their eloquence and influence over the masses. John S. Barbour, a man of the noblest presence, and possessing all the power of an orator; John S. Pendleton, “the Lone Star

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of the Virginia Whigs in Congress,” whose strong sonorous voice, uttering smooth and eloquent sentences, would always deeply interest and affect the people; and Edmund Broadus, whose logical mind and earnest manner of speech, from whom always emanated close, compact sentences of power and truth, for many years largely controlled the legislation of the State, and others in other parts of the State, who, in comparison with most of the leading men in Virginia politics to day, were as Hyperion to a Satyr.

At the forum and on the hustings, William Smith met such men as these, and held his own with them. Indeed, in a very large degree, it was owing to his indomitable energy and earnest, persistent, eloquent advocacy of the Democratic party that it was so constantly victorious in Virginia politics. Of course he was a terror to the Whigs, and John Hampden Pleasants gave him the title of “Extra Billy,” which has stuck to him like the shirt of Nessus, and which, although it may have been given him originally by way of belittlement, has ever since been used by his friends and foes alike as an epithet of endearment and compliment. The name originated thus: Many years ago Governor Smith was a contractor with the United States Government to carry the mail from Washington city to Milledgeville, in Georgia, by stage coaches, and it seems he took the contract at too small a consideration; at any rate it did not pay him, for the records of Congress will show that oftentimes during his term, he applied for *extra* compensation, and he had the talents and influence to constrain Congress to grant it. His stages ran through the little village where the writer was raised, and when he was a little boy, it was the delight of him and his playfellows often to go a mile or two to meet the stage and ride back in the boot of it. Often has he done so when the future 107 Governor of the State was the driver, who would kindly stop and take us in. He was a kind-hearted, affable, amiable man, as he was diligent and successful in the discharge of all his public duties in the high offices which he afterwards filled. The people of Richmond ought especially to be grateful to him, for every day their eyes behold evidences of his efforts to beautify the city. To him is due more, perhaps, than to any other Governor, save one, the present beautiful appearance of our lovely Capitol Square. He had the trees planted, the walks laid off, the hills cut down,

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and the landscape grading generally done, which, under the regime of Governor Wise, was continued and improved until the Square has received its present ornate beautiful appearance.

In 1850 Governor Smith, in order to recuperate his shattered fortune, removed to San Francisco to practice law. He remained there several years, and was very successful in acquiring a sufficient amount of money to pay his debts. He was also very prominent in that State as a politician, and was a candidate for the United States Senatorship, but was defeated in the Legislature by only one vote. He then returned to Virginia and ran for Congress from the Eighth district, and was elected, as I have already stated. Being a true Democrat throughout his whole career, he was a secessionist, and acted with that party in bringing about the separation of Virginia from the Union.

When the war began he at once entered the army as Colonel of a regiment, and was in almost the first battle. At Fairfax Court House a story is told upon him which illustrates his courage and bravery. He knew nothing of military tactics and had had no experience in military affairs; so when the enemy appeared in battle array and ready for the onslaught, he had not at his command the proper words of command to be given in order that his regiment should be put in the proper line of attack, and therefore discarding all military rules, he put himself at the head of his regiment, he gave the unusual but effective order "Boys, follow me, and let's lick 'em!" and away they ran towards the enemy.

Governor Smith reached the rank of Major-General in the Confederate army, but in 1863 Governor Letcher's term of office having expired, he was elected to succeed him, and thus became the war Governor, and remained in office until his term was abruptly terminated by the downfall of the Confederacy. Since that time the Governor has served one term in the Legislature, but for the balance of the time until his death he has remained at his home in retiracy in the enjoyment of good health.

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Governor Smith was all his life a temperate man—which cannot be said of all of our public men. Upon one occasion, Colonel Tom August attended a *level* at the Governor's Mansion, and being asked by a friend the next day how he enjoyed himself, replied: “First-rate; all we did was to *promenade* and *lemonade* .”

Governor Smith was universally beloved by the Democratic party, as he was universally hated by the Whig party, for the harm his talents, energy and powerful stump-speeches did them, but they always admired him for his bravery, courtesy, gallantry and extraordinary talent for public speaking. Indeed, his whole career illustrates in its effects of acquiring for him the love of his friends, the admiration of his enemies, and the esteem and appreciation of all what a character of uprightness, courtesy, gallantry, courage and popular talents can effect. He was the great commoner of his day. The people loved him as one of themselves, and his eloquence could control them like the wind controls the motion of the leaves. He has gone from us to “the undiscovered country from whose bourne no traveler returns,” and whatever of hatred and animosity may have existed in the hearts of any man will be buried in his grave. The State of Virginia will mourn for him as one of her greatest men. He discharged his public and private duties well, and may we not hope that now, since “life's fitful fever is o'er, he rests peacefully over the river, under the shade of the Tree of Life!”

R. D. W.

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We also find the following notices of the Governor, in the *National Farm and Fireside*, and the Baltimore *Sun*:

[From the *National Farm and Fireside*. May 28, 1887]

DEATH OF EX-GOVERNOR WILLIAM SMITH.

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This venerable and patriotic citizen died at his home in Warrenton, Fauquier county, last week. He was born in King George county, September 6, 1797, and was therefore nearly ninety years of age.

He was closely connected with the political history of Virginia for forty years prior to the war, and was twice elected Governor by the people of the State who trusted and delighted to honor him.

At the close of the war, although constantly working for the best interest of the people when occasion required, he retired from participation in political life and for ten years past has lived quietly the life of a farmer at his home. Although living beyond the allotted term of four-score years, he was hale and active to the last, and withal a devoted patriotic citizen. We honor Governor Smith's memory because he practiced what he preached. Nearly seventy years of age, when the war broke out, he went into the army as he advised others to do, in defence of what he considered his liberties and those of his State; he was shot down, and on recovering again entered the army and was again wounded. He recovered and entered the army again and remained with his command until called by the suffrages of his "fellow countrymen" to fill for a second term the exalted office of Governor of Virginia. He was deposed when the Confederacy failed and has held no public position since that time except that he served one term in the Legislature.

In the death of Governor Smith, Virginia loses a man of large heart and great brain, and one who never failed to do what he believed to be his duty.

A gentleman of the Old School, whose example of patriotism should be remembered and emulated.

[From the Baltimore Sun.]

NINETY YEARS OF AGE.

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EX-GOVERNOR WILLIAM SMITH, OF VIRGINIA, AND HIS REMARKABLE CAREER.

Warrenton, Va., Sept. 4.—Ex-Governor William Smith, of Virginia, enters his ninetieth year Sunday, the 6th inst. He passes his time industriously and pleasantly at his beautiful suburban home at Warrenton, Virginia, superintending his three hundred broad acres, which stretch out for a mile from his home. The ex-Governor, although he has passed considerably the “by reason of length of age” of four-score of Scripture, yet is only venerable in years, his speech being as emphatic, his carriage as prompt and erect, and his faculties as clear as any man of sixty. He is up at dawn every morning, and has always led a busy life, not overstrained with work, allowing nothing to depress him or retard him in the realization of his plans in life. This, together with a wise temperance, is the secret of the prolongation of his days. In his age he is probably more entitled to the cognomen of “Extra Billy” than in his prime, when it was a name by which he was known all over the United States.

From an early period in this century the ex-Governor has been the recipient of many distinguished honors from the people of Virginia. Twice Governor of the State, Representative from Virginia in Congress for several terms, and Major-General in the Confederate Army, were among the notable positions of trust to which he has been called. He volunteered at the commencement of the war at sixty-five, was wounded twice, and left the field with a high record to assume his second term of service as Governor of Virginia.

Only three of a large family of children are living. His only daughter presides over his delightful home with pleasing grace, and extends to a host of friends an elegant hospitality. She associates with the care of her father's declining years a sad watching over the graves and memories of the Confederate dead.

Col. Thomas Smith and Capt. Frederick Smith are the only sons surviving. The latter lives in New Mexico, and is very prominent in that territory. Col. Thomas Smith is a leading

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lawyer of the Warrenton bar, and the recent and prespective Delegate in the Virginia Legislature from Loudoun and Fauquier. He was a great pet of Gem Early's during the war. He had a splendid regiment, made so by his discipline. It is claimed for him that he saved Early's army at Fisher's Hill, as his regiment never broke, and kept Early's rear intact until he could rally his routed troops. Col. Smith's commission as Brigadier-General was made out at the time of the surrender.

James Caleb Smith, who went to California with his father, the ex-Governor in 1850, died there some years afterwards a prominent citizen. Gov. Smith and his son became at once prominent leaders in the Democratic party of California. James Caleb Smith became involved in a duel with Senator Broderick. The duel took place at Sacramento and was witnessed by five thousand people; Gov. Smith being one of the spectators. According to the rules of the code each were to surrender all articles from their pockets. Broderick, drawing his watch from his fob pocket, offering to surrender that if desired, but the second intimating that it was immaterial, Broderick restored it to his fob. Smith put four balls through Broderick's watch and cut the chain with another. Smith was untouched and Broderick wounded in the abdomen which was entered by half of a ball, the other half remaining in the watch. The watch was hung up in a public place in Sacramento. William Smith, the oldest son, was a midshipman in the navy and lost in the Pacific Ocean. A portrait hanging in his father's parlor shows him to have been a splendid looking man.

His son, Austin Smith, was killed at Seven Pines a few days after being exchanged from Fort Warren, where he had been confined a political prisoner from the first outbreak of the war in California. He was shot soon after he appeared upon his first battle-field.

Peter Bell Smith, a prominent member of the Warrenton bar, was accidentally killed soon after the war by a pistol which dropped from his hand and exploded.

The ex-Governor has been most methodical in preserving the records of his official life. They afford material for a valuable and interesting historical work, and his friends entertain

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the hope that he may at an early day be induced to give to the public from his own pen a volume or more of his reminiscences.

The following letter, written by Governor Smith in 1874, to the *Alexandria Gazette*, contains a sound and logical view of the evils attending elections twelve months or more before the expiration of the incumbent's term:

LETTER FROM EX-GOVERNOR WILLIAM SMITH.

To the Editor of the *Alexandria Gazette*:

Warrenton, Va., March 26, 1874.—I notice, with surprise, in our county paper, as taken from yours, the announcement that a large number of gentlemen, whose names are given, are candidates for this Congressional District, now so worthily and ably represented by General Eppa Hunton. Among those mentioned I find my name. Now, as I have not and do not entertain any such purpose, will you please withdraw 110 my name from the crowd, to which you ascribe, to say the least of it, such premature aspirations.

It was only a few months ago that General Hunton was selected, by a Convention of this District as our candidate for Congress, and in November last was triumphantly elected; and, already, it would seem, machinations are at work to oust him. What means this? It has been the custom of Virginia to give a generous confidence to her public servants and to manifest it by re-elections, so long as they demeaned themselves in a manner becoming their respective positions; and it will not, I am persuaded, be departed from in this district. We owe to this policy our great influence in the Federal Councils *in the past*, securing thereby Representatives of superior wisdom and experience. Other States have been induced to adopt this policy to the great improvement of their standing and reputation, and it will never do for us to abandon it.

Conventions may be, and undoubtedly are, sometimes necessary, in fixing up a candidate for the first time, in harmonizing a divided party upon a great question of Constitutional

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power, or upon an important measure of public policy, for instance. They should be the *expedient*, and not the *rule* of party organization—to be resorted to in exigencies and not as a matter of course in all elections. A man once selected by convention and elected by the people and assured of his re-election, if he deserved it, would devote himself to the public service, even at the sacrifice of his private business, and assiduously endeavor to establish himself in the confidence of his constituents, and to win a high position in the country at large. The obligation to elect the nominee of a convention is regarded as imperative—surely, the re-election of such nominee cannot be less so, if, without any supervening objection, he unites to the considerations which gave him his first nomination, and increased ability to perform the duties of the office. A different policy rapidly corrupts the people. We are told that in New York it is a regular business to get out and manage conventions, and to give their nominations to those who will pay the price fixed for them. How any good citizen can desire such a state of things here I cannot conceive; and yet it is the sure and certain consequence of the general adoption of the convention system.

It has been the custom of Virginia not to elect to any political office until it was vacant. In this way she retained her influence and control over her representative to the end of his term, and with a full knowledge of his record, could wisely decide as to the propriety of his re-election. But the act of Congress, which directs the election for Congress to take place in November, months before the expiration of the existing term, compels the people, if they re-elect their member, to do so without his complete record, or if they supercede him by the election of another, then their relation with their member must be most unpleasant; while he, offended and indignant, would be too apt, for the residue of his term, to consult only his own interests. Now, I can see no occasion for the election taking place before the Spring, and I beg your influence in favor of the change.

Most respectfully yours, William Smith.

We take the liberty of making a few extracts from a letter from his old tried and trusted friend, Colonel Parker, of Virginia, to — —. The letter speaks for itself:

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Tappahannock, Va., November 15th, 1875.

* * * * *

I pray you to excuse me for saying, that from the time Governor Smith entered the Senate of Virginia—upwards of thirty-five years ago—up to the close of the war 111 I have been perfectly familiar with all of his public acts, and perhaps have seen and known more of them than any one person now living, and I can safely say, that no man, in or out of the State, has done more, if as much, to sustain the true principles of the Democratic party. Principles upon which the very existence of Republican Government must rest—this is now conceded by three-fourths of the American people.

It was a departure from these principles which led to the late civil war and all its misery, horrors, woes and ruin; and has cast a pall over the whole land. And if these principles are not restored in 1876, the downfall of the Government must soon become a matter of history.

In all the varied offices Governor Smith has held—State Senator, Governor of the State twice, and member of Congress for many years—he has proved himself faithful to his trust, faithful to the Constitution. No better evidence can be given of this than the fact that he has on every occasion when his name has been before the people received more than the vote of his party. He has always been warmly supported by those who know him best—his immediate neighbors. This is sufficient evidence of the purity of his private character.

The late venerable Thomas Ritchie often assured me that in 1840 and 1844 we should have lost the State but for the extraordinary efforts of Governor Smith. It was carried on each of these occasions by less than 1,500 majority.

In 1853 on the floor of the House of Representatives the writer was present and occupied a seat near Governor Smith and was an eye-witness to one of the greatest triumphs

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he has ever seen of one man standing alone and unaided over a combined attack of abolitionists and free-soilers, led on by the notorious Giddings.

They had selected him as the object of attack. Their purpose was to destroy his influence. They believed he was more in their way than any man in the House. Ever after that they kept out of his way, and gave him a wide berth.

With Governor Smith's military history each of you must be acquainted. Gallantly on all occasions did he fight; freely was his own blood and that of his noble sons' shed for the cause he so dearly loved. One of his sons now rests in a patriot soldier's grave; and he (Governor Smith) was often wounded and taken from the field, supposed to be mortally. He will carry to his grave on his own person the evidence of his bravery.

He has grown gray and poor in the service of his country, unlike many of the public men of the present day

* * * * *

We clip the following from a New York paper, extracted from a speech of Gen. Grant's, at the eleventh annual dinner of the Lincoln Club, which took place at Martinelli's, to celebrate the seventy-first birthday of Abraham Lincoln.

I never met Mr. Lincoln until I came East in March, 1864. Although when the war broke out in 1861 I was a citizen of the same State that our then President belonged to. I had never met him until I came East in 1864 to take command of all the armies. (Vociferous applause.) I had heard very much of him. I had heard very much of his fund of anecdote. I was led to suppose he was a man who passed his time in telling funny little stories; in fact stories that it would hardly do to tell in the company of ladies and hardly in society composed entirely of gentlemen—(laughter). I can say this: I met him a great deal after I came East. He spent a good deal of time with me at City Point, and I saw him on intimate terms, and I can say I never heard a word from Mr. Lincoln that could not be uttered in

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the society of any lady. He had a fund of anecdote, but it was always used to illustrate a point. 112 I scarcely ever heard him talk in my life, but that after he stated the case very clearly he did not add some little anecdote to illustrate exactly what he meant and to give a point to it. I will give you one of his little stories that I heard him tell as an indication. After the surrender at Appomattox I went to Washington to give necessary orders for the paroling and releasing of prisoners, and I had ordered General Mead to re-march the army to Burkesville Junction, on the Richmond, Danville and Western Railroad. I started for Washington to stop enlistments and the expenses of the army. (Applause.) The Confederate Government and the State Governor of Virginia left Richmond about the same time. (Great applause.) When they left Danville they were not pursued. They stopped for a time. I was supposed to be with the army, but I had gone to Washington. After I left the field and while in Washington, I received a telegraphic letter forwarded by Gen. Meade. The letter had been written by Gov. Smith, of Virginia, in which he said he was the Governor of the commonwealth of Virginia and as such he had temporarily taken the State government to Danville. He wished to know whether he would be permitted to carry on the functions of his office unmolested. If he was not permitted to do so, he wished to know whether he and his friends would be permitted to leave the country unmolested. (Laughter.) I referred the matter to Mr. Lincoln a few moments afterwards and he said: "Well! Now I am just like my friend McGroirarty, of Springfield. He was very fond of drinking. He would drink a great deal, but finally his friends persuaded him to join the temperance society, but he was so much in the habit of drinking that he would go through the motion of drinking by taking soda-water. (Laughter.) For two or three days he held to soda-water, but he held the glass behind his back and said: 'Doctor, can't you put a drop of whiskey into it unbeknowst to myself?'" (Great laughter.) I knew then just as well what I was to reply to Gov. Smith's letter as if Mr Lincoln had made a speech as long as the speech of ex-Senator McDonald. (Laughter and great applause.)

The following is an extract from a beautiful address by Major Taylor Scott, the orator on memorial clay at Warrenton, Virginia, June 4, 1887.

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I speak upon the invitation of the Lady President of the Memorial Association of Fauquier. Yon beautiful monument is her work, its crowning glory woman's form. In the circling years, see to it that this day is kept; perpetuate it as your birthright; this is your Association. God made you helps meet for man and has crowned you with a triple crown, *mother, sister, wife*, three blessed names! Wear them as your mothers wore them in the days that tried men's souls. They are "the peculiar jewels of your souls." My task is finished, my message delivered, and my work done. No, not yet. Why am I here? Another was expected to make this address. With words of wisdom and eloquent tongue he would have stirred your souls. Where is he? Yesterday he walked among us an aged man. Had he been spared a few months longer his years would have been four-score and ten, but God's finger touched him and he slept, his hoary head a crowning glory. William Smith twice Governor of Virginia, and Fauquier's distinguished son, is dead. He was a man of kindly heart and gentle spirit, a man of convictions; he had opinions and dared maintain them; he was refined, courteous, brave—a knightly man. When the war cloud burst upon his State he was over sixty years of age. On a visit to Fairfax Court House, then an out-post, there was a night attack. A fateful bullet laid low the Captain of that post, John Quincy Marr, whose monument in yon cemetery commemorates a brave man, the first blood of the war. Disorder reigned and defeat was imminent.

Amid the darkness, the cheery, ringing voice of an old man was heard. William Smith took command, rallied the soldiers, and repelled the attack. He was not 113 educated to arms, nor had he learned military tactics; but he had genius, and his heart was in the struggle. As Colonel of the 49th Virginia Regiment, Brigadier-General and Major-General, he won and wore the honors of camp and field. Wherever placed, William Smith fulfilled every duty, and bore himself like a Roman—no, no, as a Roman, but like the great Virginian, that he was! He was just and considerate of others, so just that the bitter rancor of political parties, as it existed forty years ago, did not burn against him; but in its place was admiration for this brave old man. He had opponents, but no enemies; and he did what few men, if any, before him ever did, lived down political enmity. The people of this town sorrow for him

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and did him homage when his body lay in their public hall, and Virginia mourned for him as his body lay in state in the Capitol at Richmond. Yes, “the memory of the just is blessed” and “the path of the just is as the shining light that shineth more and more unto the perfect day.” Crowned with civic wreath and warrior's laurels, he sleeps in Richmond's city of the dead—beautiful Hollywood.

“Sleep, soldier, sleep, thy warfare o'er; Sleep the sleep that knows no breaking Dream of battle fields, no more Days of danger, nights of waking.”

A TRIBUTE TO GOVERNOR SMITH.

On a similar occasion, at the Confederate Cemetery, at Culpeper, the following feeling tribute was paid to the memory of Governor Smith by the orator of the day:

My Countrymen: A few days since, in the neighboring town of Warrenton, passed from life to eternity a grand old soldier, statesman and patriot, who had passed far beyond the age allotted to man, and perhaps was the Nestor of our Confederacy. He voluntarily entered the army after he had passed beyond the age of three score years. He became commander of the invincible Forty-ninth Regiment of Virginia; soon rose to the rank of commander of a division, and was then called, by the almost unanimous vote of the people of his native State, to become her Chief Magistrate for a second time. This grand old soldier was no less distinguished in the tented field than in the councils of the country, both State and Federal, and his mother State, Virginia, like the mother of the Gracchi, when asked for her jewels, can point to him as one of her sons. This beloved old patriot now sleeps in Hollywood Cemetery, beneath the sacred sod that contains the ashes of so many of his gallant comrades. Whilst he lived, he was honored and revered; and now that he is dead, his grave will be watered by the pious tears of a grateful people. And now, conscious of our incompetency to portray before you his life or rightly to delineate his character, we leave the task of eulogy to some more able and eloquent successor. For

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ourself, we have said the least our feelings would permit. We rejoice in the consciousness of knowing that as detraction cannot impair, so eulogy cannot add to his eternal fame.

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TO EX-GOVERNOR WILLIAM SMITH.

[From a Published Volume.]

BY J. D. BLACKWELL.

The noon of life is past with thee, The summer time hath flown; And thou art as the yellow leaf
When autumn's blasts have blown.

But yet undimmed thy burning eye, Unbent thy rugged form; And thou art as the brave old oak
Which still defies the storm.

Oh! warm beneath thy whitening locks A youthful heart still glows, As Hecla's quenchless
fires burn on Beneath eternal snows.

Thy life, old hero, was not passed Mid sunny bowers of ease; For, like Old Ironsides,
thou's braved The battle and the breeze.

And thou canst look upon that life, Nor blush at the review; Thy heart in sunshine and in
storm Was to Virginia true.

Thy actions now are with the past, All measured, numbered, weighed, Thy struggles like
the conflict's clash, Which proved the battle blade.

The passing clouds may dim the sun When skies are overcast; But bright, far o'er our
mountains blue He Sets in light at last.

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And as that sun will oft descend Sublime as when he rose, So will thy life, when near its end, Sink, like him, to repose.

BUST OF EX-GOV. SMITH. AGE 90.

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The following sympathetic and affectionate tribute is from the pen of a chivalrous officer and brilliant man, who speaks with his accustomed frankness and stern sense of justice and truth:

Warrenton, October 30, 1888.

Dear Tom:

* * * * *

"I have observed with great interest the efforts which you and your sister have made to 'Honor your Father and Mother,' and to erect some memorial of their worth and usefulness. That he should have a conspicuous place amongst Virginia's public men, whether the assemblage be one of statesmen or soldiers, is a matter of course. But I have been particularly struck at the happy thought of associating him with the maimed and neglected veterans of our grand war. To that cause the good old man gave his whole heart, as he offered his life, and had fortune blessed him, his hand would have been as open as day.

"What a career his was; running from the birth of the union to beyond, what I fondly hoped, would be its grave, and how well he bore himself in all vicissitudes.

"You know I was born a Whig of the straightest sect, and although I entered life as a Disunion Democrat, I carried with me, and retained for a long time, many of the prejudices of my early education.

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“For many years I lived under the shadow of your father's roof, and in his daily presence, and was yet too dull to know him. Indeed, until the war, that great detective and pitiless exposé of shams, broke upon us; I had no idea what manner of man he was. It was not until I saw him refusing the exemptions of a seat in Congress, and the legitimate repose of advanced years, seeking hardships and dangers from which others blenched—the whitest head and the lightest heart that marched under the Confederate colors—did I know that a piece of as genuine metal as was ever forged from English loins, was beside me. You know how reverently and humbly I sought to atone for my misjudgment; with what scorn I recalled the admiration I had wasted upon the wretched vaporers who, ‘Roared so loud and thundered in the Index,’ who proving incompetent as soldiers, sought consolation in carping, until mortified vanity was only appeased by defiling the cause in which they had failed to achieve distinction; and you will recall how pleased the old man was with my repentance, when I gave honor where honor was due.

“Noble as was his bearing during the war, it did not surpass his conduct after.

“When the whole earth seemed hung with black; when the heavens like brass, echoed, not answered, our prayers; when we were a lost people without a friend on the planet and life was one vast ‘Sea of sorrow without one single star,’ with what a strong heart and uplifted brow, did the old man confront fate. How often in my despair, have I laid my head upon his shoulder and caught hope and inspiration from his heart. I am consoled to think that he went to his grave under the happy delusion that ‘the wisdom and virtue of the people’ would redeem a lost nation.

“What a true Virginian was he, rendering her not, “Mouth-honor, health; but his whole allegiance; it could as truthfully be said of him as of John Randolph: ““Too honest or too proud to feel, A love he never cherished, Beyond Virginia's border land His patriotism perished. Whilst others hailed in distant lands, The eagle's dusky pinion; He only saw the royal bird, Stoop o'er his old Dominion.””

“Our post bellum intimacy revealed another trait to me. Your father was the poorest hater I ever knew. Although no man passed through fiercer conflicts, I do not believe he carried one unhealed wound. The uniform kindness with which he spoke of his adversaries, the lurking affection with which he seemed to regard most of them, used to amaze me. I have tempted him into talk of those whom I knew had done him injustice, but could never extort one bitter word. I thought him the most amiable man I ever knew.

“It must be a great and proud consolation to you, that treading so many paths in life, he left no stain behind his footsteps. As soldier, citizen and husband, he won universal admiration. That every son he had has offered his life to avenge, even a breath, which might have sullied his name, is conclusive evidence that he must have been the best of fathers; and now, after life's fitful fever is over, he ‘sleeps well,’ leaving behind him all ‘Which should accompany old age as honor, love, obedience, troops of friends.’

“Hoping that I may soon see you restored and fixed upon ‘the sacred soil,’ I am, dear Tom, very faithfully yours,

“ William H. Payne. ”

The following is from the pen of the Hon. John W. Daniel, now Senator of the United States, the son of the late William Daniel, Judge of the Court of Appeals of Virginia, who was the son of Judge William Daniel, of the General Court of Virginia.

Governor Smith and Judge William Daniel, the younger, were contemporaries and co-laborers in the great cause of Democracy and Constitutional Government; and the writer has heard Governor Smith speak with glowing admiration of the great power and brilliant eloquence of Judge Daniel as a debater on the hustings:

Colonel Thomas Smith:

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My Dear Colonel. —It was very gratifying for me to learn that there is in course of preparation a memorial volume of your father's life, and I *wish indeed that a full biography of him could be written.*

He (William Smith) lived and served his State in stirring times. He was always in the front of her battles. His career as statesman, soldier and citizen, was distinguished by the highest qualities of intellectual, patriotic and courageous manhood. He was of a type of character that belonged to an era when patriotism burned warmly, when chivalrous virtues were highly valued, and when the conflicts of the forum and the field put the metal of the public men to the severest test. Representative in Congress for several terms, twice Governor of the Commonwealth, and General in the Confederate Army; he was long conspicuously before the people, and he received at their hands every honor that could attest their confidence. His devotion to his State, his unflinching and unchanging adherence to fundamental Democratic principles, his serene, firm and undaunted courage, was displayed throughout his public career, and these virtues of character were associated with a genial address, a rich fund of information, and a rare faculty of speech that made him a veritable tribune of the people.

Could his memoirs be fully written they would furnish a graphic and instructive 117 page of history, and supply to the rising generation the mould of a patriot and hero, “the like of which we shall not see again.”

The first political speech I ever heard was delivered in Lynchburg, by Gov. Smith, in 1856, or 1857 if I remember rightly. I was then a school boy, attracted to the gathering by the prevailing political excitement, but was too immature to appreciate his utterances. But I recall the enthusiasm created by his speech, and the picture of the orator and his audience is as vivid before me now as if the scene were yesterday.

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I did not see the Governor again until March 1863, when I was appointed by Gen. J. A. Early, Adjutant-General on his staff, and reporting at the camp near Fredericksburg, there met him as Brigadier-General Smith, commanding the Virginia Brigade of Early's division.

Kind interest in young men was an attractive trait of Gov. Smith's character; and I shall never forget the gracious manner with which he received me. While in camp in early spring, Gen. Smith was elected Governor of the State. He was then sixty-six years of age; he had been severely wounded in the preceding campaign while stoutly defending our left at Sharpsburg, and now chosen Governor of the State, every circumstance tendered invitation to exemption from field service. But no man ever felt less inclination toward the rear than Gov. Smith when battle lay in front; and in the May following when the army of Northern Virginia moved out to meet Hooker's advancing columns, he was at the head of his brigade and there remained until the army returned to Virginia, after Gettysburg.

It was in this campaign that I was thrown often in the company of Gen. Smith, and it was frequently my duty to fulfill Gen Early's orders in bearing him messages upon the field, and pointing out the positions which he was to occupy. He invariably went into battle at the head of his men, and always on horseback when topography permitted. To speak of him as possessing remarkable courage would be but faintly to express what everybody knew; but his courage was indeed of a rare and peculiar order. On the edge of a fight he was as serene as a May morning; pleasant humored; full of vivacity and good cheer; and his face betokened the confidence, and heartiness of a spirit never perturbed by fear or misgiving, but resolute and earnest to do with a will the work before it. Yet, when roused in action he was full of fire, energy and enthusiasm. I wish I could paint the scene before Winchester in June 1863, when his brigade was ordered forward into line and the division was forming to assail Gen. Milroy's position. Gen. Early directed me to convey the order to Gen. Smith. Galloping to deliver it, I met Gen. Smith riding at the head of his men who were approaching across the field. The sun was hot, and he carried an umbrella over his head in one hand. He wore a citizen's hat, and an old-fashioned standing collar. His

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horse was accoutred with a pair of saddle-bags, and had nothing of the martial air about him. The General looked more like a Judge going to open court than like a Southern Brigadier, or fire-eater; and his smiling face and urbane manners gave little inkling of grim-visaged war. But in a twinkling the umbrella went down; forward—quickstep—ran down the column; the horse caught the fire of his rider, and if one had seen Smith's brigade as they came into line in front of Milroy, he would have recognized instinctively that they were veterans who knew their business. And a glance at Gen. Smith would have shown that here was the born leader who could inspire men with his own calm but energetic and indomitable courage.

A little later the same afternoon, it having been determined to make a detour around Milroy's right flank, Hays' and Smith's brigades were designated by Gen. Early to storm Fort Jackson. The movement conceived by Gen. Early, and executed by part of his division, was as brilliantly executed as it was brilliantly designed. Quietly and unobserved from the Federal side, Col. Hilary Jones' batteries and Hays' and Smith's brigades wound circuitously around Milroy's flank, and were posted by Gen. Early beneath the brow of a bill on the north-west side of the Federal fortification. The artillery was posted and ready to fire; it was to open the attack and then the brigades were to sweep forward over an open undulating field and climb 118 the ramparts. There was a dead calm before the storm; and as the men lay under the brow of the bill I was thrown with Gen. Smith, and a group of staff-officers and couriers who rested on the grass, awaiting the command to advance. Peeping over the bill top we could see the Federal soldiers walking the ramparts of the fort in front, and looking down toward the valley south of them where skirmishing was going on, and where they expected battle to be delivered. For half an hour, perhaps, we were waiting for the word "go"—like hounds in leash—and Gen. Smith led in conversation. He gave us some interesting reminiscences of his career; and what impressed me most deeply was his talk of his domestic life. He spoke of his wife and family, and of the principles, and rules of conduct that had guided him in his relations to them. I will not repeat his language, for it was not used for such quotation; but the wisdom

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of his utterance, and its elevated affectionate tone,—the picture he drew of home as it should be, and of domestic peace, happiness and duty; these are things that must linger in the heart of all who heard him. A beautiful and impressive picture indeed it was, all the brighter for its dark background. Presently, “Attention!” was the word—the big guns thundered—the glittering bayonets swept down the one bill and up the other, and over the ramparts, and the wild shout of victory rose over the field. Fort Jackson was carried by Hays' men—Milroy was in retreat down the valley, and amidst the smoke and screaming shells I saw again Smith's brigade coming up, the General, as usual, in front, full of the eagerness of battle.

Tender father; faithful husband; devoted patriot, stout-hearted, redoubtable warrior, that he was—no soldier better proved that, “The bravest are the tenderest, The loving are the daring.”

At Gettysburg, Smith's brigade did hard fighting, over hard ground, near the extreme left of the Confederate line. They had to climb precipitous places in the face of a deadly fire, and I have heard the men of his brigade speak of how, on foot, he stood amongst them, and led them, and urged them on. This was his fashion. He was always with his men, and of them. They had supreme confidence in him, and warm affection for him, and “Come on boys” was his whole book of war. Untrained in any military school, or drilled by any previous experience, he had no knowledge of tactics. But he had Wellington's idea that “to pound the longest” was the way to beat a foe; and he was always ready to pound quick, pound hard and pound long.

Parting with his brigade after this campaign, Brigadier-General Smith was made Major-General in honor of his long and distinguished services; an honor won at the bayonet's point and the cannon's mouth, and justly merited. Ere long he was installed in January 1864, as Governor of Virginia.

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While sitting in his office in the Capitol, Grant's guns could be heard thundering in the suburbs of Richmond, and as every one knows, all things Confederate were at a low ebb. But the Governor's house was always open to genial hospitality, and his calm imperturbable and cheerful courage, inspired all with whom he came in contact.

Richmond Fell—Appomattox Came .—The remnants of the Army of Northern Virginia drifted through Lynchburg; some going southward to join Gen. J. E. Johnston in North Carolina. Gov. Smith and staff came to Lynchburg, and once again I heard him speak there. The town was filled with soldiers who had escaped surrender and with refugees from all sections. Crowds gathered in the streets. Standing on the steps of the Presbyterian church, on Church street, the Governor addressed a multitude. He counseled fortitude and patience, and his speech breathed the undying courage that inflamed his bosom. He spoke of the rights of man—self-government—of the just government that can only exist by the consent of the governed; and his sentences ring yet in my ears.

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But a little later, the Confederacy disappeared, and as the years rolled by and the horrors of reconstruction ceased, we were back in the Union. In the terrible ordeals of those days of confusion, disaster and distress, Gov. Smith—now the retired citizen—clung with tenacious love to the interests of our people. He had words of hope for all, and by tongue and pen he pointed the way to their renewed prosperity. In the legislature of the State, and in the public gatherings of our citizens, his voice was potent; and to his dying hour he exhibited the keenest interest in public affairs, and set an example worthy to be followed.

His true Democracy rendered the new system of civil service—miscalled, reform—obnoxious to him. I have time and again rejoiced to hear him denounce it, pointing out the evils of an official class clothed with powers of indefinite extension, and selected by methods in which the people have no participation. It has taken but little time to disclose the weakness of such a system. The people cannot long rule in a government in which their voice is not potential in selecting agents. Gov. Smith was a Democrat, like Hendricks

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and Thurman; the fit companion of such men in intellectual discernment in thorough statesmanlike equipment, and in popular sympathies; and his name deserves the reverent admiration of all who seek to preserve the monuments of popular liberty.

The scenes of social life in which Gov. Smith was the center of a large and admiring circle; the scenes of life, in camp and field, in which he was the officer respected and the comrade beloved; the pleasant humors, and wisdom of his conversation, the charm of his manners, the penetration of his mind, and the powers of his eloquence, are matters impossible to depict in this brief sketch, and scarce possible to be depicted. Gifted indeed would be the hand that could retrace them. My poor tribute to his memory is that of one who honored him for those sterling virtues which made him everywhere a power for good, and who entertained for him warm sentiments of admiration and friendship. He was a great man and a good man. As a politician he had no superior. He attracted friendship by ingratiating manners that made him agreeable in every *coterie*. He cemented friendship by amiability and true sympathy for all around him, and by loyalty to every tie. He pleased his companions, because he had the good heart that loves to afford pleasure to others. He was a statesman of commanding figure, because he grasped principles, and stuck to them. He was a leader in peace and in war, because he was sagacious, fearless, bold, and counted no cost. Upon the hustings he was invincible. A few months before he died, I met him in Washington and he spoke of his declining health, not sorrowfully nor sadly, but as one who felt the shadows lengthening and darkening on his pathway; and he added, the maxim of my life has been "to entertain no opinion that I would not avow, and avow nothing that I would not vindicate." This was indeed his guiding star; and if I were to sum up my conception of Gov. Smith in a single word, I would say that manliness was his great quality. He had the robust common sense, practical intellect of a strong man. He had the cheerful well-tempered disposition of a good man. He had the public spirit, and enlightened mind of the patriotic man. He had the lion-like courage of the brave man. He was a Virginian, to use his own frequent expression *inlus et incute* with the chivalrous

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instincts and manly virtues that savored of the times he lived in, of the atmosphere he breathed, and the soil from which he sprung.

Long will his memory be green in the hearts of those who knew him, and long and high shall his name shine on the roll of the wise and valiant who have loved and served the State. Would that his biography could be written, and placed in the hands of every young man in the land. In it he would find the happy home of the revered husband and father, and the good neighbor, the field of honor that will not brook a stain; the love of country that inspires sacrifice and secures freedom; and the lesson of earnest energy and aspiration that climb upward by dint of true endeavor.

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I do not deem it irrelevant to insert the following vindication of the memory of Colonel Austin Smith, written by a comrade in arms, from a wanton calumny:

THE DEATH OF COLONEL AUSTIN SMITH.

To The Editor of the Charleston News and Courier:

An item appeared in your paper to-day under the heading "Cream of the Mails," in which the following statement is made in reference to Col. Austin Smith, son of the late ex-Governor Smith, of Virginia. "Austin Smith, the great bowie-knife fighter, was killed at the battle of Seven Pines." Please allow me to correct this mistake. Col. Smith was killed at the battle of Gaines Farm the second of the seven days around Richmond. He was on General Whiting's staff, whose division led the advance of Jackson's corps in the attack on McClellan's rear and whose charge broke through Fitz John Porter's lines of defence on Friday afternoon and dislodged him, though I observe that one of our doughty generals has recently tried to claim his laurels. A more courteous or kindly gentleman than Col. Smith I never knew. As an instance of his considerate kindness, I may mention the following: I was a private in the Hampton Legion Cavalry and a courier with General Whiting when Col. Smith was killed. On the night before I reached our bivouac at Topotony

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Creek at dark, without a blanket—Col. Smith observing it, insisted on sharing his with me, and we slept together, heads in saddle, until four o'clock in the morning, when his servant led up his favorite horse, a light dappled grey, a magnificent animal, dead lame. After examining him he told the servant to saddle another horse, and turning to me, with a disturbed look, said: "Farley, that's a bad omen; I will be killed to-day." "Oh no," I said; "on the contrary, I think if fortunate you can't ride the grey to-day; on him you would have been a conspicuous mark for every sharp-shooter; you will be safer on the other horse." But, alas! his premonition was verified. That day the gallant gentleman fell, shot through the shoulder, and died before the morning of the next day, lamented by everybody who knew him. Of him might we truly say with Sir Ector: "He was the meekest man and the gentlest that ever ate in hall with ladies, and he was the sternest knight to his mortal foe that ever put lance in rest"

Charleston, S. C., May 26.

John S. Farley.

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As a final tribute of love to her dead son, Virginia stamps his grave with her own seal.

Mr. Heaton said the Secretary of the Commonwealth had some doubt as to his right to allow Miss Smith to use the State's seal on the monument to be erected over her father's grave in Hollywood.

GOVERNOR SMITH'S MEMORIAL.

Mr. Heaton introduced the following, which was adopted:

Resolved (the House of Delegates concurring), That Miss Mary Amelia Smith be, and she is hereby, authorized and permitted to place a copy of the seal of the Commonwealth in such material as she may choose on the memorial stone to be erected over the

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grave of her father, the late William Smith, twice Governor of Virginia; and the Secretary of the Commonwealth is hereby directed to furnish her with a copy of the seal of the Commonwealth to be used in the execution of said purpose.

(The great men of the revolution, in their first meeting in congress, on the 5th September, 1774, and in their proceedings till the 26th October, when “the congress then dissolved itself;” did not merely declare in their resolutions and letters, on what ground they stood in asserting the rights of the people and colonies, but pointed to it as their rallying point. To the journal published by their order, and verified by the autograph of their secretary, is prefixed, in the title page, a medallion of which, the following is a fac simile.

The magna charta of England, was the pedestal on which the column and cap of liberty was raised, supported by the twelve colonies, assembled by their delegates; declaring that “ *on this we rely,* ” “ *this we will defend.* ”)

APPENDIX.

Forsan hæc olim Meminisse Juvabit. — Virgil

INTRODUCTION.

In embracing the amount of matter which appears in the appendix to this volume, it is not for the purpose of adding to the history or magnifying the importance of one of Virginia's most distinguished sons.

The subject of these Memoirs filled a large space in the public eye for near half a century. For forty years from 1836 to 1876, he was an active and distinguished participant in the politics of the State, in Federal Legislation and State Government. Hence any iteration, generated by the ardor of biographical enthusiasm, may be excused.

In the beginning of his legislative life as State Senator of Virginia, when that branch of the legislature was filled with the ablest statesmen of that period, when and where political

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animosities and party acrimony were, as at the present time, too ready to sacrifice the “best interests of the Republic,” to factious political ambition, Mr. Smith was regarded as the first among the foremost, in upholding the Constitution and the laws as formed and construed by the fathers.

It is his political record that the author esteems with greater admiration than that of any other period of his public life. That record is part of the brilliant history of Virginia. He now remembers when in the grand old days of this then proud and un mutilated Commonwealth, great questions of government and political economy were discussed by master minds. In the bank, tariff, internal improvements by the general government and other issues, Mr. Smith boldly and fearlessly stood forth as the great champion of Democracy and popular rights.

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He remembers when and how, with burning eloquence and passionate oratory, he dauntlessly maintained the affirmative of the proposition whether a bank charter could be repealed, before it had expired by its own limitation, when it had failed to comply with the purposes of its own creation and serve the great objects of government and the people; when he intrepidly opposed all monopolies and charters of incorporation except where administered in the interests of the great masses;—all high tariffs and taxation and custom duties, except for the bear support of government; and manfully struggled for economy and retrenchment in every department of the government, National and State. Upon these vital questions, no leader ever possessed a wider popularity. As Pitt, in England, O'Connell, in Ireland, and Clay, in Kentucky, so Mr. Smith was known as the great Commoner of Virginia.

When the Whig gentry were roaring themselves hoarse for bank tariff, and internal improvements; for distribution of the proceeds of the sales of the public lands, and the assumption of the debt of the State by the Federal Government, Mr. Smith denounced them from the hustings as worthless, profligate and unconstitutional—when the whole

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Whig party went mad with hatred of the Democrats, Mr. Smith haughtily declared his esteem for the masses; and the fire and grandeur of his eloquence gave him a sway over the people and attached them to him in a far greater degree than to any other man in the State; and though a determined and bitter partisan, he never stooped to the devices and chicane by which men form a political party.

His real strength laid not in the legislature or in congress, or with a few, but in the “great people.” as he was always wont to call them. He was in very truth, a representative man—the intense embodiment of Democratic principles.

With the depth of conviction and love of the people, coupled with his hearty self-assumption, his cool audacity and perfect self-possession, his indomitable energy and lofty vehemence, enabled him to contend with the first men of the State—with Rives and Gov. Barbour, Botts and Wise, Pendleton and 125 Lyons, Stuart and Baldwin, and others, and acquire a power and command over the people, exciting the jealousy of friends and hatred of foes.

The author deeply regrets that from quite a volume of letter press correspondence, he has found so few legible enough to be utilized in this work.

“ Eminent Virginians. ”

From Special Virginia Edition of Hardesty's Historical and Geographical Encyclopedia, written by R. A. Brock, Secretary of the Virginia Historical Society.

To the distinguished representative of the name of Smith in the annals of Virginia some reference has been made in a preceding sketch in this serial. Doubtless the paternal ancestor of the subject of this biography was settled in the colony early in the Seventeenth Century, but it is proposed to deduce first, her descent maternally which is more definitely preserved. Alexander Doniphan,* a native of Spain whose name was thus anglicized a Protestant, migrated to England for religious freedom, and thence to Virginia, where

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he married, some time before the year 1692, an heiress, Margaret, daughter of George Mort, a native of Scotland, and thus came into possession of a large landed estate of nearly 18,000 acres, located in the Northern Neck. He settled in that part which was subsequently erected into King George County, and died in 1716, leaving three sons and three daughters, as follows: Mott (the ancestor of the distinguished and venerable General O. W. Doniphan, United States Army). Alexander, Margaret, Elizabeth, Anne and Robert. The second son, Alexander Doniphan married twice; first Mary Waugh, and secondly Catharine Dobbins. Of his issue by the first marriage was a daughter, Elizabeth, born April 12, 1744; died January 15, 1809, married in 1773 William Smith, son of Joseph and Kitty (Anderson) Smith† born February 5,

* The tradition held by Alexander Doniphan's descendants is that he was of noble Castilian blood and had been knighted for galantry on the field of battle. The parchment patent of his rank, it is said, was carried to Kentucky by his great-grandson, Dr. Anderson Doniphan in 1792, and is believed to be in the possession of his present representatives.

† The descent of William Smith as preserved by his descendants was as follows: During the reign of George I, Sir Walter Anderson, a native of Wales, and an officer in the British Navy, and Sir Sidney Smith, a native of England, settled in Richmond County, Virginia; and Joseph Smith, a son of the last married Kitty, daughter of Sir William Anderson. Another daughter, Anne Anderson married Matt Doniphan, son of the emigrant settler, Alexander Doniphan. Walter Anderson received from Lord Fairfax a grant of 818 acres of and on Carters Run, west side of the Rappahanock River and another of 395 acres in June, 1726.

128 1741; died January 22 1803, of their issue of four daughters and three sons, the eldest, Mary Waugh, born January 1, 1775; died September 15, 1811, married December 18, 1794, William (son of Thomas) Smith, born in 1761 and died in November 1814. They had issue:

I. Eliza, born September 25, 1795; died August 14, 1797.

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I. William, the subject of this sketch, born September 6, 1797.

III. Thomas, born November 15, 1799; married Ann Maria Goodwin, of Caroline County; died April 4, 1847. He studied law with his brother William, and practiced for a time with exceptional success, but later entered the ministry of the Protestant Episcopal Church. By his unwearying exertions he caused the erection of the handsome Gothic church in Parkensburg, West Virginia. Had issue six sons, and four daughters, of the former Thomas G., who is married resides with his family in Parkensburg. Another son, Caleb, was reading law when the war with Mexico broke out. He enlisted, served with distinction, and was made a lieutenant of the United States Artillery. In 1861 he joined the 49th Virginia Regiment, was made major, and was wounded and permanently disabled in the first battle of Manassas; died December 22, 1874.

IV. Mary Frances, born January 9, 1802; married December 14, 1820, Professor Alexander Keech, President of Potomac Academy, Maryland, who was offered by Mr. Jefferson a professorship in the University of Virginia.

V. Catharine Elizabeth, born April 10, 1804; married December 7, 1826, John A. Blackford, and died December 4, 1844.

VI. Martha, born July 24, 1806; married William Bell (died July 1, 1874) brother of the wife of Governor Smith.

VII. James Madison, born March 15, 1808; married first Mary Bell (sister of the wife of Governor Smith); secondly May 22, 1845, his cousin Martha Smith Boutwell; died December 15, 1853 at Dora Aria, New Mexico, on his way to take charge of an Indian Agency, to which he had been appointed by President Pierce.

VIII. Anna Maria, born December 3, 1809; married January 17, 1833, Reverend Richard Johnson, of South Carolina, of the Episcopal Church, who was attached to Hampton's Legion during the war for the rights of the States, and gained by his gallantry the sobriquet

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of "The Fighting Parson." He died February 7, 1872. Only two sons, living respectively, in South Carolina and Georgia, survivors of their issue.

William Smith, the subject of this sketch, entered at the age of seven years, the old-field school of his native county, King George, and some years later received tuition in Fredericksburg, Virginia, where he resided in the family of Judge John Williams Green. In 1811 he was sent to Plainfield, Conn., to continue his studies at the Academy Jabez W. Huntington, subsequently United States Senator. Here he made considerable progress in the study of Latin and Greek; but the war with Great Britain breaking out in June 1812, young William caught the patriotic fire of the period and wished to enter the naval service. Having written his father 129 to procure him a midshipman's appointment, the latter deemed it prudent to call his ardent son home. He now for a time enjoyed a private tuition; but upon the death of his father, in November 1814, he was sent to the classical school of the Reverend Thomas Nelson at "Wingfield," Hanover County. Mr. Nelson was a highly successful teacher for a long series of years, and many of his pupils distinguished themselves in science and legislation. Young Smith continued with Mr. Nelson until the age of eighteen, when he entered upon the study of law, first with Green & Williams, at Fredericksburg, then with J. L. Moore, in Warrenton, and finally for a brief period in the office of General William H. Winder, in Baltimore, Maryland. Having passed an examination by Judge Hugh Holmes, Robert White, and John W. Green, he was licensed to practice law, and qualified in the Circuit and County Courts of Culpeper Co., in Aug. 1819. His talents, energy and fidelity speedily gained him success in his profession. An ardent Democrat in politics, the ability of Mr. Smith was soon extensively in request by his party. He responded cheerfully to its calls, though at personal sacrifice, and persistently declined all political preferment for a long period. In 1836, when in his 39th year, he consented to become a candidate for the State Senate, to which he was elected and served through the term of four years. He was re-elected to this body, but resigned after serving one season. In the Presidential campaign of 1840 Mr. Smith canvassed the state in the interest of his party, and in his triumphant advocacy of its principles, greatly

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enhanced and firmly established his reputation as a public speaker, and his hold upon the Democratic masses.

Early in the career of Mr. Smith as a lawyer, he had been impressed with the illy-provided mail service of Culpeper County, and determined to improve such facilities. In 1827 he obtained a contract for carrying the mails once a week from Fairfax Court House to Warrenton, and thence to Culpeper Court House. He renewed this contract in 1831. With this small beginning he, in four years built up a daily four-horse post-coach line from Washington City to Milledgeville, Georgia. In 1834 a violent attack was made upon the 130 administration of the Post Office Department, W. J. Barry being the Postmaster-General. In the rapid development of the postal facilities of the Southern country, the expenditures of the department were largely increased. In the Blue Book, or official register of the United States Government, the salaries or compensation of its officers or contractors appear in connection with their names; and in the case of the contractors compensation for instances of additional services ordered to be performed is indicated by an asterisk. Every extra allowance beyond the stipulations of the original contract was thus designated. As the route of Mr. Smith was one of rapid development his entries of service were abundantly thus marked. The circumstance was noticed in debate by Senator Benjamin Watkins Leigh, from Virginia, who without calling the name of Mr. Smith, had affixed upon him the life-long sobriquet of "Extra Billy." Mr. Smith obtained, January 1, 1835, the mail contract by steamboat and coach line between Washington and Richmond. The previous contractors, Messrs. Edmond Davenport & Co., of the latter place, started a passenger line in opposition, and for a few months there was a spirited competition, which is transmitted in tradition of free passage, and finally of the additional gratuitous inducement of a bottle of wine. It was ended by the transfer, for a consideration, of the contract to the former contractors. During this contest, in the month of February, Mr. Smith was seized in Fredericksburg, Virginia, with a violent attack of inflammatory rheumatism, which confined him to his bed, incapable of movement without assistance. Early in March whilst still prostrated, and at a time when the ground was covered with snow intelligence

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was brought him, that three of his coaches had been overturned in the Rappahanock River which was very much swollen in volume. Under the stimulant of strong excitement, he demanded that he should be taken from his bed, dressed, and placed upon his riding horse, and would take no denial. This was with much difficulty, and great pain to himself accomplished. Urging the horse to full speed, he speedily reached the river, plunged into the foaming flood, and ordered 131 his drivers to his assistance. Reaching the coaches, and realizing that the intense excitement, and the exercise had restored him to the use of himself, he dismounted into the water, and by his active example the coaches were promptly uprighted and started upon their route. The rheumatism was dispelled, not to return again.

The resolution of Mr. Smith was strikingly exhibited on another occasion. Being deprived unexpectedly of the services of the captain and pilot of the steamboat which he ran between Baltimore and Norfolk, he undauntedly took command of the vessel, and charge of the wheel himself, and successfully, in a fierce storm on the bay, reached port in advance of the rival steamer. "Champion" was the appropriate name of the boat so bravely and fortunately directed in this instance. Such energetic purpose merited the fullest pecuniary success—but it was unfortunately otherwise. The attention of Mr. Smith being divided between politics, his profession and his contracts, subjected him to the peculation of his agents, and financial disaster was the result. In 1841, Mr. Smith was elected to Congress over the Hon. Lynn Banks and served in that body until 1843. In December, 1845, he was elected Governor of Virginia, succeeding James McDowell, January 1, 1846. During his term he was nominated by the Democratic caucus for the United States Senate, which was accepted by the people as equivalent to an election, but a small minority of his party, disciples of the theories of Mr. Calhoun, broke ranks, coalesced with the Whigs, and after a protracted struggle and the withdrawal of Mr. Smith's name by his direction, accomplished the election of Hon. R. M. T. Hunter. In 1850 Governor Smith determined to go to California, where two of his son's were residing. He arrived in San Francisco in May and engaged in the practice of his profession with much success. His first considerable fee

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was \$3,000 for examination into the celebrated Surer title. California was admitted into the Union September 9, 1850.

Governor Smith was returned by San Francisco as its delegate to the Constitutional Convention which met at Benicia 132 in the autumn of 1850, and was unanimously elected permanent President of the body. In the State Assembly which convened soon after, Governor Smith was nominated for United States Senator—but cherishing a passionate love for his native state—and never having contemplated forfeiting his citizenship as her son, he would not permit his name to be submitted for election. When, on the 1st of December, 1852, Governor Smith determined to return to Virginia, such had been his success from his practice that he left in San Francisco property acquired therefrom, which yielded him an annual rental of \$18,000. Upon reaching Virginia, Governor Smith found the people of the State much agitated about a redivision into Congressional districts, rendered necessary by the census of 1850, before the legislature then in session, performed this duty. Under the new apportionment Governor Smith was elected to Congress in May, 1853, and served in this body by successive re-election until March 4, 1861. Returning home, he was prostrated by sickness and confined to his room for two months. In the meanwhile, the initial movement of our recent lamentable Civil War had been instituted. Governor Smith feeling that the struggle on the part of the South “would need the employment of every element of its strength” in the contest, was impelled by a sense of duty to enter the army, though in the sixty-fourth year of his age, and “wholly ignorant of drill and tactics.” He therefore offered his services to Governor Letcher, who promptly accepted them and tendered him a commission as Brigadier-General, but Governor Smith realizing the responsibilities of such a position, being unwilling to assume them until qualified by experience, declined such a rank and accepted a Colonelcy, and was assigned to the command of the 49th Regiment of Virginia Infantry, then being organized, and containing three companies only, with which it inaugurated its subsequent long and brilliant career, by a gallant participation in the first battle of Manassas. Its first commander thus warmly testifies to its valorous worth: “I will say that, in the numerous

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bloody fights in which it was engaged, it never broke in battle, or gave me the slightest uneasiness or concern as to its conduct.” 133 During the summer and autumn, it remained in camp at Manassa, completing its organization and being perfected in drill. During this period Colonel Smith, at the solicitation of his friends, announced himself as a candidate for the Confederate States Congress, and was elected without having made a canvass. He attended this body when it convened at Richmond, in February, 1862, leaving his regiment in charge of his Lieutenant-Colonel. Upon the adjournment of Congress, April 16, he rejoined his command. At the reorganization of the regiment, May 1st, he was re-elected its Colonel, upon which he resigned his seat in Congress. He participated with his command in the operations on the Peninsula, about Yorktown, and in those later, near Richmond. In the battle of the Seven Pines the loss of the regiment was fifty-five per cent of its number. Of its service here, Colonel Smith narrates: “Anderson's brigade, of which my regiment was a part, was ordered to keep on the left of the Williamsburg road, and ‘to the front, forward march,’ was the only order I received during the fight of some hours. In obeying this order we had to encounter a formidable abattis, consisting of heavy timber, felled at least six miles in extent, in which was a row of rifle pits and also on the Williamsburg road, a formidable earth-work—the whole occupied by an enemy whom we could not see until we came into close proximity. It was on this occasion, upon the complaint of my men, that they could not see the foe, that I gave the order to ‘flush the game,’” which excited so much humorous newspaper comment. Colonel Smith effectively participated in the battle of Sharpsburg, Maryland, on the 17th of September, 1862, the 49th constituting the right of the line on that memorable engagement. Colonel Smith was here severely wounded. One of his wounds, through the shoulder, it was feared would prove fatal. Before his wounds were healed he returned to the field in 1863, having been promoted to the rank of Brigadier-General, and took command of the 4th Brigade, then lying at Hamilton's Crossing, near Fredericksburg, Virginia. He now announced himself as a candidate for Governor of Virginia, and was elected to this office by a large majority, in May. Early in August, 1863, he 134 was promoted to the rank of Major-General, which he sought not, but prized “as an evidence of appreciation,” to use his own language.

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He entered upon his duties as Governor, January 1, 1864. He found that local defence was greatly needed, from frequent raids with which the Capital was menaced by the enemy. He accordingly organized two regiments for this purpose from those, who by reason of disability, as foreigners or contractors, or by age or non-age, were exempt from duty in the regular service. To each of these regiments was attached a company of cavalry. When called to the defence of the city lines, Governor Smith always assumed command of them, and the service thus rendered was in several exigencies highly important. Another great want in the State was supplies of every description—food for man and beast. Towards this provision Governor Smith assumed the authority to employ as a purchasing fund, the sum of \$110,000, which he drew in part from the State Contingent fund, and borrowed the remainder from the State banks. He commissioned agents, some of whom were supplied with cotton, with which to secure, through the blockade, such supplies as could be obtained from abroad only; others, procured from the South, corn, rice and other needful supplies. The measure was signally successful and profitable to the State, as an advance of ten per cent. was charged upon the cost to cover transportation and contingent expenses, whilst the public was protected from speculators' extortion. It greatly assisted the Confederate Commissaries in time of need, and upon the conclusion of the war, the Confederacy was indebted to the State in the sum of \$300,000 for such supplies.

Upon the evacuation of Richmond, April 3, 1865, Governor Smith determined to remove the seat of government to Lynchburg. General Lee surrendering to Grant three day's after his arrival in that city, he determined to follow the fortunes of the Confederate Government to Danville, Virginia; but here again rapidly maturing events frustrated his hopes. Realizing that further residence was hopeless, he returned to the vicinity of Richmond, communicated with the officer commanding 135 in that city and, though there was an outstanding reward of \$25,000 for his apprehension, demanded and received his parole, and returned to his home in Fauquier County. Governor Smith exulted in the fidelity of the people of his State to themselves and him, in that not one among them, despite

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their ruin, was bribed into the betrayal of him—and proudly and eloquently recited the evidences of their interest in and concern about him during his tour among them as their Governor—carrying in his person the only State Government they recognized.

It is a grand commentary upon the people that not even a thought, discovered by action, was entertained by them of securing this tempting sum of \$25,000, by the capture and delivery of their dethroned Executive to his enemies.

Governor Smith has, since the war, resided in Warrenton, Virginia, devoted to agricultural pursuits. He married, in 1821, Miss Bell, with whom he lived for the long period of fifty-eight years. He was bereaved of his cherished companion January 7, 1879. They had issue:

I. William Henry: Entered the United States Navy as a midshipman; obtaining leave of absence in 1850, entered into a private maritime enterprise between California and China, and was lost at sea in that year somewhere off the Sandwich Islands.

II. James Caleb: Was a licensed lawyer, and removing to California, was appointed a Judge of the Supreme Court of San Francisco, which position he held at will, became a member of the California Assembly, and subsequently associated himself with a great Land Company in Central America, of which he was chosen President, and in the service of which, he died at New Grenada, of fever.

III. Mary Amelia: Unmarried and resides with her father.

IV. Austin E: A lawyer by profession, and practitioner at Fauquier and adjoining counties; in February 1853 removed to San Francisco, California; appointed by President Buchanan naval officer of that port; resigned in 1861 to share the fate of his native State, and on his way to Washington to settle his accounts was arrested and held as a prisoner of war. Offered his release upon condition that he would return to California, which he indignantly rejected; his exchange being accomplished by the efforts of his father, he entered the

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Confederate States Army as an aid on the staff of Major-General Whiting, and received his death wound at the battle of Gaines' Mill, whilst enthusiastically leading a charge.

V. Ellen—Catharine VI. Catharine and VII. John Bell, all died in infancy.

VIII. Thomas: Graduated A. M. from William and Mary College; after attending a law course of two years at the University of Virginia, during which he was prevented from graduating by a protracted attack of typhoid fever, at the time an epidemic at this institution, he settled in Charleston, West Virginia; served as a private in the beginning of the late war as member of the Kanawha Rifles; appointed Major of the 36th Virginia Regiment at its organization in 1861. Commanded it at Fort Donelson, captured a battery of the enemy under special 136 orders, armed his regiment with Enfield rifles taken from the enemy and successfully withdrew his command from the Fort during the negotiations for its surrender, was promoted to the rank of Colonel and gallantly commanded his regiment, until the transfer of the senior officer of the brigade, when Colonel Smith became Brigade Commander, was recommended for promotion as Brigadier; his commission was duly issued just before the evacuation of Richmond. Since the war's close he has pursued the practice of his profession, in the main, in Fauquier County, of which he was elected Judge by the Legislature, and which he at present efficiently represents in the House of Delegates.

IX. P. Bell: Graduated A. M. from William and Mary College, and A. B. University of Virginia. In 1859 commenced the practice of law at Warrenton, Virginia. Having lost an arm by a fall from a tree in his youth he was disabled from service in the Confederate Army, and chafed under the misfortune; served in 1864 as Governor's aid to his father, whose fortunes he loyally followed through all the hazards of his retreat; died from a wound received from the explosion of a pistol that slipped from his hand.

X. Littleton Moore: Died in his youth.

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XI. Frederick Waugh: Volunteer when but a boy in the 49th Virginia Regiment; was appointed its Sergeant-Major—became staff officer with rank of Lieutenant; was wounded at the battle of Fredericksburg, was made Captain and served with General McCausland; subsequently attached himself to the command of Colonel John S. Mosby; with which he remained to the close of the war, and until its disbandment near Richmond, upon the surrender of Johnston's army; was advanced to a Major before the fall of Richmond, for service on the staff. Is married and now living in Arizona Territory.

Governor Smith retains, in a remarkable degree, his faculties entire, mental and physical. His erect and alert carriage misleads one as to his age. He is still a most efficient speaker, as his present earnest advocacy in public of the cause of temperance fully evidences. There is a fine portrait of him in the State Library at Richmond.

REMINISCENCES OF THE WAR.

By General William Smith.

Skirmish At Fairfax C. H., May 31st, 1861.

[None who knew him could fail to admire the enthusiastic courage with which Governor Wm. Smith, of Virginia, threw himself into the thickest of the fight for Southern independence, and gave an axample of patience under hardships which younger men might well have emulated. Now in his eighty fifth year; but with the clear intellect and retentive memory of his vigorous manhood, he proposes to write us some of his personal reminiscences of the great struggle.

The following paper on the skirmish at Fairfax Courthouse, will be followed by one on the first battle of Manassas. We are sure our readers will thank us for these interesting sketches by this gallant old hero.]

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On the night of the 31st of May, 1861, Lieutenant-Colonel Ewell (subsequently General Ewell), just out of the Federal lines, in which he was Captain of cavalry, was in command, and had been for two weeks, of the Confederate forces at Fairfax

AUTOGRAPH, AT NINETY YEARS OF AGE.

137 Courthouse. This was a small village of some 300 inhabitants, and was the county seat of the noted county of Fairfax. The village was built, principally, on the Little River turnpike, and at a point thereon fourteen miles from the city of Alexandria. The turnpike was used as the main street of the village, and was its only avenue to the west. The most important buildings of the village were the court-house and its appurtenances, including a lot of several acres, well enclosed, and on the northern side, with a high-boarded fence; and the hotel and its appurtenances and enclosure. These buildings were opposite each other—the court-house on the south and the hotel on the north side of the turnpike. The court-house lot was not only well enclosed, but was also surrounded with streets—first, the turnpike, on the north side, as before stated; second, a street on the west side, leading from the turnpike into Stevenson's farm and there, at an intersecting point, running due east with the courthouse lot to its intersection with the street, binding said lot in its eastern side and running from the hotel south 230 steps to the Methodist church, and thence to Fairfax station. I mention these facts with more particularity, as it will assist the reader to understand what follows. I proceed now to add, for the same purpose, that Lieutenant-Colonel Ewell's quarters were at the hotel; that Captain Thornton's company of cavalry, of about sixty men, were on the same side of tee street with the hotel, the horses in the stable of the hotel, and the men in a church a short distance further west. Captain Green's cavalry company, also about sixty strong, was quartered in the court-house lot, the horses picketed in the lot, and the men sleeping in the courthouse. Captain Marr's company of rifles, about ninety strong, was quartered in the Methodist church, which, as I have said, was 230 steps from the hotel. This company had only arrived that day (the 31st), and had not seen Colonel Ewell, nor been seen by him, he being out on a scout.

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Captain Marr, after making his company comfortable in their new quarters, sent out a picket of two men on the Falls Church road, the only approach it was deemed necessary to guard. I arrived at Fairfax Courthouse about 5 P. M. of the same day, on a visit to Marr's company, which being raised in my neighborhood, although known as the Warrenton Rifles, I designated them as "my boys." After seeing them at their quarters and spending a pleasant hour with them, and after a gratifying interview with Colonel Ewell (whom I knew well, but had not seen for many years), and many other friends, for the little village was quite crowded, I retired with Joshua Gunnell, Esq., to the comfortable quarters he had kindly tendered me at his house. This brought me within about one hundred yards of Marr's command. I shall be pardoned, I trust, for introducing my name into this statement of the situation, but the circumstances will excuse, if not make it necessary, I should have done so. The only companies then at Fairfax Courthouse, on the night of the 31st of May, were those I have mentioned. They had seen no service, and were entirely undisciplined. The cavalry companies were badly armed, and Colonel Ewell in his official account of the affair which subsequently occurred, says: "The two cavalry companies (Rappahannock and Prince William) had very few fire arms and no ammunition, and took no part in the affair." *So here is the number and character of our entire force on the 31st of May, 1861, and the only force in any way concerned in the affair of the next morning.*

In this state of things, the enemy having determined on a scout, I have concluded to let Lieutenant Tompkins, commanding, speak for himself by publishing his official report:

" Camp Union, Virginia, June 1, 1861.

Sir. —I have the honor to report, pursuant to verbal instructions received from Colonel-Commanding, that I left this camp on the evening of 31st of May in command of a detachment of Company B, Second Cavalry, consisting of fifty men, with Lieutenant David S. Gordon, Second Dragoons, temporarily attached for the purpose of reconnoitering the country in the vicinity of Fairfax Courthouse. Upon approaching the town the picket guard was surprised and captured. Several documents 138 were found upon their persons,

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which I herewith inclose. On entering the town of Fairfax my command was fired upon by the Rebel troops from the windows and house-tops. Charged on a company of mounted rifles and succeeded in driving them from the town. Immediately two or three additional companies came up to their relief, who immediately commenced firing upon us, which fire I again returned. Perceiving that I was largely outnumbered, I deemed it advisable to retreat, which I did in good order, taking five prisoners, fully armed and equipped, and two horses. Nine horses were lost during the engagement and four wounded.

“The force actually engaged at the commencement of the engagement were two companies of cavalry and one rifle company, but reinforcements coming in from camps adjoining the Courthouse, which I learn from reliable authority, increased their force to upwards of 1,000 men. Twenty-five of the enemy were killed and wounded. Captains Cary, Fearing and Adjutant Frank, of the Fifth New York State Militia accompanied the command as volunteers, and did very effective service, I regret to state that Captain Cary was wounded in the foot.”

(The concluding paragraph of Lieutenant Tompkins's official report is omitted as unnecessary.)

The following report by General McDowell, commanding, had been previously made to the Adjutant-General:

“Arlington, June 1, 1861—12 M.

“*Sir*:—The following facts have just been reported to me by the Orderly-Sergeant of Company B, Second Cavalry, commanded by Lieutenant Tompkins, the commanding officer being too unwell to report in person. It appears that Company B, Second Cavalry, commanded by Lieutenant Tompkins (aggregate about seventy-five), left its camp about 10½ last night on a scout, and reached Fairfax Courthouse about 3 A. M., where they found several hundred men stationed—Captain Ewell, late of the United States Dragoons, said to be in command. A skirmish took place, in which a number of the enemy were

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killed, how many the Sergeant does not know. Many bodies were seen on the ground, and several were taken into the court-house and seen there by one of our cavalry, who was a prisoner for a short time and afterwards made his escape.

Five prisoners were captured by our troops. Their names are as follows, viz: (Names not given by General McDowell; and concluding paragraph omitted as unnecessary.

The above quotations from the official reports of Lieutenant Tompkins and General McDowell are so full of errors that it is due to truth and justice they should be exposed. I repeat that the whole Confederate force at Fairfax Courthouse, on the night of the 31st of May, 1861, was composed of the companies and of the character and description I have heretofore named; and I will add, that the only additional force which came to our assistance was sent for by Colonel Ewell, and was composed of the cavalry companies of Harrison and Wickham, who did not reach the Courthouse until after sunrise, and fully two hours after the enemy had been finally repulsed, by little more than half his number of Captain Mart's rifles.

Lieutenant Tompkins says: "It will be observed, that he was in command of a detachment of Company B, Second Cavalry, consisting of fifty men, with Second Lieutenant David S. Gordon's Second Dragoons temporarily attached."

He subsequently adds: "Captains Cary, Fearing and Adjutant Frank, of the Fifth New York State Militia, accompanied the command as volunteers." General McDowell says: "It appears that Company B, Second Cavalry, commanded by Lieutenant Tompkins, (aggregate about seventy-five)." General Bonham, after an examination of the three prisoners taken, reports, "The enemy was eighty to eighty-five strong." Colonel Ewell in his official report says: "Three prisoners were brought in, who separately reported their strength at eighty, rank and file." And two of the prisoners taken by the enemy, intelligent men, with whom I have communicated, 139 think the enemy's force must have been seventy-five to one hundred men. All this testimony, with what I saw, satisfied me that

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Lieutenant Tompkins had his company, and not a detachment thereof with him; and that his force was about eighty men, and not fifty, as he reports.

Lieutenant Tompkins says: "Upon approaching the town the picket guard was surprised and captured." This was on the Fall's Church road, about a mile below the town. One of Marr's pickets was captured, made his escape in town, and joined us, as he says, in the fight which subsequently occurred. The firing of the enemy at the pickets did more to spread a knowledge of his approach, than all our pickets.

It was very dark, so that objects could only be discerned in the group, and not in the detail. On the alarm being given, lights were soon moving in the hotel. The cavalry companies located as before described, commenced to form, forming on a line with the court-house enclosure, on the part of the Prince William company, and on the street or turnpike over which the enemy must pass in charging through town, while the Rappahannock company, similarly employed, was forming in the courthouse lot, but with the advantage of being protected from an enemy by a high board fence. Neither company was nearly formed when the enemy appeared. Lieutenant Tompkins says: "On entering the town of Fairfax, my command was fired upon by the rebel troops from the windows and the house-tops." In this the Lieutenant was under a gross mistake. Not a shot from any direction, up to this time, had been fired at him; on the contrary, Lieutenant-Colonel Ewell, speaking of the alarm, says: "This was followed by their appearance, firing at the windows and doors of the hotel, where there was no resistance or troops." Lieutenant Tompkins further says: "That he charged on a company of rifles, and succeeded in driving them from the town." This is a gross mistake, we had no such force. It is true, as the enemy went through the town firing to the right and left, apparently at random, as if for no other purpose than to excite alarm, he drove before him a small portion of the Prince William Cavalry, four of whom he succeeded on this occasion in capturing, the Rappahannock Company having been left behind in the court-house lot to complete its formation at leisure.

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In the meantime, the alarm having reached Captain Marr also, he promptly deployed his company in Stevenson's clover field, his right near the road to the Fairfax Station and near its quarters, the Methodist church, and parallel with the street before described, and which divided the clover field from the court-house lot, resting its left on the road leading to the Stevenson's farm house. Here Captain Marr was found the next morning, dead, (and apparently without having had a struggle in his last moments), one hundred and fifty steps from the church, and thence two hundred and thirty steps to the hotel, thus constituting an obtuse triangle. Here he was, doubtless, handling his men, and was struck by a random shot to the left, fired by the enemy as he passed the court-house, the distance being, as well as I can judge, three hundred steps. I have not been able to ascertain that any one of his men knew of his death—the clover was very rank and tall, and I am told, completely enveloped his person, which may account for it. And further, from a careful examination of his wound next morning, I became satisfied that the Captain was killed, as I have before said, by a random shot. The wound was immediately over the heart—had a perfect circular suffusion of blood under the skin, something larger than a silver dollar, but the skin was unbroken, and not a drop of blood was shed. Nothing but a round spent ball could have inflicted such a wound. Manifestly it was the shock of the blow, which, suspending the machinery of the heart, had necessarily produced instant death. It was reported to me that Captain Marr, when found, was upon his face, with his sword firmly gripped in his right hand, not having taken time, it is inferred, in the hurry and excitement of passing events, to belt it round his person. Captain Marr being thus killed, a fact unknown to his men, the enemy having gone up the turnpike, driving part of the Prince William company before it, and the Rappahannock company left in the court-house lot, having completed its formation, 140 moved into the street, west of said lot, and to avoid the enemy on his return, turning in the direction of Marr's men, near the Stevenson road was, in the extreme darkness, mistaken by them for the enemy, and was fired upon, severely wounding one of the cavalry. This, very naturally, impressed the cavalry company with the idea they had been fired upon by the enemy. So that under the mutual mistake, the cavalry being entirely unfit for effectual service, and the left wing of the Rifles demoralized by the unexpected

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disappearance of its Captain, both dispersed, and sought safety in darkness, perhaps as intense as I ever saw.

While these events were occurring, of which I knew nothing other than from the noise, I was satisfied that the enemy had passed through town. I was delayed briefly in fixing my tape to my Maynard rifle. Hurrying to the quarters of the Werrenton Rifles, I found about forty or forty-five of them, a short distance this side of their quarters, standing in the clover lot before referred to and resting on the fence which enclosed it, and without an officer. I promptly addressed them, "Boys, where is your Captain?" They answered, "We don't know, sir." Where is your Lieutenant (meaning Shackelford)? The answer was the same. (It is due that I should say that both the Lieutenants, Shackelford and McGee were absent on leaves with their families). Knowing that the men did not look to the other officers to command, I said to them, "Boys, you know me, follow me." Without hesitation, they jumped the fence, and at the corner of the court-house lot on the sidewalk leading from the church to the hotel, I, without the slightest knowledge of tactics, commenced to form them into two files. I had nearly completed my work, when hearing a disturbance at the head of the column, I walked rapidly up the line to hear what was the matter. Nearing the head of the column, I heard Lieutenant-Colonel Ewell, in his impetuous way, say to one of the men (Davidson), "What, sir, do you dispute my authority?" To which the young man, in a very proper manner replied, "I do, sir, until I know you have a right to exercise it." Taking in the situation, and aware that the Rifles and this officer were strangers to each other, I at once said, "Men, this is Lieutenant-Colonel Ewell, your commanding officer, a gallant soldier, in whom you may place your confidence." Of course this ended the trouble. The men might well be excused for doubting Colonel Ewell, for when he came up he was bare and bald-headed, in his shirt sleeves and bleeding. Fearful that the enemy might be on his return through town before we were prepared to intercept him, Colonel Ewell again hurried to the column to complete its formation, which was soon accomplished. We put ourselves at the head, and gave the command "march," having two hundred yards to go before we could reach the turnpike, running by the hotel and over which the enemy must pass on his

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return. It was during this march that Colonel Ewell told me how he came to be in his then condition; that he had undertaken to run across the street from the hotel, just ahead of the enemy's column, which he could do undercover of the darkness, that the commanding officer of the enemy discovering that some one was crossing the street in front of him, had fired upon him, and struck him in the fleshy part of the shoulder, that as he ran, he jerked off his uniform and pitched it into a lot, his fear being that the enemy might discover he was an officer, and might make a special effort to capture him. The coat was found next morning in Powells porch below Gunnell's, and accounts for Ewell's tardiness in reaching the Rifles. He then said to me, that as soon as we reached the hotel he would have to leave me to get a courier to send off to Fairfax Station for some cavalry camped at that place, and added, that as I seemed to have a turn for this sort of thing, I must take charge of the boys and manage them to the best advantage until he rejoined me.

I will here collate the incidents which had occurred up to this time. I think it was a little before 3 A. M., and very dark, when the enemy struck our pickets, and entering town, and near the hotel, as described, wounded Colonel Ewell—commenced firing to the right and left, clearly with no other object than to alarm—killing Captain Marr with a chance shot at a distance of three hundred yards, never pausing for a moment, but driving the Prince William Cavalry before them, and stopping at the stream west of the town, manifestly to reform and to return through the town, the dispersion of the Rappahannock Cavalry, and the larger portion of the Warrenton Rifles, and the organization of those remaining by Colonel Ewell and myself, and marching them promptly to the point of interception of the enemy' should he undertake to return through the town, as was expected. I am confident that all these incidents occurred within the first half an hour of the first appearance of the enemy in town; resulting in the slight wounding of Colonel Ewell, the killing of Captain Marr, and the dispersion of the whole Confederate force, except some forty to forty-five of the Rifles, then in hand; and with which to redeem the fortunes of the night.

But to resume, we had just struck the turnpike, and turning our little squad to the left had got it cleverly on the road between the hotel and the court-house, when the enemy

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appeared advancing. My purpose was to advance until I found a good position for the expected fight, but we had to take things as we found them. Both of us had narrow fronts, two files, and neither could deploy, the road being enclosed on each side by the fences of the hotel and the court-house respectively. The enemy halted, because (I suppose), he saw something occupying the road in his front. Flushed with their success, they were manifestly in considerable disorder, and when I ordered the Rifles to fire, which, owing to their position, was obeyed to a very limited and inefficient extent, I do not think the enemy returned it. But, reversing his movement returned, I inferred, to the run west of the town, to reform his command, I presume, in order to charge, in order, through the town. It must have been at this time, or when we first entered the turnpike, (for I saw no more of him afterwards,) that Colonel Ewell left the command to dispatch a courier to bring up the cavalry companies of Harrison and Wickham, camped at Fairfax Station, three miles from the court-house. Captain Thornton, I was informed, went on this duty. Neither man nor beast, that I could ascertain, sustained the slightest injury in this collision.

Having been left to my own discretion, and perfectly satisfied that my position was untenable against any mounted force of dash and courage, I followed immediately on the retiring footsteps of the enemy. It was not until I had reached Cooper's wagon shop, ascertained by recent measurement to be one hundred and ninety-five steps west from the court-house, that I found a place which satisfied my judgment. Here I found a new post and rail fence, on each side of the turnpike—the one on the south side helping to enclose the wagon shop yard. Feeling safe in this position, I at once divided my command, placing it on opposite sides of the road, and protecting it by the post and rail fence. I stated to the men, if I was not much mistaken, the enemy will soon appear—that they would seem a dark moving mass, and when I gave the command “fire” they must all aim at the head of the column, my object being to crush it in, throw the command into confusion, win time, deliberately to reload, and to give them another plunging volley before they could recover from their confusion. And in that way I said, I counted on whipping the veteran enemy, although our superior in numbers. I had scarcely gotten through with this statement of my

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plans and purposes, when the enemy appeared. Near the Episcopal church, fifty steps, by subsequent measurement, west of the position we occupied, I first discovered him. He was leisurely advancing, and when within forty yards of us I gave the command "fire." It was admirably executed. Another fine volley followed, and a third partially, when the enemy fell back. During this time the enemy fired wildly and irregularly, not only without wounding or killing any of my men, but not even entertaining "The Rifles" with the whistle of a bullet. The result of this affair was the capture on our part of three prisoners, I think four horses, a number of horses killed and wounded, and according to general McDonald's first official report, (which I have), one man killed and six wounded, besides a number of arms and fancies, such as photographs of pretty women and the like, picked up after the fight. The whole affair occupied a very short time, during which Colonel Ewell 142 was engaged in getting his courier, and preparing his dispatch to order up the troops from Fairfax Station—it could not have exceeded twenty-five minutes. I repeat that the enemy's passage through town resulted in the casualties as stated—the dispersion of the entire Confederate force, with the exception of some forty to forty-five of the Rifles—that our cavalry, for the reason stated by Colonel Ewell, I suppose, "took no part in the affair"—that in passing through town, as Colonel Ewell officially says, the enemy, "did not stop, but passed through toward Germantown," and was not fired upon, the cavalry, I repeat, taking no part in the affair, and the Rifles being, at the nearest point, two hundred and thirty steps off—that the first collision which took place, was between the enemy, on his return through town, and about forty of the Rifles, and occurred on the street, between the hotel and court-house inclosures, without damage to either, the enemy retreating, and that the final affair took place one hundred and ninety-five steps from the former, resulting in the inglorious retreat of Company B. Second United States Cavalry, before, certainly not more than forty-five young Virginians, but little more, if any, than half the number of their veteran enemy, and that too, without inflicting upon us the slightest injury. In this final fight if I may so express myself, Lieutenant Tompkins says, "Perceiving that I was largely outnumbered, I deemed it advisable to retreat, which I did in good order." I re-affirm upon my honor that the force which Lieutenant Tompkins assumes to be largely superior to his own did not

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exceed forty-five men; and that he was permitted to retreat "in order," in consequence of our inferiority of numbers and our utter want of military experience. He further says that we increased our "force to upwards of a thousand men." Now I assert that no reinforcements joined us until long after his inglorious retreat before an inferior force; and that the only force which did join us were the companies of Captains Harrison and Wickham, for whom Colonel Ewell had sent, and they did not arrive until some time after sunrise. Lieutenant Tompkins officially reports that "twenty-five of the enemy were killed and wounded." This is most inexcusable mendacity. I again say that except from the chance-medley firing of the enemy as he passed through town, we did not sustain the slightest injury. At the first collision we received no injury and are not aware that we inflicted any. At the second and last, we certainly received no injury, but inflicted considerable damage on the enemy, and forced him to seek safety by retiring from the contest through the fields of an adjoining farm.

I have thus presented the facts of this little affair, most of which are within my personal knowledge, whilst those contributed by others have been adopted only after the most patient investigation.

William Smith.

Warrenton, Va., June, 1882.

MEMORIAL COTTAGE, AT THE SOLDIERS' HOME, RICHMOND.

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OUR FALLEN BRAVE.

BY MISS FANNIE H. MARR.

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[It seems appropriate to follow General Smith's account of the killing of Captain Marr, by the the beautiful poem written by his sister, and read at the last "Memorial Day" in Werrenton.]

They lie 'neat many a marble shaft, Our noble, fallen brave; They lie on many a battle field,
In many an unmarked grave. They lie by Honor guarded safe, In peaceful dreamless rest;
They lie by every valiant heart And patriot spirit bless'd.

They come on these Memorial Days, They haunt the very air With scenes long passed,
with forms long stilled, With words and deeds that were. They come to mourning
household bands, They come in heart and thought! They come in struggles they have
made, In battles they have fought. They come,—and living voices speak Their names and
deeds once more; We give a flower—a sigh—and then Memorial Day is o'er.

O children, dear, who never saw The old Confederate gray; Who never saw our soldiers
march With flag and drum away; Who never saw the dead brought back, The wounded
line the street; Who never heard the cannon's roar, Nor tramp of victor feet; Keep as a holy
trust this day To their remembrance true, Who, sorely tried, were faithful found, And fought
and died for you.

That so, though dead, they still may live; Live on, as year by year, This day recalls the
memories So sacred and so dear. Live on, though ages o'er them roll; Live on in flower-
decked grave: Live on in hearts that cherish still Our own, our fallen brave.

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REMINISCENCES OF THE FIRST BATTLE OF MANASSAS.

BY GENERAL WM. SMITH.

I was appointed by Gov. Letcher, Colonel of the Forty-ninth Virginia volunteers, the latter part of June, 1861, upon my individual application. The Governor replied to my application,

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that I was too old; to which I rejoined, that I would like to see the young man who could stand more hardship and fatigue than I. Well, he said, if you insist upon it, I will not refuse. To which I said, in the words of the bridegroom, who, when asked by the parson if he would take this woman as his wedded wife, “zounds man, that is just what I come for.” The Governor thereupon gave me an order to Gen. R. E. Lee, then Adjutant-General of our State, to prepare my commission. Upon presenting it, General Lee, after glancing over it, looked up with manifest surprise, he, too, doubtless thinking I was too old; and pausing a moment, and without a word, he filled up and handed it to me. I took it to the Governor for his signature. Receiving it, I returned with it to General Lee, that he might make the proper record—who, having done so, returned it to me, with an order to General Beauregard to form my regiment out of companies as they severally reported for duty. In my sixty-fourth year, and wholly unacquainted with drill or tactics, my military prospects were anything but flattering; yet, I thought I knew how to manage men, and flattered myself that I could soon, for all practical purposes, overcome existing difficulties. Besides, I well knew the bitter feeling of hostility against the South cherished by Northern politicians, who would greedily seize upon the opportunity to gratify their hatred and satiate their revenge; and in view of the great inequality of the contest, I felt it to be my duty to set a spirited example and to contribute all in my power to the success of a cause which was dear to my heart, and which I believe, and ever shall believe, to be right. With this explanation, by way of reply, to the many friends who kindly remonstrated against my entering the army, I proceed to carry out the purpose of this article. Having made my personal arrangements, and having fortunately secured unexceptionable field officers, to wit: Lieutenant-Colonel Murray, a graduate, I believe, of West Point, and certainly a splendid drill-master and tactician, and Major Smith, my nephew, a veteran soldier, just about three weeks from the Federal army, having resigned therefrom to enter the Confederate service, I felt that my first great difficulty had been overcome.

And so, with three companies only assigned to my regiment, I found myself regularly enrolled in the Confederate army, only three days before the first battle of Manassas.

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On the first day, and late in the afternoon, I was ordered to the Sudley mills, where I expected to meet Colonel Hunton, then on the march from Leesburg. On our arrival, finding Colonel Hunton had not arrived, we camped in and around the Sudley church, my quarters being in a house not far from it. It was fully 11 P. M. before my men got their supper and fixed themselves for the night, and I had not been asleep more than an hour when, about 1 A. M., I received an order to get my men under arms and move with them to a point on Bull Run near the Lewis house, and to report to General Cocke; in other words, to return. I promptly gave the necessary orders. On reaching the camp I found the command in a state of confused preparation, and when it was reported as ready to move I walked over the ground and found many of its conveniences about to be abandoned. I at once sternly rebuked the men for their negligence, told them that *order* and *care* were two of the duties of the soldier, and that I would not tolerate the loss of a tin cup if an act of carelessness. The ground being gleaned, the order to march was given, and we reached our position about sunrise. The next day we camped near the Lewis house. As it was understood we were to fight the day thereafter, and my men had but little rest the previous night, I determined they should have a good night's rest the coming night. Accordingly when the sentinels were posted, they were charged not, under 145 any circumstances, to permit the men to be disturbed. On the morning of the 21st July, 1861, I was ordered to take position on Bull Run, north of the Lewis house; and Captain Harris, an engineer officer of much note, was ordered to accompany and post us. We were placed on the edge of the run, under a bluff, on which a section of Rogers's battery, under Lieutenant Heaton, was posted, and temporarily attached to my command.

Riding up on the bluff, I found but one gun. Surprised, I asked the Lieutenant where his other was. Pointing to it, near the Lewis house, he said, "there it is, and put there by the order of General Cocke." Putting spurs to my horse, as I passed the gun, I gave orders for every man to be in the saddle, ready to move on my signal to do so, on my return. Dashing up to General Cocke, who was some two hundred yards west—after saluting him—I said, General, permit me to suggest that the gun I have just passed would be more

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likely to render effective service along side of its mate on yonder bluff than where it is now; and I beg you will permit me to so order. Receiving his consent, and touching my hat in salute, I moved rapidly in return, giving the expected signal, so that the gun with all its equipments was promptly in motion, and moved with such celerity, that it reached the bluff before I could, with all my dash, overtake it. It was a happy reunion, and under the exhilarating circumstances, gave assurance of a splendid fight, should the exigency require it; but a few shots from our guns and from Latham's battery near by, on my right, induced the enemy, who had shown himself in the pines on the northern side of the run, to abandon his purpose which, obviously, was to reach, in this direction, our line of inter-communication with Manassas. As far as I can learn, the enemy's force referred to was under the command of General Schenck. He was easily checked. About this time the peals of musketry, apparently about the Robinson and the Henry houses, was incessant and fascinating. While thus absorbed, and sitting on my horse, surrounded with Colonel Murray, Captain Harris and others on the bluff, near Heaton's guns, Lieutenant-Colonel Murray called to me, "Look there, Colonel." Following the direction of his finger, I saw two regiments in line of battle, moving at quick time, apparently from the field of battle. I know not how to account for my conduct, but giving way to the impulse of the moment, I put spurs to my horse, threw myself in their front and brought them to a halt, simply remarking, "Gentlemen, I must inform you that you have taken the wrong direction."

Returning quickly to my position, for the heavy firing still continued, I had barely done so, when Colonel Murray cried out: "Look, Colonel, those fellows are moving." Again stopping them I again returned to the bluff, when Colonel Murray for the third time exclaimed. "Colonel, those fellows are off again." Much exasperated, I put spurs to my horse, soon overtaking them, and galloped around their left flank, drew up in their front, and again brought them to a halt on the road leading from the Lewis house to Ball's or Lewis' ford, I am uncertain which. As I did so, I heard some one in the ranks cry out, "who the h-ll is that?" To which I replied in a loud voice, "I am Colonel Smith, of the Forty-ninth Virginia Volunteers." To which Colonel Fisher promptly replied, "and I am Colonel Fisher, of the

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Sixth North Carolina, all I ask is to be put in position,” and Colonel Falkner then said, “and I am Colonel Falkner of the Second Mississippi,” but from the distance he was from me, I heard him imperfectly, yet understood him to say that he was ready to obey orders. Then, I said, “dress your men on the line of this road, bring them to a rest, and wait for orders.” These regiments and the gun I had had moved to the bluff, were, it is highly probable, the foundation of General Schenck's estimate of our force. He had them in full view from the position he occupied in the pines.

Returning rapidly to my position, I there found a general order, that every man not in the face of the enemy should report to General Beauregard near the Robinson house. Promptly putting my little command in motion, I soon crossed a small ravine draining into Bull Run. Ascending the opposite hill, Lieutenant-Colonel Tibbs of 146 Colonel Hunton's Eighth Virginia Regiment hallooed to me: “I am posted here (near the head of the ravine) with three companies; for God's sake, let Colonel Hunton, who is at the Lewis house with the balance of the regiment, know your orders.” The hill on which the Lewis house stood is of very considerable size and the northern slope of it drains into the ravine. The whole of this slope, up to the new ground, near the north of the Lewis house, was then covered with an oaken growth of original forest; but it is now, I find upon recent examination (1882), under a fine crop of corn, the house having been burnt by the enemy in the spring of 1862, when he first took possession of it. Ordering Lieutenant-Colonel Murray to take charge of my command, and to move on without delay, saying I would soon rejoin him, I put spurs to my horse, dashed through the woods and nearing Colonel Hunton's command, hallooed to him that General Beauregard's order was, “that every man not in the face of the enemy should move into action.” To which he promptly replied: “I am posted here by General Cocke, with express orders not to leave my position without his command.” I rejoined, “You know whom to obey.” Returning rapidly to my command, I had scarcely reached it when a squad of fifteen or twenty men crossed my line of march, in the direction of the Lewis house. I halted them for information, when at the instant a heavy outburst of musketry breaking upon the ear, they resumed their previous rapid movement,

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like frightened deer, amid the derisive laughter of my whole command. Resuming our march, we had proceeded but a short distance when we encountered a South Carolina company moving in the direction of the stone bridge. Ascertaining it was lost, I said: "Fall in upon my left and I'll conduct you to the post of duty." This was promptly done. Moving but a short distance I encountered two Mississippi companies under precisely similar circumstances, to whom I also said: "Fall in on my left and I'll conduct you where men can show their mettle;" which was done with alacrity. So that when I reported to General Beauregard, some hundred yards from the Robinson house, I had three companies of my own regiment, one South Carolina company and two Mississippi companies—not exceeding in all 450 men. Touching my hat, I said: "General Beauregard, I report for orders." Pausing for a moment, he replied: "Colonel, what can you do?" This was a hard question to one wholly unacquainted with military duty. I, however, promptly answered, "Put us in position and I'll show you." I then added: "General, Colonel Hunton, with a fine regiment, is posted at or near the Lewis house and is burning with impatience to join in the battle," Promptly acting on the information, he ordered one of his staff to proceed forthwith to Colonel Hunton, and to order him to report with his regiment with all possible dispatch.

At this time General Beauregard was forming his new line of battle, his right in the open field, midway between the Robinson and Henry houses, and in a line parallel therewith, but considerably to the east thereof and running south in a line that soon gave them the shelter of the pines for a quarter of a mile or so. The enemy was heavily flanking our left, and our reinforcements, as they came up, were ordered to form on the left of our line, and so, by extending it, counteract the movement of the enemy. Accordingly, I was ordered to form on the left, by passing the rear of our line until I reached my position. The Washington Artillery, as I was at the time informed, was firing upon the enemy and across my line of march; it was ordered to suspend its fire until I had crossed its range, when General Beauregard placed himself by my side, at the head of my column, and the order to march was given. On reaching our new line of battle, under what influence I know not, I announced General Beauregard to the men, to which they promptly responded

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with three rousing cheers, and so, as we marched along the rear of our line, I, every fifty or seventy-five steps, announced General Beauregard, to which a similar response was invariably and promptly given. On reaching the left of the line I found it in much disorder. Here, General Beauregard informed me that he must leave me, and repeating his orders left me. He had not gone more than forty steps when a 147 cry from the disordered crowd referred to, demanded to see General Beauregard. Calling to the General to return, as the men say they must see you, I announced him to them, to which, responding with three hearty cheers, they promptly formed in line. This I understood was Jackson's left, on which, as ordered, I formed my men; the three companies which had joined me, as heretofore stated, having been detached, as far as I can learn, by General Johnston and placed under the command of Colonel F. J. Thomas of his staff, who was unfortunately killed. I have recently visited the spot where he fell. From the time I reported to General Beauregard to the time I took my position on the left, we were at no time under fire, certainly none that annoyed us. It may not be amiss here to add that the half dozen cheers to which I have referred, and with which General Beauregard was honored, had, I have reason to believe, a very happy effect on our troops and a very depressing one on those of the enemy, being regarded by him as the indications of frequent and heavy reinforcements from General Johnston's army. At least the letters of the Federal correspondents, which were spread all over the country and were, as I have heard, republished in Europe, so stated; while I know that the entire force represented by those cheers did not exceed 450 men, one-half of whom belonged to the Army of the Potomac.

Having taken my position, I found myself quite well sheltered from view by a small growth of old-field pines, as was Jackson's left, with some small gullies now plainly to be seen in the rear of my left. Looking around me, I found myself on the eastern slope of the ridge or plateau, opposite to, with my left a little to the south of the Henry house, and directly in front of Rickett's battery, which had just taken position. I am quite sure the enemy had not yet discovered us. I admonished my men to be cool and deliberate, and not to fire without an object under sight, and gave the word to fire. This fire, with Jackson's, which was no

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doubt simultaneous, was so destructive that it utterly disabled the Rickett's battery for all efficient purposes. I am not sure, but I am under the impression, that it never fired upon us more than once, if that. Three times was it taken and retaken before the enemy gave up the struggle to retain it. I had a number of men wounded at the guns—two of them, James and John Wells, brothers, wounded on one of the guns; and James, although shot through the lungs, is still living and able to do a day's work as a post and rail fencer. Indeed, such was the impetuosity of one of these charges—the first, I think—that two of my men, Kirkpatrick and Suddoth, penetrated so deeply into the enemy's lines that they could not fall back with their comrades when repulsed, but remained in the confused masses of the enemy, unnoticed I presume, until another charge, which almost immediately followed, extricated them.

Shortly after this bloody strife began, looking to my left, I saw a heavy mass of the enemy advancing from the direction of the Sudley and Manassas road, on a parallel with the equi-distant between my line of battle and the Henry house. For a moment I thought I must be doubled up, but had resolved to stand my ground, cost what it might, when to my great relief, the Sixth North Carolina, Colonel Fisher, and the Second Mississippi, Colonel Falkner, came up from the direction of the Lewis house, and formed in much confusion on my left, relieving me, however, in a great degree from my perilous position. I had three times stopped these regiments as previously described, and now they came up so opportunely to my relief that it almost seemed to be an act of Providence. By the time they had formed in tolerable order, the enemy nearly covered their front without seeming to have discovered them. Being on my extreme left, one of the North Carolinians recognizing me, called to me from his ranks: "That is the enemy; shall we fire?" I replied: "Don't be in a hurry; don't fire upon friends." At the instant a puff of wind spread out the Federal flag, and I added, "There is no mistake; give them h—I, boys!" thus giving orders most strangely to a regiment which was not under my command, to begin the fight. The enemy was soon scattered and disappeared from the field. I have not been able, after much investigation, to discover his name 148 or number. Lieutenant-Colonel Lightfoot, of the

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Sixth North Carolina, claims that his regiment united with us in one of the charges on the enemy's guns and to have suffered severely. It was on this charge, I presume, that Colonel Fisher was killed, as he fell some one hundred and fifty yards in advance of his original line of battle. When driven back from the enemy's guns neither the North Carolinians nor Mississippians remained to renew the charge, but incontinently left the field.

I was thus again on the left of our line of battle, with no enemy in sight. On my flank I had suffered severely. Major Smith had been shot down in my lines—his leg broken just below the hip; Captain Ward had been mortally wounded in the charge, and died in a few hours; the enemy had charged into my lines and been repulsed, several prisoners being captured, among them a Captain Butterworth, I think, of the First Michigan, who was shot down in my lines, badly wounded, and a private of the same regiment, I presume, who held Major Smith in his arms until the fight was over, and he was relieved by the removal of Major Smith to Dogan's, near by, where he was confined for many weeks. It was about this time that Colonel Hunton, with his gallant regiment, appeared upon the field, charged and cleared out the scattered fragments of the enemy about and near the Henry house, and thus shared in and materially contributed to the final result. Nor must I omit to state here, that he was indebted to me for the opportunity he so handsomely improved, to share in the glories of the day.

The battle being now substantially at an end, I made, for the time being, such arrangements for my killed and wounded as the occasion required. Attracted by an artillery firing, apparently some two hundred yards southwest from my position, I concluded to see what it meant. On my way I encountered an officer lying dead. I was told it was colonel Fisher, of the Sixth North Carolina, who was killed in a charge as I have previously described. Passing on I reached the battery of Captain Delaware Kemper, and found him firing upon the enemy retreating on the ridge running northerly from the Chinn by the Dogan house. He was on the eastern side of the Sudley road, and some half mile from his target. "With that beautiful precision inaugurated at Vienna," he soon drove the enemy for shelter, to the western slope of the ridge, while on receiving his fire, the enemy' sharp-

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shooters would run to the crest of the ridge and empty their long range guns, in reply. No injury was done to Captain Kemper or his command, of which I am aware, during the half hour, or less, that I remained with it—the enemy's shot occasionally fell about us with sufficient force to wound or kill. Leaving Captain Kemper, I rode to a squad of officers some one hundred and fifty yards to the right, composed of Preston, Kershaw, and others, also overlooking the retreating foe, without the power to prevent it. It moved me deeply, almost to tears. Although now getting late, I concluded to ride down the turnpike, and went as far as Cub Run bridge. Here I found the bridge not passable, from an immense jam of the enemy's wagons and other vehicles, and the stream not fordable. Returning to my position in the fight, to see if my orders had been executed, I found everything done to my satisfaction, except that Captain Butterworth, to whom I have before referred, had not been removed. No one was with him but my servant Pin. To my enquiry why he, the Captain, had not been cared for, he replied that all the wagons which had passed were filled with our own wounded, but that he hoped soon to get him in. It was now nearly 9 P. M., with every prospect of a bad night, and I directed my servant to take from under my saddle four or five blankets, which my dear wife had provided for my own exigencies, and to make him as comfortable as possible. I also charged my servant to lay my commands on the first wagon which passed to take him in and carry him to the hospital, while he must remain by him until this was done. The officer was grateful for my arrangements for his comfort; inquired of my servant who I was, and handing him his pistols, a beautiful pair, directed him to hand them to me, with an earnest request that I would accept them as the evidence of his gratitude for the kind and generous care I had taken of him: at least, so said my servant when he delivered the pistols to me next morning, and added, that I had scarcely left them the night before, when a wagon passing by, was stopped, the officer taken in and duly delivered to the hospital. Subsequently inquiring about him, I was informed that he had been moved to Orange Courthouse, where he died.

It was now fully 9 P. M. I had been in the saddle from a little after sunrise. I was much fatigued from the constant exertions and anxieties of the day, besides I had slept but little

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the two preceding nights—the night promised to be a bad one; and so, I concluded to seek the hospitable roof of my friend Dogan, where my Major was already quartered. The road to Dogan's passed over the bloody plateau, on which a large portion of the fighting had been done, and near the Henry house. The field through which I rode was well nigh covered with the Federal dead and wounded; and as my horse's step announced the passing of a human being, the wail of suffering humanity, and deep cry for water, water, which burst upon the otherwise profound stillness of the hour, was absolutely agonizing. I understood the appeal, but without the power to give relief, was compelled to leave them to those who were already actively engaged in collecting the wounded and carrying them where their wants could be attended to. On reaching Dogan's, I saw by the imperfect light of a somewhat clouded moon, that his porch, yard and stable adjoining the yard, seemed full of the enemy's wounded. Taking my seat in the porch, one of the wounded men, I think from New Hampshire, asked me about my position in the fight. Apparently satisfied with my reply, he said, "I thought I recognized you when you rode up, and particularly your horse. Three times did I fire upon you during the fight," and added with the most perfect simplicity, "Of course, what I did was in the way of business and not in malice." My horse was shot in the neck, and I suppose I owe to this man the injury he received. However, I soon retired, and notwithstanding the exciting and important incidents of the day, I slept soundly and awoke with the morn, refreshed and buoyant, resolved to perform my whole duty in the grand drama, in which I had undertaken to perform a part.

I should not, perhaps, omit an incident of the day, as it illustrates an important duty of the officer. On the morning of the fight (I was not provided with a commissary) a man, whom I did not know, reported to me as my acting commissary, stating that supplies for my command had been turned over to him, and he wished to know if he should destroy them, as he supposed we would soon engage the enemy. Amazed! I replied, "Destroy them! No. Take good care of them and issue them as the law and your duty requires. I am sorry thus to learn that you already assume that we are to be whipped." Meeting him the next morning, I said, "Well, sir, what have you done with your supplies?" He replied, "Obeyed

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your orders, and am now issuing them to your men." I then said, "Let this incident be a lesson to you, never to destroy anything committed to your care, without it would *materially* injure our enemies or *materially* benefit ourselves."

I might here close this article contented with the very handsome notice taken of my command, in the official reports of the Generals commanding. But Dr. Dabney's Life of Jackson, and the official reports of the day, recently published by the Federal Government, and until then unseen by me, impose upon me the duty of asserting for my command, even at this late day, its just claim upon the love and admiration of its country.

It must not be forgotten that my command had been organized only three days, and was wholly unused to arms, and was now on its third day called upon to perform the duties of the veteran soldier; it passed along the rear of Bee's and Jackson's brigades, and it may be Gautrell's regiment, to form on the left—a position of peculiar danger, as the great effort of the enemy was to turn our left; that we took about 2 to 2½ P. M., our position, and in musket range of the Rickett's and Griffin batteries; that we had scarcely opened our fire when a heavy column of the enemy 150 appeared, from the direction of the Sudley and Manassas road, moving on a line about equi-distant between my left and the Henry house, obviously to flank me, which was happily anticipated by the opportune arrival of the Sixth North Carolina; that my command three times, the North Carolinians once co-operating, charged the Ricketts battery before the enemy gave up the struggle to hold it; that my flank was again left, by the withdrawal of the Mississippians and North Carolinians, exposed; that my loss was slightly in excess of that of Jackson's brigade, which only came under fire in the afternoon, at the same time that I did, slightly more than that of Hampton's Legion, and slightly less than that of Bee's brigade, as 40 to 43; while in the afternoon's fight, during which we were engaged together, my command suffered a much larger percentage of loss than any other in the field, except Jackson's, and slightly in excess of that. And I now mention these illustrious commands for the special purpose of showing that, however

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high the standard they have established for the qualities of the true soldier, my command may justly and proudly claim to have come fully up to it— *par nobile fatrum*.

In view, then, of these facts, it can but excite surprise that Dr. Dabney should, in his life of Jackson, have claimed for his brigade the whole merit of capturing Ricketts battery, &c. It is the more remarkable, as General Jackson did not do it. In his official report, speaking of a charge he had ordered, he says, "He pierced the enemy's centre, and by co-operating with the victorious Fifth *and other forces* [the italics are mine], soon placed the field essentially in our possession." Again, he says: "The brigade, *in connection with other troops*, took seven field pieces, in addition to the battery captured by Colonel Cummings." General Jackson also says: "The enemy, although repulsed in the centre, succeeded in turning our flanks." If the General meant his left flank, he was under a mistake. I was on his left, and know that no effort was made to turn mine but once, and that failed, as heretofore stated. I presume General Jackson does not refer to the movements of the enemy west of the Manassas road, as they were promptly arrested and the enemy was driven back.

I omitted to mention in the proper place that Lieutenant-Colonel Murray in one of our charges upon the enemy's guns, finding that we could not hold them, spiked one of them with a nail he had in his pocket.

My next article will be a narrative of the personal incidents of the battle of Seven Pines, the bloodiest fight, as far as my command was concerned, in which I ever was engaged.

RELATIVE LOSSES.

Colonel Evans began the fight with the subjoined forces and lost during the day as follows:

Officers killed. Men killed. Officers wounded. Men wounded. Aggregate. Fourth South Carolina, Col. Sloan 1 10 9 70 90 First Louisiana Battalion, Maj. Wheat 8 5 33 46 Company Cavalry, Capt. Terry 1 1 2 Artillery, two guns, Lieut. Davidson 1 1 1 19 14 105 139 151

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Force estimated at 1,300 men.

The above command was relieved by General Bee's Brigade consisting of

Officers killed. Men killed. Officers wounded. Men wounded. Aggregate. Seventh Georgia, Col. Barton 1 18 12 122 153 Eighth Georgia, Col.— 3 38 6 153 200 Fourth Alabama, Col. Jones 4 36 6 151 197 Two companies, Mississippi, Maj. Liddell 7 21 28 12 120 27 526 685

2,800 muskets.

Colonel Hampton's Legion fought through the day. Had 27 officers and 600 men, and lost 19 killed and 100 wounded.

General Jackson's Brigade consisted of five regiments, as follows:

Officers killed. Men killed. Officers wounded. Men wounded. Aggregate. Second Regiment Va. Vol., Col. Allen 3 15 3 69 90 Fourth Regiment Va. Vol., Col. Preston 1 30 100 131 Fifth Regiment Va. Vol., Col. Harper 6 47 53 Twenty-seventh Regiment Va. Vol., Col Echols 1 18 122 141 Thirty-third Regiment Va. Vol., Col. Cummings 1 44 101 146 6 113 3 439 561

Dr. Dabney estimates 2,700.

Forty-ninth Virginia Volunteers, Col. Smith, 210 men. Officers killed, 1; men killed, 9; officers wounded, 1; men wounded, 29—aggregate 40.

William Smith.

DOC. No. XVIII. INAUGURAL ADDRESS OF THE GOVERNOR OF VIRGINIA, 1864.

State of Virginia, Executive Department, Richmond, January 6, 1864.

Gentlemen of the Senate and House of Delegates:

Having deemed it proper, under existing circumstances, at the time of taking the oaths of office as the governor of this commonwealth on the 1st instant, to present my views of the present condition of public affairs, the causes which led to them, and the measures

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proper to meet the exigency which is upon us, I respectfully transmit herewith, to the general assembly, copies thereof, for such consideration and disposition as it may be your pleasure to give to them.

Respectfully, William Smith.

ADDRESS.

Seventeen years ago I appeared in this capitol to take the oaths of office as the governor-elect of the commonwealth of Virginia. By the permission of God and the election of the people I am now here to repeat them. Entrusted by my countrymen, under the perilous circumstances which surround us, with the important duties which I am about to assume, I think it altogether a fitting occasion, as I hereby do, to express my most profound acknowledgements of this gratifying and distinguishing mark of their confidence. I hope I may deserve it; certain it is, if my best efforts to accomplish all 153 that may be expected of me within my constitutional powers, will suffice, I shall not be disappointed.

On the 17th day of September, 1787 the constitution of the United States was adopted by the convention and transmitted by the president thereof, General Washington, to the congress of the Confederation. In his letter he says, among other things, "And thus the constitution which we now present is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable." In the concluding part of his letter he also says, "That it will meet the full and entire approbation of every state is not, perhaps, to be expected; but each will, doubtless, recollect that, had her interests been alone consulted the consequences might have been particularly disagreeable or injurious to others."

The constitution thus constructed, was adopted by the states at different periods, but eleven of them having ratified it, the 7th article thereof declaring that "The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the-same," the government authorized thereby was fully

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organized by the installation of President Washington on the 30th of April, 1789. He was elected unanimously, but ten states only united in his election. North Carolina remained out of this Union until the 21st of November, 1789, as Rhode Island did until the 29th of May, 1790. It is obvious that they were sovereign states, complete nationalities, and might have remained separate, "free and independent states." Undeniably, the old Union under the first constitution, which took us triumphantly through the Revolutionary war, and to which North Carolina and Rhode Island seemed so anxious to adhere, was dissolved by the withdrawal of a majority of the members thereof, and another substituted therefor. Was this secession? Let the facts stated give the reply. Was it right for a portion of the states to disregard or destroy a compact with those of their associates who withheld or refused their consent? Allow me to give a short time to the consideration of this enquiry.

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It may be conceded that the government formed by the articles of Confederation was wholly inadequate for its essential purposes—that it could neither secure to us the respect of foreign powers, nor promote our prosperity at home. True, it had taken us through the Revolution, but the stern necessities of our condition fired the hearts of the people and they forbore to question power when it was exercised for the purpose of filling our ranks and feeding and clothing our gallant soldiers. The Declaration of Independence had enunciated to the world the right of a "people to dissolve the political bands which connected them with another," and "to alter or abolish" the existing form of government, "and to institute a new government, laying its foundation on such principles and organizing its powers in such form as *to them* shall seem most likely to effect their safety and happiness." And in that day no one doubted the right to reform the existing government and place it with another, whenever any of the parties to it shall see fit to do so.

It was confidentially concluded by those who believe in the progressive civilization of our race, that our revolution had firmly established *this great right*. It had been distinctly proclaimed to the world as the ground upon which the thirteen dependent colonies of Great Britain justified their separation from the mother country, and the assumption of the

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rights, powers and duties of independent states. The great struggle had been successfully fought upon it. The declaration containing it had passed into every civilized language. Our ancestors had acted upon it after their independence had been recognized. President Buchanan, the predecessor of the present chief magistrate of the United States, had declared that the federal government had no right to make war upon a seceding state. Nor was this all. The celebrated paper, to which I so often have referred, not only distinctly asserted the *right* of separation, but boldly proclaimed it to be the *duty* of the states whom it might concern, to exercise it, whenever in their judgment, it was necessary. It was confidently believed that this great philosophical right, which may very properly be called the *right of secession*, would preserve the peace between the parties to the compact under all circumstances and throughout all time. I know there are many persons who deny this right, and yet admit that of revolution. Now, I cannot too earnestly insist that the right of secession, practically recognized and admitted, is the guaranty of peace; while the right of revolution necessarily leads to civil war. One applies to a confederation of states, and cannot be politically wrong; the other acts within a nation, and is rarely right. It is true the power of the parts is not equal to the power of the whole; but what of that? Governments are not instituted for aggression, but for the security of the rights of "life, liberty and the pursuit of happiness."

I have heretofore remarked upon the peculiar language of General Washington in his letter communicating the constitution, as agreed upon in convention, to the old congress. It was, he says, "*the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.*" Without the influence of such considerations it would not have been adopted by the convention. Wide and deep-rooted opposition to it was found to pervade the public mind throughout the Confederacy. Three of the most powerful minds of the day, in a series of numbers, now known as the Federalist, undertook the task of reconciling the people to its adoption. Many of the states yielded their assent to it with extreme reluctance. Virginia, after formidable opposition headed by Patrick Henry, sent her ratification of it, with a number of

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amendments, designed to guard against certain constructions of which it was susceptible and which, with others, were subsequently adopted. And it is certain that the states never would have adopted this untried and much doubted experiment, had there been any question of their right to withdraw at pleasure from the Union it was designed to form.

When the constitution was, however, adopted, it was obvious to the most ordinary sagacity that, unless it was construed and its admitted powers were exercised in the spirit to which the constitution was indebted for its existence, the 156 government authorized thereby could not last. Yet it is a well known historical fact that a great party was speedily formed to change the whole character of the government, and, through the agency of the implied powers thereof, utterly to subvert the reserved powers of the states. This was the more remarkable, as the powers of the federal government were exclusively of a delegated character—that powers not granted were denied. The evidences on this subject might be multiplied as the leaves of autumn were it necessary, but I refer to it only for the purpose of pointing out the fountain of bitter waters, I may be spared further specification and be allowed to follow its flow to that great ocean, the storms which have carried sorrow and death into the bosom of almost every family in the land. I shall confine myself to one subject only as illustrative of that want “of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.”

One of the great interests to be protected in the new constitution was the institution of slavery. That interest well knew that great efforts would be made for its overthrow; and although, at the adoption of the constitution, slavery existed in all the states but one, yet the unerring law of race allowed no doubt that its final resting place would be in the southern states. To provide for its safety and protection was a plain and obvious duty. Provisions were accordingly inserted in the constitution which were deemed ample and sufficient; and the price for them cheerfully paid in the power over commerce and navigation. Notwithstanding all which, at the first congress agitation began. The act of 1793, known as the fugitive slave act, was passed to vitalize the clause of the constitution authorizing the return of fugitive slaves. General Washington was the first to claim the

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benefit of it; but he gave up his claim sooner than provoke the howl which was about to be raised by the fanatics of Massachusetts.

And he, the Father of his Country and the President of the United States, was denied the benefit of a clause of the constitution and of an act of congress intended to give it effect. As time swept on agitation continued, increasing in strength and volume, until, in the great struggle of 1819–20, it was openly proclaimed by the North, in debate, that the admission of Missouri was a question of power, and as such, overrode all other considerations. It is well known that this question at that time seriously endangered the Union. Upon its unfortunate adjustment, did fanaticism cease its efforts? No, its work was only partially accomplished, and agitation was resumed with increased activity, in utter disregard of that fraternal spirit, without which the cry of Union was nothing more than an empty sound. It again culminated in 1850 upon the territorial question, and the Union once more trembled to its base. But the wisdom of congress effected a truce, and by a series of measures, postponed the impending blow. This adjustment, however, gave no peace, no repose. Fanaticism, balked of its entire purpose, redoubled its efforts—it gave warning on the floor of the senate that agitation should never cease until its designs should be fully accomplished—it entered the halls of state legislation, and obtained the passage of *personal liberty laws*; laws denouncing citizens in pursuit of their property, as guilty of a crime punishable by confinement in the penitentiary; laws for removing judges who proved too honest and independent to become the tool of its will—and all intended to nullify a clause of the constitution and acts passed in pursuance thereof—it incited mobs to do the work of death upon respectable citizens in pursuit of their lawful and constitutional rights. And finally, in disregard of all precedent—of that “*spirit of amity*” and of “that *mutual deference and concession,*” to which I have so frequently referred—dared to run an entirely sectional ticket for the highest offices of the country, declaring that it would no longer be dependent upon the slaveholding states to any extent whatever. This position thus taken and successfully maintained by northern fanaticism in the election of its candidates, filled the hearts of the southern states with despondency and gloom; and

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impressed them with the melancholy conviction that there was no longer any hope of living in the Union in the enjoyment of the rights it was designed to secure, and that the time had come when the existing form of government 158 having become destructive of those ends for which it was instituted, it was *their right* as it was *their duty*, in the language of the Declaration of Independence, “to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such form as *to them* shall seem most likely to effect their safety and happiness.”

But, notwithstanding the long-continued wrongs and injuries which the South had sustained at the hands of the non-slaveholding North, most of the southern states still clung with fond tenacity to the work of our fathers, and essayed in various ways to readjust the disturbed relations of the states. Our dear old Virginia made extraordinary efforts, as well befitted her, for readjustment and for peace; but all in vain. The North, stimulated by her hatred of the South and the consciousness of her strength, and believing, unhappily, that we would not dare the last extremity, turned a deaf ear to every overture, and resolved on force. On the 15th day of April, 1861, President Lincoln issued his proclamation for seventy-five thousand men to put down the insurrection, as he was pleased to term it. Virginia was called upon for her quota to dragoon her southern sisters into submission, and she responded by passing, on the 17th of April, 1861, her ordinance of secession, uniting her fate to theirs. It was under this conduct on the part of non-slaveholding states, and after every effort to preserve the Union which our ancestors had formed, had failed, that our convention felt itself constrained to take this organic and final step “which denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace, friends.” This ordinance was also submitted to a vote of the people, who, with a rare and noble unanimity, approved it, and in support of it, pledged to each other “our lives, our fortunes and our sacred honor.”

I have thus referred to one of the great causes of our unhappy difficulty—too briefly, perhaps, for perspicuity; perhaps too much at length for such an occasion as the present; and yet I trust of sufficient fullness to clearly show that the sentiment of the northern mind

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has waged incessant war upon 159 one of the great compromises of the constitution, producing thereby, the irritation and injustice which have destroyed those pleasant and happy relations which it was expected the Union would establish and assure, and which has culminated in this frightful and bloody war! while the South evinced her love of union and her anxiety to preserve the work of our fathers in the compromises she had made and the wrongs and injuries to which she had submitted—in the great forbearance she had practiced, and finally, in her numerous efforts to avoid the dread alternative which was presented to her of unconditional submission or manly resistance. The war, then, which is now raging, was not sought by us; it was forced upon us—and is the last and most flagrant of that series of wrongs, which, commencing with the government, is to be resisted to the last extremity.

Invoking the divine will to enlighten my understanding, and to guide me to that system of measures best calculated to provide for the exigency which is upon us, and to promote the true interests of our country, I proceed to suggest what duty in my judgment requires, and what a generous patriotism will cheerfully accord.

First then, it is of the greatest moment that our minds should be trained to allow that the entire manhood and property of the country, for the purpose of this war, belongs to the state. The men who are called into the field to join in battle with our enemies, the taxes which are levied and the impressments which are made for their support, are but modes of appropriating the resources of the country, and should neither excite murmurs nor discontent. The man, who, by tricks, evasions or subterfuges, seeks to avoid the taxes intended to be collected from him, is in heart both knave and traitor. It is the duty of the law-maker to provide the amplest punishment for such malefactors, and of every good citizen to bring them to justice, and to hold them up to public scorn and contempt. And what should be thought of those who grumble about the prices paid for articles impressed, to feed and clothe the army—that army which stands between them and ruin—that army, composed, as it is, of their own 160 sons, and of their own kith and kin, and which may be disbanded for want of the necessary supplies, while they are higgling with the government

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agents for higher prices than those established by the commissioners chosen equally by the State and Confederate authorities, and actually appealing to the courts of justice for protection against the alleged wrong and injury of which they complain? They are not content with prices fixed by citizen farmers, chosen for each state, of sound judgment and lofty patriotism; they must have a jury of the vicinage, composed of men, like themselves, all anxious—I will not say willing—but anxious to wring from their bleeding and suffering country the last dollar which can be obtained. I do not hesitate to say that such a mode of assessment would, within six months, drive our armies from the field and utterly annihilate the public credit, unless we establish a most enormous system of taxation, or the Confederate government should proclaim martial law. The country must not be ruined by the rapacity of the people, and the government will not hesitate, I am sure, to exercise all their constitutional powers, when necessary for our safety. I am pleased to say that the people of Virginia have, with some exceptions, cheerfully accepted the maximum, while not one has been hardy enough to brave public opinion by demanding any other rule of assessment.

While, however, the people of the State have acquiesced in the prices fixed by the public commissioners, others have been unwilling to accept them in consequence of higher prices being offered by speculators and others. This very naturally produces discontent on the part of the more liberal and patriotic portion of the people, while others resort to hoarding, hiding and other disreputable shifts and evasions to avoid their contribution to the support of our gallant army. This state of things is very demoralizing, and may, I think, be easily corrected by the establishment of a state maximum, which, taking the Confederate maximum as a basis, shall be extended to all the productions of human industry.

I know that this proposition has always met with the most determined opposition, and yet it has always prevailed in 161 times of public trouble. I know it is said that France tried and France gave up this policy. And yet she first tried it upon corn, then enlarged it, but never made it general, adhered to it through all the dark hours Of her revolution, when she

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was rent by intestine dissensions and engaged in war with the whole of Europe, and never abandoned it until she had resumed a specie currency, composed her intestine feuds, and brought continental Europe to her feet. What occasion had France to adhere to this policy when she fed her armies from the stores of other nations, and replenished her treasury by contributions upon them?

But it is the duty of wisdom to comprehend the force of circumstances. What is our situation? We are cut off from the world by our enemies, insulated as completely as if we were on an island in mid-ocean and no productions from abroad, like those raised by us, are allowed to come in competition with our own. Can it be contended with any propriety, that there can be, in such a state of things, a market price for commodities in the sense of the economists? Again, the supply of our own productions is inadequate for a liberal consumption. Bread, meat, shoes, cotton and woolen cloths, are painful illustrations of this stern fact; and I ask, where is the competition to be found which is to put these articles within easy reach of the naked and the hungry? It is sometimes said, that it is the currency which causes the great exaggeration of prices. To some extent, this may be so. But where the supply of actual necessaries is deficient, and the price of them is fixed by the *conscience of the seller alone*, the currency is of but little significance; the hungry must be fed, and the seller knows it; and the price must be paid, in whatever currency required.

Nor is the maximum unknown in daily life. It was the law, that the person who took out a license as a tavernkeeper should keep proper accommodations for the traveler, and then should not charge him for meals at pleasure, but only the rates fixed by the county courts. So in the cases of bridges and ferries, where the prices are fixed by law. But this is a very remarkable case of maximum which seems to 162 have escaped general observation—I mean interest upon money. No lender shall take more than six dollars for the loan of one hundred dollars for one year. Should the lender bargain for more, the contract is void. If he takes more, he forfeits double the sum loaned. Here is a maximum of great

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antiquity, on money, the token or representative of all property; and yet it is not proper to set a maximum on the property so represented!

That the law of maximum will be difficult to enforce, I readily admit. So is the whole criminal code. So is the law which forbids the loan of money at more than legal interest. So is that bright, hopeful and glorious plan of salvation for which a *Saviour* died. But shall we, for such reasons, abandon our efforts to reform, benefit and save mankind?

But the maximum would have other important advantages. It would put an end to discontent among the people; it would extinguish the practice of hoarding and hiding. Without any hope of increasing prices, producers would cheerfully furnish to consumers their surplus. Uniformity of price and the application of the maximum to all things would, I am persuaded, inspire general satisfaction and relieve the necessary duty of collecting supplies for the army of that irritation which has heretofore, in many cases, made the duty most unpleasant, and restore those kind and agreeable relations which should always exist between the people and their government. Surely, when such must be the happy consequence of this measure the States will speedily adopt it.

As an auxiliary to the maximum, it is of great importance that the common law offences, of forestalling, regrating and engrossing should be made effective. Forestalling is defined to be "the act of buying provisions before they are offered in market, with intent to sell them at higher prices." Regrating is "the purchasing of provisions and selling them in the same market." Engrossing is "the buying up of large quantities of commodities in order to raise the prices." These acts are all offences at the common law, because enhancing the necessaries of life and thus committing a public wrong. These practices are common and ought to be suppressed. If 163 the legislature would denounce such acts as contrary to public policy, and by a summary remedy, punish all persons guilty of them, it would relieve the people from the cruel extortion to which they are now compelled to submit, and many a poor family from suffering and want.

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Of a kindred character is the practice of withholding from sale other articles than provisions with a view of obtaining higher prices at a future day. The law should compel all persons in possession of articles of whatever description not needed for their use to offer them for sale. And to prevent frauds and evasions, such persons should be required to make out inventories of all such articles, whether they are their own property or the property of others, with the cost price thereof, and to deliver the same to a board of commissioners, to be provided by law, who should put their stamp upon each article, and restrict the owners to a profit not exceeding twenty-five per cent. thereon. I cannot here give all the details necessary to perfect this scheme, but it is entirely practicable and would greatly contribute to the relief of the country.

The auction system, as now conducted, is prejudicial to good morals and to the country. I regard it as having done more to the prejudice of our currency than any other known agency, and under our present circumstances, as an unmitigated evil. Indeed, I regard it as a gigantic system of gambling under authority of law. I hope it will be speedily suppressed.

At the special session of the general assembly, a law was passed to suppress distillation. It was eminently a wise and proper measure. To effect the objects contemplated by the act, however, breweries should be suppressed; and no sale of malt or alcoholic liquors should be permitted, except, perhaps, by apothecaries, who, under proper regulations, might be allowed to do so for strictly medical purposes.

There are many persons among us, foreigners by birth, consuming our food, growing rich by speculation and extortion upon us, and yet denying their obligation to unite in the defence of the country. Although I cannot see how such pretensions 164 can be maintained, yet, if valid under the law now existing, the law should be changed, and such persons should be compelled to perform military duty, or, at any rate, to leave the country.

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It is a matter of concern to every patriot to see so many able-bodied men anxious to escape military service, and, to do so, seeking the safe and easy employments of the government, or leaving the country for foreign parts. This evil might be, to a considerable extent, corrected by a rigid enforcement of existing law, the refusal of all passports to leave the country, and the enactment of such laws by the State and Confederate governments as might be necessary to correct it.

I cannot too earnestly press upon the public consideration the great importance of organizing the reserved forces of the State. Every element of strength, whether of means or men, which is now left to us, must be combined as an auxiliary to the armies in the field. The Confederate government has our entire body of militia under its command, consisting of the able-bodied men of the State, and now proposes to organize our reserved force. I do not intend, certainly at present, to raise any question about the right to do so, but I confess I should be much concerned to see it exercised. A sovereign state without a soldier, and without the dignity of strength—stripped of all her men, and with only the form and pageantry of power—would, indeed, be nothing more than a wretched dependency, to which I should grieve to see our proud old commonwealth reduced. Recent events painfully admonish us, also, of the necessity of thorough and complete organization, and I doubt not, the general assembly will, on reassembling on the 6th instant, promptly relieve us of all uneasiness about the legislation of congress by the passage of a short, yet comprehensive act, clothing the governor with full power to organize the reserved force of the State in such manner as may best promote the public interests, having due regard, of course, to the character and to the limited objects to which it is to be applied. A generous confidence on the part of the general assembly in the governor, to whom the executive power of the State has been entrusted by the constitution 165 and the people, is, it seems to me, a constitutional duty. But, apart from that view of the subject, I respectfully ask it, because it is impossible for any human forethought to provide, by legislation, for the varying circumstances which may occur during the gigantic war in which we are engaged; and because I cannot believe that I can abuse any trust confided in me, or fail tenderly to

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consider the feelings and interest of my fellow-citizens in regard to the military duties which they may be called to perform.

The currency of the country, consisting as it does almost exclusively of Confederate notes, with which the States and all the people thereof are identified, calls for the most careful consideration. It must be thoroughly reformed. The facility with which it is created, and the enormous amounts which are daily issued, naturally lead to waste and extravagance, and inevitably to vice and depravity. Far better would it have been had we adopted, at the beginning of the war, a hard money currency. A judicious system of loans and of taxation, combined with our great staples of cotton, tobacco and naval stores, of which the government should have possessed itself, would have furnished us such resources as would have liberally supplied our wants and planted our public credit upon a basis which would have given us the confidence of the world. It is useless, however, to speculate as to the past. The practical question is, what is best now to be done? Virginia is deeply interested in this question, and, as her governor, I feel it to be my duty, although with hesitation and diffidence, to express my views upon this interesting and important question.

First. Provide by law for the issue of one thousand millions of dollars, at four per centum per annum on that part which takes up the currency, and six per centum on the residue, with coupons attached; interest payable in specie or bank currency.

Second. Declare that the Confederate note currency shall cease to circulate as such, and shall be funded in the bonds authorized to be issued.

Third. Make the banks of established credit the fiscal agents of the government, to sell at not less than par, all bonds which may be in excess of the currency to be funded; to issue their own notes as a currency, and to transfer, *when and where needed*, the funds of the government.

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Fourth. To tax freely; taxes payable in specie, or in the notes of banks acting as government agents, or coupons of public debt.

Fifth. Let the government now take into its possession the cotton, tobacco and naval stores of the country as auxiliary to loans and taxes.

There can be but little objection to this. It is well known that a large portion of these articles is in the hands of speculators, who have grown rich in the midst of general suffering and distress.

The scheme would, I am persuaded, act like a charm in the immediate renovation of the public credit. In the reduction of the interest the public will find satisfaction as an evidence of regard to the resources of the country. Besides, those who will own it, will have acquired the ability to do so by enormous profits; and, at most, it can only be regarded as a special tax upon the rich, which has numerous precedents, and which they can well afford to pay.

In this selection of banks, we should have agents of tried and approved integrity—thoroughly informed as to the most judicious system of credits, and with the restoration of a currency now at a heavy premium, and with which the people have long been familiar, we should at once see a revival of confidence that would gladden the heart of every patriot in the land. It does seem to me that this scheme would open most auspiciously; and if sustained by liberal taxation and a judicious sale of our great staple, would dispel the clouds which hang over and obscure our financial system and let in a bright and hopeful future.

In aid of any scheme of finance, however, I regard it as of the first consequence that blockade running, as it is termed, should be conducted by the government alone, or by individuals and government combined, and that nothing should be imported except articles of prime necessity. The effect 167 would be to prevent a large amount of waste

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and extravagance at home—to sharpen our industrial and inventive faculties—and to accumulate a large amount of sterling exchange abroad.

No business should be tolerated which looks to fluctuations in the currency of the country and the stocks of the government for prosperity. Its instincts would naturally seek to aggravate these fluctuations, while all its powers would be exerted to appropriate and secure all the advantages incident thereto. An organized money power, actively engaged in unsettling the public credit, is a foe greatly to be dreaded, and should be controlled by the sternest legislation. Perhaps no currency ever existed which had so many agencies at work for its destruction as that of the Confederate States. And the new scheme of currency and finance which will, I presume, soon take the place of that which now exists, must be strengthened and protected by timely legislation. As a part thereof, let all buying and selling of gold and silver, all dealing in State or Confederate currency or the currency of their respective agencies, all stock-jobbing in State or Confederate bonds, all receipts of Federal currency of any description, be prohibited, and let those violating such law be severely punished.

It is now time to hasten these remarks to an end. I may seem to have abandoned some of my old and cherished opinions. But, in advocating the maximum—in seeming to approve the policy of limiting, by law, the price of money, and in proposing to return to the agency of banks for the management of the public treasure, I renounce no old and cherished opinions, and only yield to the extraordinary circumstances which surround us.

In the suggestions which I have made, I have looked for the best means of meeting the peril that is upon us. In, the plan which I have presented, I have contemplated a system, each measure of which is necessary to the other. It will be observed, that some of them will be more effective by cooperative legislation, which, on the part of Virginia, will never be withheld.

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Virginia entered into this war with reluctance; but having entered into it from a sense of duty, she does not mean to sheath her sword until she has won her liberty and independence, or the bones of her last son shall lie bleaching on her hilltops. Although hundreds of thousands of her people have been overrun by the enemy, their fields desolated, their homes utterly consumed, in many cases, by fire; their stock devoured, destroyed or carried away; their slaves enticed away from their possession, while the blood of their loved ones moisten every battle-field; yet, they are unconquered; bright, bold and defiant, they are still prepared to suffer. We cannot believe that our good God will allow such a just cause as ours to be lost. Much as we have done, much remains to be done. Let us resolve to make every sacrifice in a cheerful and hopeful spirit—in short, perform our whole duty, and then, with the blessings of Heaven, we cannot be subdued.

William Smith.

January 1st, 1864.

DOC. No. VII. GOVERNOR'S RESPONSE TO RESOLUTION OF THE GENERAL ASSEMBLY, RELATIVE TO EXEMPTING STATE OFFICERS FROM MILITARY SERVICE.

[COMMUNICATION]

State of Virginia, Executive Department, Richmond, January 10th, 1865.

To the General Assembly of Virginia:

Gentlemen —Your resolution, adopted December 15, 1864, was duly placed in my hands. Constant occupation, combined with the impression that great promptness was not necessary, have induced me to delay my reply to the present hour. I, however, now respectfully submit it.

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In the resolution, I am asked whether I have “apprised the proper Confederate authorities that the State of Virginia, by her resolution of the 10th of March, 1864, claims and requires the exclusive service of certain officers enumerated therein, and their immunity from all military service to the Confederate government by virtue of any law thereof, as indispensable to the public functions with which they are charged, and to the proper maintenance of the dignity, integrity and efficiency of the government of this State, and if so, what response has been made by those authorities; and if he has failed so to do, he is respectfully requested to communicate to the general assembly his reasons for such failure.”

In reply, I respectfully state that I did not formally communicate to the Confederate authorities the resolution in question, although I frequently conversed with the secretary of war and the conscript bureau upon the matter contained in them. Of course, they were well known to those authorities; and they were even used by them to obstruct what I deemed proper exemptions, they insisting in cases that I deemed necessary for exemption, which were not included in the specifications of the resolutions, that the legislature had not asked for them. The only approximate reply to my notification of said resolutions is to be found in the 11th section of Circular No. 8, March 18, 1864, which is in the following words: “XI. Besides the officers of the Confederate and State governments particularly named in the act of congress, the officers of the government of the Confederate States whose nominations have been made by the President and confirmed by the senate, or who have been appointed by the judges of the district courts, under the authority confided by an act of congress, will be exempted from military service until further orders; also, the judges or justices of any supreme, superior or circuit court of any state; also, the judges of probate, clerk of any court of record, ordinary, sheriff, one tax collector in each county, and recorder of deeds and wills, if there be such an officer existing by law, and such other officers of the State provided by law as the governor may certify 170 to be necessary to the proper administration of the State government;” and in the following extract from a communication received from the bureau of conscription, under date 27th September, 1864: “No other

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orders have been issued upon the subject, but applications have been repeatedly refused for the want of your certificate, and returned to the parties to enable them to procure it as required by the act of congress.”

The paragraph from the act of congress referred to, approved February 17, 1864, providing for exception, reads as follows: “The vice-president of the Confederate States, the members and officers of congress and the several State legislatures, and such other Confederate and State officers as the President or the governors of the respective States may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be.”

The language of the third resolution referred to reads as follows: “That the governor be and is hereby authorized and directed, *in such mode as he may deem best*, to apprise the proper Confederate authorities that the State of Virginia claims and requires the exclusive use of the above enumerated officers and their immunity from all military service of the Confederate government by virtue of any law thereof.”

In this resolution, as well as others in the series, the legislature claims to speak for the State, and restricts the governor to certain enumerated officers, and in certain general terms, undertaking to grant him power “ *to see that the lairs faithfully executed.* ” The concluding resolution reads: “That the governor be further *empowered and directed* to certify as to such other officers as he may deem necessary for the proper administration of the government,” and after referring to a number of the employments of the State, winds up with directions that the governor shall “ *request* their exemption, so long as they may be rendering such services, from the military service of the Confederate States.” It will be observed that the legislature does not claim any of the officers or employees referred to in this resolution for “exclusive service” in the State government, but leaves the governor to *request* of the Confederate government such as he may deem necessary. It is obvious that the governor's action is to have the whole weight of the legislature against it, and that his request would have but a poor chance with the Confederate authorities. Of course, I

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could not become a party to this action of the assembly by formally communicating it, as the effect would inevitably have been to deprive me of the ability to see the law executed according to the injunctions of the Constitution. I must repeat, in substance, that it is manifest that the general assembly, in the various enumerations of officers which they claim, throw their whole weight against such as I might claim. Why are the deputies of sheriffs and of clerks—why constables and surveyors and others omitted? Simply because they were not deemed by the general assembly as entitled to “immunity from all military service.”

And as the government could not be carried on with such officers as were claimed by the general assembly, I was constrained to take the ground that the resolutions in question were merely the opinions of the general assembly, entitled to every respect, but furnishing no controlling rule for the government of the executive, and that his constitutional rights could in no wise be affected thereby. It was months before this view was recognized by the Confederate government, and it would not have been yielded, I presume, but for the act of congress which required the authorities of the government to respect the certificate of the governor of a state. Nor could the governor of Virginia “request” of the Confederate government an officer or employee deemed necessary to the State government, when the State had an inherent right to him, which was fully recognized by the Confederate government. Our State will have fallen low indeed when she has to stoop to “*request*” of one of her own citizens who is necessary to the administration directly or indirectly, of her government.

But there are other objections to the resolutions which would not allow me to give them my assent, even by implication, and which I will proceed to notice, I beg to assure you, with the most sincere respect.

The second article of our State constitution is as follows:

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“The legislative, executive and judiciary departments shall be separate and distinct, so that neither exercise the power properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time, except that justices of the peace shall be eligible to either house of the assembly.”

All writers upon popular government agree that public liberty depends upon keeping these departments separate and distinct and strictly within their respective limits. No commingling of them is allowable, except when specified in the constitution; any other is a violation thereof, subverts a fundamental principle of our organic law, and marches us on directly to that concentration of all power in a single head, whether of one or many makes no difference, which all agree is the essence of tyranny. The legislature makes the law, the governor executes it, and the judges expound it. Neither can exercise a power outside of its appropriate function, except by *express constitutional grant*.

These departments derive their power, not from each other, but from the sovereign people, whose WILL is expressed in our Constitution. Those filling them are equally the representatives of the people, being elected by them; and the idea which prevails to some extent that either more immediately reflects the popular will than another, is without foundation in fact. All are presumed to be equally honest, capable and faithful in the performance of their respective functions, and all have to take the same oath of office, of fidelity to its trusts and to the Constitution. I will give the oath: “I declare myself a citizen of the commonwealth of Virginia, and solemnly swear that I will be faithful and true to the said commonwealth and will support the Constitution thereof so long as I continue to be a citizen of the same. So help me God.” I could not, therefore, so far compromise the *rights* and *dignity* of the commonwealth as to “request” those State officers and State employees whom I might deem necessary to the administration of the State government, inasmuch as I had a clear, undoubted, and fully recognized right to them.

I could not fail to see, gentlemen, that you assume in your resolutions that the whole power of exemption is yours. Pardon me, but I respectfully submit that this is a grave

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mistake. An exempt is one who is “free from any service to which others are subject;” for instance, “to be *exempt* from military duty.” To give a man or men, an individual or a class, an exemption, is to confer upon him or them a privilege which is expressly forbidden by the 4th article of our bill of rights. The power which exempts a class may exempt all classes, and thus the most fearful mischief may ensue from the action of a single department of the state government. Of course, such a doctrine cannot be maintained; and yet it is the legitimate sequence of the power assumed. I quoted in my late message from the decision of our court of appeals in the case of *Burroughs vs. Peyton, etc.*,* the doctrine and language of which is so opposite that I trust I shall be excused for reproducing it on the present occasion. Says the court: “The obligation of the citizen to render military service is a paramount social and political duty. It is a matter in which the whole body politic is interested. The citizens have a right, collectively and individually, to the service of each other to avert any danger which may be menaced. The manner in which the service is to be apportioned among them, is a matter for legislation. The government, as the agent and trustee of the people, is charged with the whole military strength of the nation, in order that it may be employed so as to ensure the safety of all. The power which it has to enforce the performance of the obligation to render military service, is given that it may be used, not abdicated. No right has been conferred on the government to divest itself, by contract or otherwise, of the power of employing whenever and as the exigencies of the country may demand, the whole military strength that has been placed at its disposal. As the nature and

* XVI. Vol. Gratian's Reports—p. 470. Opinion of the whole Court, delivered by Judge Robertson.

172 extent of those exigencies cannot be foreseen, and it is impossible to say in advance that the services of every citizen capable of bearing arms may not become indispensable for the defence of the country, the government has no right to enter into any contract precluding it from requiring those services if they should be needed. If there be such right, the spectacle might be presented of a nation subjugated and destroyed at a time

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when it had within its limits citizens amply sufficient to defend it successfully against all assaults of its enemies, but whose services could not be commanded because, forsooth, the government had contracted with them that they should not be required to serve in the army." Again: "The power of coercing the citizen to render military service for such time and under such circumstances as the government may think fit, is a transcendent power; but so far from being inconsistent with liberty, is essential to its preservation. A nation cannot foresee the extent of the danger to which it may be exposed. It must therefore grant to its government a power equal to every possible emergency; and this can only be done by giving to it the control of its whole military strength. The danger that the power may be abused cannot render it proper to withhold it, for it is necessary to the national life." The supreme court of Georgia, in a very able opinion, full of authorities, maintains the same doctrine; and it is believed that such is the doctrine of every State in the Confederacy.

In our Code, page 135, under the title of "What persons are liable to and what exempt from military duty," the first section will be found to read as follows: "Every able-bodied male citizen between the ages of eighteen and forty-five, resident within the State, and not exempt from service by the laws of the United States or of this State, shall be subject to military duty." Under this law, all persons outside of the specified age are exempt. But under the doctrine which rules this question, what becomes of this exemption? Already the conscript law of the Confederate government has overridden it and included all persons between seventeen and fifty, except those specified in the act itself, or such as are necessary to the State government, the evidence of which necessity is to be found in the governor's certificate. The fact is, the word "exception," in connection with this question, has no legal or constitutional significance. There is no such word in the Constitution, nor is the idea contemplated therein. All persons are bound to perform all the duties imposed upon them by the law and the Constitution. Exemptions therefrom are in derogation of the common right of one citizen to the service of another. A citizen to whom one duty is assigned may or may not be required to perform another. If the interests of the community

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make it necessary to call upon a citizen who has one duty to perform to perform another, why should he not do it if he can? If relieved from the duty when he can perform it, he is then in the enjoyment of a privilege which, as I have shown, is prohibited by the bill of rights. Hence I conclude that proper exemptions are not derived from the Constitution or the laws made in pursuance thereof, but are to be traced up to that inherent right of self-preservation which gives to the proper State authorities the right of all officers and employees requisite to the proper administration of the State government. And what objection can there be to this doctrine? If one government claims and the other concedes this doctrine, where is the difficulty? and where the objection?

It is the duty, undoubtedly, of the general assembly to pass all laws and to provide all officers necessary to maintain the State government. The constitution gives the amplest power for that purpose. Indeed, the legislature has the power, it may be, to exercise all the powers not conferred upon the other departments, or not withheld by express stipulation in the Constitution. The second article furnishes a broad and general restriction. Besides that, there are many special restrictions and commands in the Constitution for the government of the legislature. It has certain specified executive powers. Surely, it requires no logic to demonstrate that a grant of power is a denial of power not granted. The 11th section of the 5th article of the Constitution says: "A secretary of the commonwealth, treasurer and auditor of public 173 accounts shall be elected by the joint vote of the two houses of the general assembly." Where is the authority to elect a register, a second auditor and a superintendent of the penitentiary? Clearly, the exercise of it is an executive power, and dearly that is forbidden to the legislature, except in the cases specified.

But the spirit of encroachment on the part of the legislature has always existed. It has excited the liveliest interest with the patriot and the sage, and various measures have been devised to restrain it. Mr. Jefferson, in his Notes on Virginia, says: "All the powers, legislative, executive and judiciary, result to the legislative body. The concentration of these, in the same hands, is precisely the definition of despotic government." In the 47th number of the Federalist, Mr. Madison says: "The accumulation of all powers, legislative,

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executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or *elective*, may justly be pronounced the very essence of tyranny." Mr. Hamilton, in the 51st number of the Federalist, says: "In order to lay a due foundation for that separate and distinct exercise of the powers of government which, to a certain extent, is admitted to be essential to the preservation of liberty, it is evident that each department should have *a will of its own*."

By our first State Constitution, the executive was a mere dependent of the legislature. Mr. Jefferson, in his Notes on Virginia, says: "They (meaning the legislature) have accordingly in many instances decided rights which should have been left to judiciary controversy; and *the direction of the executive, during the whole term of their session, is becoming habitual and familiar*." Mr. Doddridge, in the convention of 1829, in summing up this subject, says: "From this view, it is manifest that the governor of this commonwealth is a mere creature of the general assembly." Mr. Monroe said also, that "the danger is in the legislature;" that "the success of our system of government depends upon its organization, on the distribution of power between the different branches, and on keeping each branch independent of the others." But why multiply quotations from our best and wisest statesmen? All will agree that our system of government requires that each department should be kept separate and distinct from the others, and in the expressive language of Mr. Hamilton, "should have a will of its own." To give this "will" to the governor, it is provided by the Constitution that he shall be elected by the people, that he shall have a salary of five thousand dollars for each year of his service, and that he shall not be elected for two successive terms. Anyone who will read the debates of the conventions of 1829 and 1850, will at once see that the great object of these organic changes was to give the executive "*a will of its own*."

Mr. Hamilton has well remarked: "But the great security against a gradual concentration of the powers in the same department consists in giving to those who administer each department the necessary constitutional means, and personal motives, to resist the encroachments of the others. The provisions for defence must, in this, as in all

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other cases, be made commensurate with the danger of attack." Now, the governor has all that is necessary to make him independent, but he is without the means to protect his department from encroachment by the others. He may refuse to execute an unconstitutional act or judgment, as it would be his duty to do, but he has to rely mainly upon the forbearance of the co-ordinate departments for his protection from encroachment.

You are pleased to say, gentlemen, in your concluding resolution, "that the governor be further *empowered* and *directed* to certify to such other officers as he may deem necessary for the proper administration of the government." From this I infer that you propose to confer upon the governor a power which he did not otherwise possess. As the constitution has undertaken to distribute the powers of the government among the different departments, it is plain that one department cannot confer power upon another. The legislature may increase the duties of the executive, but cannot increase his powers. The legislature may pass laws, but the Constitution confers upon the governor the power to execute them—indeed, requires ¹⁷⁴ him to do so. The 5th section of the 5th article says: "He shall take care that the laws be faithfully executed." He is clothed with the power to embody the militia to enforce the execution of the laws. This broad and distinct power carries with it the right to select and appoint all the officers and employees necessary to its exercise. There is no principle better settled than that an unqualified grant of power gives the means necessary to carry it into effect. In the language of the supreme court of Georgia, "this is a universal maxim, which admits of no exception." And thus the grant of power which you have proposed to make already belongs to the executive. I am sure there can be no difference between us upon this question.

I have already said that it was the duty of the legislature to pass the necessary laws to execute the purposes contemplated by the Constitution, and to provide the executive with the necessary officers and employees to execute them; because thereby no questions could arise with the legislature as to the necessity of officers or their compensation. But should the legislature at any time pass a law without providing the necessary officers for

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its execution and fixing the compensation, the governor's right to appoint such officers can admit of no question. Without the right to do so, the requirement to see the law executed would be unobserved, and a clear and imperative command be disobeyed.

You are pleased, also, in the resolution, to *direct me to certify, etc.* I respectfully submit that this is not the language of official courtesy, which should be observed in the intercourse between co-ordinate departments, It is language proper to be addressed to a subordinate, not an equal. It is the language of the Constitution, the common source of our several powers, which prescribes and commands at pleasure.

I have thus, gentlemen, stated the qualified mode adopted in communicating your resolutions to the Confederate authorities, and have explained to you the objections which prevented my adopting them, which I should have done by officially communicating them. I beg to assure you that the grounds I have taken have been assumed with hesitation; but having sworn to support the Constitution, and really believing that your resolutions contain doctrines inconsistent with the constitutional rights which I represent, with that system of government which we have established, the preservation of which is essential to public liberty, and which we are all anxious to maintain, I have felt myself constrained to present these views for your consideration. I have the honor to be, gentlemen, With high consideration, Your obedient servant, William Smith.

Specimens of the Prices of Supplies Purchased by Governor Smith's Quartermaster, at Richmond, for the State of Virginia, in 1864.

The following account (on next page) of State Quartermaster and Agent of Gov. Smith, while Governor during the last year and a quarter of his administration at Richmond, Va., are here inserted only as matters of curiosity in the extraordinary prices for provisions and supplies obtained by him at that time, for the use of citizens of Richmond and others, as well as to show the energy and great executive ability of the Governor in so doing.

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They are copies of the original vouchers, and there can be no question of their truth and accuracy. These are but specimens:

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Dr. MAJ. B. F. FICKLIN, Agent, in Account with GOVERNOR OF VIRGINIA, Cr.

July 4, 1864. To cash to purchase supplies \$85,500 00

“ 19, “ “ “ “ cotton 34,352 99

“ 20, “ “ “ “ supplies 14,500 00

Aug. 27, “ “ “ “ “ 50,000 00

Nov. 20, “ “ “ “ “ 20,000 00

“ 20, “ “ “ “ rice per J. D. Harvey 30,000 00

\$ 234,352 99

To balance \$73, 101 51

\$ 73,101 51

Balance \$37, 162 54

July 1, 1864. By amount paid Col. Lamar for 449 tierces of rice and expenses on same \$90, 991 89

“ 1, “ “ other expenses on same 196 30

“ 8, “ “ amount paid express company 225 00

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" 8, " " invoice 50 bales cotton—"C. Petersburg" 34,352 99

" 21, " " amount paid So. Express Co \$87 50

" 23, " " N.E.R.R.Co. frt. on 150 tierces rice 8,274 46

Aug. 22, " " N.E.R.R.Co. frt. on 299 tierces rice 11,365 20

" 25, " " lighterage across Cape Fear River. 598 00

" 31, " " freight State goods Charleston to Willmington 1,499 00

" 31, " " express on State goods 151 00

" 16, " " C. & S. R. R. Co. frt. on 43 cars rice 2,569 00

Sept. 7, " " W. & W. R. R. freight on mdse 1,910 60

" 8, " " N. C. R.R. " " " 707 16

" 7, " " cooperage 44 00

" 7, " " labor, etc., on grindstones 77 00

" 19, " " R. & D. R. R. freight on mdse 1,233 99

" 19, " " imp. dues mdse. ex. "C. of Pet'b'g" 1,922 78

" 9, " " C. & R. R. frt. 449 tierces rice 4,653 94

Oct. 27, " " frt. So. Express Co. 35 00

Nov.4, " " cooperage 138 00

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“ 1, “ “ So. Express Co. 138 00

“ 1, “ “ imp. dues per “Old Dominion” 109 67— 35,485 30

Balance 73,101 51

\$234,352 99

Nov. 1864. By invoice 100 tierces rice \$24, 107 83

“ “ “ frt. to C. & S. R.R. 1,140 16

“ “ “ drayage 400 00

“ “ “ frt. N. E. R. R. 6,067 93

“ “ “ W. & M. R. R. 3,723 05

“ “ “ lighterage 500 00

Balance 37,162 54

\$73, 101 51

Mch. 23, 1865. By check \$37, 162 54

I hereby certify that the within accounts just and correct and that the disbursements were truly made, and that the vouchers were forwarded by mail to Governor Smith and are said not to have been received. WILLIAM W. FINNAY.

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J. & F. Garret & Co., Dr. to Governor W. Smith.

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1864.

April 14. To 3 sides upper leather 19¾ lbs. \$30 00 \$592 50

“ 10 “ “ “ 73 lbs. 32 50 2,372 50

“ 48 “ “ “ 327 lbs. 33 00 10,791 00

“ 27 “ “ “ 27½lbs. 907 50

“ “ Russet leather 176 lbs. 29 00 5,104 00

“ 124 “sole leather 34 00 4,216 00

“ 375½ “ “ “ 36 50 13,705 50

“ 159 “ upper leather 45 25 7,194 75

“ 3 wood boxes 31 50

\$44,915 25

CR.

“ By 10 per cent. commission \$4,491 52

“ Drayage from depot 25 00

“ Drayage to depot 3 boxes 10 00 \$ 4,526 52

\$40,388 73

1864.

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June 14. Amount of corn on hand 2,505 Bushels 10 pounds

“ 20. To balance sold as follows: Bush. Lbs.

Ordinance Department 5 12½

First Regiment 2 45

Nineteenth Regiment 59 30

Miscellaneous 1019 1,086 37½ “

Balance on hand 1,418 bushels 22½ pounds

E. H. Fitzhugh's Account, Quartermaster-General.

1864. In Account with Governor Wm. Smith, Dr.

June 20. To 250 bushels, sold at \$10 per bushel \$2,500 00

“ To 836 “ 37 pounds sold, at \$15 per bushel 12,551 25

Total sold \$15,051 25

CR.

By cash paid Governor \$8,560 00

Balance on hand \$6,491 25

Edward H. Fitzhugh, Major and Quartermaster.

Quartermaster General's Office:

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1864. To the Governor of Virginia, Dr.

June 13. To 654 bushels meal, etc. \$8,560 00

July 3. To 1,352 " 27½ lbs. meal 20, 288 25

"3. "1,698½ lbs. flour 2,038 20

\$30,886 45

1864. CR.

June 13. By cash \$8,560 00

Balance due Governor \$22,326 45

Amount of meal, according to Miller 2,435 bushels.

Issued 654 "

" 1,352 " 27½ lbs. 2,006 27½

Bushels 428 32½lbs

July 4, 1864.

Edward H. Fitzhugh, Major and Quartermaster, Virginia.

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Cash.

The Quartermaster General's Office of Virginia, Dr.

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1864. In account with William Smith, Governor of Virginia.

June 25. To amount of meal, etc., sold to date inclusive of Saturday 25, June 1864, viz.,
250 bushels at \$10 \$2,500 00 1,293 "17½ lbs. at \$15. 19,400 25 \$21,900 25

CR.

By cash to Governor 8,560 00

Saturday June 25, 1864. Balance due Governor Meal account. \$13,340 25 bush. lbs.

Amount of corn delivered Warwick & Barksdale 2,505 10

CR.

By amount sold 1,543 17½

Quantity now on hand 961 42½

Saturday, June 25, 1864.

Edward H. Fitzhugh, Major and Quartermaster, Virginia.

Cash paid Lamar for 449 Tierce's Rice \$90,991 89

Express Charges and Expenses \$225 00

Freight paid by Major Ficklin 283 80 \$508 80

" " N. E. R. R. Co., on 150 Tierce's \$8,274 46

" " C. & S. R. R. Co., on 13 cars 2,569 00

" " N. E. R. R. Co., on 299 Tierce's 11,365 20

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“ “ C. & S. R. R. Co., 4,653 00

“ “ Lighterage over C. F. River 598 00 \$27,459 66

Total by Ficklin \$118,960 35

Freight paid by Spotts & Harvey, Wilmington to Richmond 150 Tierce's \$6,398 57

Wilmington to Richmond 300 “ 14,752 35

Drayage etc., Petersburg 150 “ 1,155 00

“ “ Richmond 150 “ 320 00

“ “ “ 300 “ 441 00 \$23,066 92

Total cost 450 Tierces of Rice \$142,027 27

CR.

By receipts on sales per Sports & Harvey \$130,506 00

Net loss 11,521 27

The Governor of Virginia in Account With State of Virginia, Dr.

To Military Contingent Fund \$40,00 00

“Civil “ “ 25,000 00

“Cash on sale of paper imported for State 4,000 00

“Cash loaned by self to State 1,070 00

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\$70,070 00

By costs returned to self 1,070 00

Amount of funds from State to be accounted for \$69,000 00

CR.

By divers sundries paid for State on account of Civil Contingent fund etc. 38,926 65

January 19, 1865, yet to be accounted for \$30,073 35

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Estimated Results.

Cash in hands of Quartermaster \$118,395 74

Due by B. T. Ficklin 51,039 45

“ “ Sports & Harvey per account 42,439 08

\$211,874 27

Due by Spotts & Harvey 450 empty rice tierces. 100 tierces yet to arrive.

Sundry goods, viz., say 13 rolls leather; 4 boxes of window glass, at Wilmington. 90 to 100 bales of cotton abroad against which there has been drawn say about \$4,000.

S. DeRosset & Brown.

State of “Virginia” per J. D. Harvey, Esq., 62 Bbls. Flour @ \$175 \$10,850 00

Drayage 32 50

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\$10,882 50

Wilmington, June 17, 1864.

Received payment, Derosset & Brown.

per J. Deans.

Governor Smith Asking that a Train of Cars, etc., from York River R. R. be placed at Disposal of State Authorities.

Executive Department Of Virginia, Richmond, June 8, 1864.

Alexander Dudley, Esq., President of the York River R. R. Co., Richmond Virginia:

Sir: —You are doubtless aware that the enemy in their inroads into various portions of the State, has devastated the country and systematically destroyed provisions and supplies of every kind.

This inhuman mode of warfare has reduced the people in some sections of the State to absolute want. They are deprived of all means of subsistence and the authorities of the State must adopt some plan for their relief or they will starve.

Corn can only be obtained at the South—and in reflecting upon the means of transportation, which will least interfere with the government in bringing supplies for our armies to this point, it has occurred to me that a train from your road will cause as little embarrassment as one taken from any other road in the State.

The object of this communication is therefore to request that you will place at the disposal of the State authorities a train of cars from your road, complete in all its equipments and with the necessary officers and men to run it, for the purpose of transporting corn and other supplies from the South to Virginia.

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The appeal in behalf of aged men and of helpless women and children in want of the absolute necessities of life, is one I cannot listen to unmoved. Their wants must be supplied and supplied quickly. The urgency of the case admits neither of denial nor of delay. As the State is a large stockholder in your road this call is for what, in a great measure, is her own. And as the Chief Magistrate of the State, I, in her name, feel warranted in demanding that the train of cars be immediately put at the disposal of the State authorities.

I shall be gratified to hear from you on this subject at the earliest possible moment.

I am, very respectfully, your obedient servant, Wm. Smith.

Richmond, June 9, 1864.

Any diversion of the rolling stock of the York River Railroad from its present business would be a serious interference to the supplies of the army, and while appreciating the urgency of Governor Smith's appeal, yet, I cannot consent to jeopardize the constant and regular supply of food, already too meagre for the safety of the army. I must therefore respectfully decline to let any of the trains of the Y. R. R. go.

F. W. Swiss, Lieutenant-Colonel and Quartermaster.

Respectfully returned to his Excellency Governor Smith. The train of cars referred to will be released from further service in this department. I trust this train will be able to supply the private wants in Virginia, which are now very pressing, so that this department can exert all its energies to the supply of our armies.

June 11, 1864. A. R. Lawton, Quartermaster-General.

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CONFEDERATE MONEY.

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The following Table shows the value of Confederate money, in gold, in Richmond, during the successive months of the War.

1861	1862	1863	1864	1865	January	120 to 125	3 20 to 20½	45 to 60	February	125 4 22½	
					to 25	45 to 65	March	130 5 23 to 24	70 to 60	April	140 5½ 22 to 23
					60	May	110 150 5½ to 5¾	18 to 19	June	110 150 7 2/1 to 8	
					17 to 19	July	110 150 9 20 to 23	August	110 150 12½	to 13	
					22½ to 25	September	110 175 to 250	13 22½ to 27½	October	112 to 115 175 to 250	
					14 26 to 27	November	115 190 to 300	15 to 17 27½ to 33½	December	120 200 to 300	
					18 to 20	34 to 49					

ANNUAL MESSAGE OF GOV. SMITH, TO THE LEGISLATURE OF VIRGINIA, DECEMBER 7TH, 1864.

Executive Department, Richmond, Va., December 7th, 1864.

Gentlemen of the Senate and House of Delegates:

I am gratified that you have again met in general assembly, to take into consideration the condition of our afflicted commonwealth. At the period of your last adjournment our enemy was engaged in vast preparations for the capture and occupation of this proud city. Having completed his preparations, by the organization of one of the most formidable armies ever assembled on this continent, he, about the 1st of May last, commenced his march. He relied, with confidence, upon his vast numbers and thorough equipment, for an early consummation of his long deferred hopes. Led by the greatest of his captains, flushed with numerous successes, it was entirely natural that he should fearlessly look to the future, while we should contemplate it with uneasiness and apprehension. He had, however, scarcely crossed the Rapid Ann before our noble army, led by that great and good man General R. E. Lee, breaking up their camp, dashed upon his haughty columns, and, after one of the bloodiest and best contested battles of the war, taught the enemy to respect the army he had effected to despise, and to know that his march to Richmond would be attended with difficulties and dangers he had not anticipated. I shall not undertake to detail the series of bloody battles which were fought on the road to Richmond, nor tell how the

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enemy, although continually strengthened by heavy reinforcements, was compelled to leave the city to his right, until finally he crossed the James and undertook, by a *coup de main*, to carry the City of Petersburg; nor how, after nearly a seven months' campaign of unexampled slaughter of his men, he still finds himself with hope deferred, and but little prospect of realizing expectations so confidently entertained for the last three years. 181 Suffice it to say, that you, gentlemen, are here in safety; here in calm deliberation; here to digest those measures which are still required by the dangers we have yet to meet. It is right, however, that I should warn you that the enemy is diligently engaged in strengthening his army, and in recovering from the exhaustion caused by his repeated defeats. It is difficult, really, to comprehend our foe. The right of self-government was established by the blood of our revolutionary fathers; was proclaimed in the Declaration of Independence, and is engrafted in the Constitution of all the States; and yet, the United States, with reckless extravagance in men and money, unparalleled in the world's history, is denying this right and seeking to overthrow and subjugate the people who proclaimed it, and who only ask to be let alone; who, for simply asserting and maintaining this principle, are pursued with a venom, malignity and hate unknown in civilized war.

With everything dear to man at stake, I can not suppose that there will be any hesitation on your part to embody the whole resources of the State, in men and means, in order to enable us successfully to avert the awful doom our enemy has in store for us.

One of your first duties, gentlemen, will be to take into the consideration the measure to bring into the field all able-bodied men who are not *necessary* to the State government. It is utterly impossible for me to understand the logic which exempts State officers who are not necessary for the State government; and yet it is the fact that the judges are undertaking to turn loose from the grasp of military authority men without any duty to perform, upon the ground that they are officers provided by the constitution and the laws. There are some forty or fifty counties of Virginia within the enemy's lines, most of them under a regular government of the enemy. The State officers therein have been, were loyal of course, expelled from office and are refugees. Most of them have acquired new

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homes, and have formed new social and business relations, and may not return to their counties until this war shall terminate, Many will never return even with 182 peace, and it may be a question, if they should do so, whether they would have a right to resume their offices. Under the laws and the constitution the counties will average about sixty officers, furnishing, within the enemies lines, a number equal to about two thousand, constituting a force sufficient, it may be, to turn the tide of a great battle. Yet, according to the decision of some of the judges, these officers would be exempt from military duty, although without civil duties to perform, and with a great probability that they will have none during the continuance of the war.

The court of appeals in the case of Burroughs vs. Peyton,* etc., has well said that “the obligation of every citizen to render military service is a paramount, social and political duty. It is a matter in which the whole body politic is interested. The citizens have a right collectively and individually to the service of each other to avert any danger which may be menaced. The manner in which the service is to be appointed among them is a matter for legislation. The government, as the agent and trustee of the people, is charged with the whole military strength of the nation, in order that it may be employed so as to insure the safety of all. The power which it has to enforce the performance of the obligation to render military service is given that it may be used, not abdicated. No right has been conferred upon the government to divest itself, by contract or otherwise, of the power of employing, whenever and as the exigencies of the country may demand, the whole military strength that has been placed at its disposal. As the nature and extent of these exigencies cannot be foreseen, and it is impossible to say in advance that the services of every citizen capable of bearing arms may not become indispensable for the defence of the country, the government has no right to enter into any contract precluding it from requiring those services, if they should be needed. If there be such right, the spectacle might be presented of a nation subjugated and destroyed at a time when it had within its limits citizens amply sufficient to defend it successfully against all the assaults of its enemies, but whose services

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* XVI. Gratian's Reports, p. 470, before referred to in a preceding message to the Legislature of Virginia.

183 could not be commanded because, forsooth, the government had contracted with them that they should not be required to serve in the army. Again: "The power of coercing the citizen to render military service for such time and under such circumstances as the government may think fit, is a transcendent power, but so far from being inconsistent with liberty, is essential to its preservation. A nation cannot foresee the extent of the danger to which it may be exposed. It must, therefore, grant to its government a power equal to every possible emergency; and this can only be done by giving to it the control of its whole military strength. The danger that the power may be abused cannot render it proper to withhold it, for it is necessary to the national life."

It would seem to me that the doctrine of these extracts covers the whole question; but should there be a doubt remaining, the following extract from the same able opinion, repeating a well established rule of law, must dispel it:* "The well established rule of construction is, that all grants of privileges and exemptions from general burdens are to be construed liberally in favor of the public, and strictly as against the grantee. Whatever is not plainly expressed and unequivocally granted, is taken to be withheld." Taken in this view, how can there be a question? The officers referred to are local officers; their duties are local; they forfeit their offices if they leave their counties. The Justices of the Peace are compelled to reside in the districts from which they are elected; and yet these officers are refugees—that is, resident out of their counties. In undertaking to protect them against the forfeiture provided by law, the courts have to assume that they are excused from the residence required, in consequence of the compulsion of the enemy. Is not this inference judicial legislation? At any rate no act of assembly authorizes such an inference; and is it to be supposed that the law would not have provided for such a case had the legislature deemed it proper to do so? At least, can it be said that there is no doubt upon the subject? and if a doubt, that it should

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* The opinion before referred to by Governor Smith is from the pen of Judge W. J. Robertson, of the Court of Appeals of Virginia, an able lawyer and rigid constructionist of the Constitution.

184 not, in the language of an extract already quoted, "be construed liberally in favor of the public." How can the State be injured by the view for which I contend? How it can be prejudiced by the converse of the proposition, all can see.

But to exempt the large class of officers, or any portion of them, when they have no service to perform is, it seems to me, plainly unconstitutional. The fourth article of the Bill of Rights reads as follows: "That no man or set of men are entitled to exclusive or separate emoluments or *privileges* from the community but in consideration of public services." Will not these officers, without civil duties to perform, enjoy personal "*privileges*?" Surely it may legitimately be argued, that so far from being exempted they are under a special obligation, in addition to the general one attaching to every citizen, to fight for the recovery of their counties. They have been ousted of their offices, have consequently suffered a personal injury and will realize a special advantage in the recovery of the counties from which they have been expelled. I know it is contended that these officers are entitled to exemption under the decision of the court in the case from which I have so freely quoted, and the following extract is relied upon in support of the position.

"It is absurd to suppose that the Government of the Confederate States can rightfully destroy the Government of the States which created it; and all the powers conferred on it must be understood to have been given with the limitation that in executing them, nothing shall be done to interfere with the independent exercise of its sovereign power by each State. Congress can have no right therefore to deprive a State of any officer *necessary* to the action of its government, and the State itself is the sole judge as to the officers that are *necessary* for that purpose." I entirely concur with the doctrine here expressed; but can it be said that the officers of a locality within the enemy's lines and under the regular supervisions of the agents of a foreign government, are *necessary to the action*

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of the Government of the State? and under this doctrine, can any officer of a county within our own jurisdiction be entitled to exemption unless he be *necessary*? It is said, 185 however, that all the officers named in the constitution and provided by the laws are pronounced necessary by the very highest authority, and can under no circumstances be questioned, and whether employed or not cannot be required to perform any other duties than those for which they are elected. Surely this will strike the reflecting mind with surprise. The constitution intended to provide a frame of government for those on whom it was to operate. It was necessarily experimental. The officers authorized were doubtless presumed to be necessary; but if found to be otherwise, why should those appointed to fill them be relieved from the performance of other duties required by the wants of the community. Indeed I lay it down as a broad proposition that no person occupying office is exempt from the other duties of a citizen, except on the score of incompatibility. I ask with confidence, why should a citizen be exempt from other obligations, when they do not interfere with those to which he is specially elected. If a man can perform more than one duty, why should he not do it? I would like to hear a good and sufficient reason in answer to this interrogatory. It would be a great reflection upon those who framed the constitution to suppose that they intended any such conclusion; and in the absence of all provisions to that effect, it cannot be presumed. Nowhere in the constitution is provision made, in terms, for exemption. It is inferential merely and then only upon the ground of incompatibility of service. The same remarks will apply to the legislature.

The doctrine contended for may lead to the most fatal results. If all the officers designated in the constitution and in the laws made in pursuance thereof, are to be exempted because they are State officers—if all the Justices of the Peace, who by-the-by, were never exempted until the 1st of October, 1862, having from the revolution to that period been required to perform military duty—if all sheriffs and clerks and their deputies, all commissioners of the revenue, all surveyors and commonwealth's attorneys, all constables and overseers of the poor, all county agents for supplying soldiers' families, all salt agents, commercial agents, etc., all employees of banks, 186 cities, towns, etc., are to

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be exempt indiscriminately and without reference to their necessity, then indeed, in the language of the decision so frequently quoted, “the spectacle might be presented of a nation subjugated and destroyed at a time when it had within its limits citizens amply sufficient to defend it against all the assaults of its enemies, but whose services could not be commanded, because, forsooth, the government had contracted with them that they should not be required to serve in the army.” So far, in this State, the number of exempts is comparatively small; but in other States, we are told, it is widely different. At this time a powerful army of the enemy is sweeping over the State of Georgia, in which, under the doctrine contended for, there is now an army of exempts—exempts because officers and employees of the State government.

At this time the pressure of the service inspires a very common desire to escape from it; and the remedy by *habeas corpus*, designed for extraordinary acts of official tyranny or individual acts of oppression, is daily resorted to, to extricate the citizen from the holy duty of defending the country. Lawyers of every degree hie to the feast thus spread before them, and judges in chambers and in court feel constrained to apply the principles of the writ to those but little better than moral deserters from the standard of their country, and at a time, too, when she is struggling in a death struggle with her gigantic foe. But do the judges agree among themselves in a uniform application of the same principle? In North Carolina exemption assumes the broadest form, while in Alabama, a much narrower rule is adopted, and even in Virginia, some differences exist. But all, I believe, concur that the judges have the right to pronounce who are exempt from military duty by reason of their office, notwithstanding the legislature and the executive may entertain a different opinion. It does not matter what the legislature may declare by law; it does not matter who the Executive may deem necessary to enable him to see the laws faithfully executed—the court understands better than their co-equal and co-ordinate departments, what is necessary to preserve the State governments! Against this I enter my firm but respectful protest.

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The second article of the constitution reads as follows: "The Legislative, Executive and Judiciary Departments shall be separate and distinct, so that neither exercise the power properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that Justices of the Peace shall be eligible to either House of Assembly." The Massachusetts Constitution still more emphatically declares that "in the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative or judicial powers, or either of them; the judicial shall never exercise the executive and legislative powers, or either of them; to the end that it may be a government of *laws*, and not of *men*." Of course all intermixture of these departments, except as provided in the constitution, must be in violation thereof. These departments are co-ordinate, and each is supreme and independent of the others within their respective spheres. This is the theory of the constitution, at least; and it is the universal sentiment of the American people, that their complete separation is essential to public liberty. The Federalist has strongly said that "the accumulation of all powers—legislative, executive and judicial—in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elective, may be justly considered the very definition of tyranny." Can it be, then, that the judiciary can properly prescribe its own bounds as well as those of its co-ordinate departments? Where is the authority for it? It cannot be found either in the constitution or the law—a fact conclusive against the jurisdiction assumed. I know the general sentiment is otherwise, and that it is insisted that the power is essential and must therefore exist. The power in one to give law to the other demonstrates this too clearly to require argument."

While, however, it may be conceded that the judicial department, in the last resort, is the final expositor of the constitution as to all questions of a judicial nature, it is equally clear that it cannot assume jurisdiction of political questions. This doctrine was quite elaborately treated in the case of 188 Luther vs. Borden, *et al* (7 How. R.) In the celebrated Dorr case, out of which the one quoted sprung, this doctrine was treated; and it was declared that

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the court shall not take jurisdiction of questions of political power. For instance, that it was the right of the political power to *decide* which was the rightful Constitution of the State of Rhode Island, the charter or that known as the Dorr Constitution, that it was not a judicial question. So, it was conceded, that the President alone has the right to decide when such insurrection or rebellion existed in a State as required him to call out the militia, that it was not a judicial question. So, in cases of contested elections before the senate, they involve a question of political power to be decided by that body. So, likewise, in the case of a treaty or the recognition of foreign nations, they involve questions of political power over which the judiciary could not take jurisdiction. I respectfully submit that this important distinction should be taken by our judges. When the legislature declares who shall be subject to military duty, it is an act of political power with which, it seems to me, the judiciary should not interfere. And when the executive, to whom the special duty is assigned of seeing the laws faithfully executed, decides that a certain officer or employee is not necessary, it is an act of political power which should equally command the forbearance of the courts. It was objected in the case just quoted, that in conceding to the President the decision as to which was the rightful constitution of Rhode Island, it was yielding him a dangerous power which might be abused. The learned judge who pronounced the opinion of the court, emphatically said in reply: "All power may be abused if placed in unworthy hands; but it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time equally effectual." At all events it is conferred upon him by the constitution and the laws of the United States, and must, therefore, be respected and enforced in its judicial tribunals. You, gentlemen, can apply this quotation. But I may be pardoned, as the several departments take the same oath of office, that of fidelity to the constitution, and are all, in the 189 view of the constitution, equally honest, capable and faithful, if I claim for the legislative and executive departments the same right to judge of their own powers as is exercised by the judiciary as to theirs. This is indispensable to preserve the equilibrium of the several departments, a matter of the last importance, as upon it depends the preservation of constitutional liberty, according to all writers upon free government. My conclusions, then, are that

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the several departments have no right to define the political powers of each other; that political power is not of a judicial nature; that there is no authority in the constitution or the laws which gives to the judiciary the right to define its own boundaries and those of the other branches of the government; that whatever may be the necessity of having a tribunal clothed with such powers, none has been provided, and cannot be provided by judicial construction; that the right, on the part of the several departments, to refuse to cooperate in the unconstitutional measures of each other, of which each has an equal right to judge, is eminently proper, healthful in action, and well calculated to preserve, intact, that division of powers guaranteed in the second article of the constitution. That the constitution contains no exception, confers no privileges, except "in consideration of public services;" that election to office does not protect any man against other duties, except so far as they may be in conflict with those to which he was elected; that, in the language of the court of appeals, "the obligation of the citizen to render military service is a paramount, social and political duty," from which no man can be discharged, except on account of his civil duties, and only to the extent required by such duties; that military service "is a matter in which the whole body politic is interested;" that "the citizens have a right, collectively and individually, to the service of each other, to avert any danger which may be menaced," of which they cannot lawfully, and ought not to be deprived by any authority whatsoever. And I here, in the name of patriotism, of our manhood, of our dear old State, rent and torn by a vandal foe, and of our bleeding country, protest firmly but respectfully against the entire 190 doctrine which would give to able-bodied men the legal right to walk abroad untouched amid the general suffering and desolation.

I have uniformly acted upon the principle that the State government had an inherent right of self preservation, which involved the right to all the officers and employees, of every description, necessary thereto. I have never hesitated to claim all such persons, and to assert a right to judge for myself as to the necessity of such persons, as against the Confederate Government. I understand this principle to have been broadly conceded by the act of congress of the 17th of February, 1864. This act did not undertake to grant

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power to the Governors of the States who could not accept power from such a source, even had such been the design of the act. But, I repeat, I do not understand it to have had any such purpose in view. The certificate spoken of in the act was merely designed to obtain information of the Governors of the States, of the persons claimed by the States as their officers and employees; and such certificates are very properly conceded by that act to be conclusive upon the Confederate authorities. Recognizing in the Confederate government the right to the whole military power of the States, except to the extent of such persons as are necessary to the preservation of the State government and the execution of the laws, I have uniformly confined my certificates of exemption or claim to such persons as I regarded necessary therefor. In the case of Justices of the Peace, I did not and do not believe that the number authorized by law was necessary to the execution of the duties imposed upon them. I know perfectly well that three instead of four are amply sufficient for all the purposes of the State; and I aimed, as a general rule, to confine myself to that number. I recognized the right of all, however, to be commissioned, and, deeming such to be my constitutional duty, commissioned those who had been duly elected by the people. It is not a little curious that Justices of the Peace, at least, from the first revolution up to the present one, have never been regarded otherwise than as subject to military service. They have been treated uniformly as a part of the militia. They fought in the first revolution, they fought in the year 1812, they mustered at cross roads and other places of meeting, and the exempting favor of the legislature never reached them till the first of October, 1862. It is strange that, in the midst of a deadly struggle, your predecessors should have deemed it proper, for the first time, to protect these gentlemen from military service, pronounced by the highest judicial authority of this State to be a "a paramount, social and political duty." It is also strange that, for the first time, it should be treated as a judicial question, and that our Judges should likewise concur in pronouncing them exempt from military service, and that, too, notwithstanding the same high authority to which I have just referred, has pronounced military service "a matter in which the whole body politic is interested."

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But so it is; and, yielding to the force of this combined opinion, I respectfully suggest for your consideration the passage of a law which will diminish the number of these officers, and restrict their selection to persons of an age usually beyond the period of military service. I propose the passage of a law diminishing the number of the districts in the several counties and confining the election of magistrates to persons over forty-five years of age. There is no question of your power to enact such a law; there is no doubt of its giving great satisfaction to the people; and the discreditable efforts which were made in certain localities, by hale and hearty young men, to obtain their election as Justices of the Peace, thereby to secure their exemption from the honor of defending their country, would no longer reflect upon the patriotism of our people. But many of our best citizens are unwilling to yield any of our State officers or employees to the claims of the Confederate government. They are entirely willing to see such persons embodied in a State force, to be called out on great emergencies, because, under State authority, they can be returned to their civil functions as soon as the emergency shall have passed. Apart from the great principle of the *salus populi*, they insist that it is entirely in the power of the legislature to embody the State officers, etc., as an auxiliary 192 force, under the circumstances to which I have referred. In Georgia this principle is acted upon, and under it Governor Brown has been able to embody an army of considerable size, which has rendered and is rendering valuable service in the campaign in his great State. In Mississippi the same doctrine prevails with like results, in which, indeed, the power is claimed, without question by the judiciary, to assign supernumary State officers to the Confederate service. In an act passed by the general assembly of that State on the 13th of August, 1864, the preamble thereto reads as follows:

“Whereas, in the present situation of affairs, it is not necessary to the proper administration of the State government that the officers, members and agents hereinafter named, shall be held exempted from the military service of the Confederate States; and in the absence of such necessity the State is willing to waive her rights in the premises to all officers,

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members and agents not named in the constitution, and not necessary to the preservation of our form of government.”

This preamble fully recognizes the policy for which I have been arguing, and in giving up a part of her State officers the State impliedly asserts a right to do so with all, under the qualification stated. Should it not be the pleasure of the legislature, however, to adopt my views, I respectfully urge, in this dark hour of our fortunes, that the entire male population of our State be embodied for the purpose of co-operating in our great struggle. The second-class militia, authorized under a special act, restricted in its operation to a few localities, has been of great advantage and has rendered most efficient service. Perhaps no regular force in the army has performed more arduous duty since the 6th of May than those portions of it, including the Nineteenth Virginia militia, organized in the city of Richmond and Petersburg.

In consequence of the frequent and extensive raids of the enemy, often in small parties, and the great destruction and outrages perpetrated by them, it has become indispensable to organize our whole male population. Were such an organization made, even of the force now left at home, the country would be saved from the ravages which lay waste our fields, 193 certainly to a large extent; and the enemy who respects in no degree the laws of civilized war, sparing neither age nor sex, would be compelled to contract his lines of march, more in larger masses, and range over a much more limited amount of our territory. I most respectfully submit a bill for your consideration, designed to provide for this important object:

1st. It proposes that the reserve force of the State should be organized by the Governor, and when completed, to be reported to the assembly for such change as it may see fit to make.

2d. That the Governor shall not move said force beyond the limits of the State.

3d. That no portion of such force shall be called on for a longer period than thirty days.

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4th. When practicable, said force shall be assigned to duty in the several counties from which it may be drawn.

5th. The particular duties to which this force may be assigned are designated.

6th. That the county court and county officers shall aid in the enrollment.

7th. That the Governor shall provide for the proper discipline and order of such force.

8th. This bill being a war measure, it is proposed that it shall expire with the proclamation of peace, only suspending, in the mean time, the general militia law.

It will be observed that this bill asks for no appropriation, nor for Commissaries or Quartermasters. My plan is to make an arrangement with the Secretary of War to pay off such portion of the reserved force as may be called out, when its particular service is ended, by marching it to the post Quartermaster of its county for that purpose, who would be instructed accordingly; and my purpose would be, when necessary, to appoint respectable old gentlemen Quartermasters and Commissaries for the particular occasion, and for them to settle up any accounts they may have created with the post Quartermaster, and be likewise paid off, thus closing up the transaction without perplexity or delay, and to the entire satisfaction, 194 doubtless, of both the government and the people.

Our free negroes are very disorderly, many of them, doubtless, disloyal. In the towns, and especially in the city of Richmond, they are guilty of many outrages upon persons and property, full proof of which it is difficult to procure. They sometimes are found co-operating with the enemy, and occasionally indulging in the utterance of treasonable sentiments and threats against our fellow-citizens. The laws are inadequate to their proper management, and will, I hope, be made to cover such cases.

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When this war began, it was confidently believed by our enemy that it would be of short duration. Relying upon his vast superiority in numbers and material of war, he expected to overrun us with facility and ease. But the result of a single year's operations corrected this expectation and impressed him with the conclusion that he had on hand a contest of great magnitude, full of danger and difficulty. Having soon exhausted his floating population he openly recruited his armies on the continent of Europe. Not satisfied with this, he seized our slaves, and, in violation of all civilized war, armed them against us. Under every disadvantage, the war has been protracted deep into the fourth year, and we find ourselves looking around for material to enlarge our armies. Whence is it to come? The laws of natural accretion will not furnish a sufficient supply of men. Foreign countries are, in effect, closed against us. Recruiting from the prisoners we capture will not, except to a limited extent, supply our wants, and the public attention naturally turns to our own slaves as a ready and abundant stock from which to draw. This policy, however, has given rise to great diversity of opinion. Some consider it as giving up the institution of slavery. Others declare that to put our slaves in the ranks will drive our fellow-citizens from them and diffuse dissatisfaction throughout the country. In reply, it is said that this policy will effectually silence the clamor of the poor man about this being the rich man's war; that there is no purpose to mingle the two races in the same ranks, and that there cannot be a reasonable objection to fighting the 195 enemy's negroes with our own; that as to the abandonment of slavery, it is already proclaimed to be at an end by the enemy, and will undoubtedly be so if we are subjugated, and that by making it aid in our defence, it will improve the chance of preserving it.

This is a grave and important question and full of difficulty. All agree in the propriety of using our slaves in the various menial employments of the army, and as sappers and miners and pioneers; but much diversity exists as to the propriety of using them as soldiers *now*. All agree that when the question becomes one of liberty and independence on the one hand, or subjugation on the other, that every means within our reach should be used to aid in our struggle, and to baffle and thwart our enemy. I say every man will agree

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to this; no man would hesitate. Even if the result were to emancipate our slaves, there is not a man that would not cheerfully put the negro in the army rather than become a slave himself to our hated and vindictive foe. It is, then, simply a question of time. Has the time arrived when this issue is fairly before us? Is it, indeed, liberty and independence or subjugation, which is presented to us? A man must be blind to current events, to the gigantic proportions of this war, to the proclamations of the enemy, who does not see that the issue above referred to is presented *now*. And, I repeat, the only question is, has the time arrived? Are we able, beyond a question, to wage successful war against a power three times our own in numbers, with all Europe from which to recruit, and who, unhesitatingly puts arms in the hands of our own negroes for our destruction? I will not say that under the Providence of God, we may not be able to triumph, but I do not say that we should not, from any mawkish sensibility, refuse any means within our reach which will tend to enable us to work out our deliverance. For my part, standing before God and my country, I do not hesitate to say that I would arm such portion of our able-bodied slave population as may be necessary, and put them in the field, so as to have them ready for the spring campaign, even if it resulted *in the freedom of those thus organized*. Will I not employ them to fight 196 the negro force of the enemy? aye, the Yankees themselves, who already boast that they have two hundred thousand of our slaves in arms against us! Can we hesitate, can we doubt, when the question is whether our enemy shall use our slaves against us, or we use them against him, when the question may be between liberty and independence, on the one hand, or our subjugation and utter ruin on the other?

In the meeting of the governors the following resolutions upon this subject were unanimously adopted:

“ And whereas, The public enemy having proclaimed the freedom of our slaves, are forcing into their armies the able-bodied portion thereof, the more effectually to wage their cruel and bloody war against us, therefore, be it

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“ *Resolved*, That it is the true policy and obvious duty of all slave owners timely to remove their slaves from the line of the enemy's approach, and especially those able to bear arms; and when they shall fail to do so, that it should be made the duty of the proper authorities to enforce the performance of this duty, and to give to such owners all necessary assistance as far as practicable.

“ *Resolved*, That the course of the enemy, in appropriating our slaves who happen to fall into their hands to purposes of war, seems to justify a change of policy on our part; and whilst owners of slaves, under the circumstances, should freely yield them to their country, we recommend to our authorities, under proper regulations, to appropriate such part of them to the public service as may be required.”

The object of these resolutions, as understood by me, was to call public attention to the consideration of the policy of bringing our slaves into this war. It seems that a “change of policy on our part” was contemplated, and we determined, in reference to our slaves, to “recommend to our authorities, under proper regulations, to appropriate such part of them as may be required to the public service.”

I am aware that a clamor has been raised against the policy of putting the negroes into the army, by good and loyal men, because, they say, “the end is not yet,” that our army of citizen-soldiers is still competent to make good our defence. No one would advocate the policy of thus appropriating our slaves, except as a matter of urgent necessity; but, as public opinion is widely divided on this subject, does not common prudence require us to fear that those opposed to this extreme measure may be mistaken? Suppose it should so turn out, how deep would be their responsibility to their country, to freedom and independence everywhere? I know it is the opinion of some of the highest military authorities that the 197 time has come when we should call our slaves to our assistance; and I hold it to be clearly the duty of every citizen, however much he may doubt the wisdom and necessity of the policy, to co-operate in strengthening by every means, our armies. I repeat, I know this policy is looked to with anxiety by some of the ablest military

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men of the age, who believe that it is of the last importance that it should be adopted without delay. I, therefore, earnestly recommend to the legislature that they should give this subject early consideration, and enact such measures as their wisdom may approve. As an additional auxiliary to the successful prosecution of the war, I deem it of the gravest consequence that our currency should be improved. I am entirely satisfied that it may be effected. With the great staples at our command as the basis of such purchases abroad as are necessary to our defence, with a judicious system of taxation and public credit, the blunders of the past may be speedily reformed, and the public confidence assuredly revived. I bring this subject to your consideration, as you may promote the policy of improving the currency, by lending the aid of co-operative legislation to that of the Confederate government.

There is a measure now pending before congress to reduce the currency by the issue of tithe certificates, in effect pledging the tithes in cotton, wheat and corn, to the redemption of such certificates, and continuing the tax in kind after the war shall terminate, until they shall be fully paid off and discharged. The security must necessarily be ample, and all persons, not needing the currency for immediate use, will find such investment a most judicious one.

The legislation I would suggest is in aid of that policy, and I submit the following plan for your consideration: Let the State go into the market and purchase up the currency at its market value for gold—say twenty in currency for one in gold. The effect of this would be to reduce the price of gold at once to that Standard as a maximum, which would necessarily involve a reduction in the prices of all commodities, thereby securing a general benefit to every individual in the community. The question will naturally be asked how is the gold to be obtained? The reply is easy. It is known that our State banks have a large amount of specie on hand entirely unproductive, not even contributing to sustain their credit, and a source of constant anxiety to the officers in charge of them. In this state of things the banks, I have no doubt, would cheerfully surrender their specie to the State, upon her obligation to return it at the end of the war, and the assignment of the tax in

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kind certificates of the Confederate government, issued to the State from time to time for the currency which she might acquire. The faith of the State, with this collateral security, would, I am persuaded, be entirely acceptable to the banks under the circumstances which imperial us. Should we triumph in our present struggle, which I doubt not, the security would be ample; and should we fail, of course the security would be valueless, and all would be lost, except in the diffusive benefit to the people from the circulation of the coin now excluded from all useful purposes.

* * * * *

(Signed) William Smith.

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INCIDENTS AND REMINISCENCES.

WOMAN THE INSPIRATION OF HIS LIFE.

A few months preceding his death the ladies of Fauquier Memorial Association prevailed on Governor Smith to supply the place of an orator who had been unexpectedly called away. He consented and spoke to audience on Court Green with unabated fire and force. When he left the stand and was pressing through the throng to his carriage a friend, grasping his hand, remarked: "Yours was a beautiful tribute to woman, Governor."

"God bless the ladies!" he replied. "They have been the *inspiration of my life*. I shall never grow too old to respond to their call, nor to the claims of duty. Why, sir, when I came as a young man to Warrenton, the first bout I had was with a fellow-law-student for not cutting the acquaintance of a chap who made it a point to disparage woman."

COOLNESS AND TENDERNESS.

An old friend and army comrade in referring to Governor Smith when news of his death was given from lip to ear, said: "In passing along the Confederate lines at 'First Manassas,'

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I saw the old Governor in the new role of colonel of a regiment. He sat as erect as a trained trooper on a handsome sorrel, which was bleeding profusely from a shot in the shoulder; and his men, by his order, lay prostrate upon the ground. It was an illustration of personal bravery and considerate tenderness never forgotten. A few moments later his white hair, like a rallying plume, was streaming in the wind at the head of an impetuous charge on a battery pouring round shot and grape into our ranks.”

BROOKS NO DELAY.

At Fredricksburgh the Forty-ninth was stationed at the rear of the extreme left of General Lee's lines as a reserve. When the battle waxed hot in front and the Confederate column wavered, a courier dashed up to the old Governor with an order to advance. In a moment he was in the saddle, and shouting “Fall in, the Forty-ninth, fall, in quickly, or I'll march alone to the front and leave every d—n one of you.” His gallant volunteers did fall in, and were soon doing more effective work than veterans commanded by officers *au fait* in the tactics of Hardee and Scott.

PLUCK AND FORTITUDE.

Senator Heaton, of Loudoun, in speaking to resolutions of respect to the memory of Governor Smith in the Virginia legislature, said the first time he saw him was at Sharpsburg, where he received three wounds before he consented to leave the field.

This evidence of splendid pluck recalls an incident illustrating his fortitude during enforced inactivity:

An old county man, casually meeting him in the rotunda of the State capitol, said:

“Governor, I intend to use a short furlough to visit Fauquier; have you a message to send home?”

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A loving smile chased away all trace of pain as he replied: "Tell the madam, sir, they slightly winged me; but I am as gay as a lark, and feel like a boy of five-and-twenty."

FORESIGHT AND BENEVOLENCE.

When Governor Smith was elected a second time chief magistrate of the old commonwealth, the soul of patriotism was sorely tried. The enemy held nearly half of its territory; made its capitol the objective point; Confederate ports were blockaded by hostile squadrons, and limited transportation by rail was monopolized by Confederate commissaries. Public credit was gone, and provision in the city 200 was growing less every day. In this exigency Governor Smith borrowed money from the president of a city bank on his own responsibility, dispatched merchants above conscript age to North Carolina, and with difficulty got permit from the Confederate government to bring supplies to Richmond for the destitute. When distribution had been partially made, and looting averted, the Governor was besieged by commissary officers, begging authority to intercept stores *en route* for the support of men in the field. While giving audience to these the Governor's quick ear caught the sound of the voice of his faithful porter at the door, saying: "He's engaged now, and cannot be seen." In an instant that eye, which blazed fiercely in battle, kindled with pleasure at sight of woman, and he exclaimed:

"Make way, gentlemen, for a lady."

In an instant a queenly figure in faded calico was face to face with the old hero.

"I wish to see *my* governor," said she, bewildered by the lace on a score of uniforms, and emphasizing the pronoun.

"I am *your* governor" he blandly responded. "What can I do for you?"

Courteously she said: "My husband is dead. I have six children, the oldest not large enough to help me labor. During these years of war I have cultivated a garden, raised a

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few fowls, and carted my produce to this city to exchange for necessities of life. Officers have pressed my old horse, soldiers robbed my coops and garden. I have nothing left and my children are hungry. I have walked seven miles to ask *my* Governor what I am to do?"

Touched by her simple appeal, the old Governor gave her a note to the mistress of the Executive mansion to divide family stores, and sent an escort with her. Doubtless that widow was one of the many thousands who pressed forward to gaze on the rigid features of the kindly old hero, when his body lay in state at the capitol waiting interment.

TO THE VOTERS OF THE SEVENTH CONGRESSIONAL DISTRICT.

Fellow Citizens: —Having been repeatedly requested by many of you to become a candidate for congress, and being fully satisfied that I am your choice, I hereby announce my willingness to serve you should it be your pleasure to elect me. In thus announcing myself, gentlemen, unqualifiedly a candidate for your suffrages, I am not insensible to the fact that there are some of you in favor of selecting a candidate through the agency of a convention. But, believing as I do, that few of you require any such means of ascertaining your preference, I put myself at once before you in accordance with the usages of *our Fathers*.

Fellow-citizens, the Constitution contemplates your meeting at the polls, and, in the face of God and your country recording your suffrages. It requires that you should come in your sovereign might and speak out your will "*viva voce*." Any mode by which a *few* of you undertake to prescribe who shall be supported by ALL is in derogation to the true theory of the Constitution and should not be resorted to except from plain and palpable necessity. A resort to the system, as a matter of course, and on every occasion, will inevitably place in the hands of managing *cliques* the substantial power of popular sovereignty, and gradually introduce an all-pervading corruption. In New York this system universally prevails; and hence that numerous class of trading politicians for which the Empire State is distinguished, and which has given to her politics, in the general opinion of the country, the

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character of universal corruption. Nor has the system ever had the advantage of securing *unity* in the action of her political parties as we have had cause deeply to lament, in the loss of that State to the Democratic party on several important occasions. Who would wish to see such a system of party tactics introduced here? Who would desire to resort to an admitted evil without necessity to justify it, an evil *too* which may impair, if not destroy, the vital spirit of our institutions?

But, fellow-citizens, while I deprecate conventions called without necessity, I 201 am for them when such necessity exists. Does that necessity exist now? I think not. You have a strong Democratic majority. No Whig will be in the field—in any event, you must have a representative of your opinions, and, in addition, you will be able, by going to the polls without a convention, undoubtedly to have your choice for your representative. A convention can do no more—it may do less, by selecting one for your candidate with a preference, on your part for another. It may be said that a convention may prevent heart-burning, ill-will and strife. I think there can be nothing in this view of the subject, as experience proves that a convention, unnecessarily called, is more apt to produce than prevent them. Even the convention proposed for you, is patronized by some with a hope that it may be unable to agree in a selection for those placed in nomination, and that some gentleman, not known as a candidate, may be selected as your representative. But it may be said that a convention is necessary to compare the claims and pretensions of those aspiring to represent you. Fellow-citizens, at no place can this be so safely done as at the polls. Without the fear of a convention, however formed, I confess my experience teaches me to prefer the GRAND CONVENTION OF THE PEOPLE. *There*, all can be heard—justice will be done and no murmur of discontent will disturb the general satisfaction which must be felt at the wisdom of your selection. These are my views, but if yours are different, if *you, the PEOPLE* prefer to sit in convention previous to the election, *yours* is the right and mine the duty of submission.

Fellow-citizens: In looking over the field of my past life, I see an unbroken consistency of political opinion and public conduct. In the dark hours of the Democratic party, I was

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ever faithful amongst the faithless. When leader after leader abandoned the Democratic standard, and Gen. Jackson was unable to preserve our ranks unbroken, I sympathized with the distress that agitated your bosoms and unshrinkingly battled for your cause. In subsequent periods of gloom and disaster, you called *me ever*, to the field of strife, and with all the deep energy of my nature, regardless of the great sacrifice it involved, I struggled and toiled at your bidding.

It is pleasant for me to look back upon these fields, but it is said they dwell not in your memory; that time has already swept them away, and that you are disposed to take up *new men*, not yet proven in the stricken field; I do not believe it; and yet desire to know how the memories of the *past* are appreciated at present. I wish to see you vindicate yourselves, not coldly, but ardently, against what I regard an imputation. But, above all, I expect you to give unmistakable evidence of your sense of justice, and your determination properly to appreciate those who, in a generous and devoted spirit, yield to your calls, and dedicate themselves to your service.

Fellow-citizens: I shall meet you at your respective courts, and in the mean time, will merely remark, that I feel full confidence that the *WILL* you may express on the fourth Thursday of May next, will not only command general approbation, but give new evidence of the sensibility and justice of a free and enlightened people.

April, 1853. William Smith.

The effect of this address was to silence, almost, all opposition and disaffection toward the Governor within his own party, and to triumphantly elect him over the combined opposition and alliance of both Whig and Democrat. The people declined to call a convention.

Warrenton, Va., November 25, 1856.

Hon. James Buchanan:

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Dear Sir: —I suppose I may now congratulate you on our glorious success in your election to the Presidency of the United States. A success, which I firmly believe could not have been accomplished under the leadership of any other member of our great party. I took my grounds upwards of a year ago, when, at the State Fair of Virginia, I declared against any Southern candidate, particularly any from Virginia, and for you as the only man who could be elected. As my district and state came fully up to my expectations, as did the entire South, with the exception of 202 Maryland; and as my chief disappointment was in the free States, I think I may indulge in some little self-gratulation. But, enough of this. You are successful after a great and doubtful struggle, and I heartily rejoice at it. May your administration be distinguished, as I believe it will be, for its patriotic success in advancing the true interests of our great confederation of co-equal and sovereign States.

I have been much solicited by many of your sincere and unambitious friends to write you fully and frankly, especially of Virginia, but I have declined it. I, however, yield to their wish so far as to express the general hope that you will firmly plant yourself upon the Constitution, recognize in its construction the doctrine of Mr. Madison's report; call around you old, tried, conservative Democrats; avoid all interference with State politics; use the appointing power solely with the view to the public service, and select no one for appointment to office who cannot respond affirmatively to the enquiry "Is he honest, is he capable, is he faithful to the Constitution?" Upon such principles the South may be counted on; upon such principles, it is hoped, the conservative men of the free States will co-operate, and in this way the Union be preserved beyond your administration. I have said that it is hoped you will call around you old, tried, conservative Democrats; this is deemed, of the highest importance. A cabinet of such men would indicate a marked policy, and at once command the confidence of the country. Nor, would such a policy be any wrong to our new men. They should not expect any but subordinate places, and the appointment of them to such, will meet all the claims of a just and discrete policy and fully satisfy the sentiment of the country. It is earnestly hoped that you may adopt this policy in reference to any appointments you may make from Virginia, as it will soothe the

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irritations superinduced by a different policy which has heretofore prevailed among us, and especially soothe the regrets occasioned by your Pacific R. R. letter. Our thinking men regard the policy above indicated as appropriately representing the strength and dignity of a great constitutional power, and as a true way to rally all those who sincerely desire to preserve our great republic; any other course, it is thought, will make of our government a rickety concern, subject to frequent convulsions, to end, inevitably, in early dissolution. The cabinet of President Pierce and his administration of the patronage of the government, are frequently referred to as a beacon and a warning.

It is not to be disguised that we have those among us who are for an immediate dissolution of the Union. They are not so powerful in numbers as in intellect and will. But, embracing, as they do, a large number of our politicians and many of our most intelligent and substantial people, they are by no means to be despised. Still, the great body of the people are loyal to the Union, as yet, and will continue so if let alone and permitted to enjoy in peace, the rights and blessings, the Union was formed to secure.

With my best wishes for the preservation of our great confederacy, and of your successful administration of affairs, I remain sincerely and truly,

Your friend, William Smith.

The Commonwealth of Virginia, to William Smith, Greeting:

Know you, that from special trust and confidence reposed in your fidelity, courage and good conduct, our governor, in pursuance of the authority vested in him by an ordinance of the convention of the State of Virginia, doth commission you a Colonel in the active volunteer forces of the State, to rank as such from the 27th day of June, 1861.

In testimony whereof, I have hereunto signed my name as Governor, and caused the seal of the commonwealth to be affixed, this 27th day of June, 1861.

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[SEAL] John Letcher.

State of Virginia, City of Richmond, To wit:

I, R. M. Burton, a Justice of the Peace in and for the city aforesaid, do certify that William Smith has this day personally appeared before me in my city, aforesaid, and qualified to the within commission by taking the several oaths prescribed by law.

Given under my hand this 10th day of July, 1861.

R. M. Burton, Justice of the Peace.

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General Orders and Messages Relative to the Evacuation of Richmond, Etc.

Executive Department of Virginia, Danville, April 11, 1865.

To Lieutenant-General U. S. Grant, Commanding U. S. Forces:

General: —The government of Virginia, of which I am the executive head, is, for the present, located in this town, elected by the people, under a recognized state constitution; and, in conformity to the laws of the commonwealth, it is my duty to look to the interests of her people to the best of my ability. In view of the reported surrender of General Lee, and in ignorance of its terms, I respectfully propound the following questions:

Will the State government, represented by me, be superceded by a military or civil organization under your authority, or that of the Federal government? Will the State officials of the Virginia government be subject to military arrest, and will they be allowed, peaceably, to leave the State for Europe, should they desire to do so?

I send this dispatch in charge of my aid, Lt.-Colonel P. Bell Smith, and Wm. D. Coleman, Esq., of this town, who will receive your reply, which I respectfully ask.

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I have the honor to be, General,

Respectfully your obedient servant, William Smith.

Headquarters Army of the Potomac, April 14, 1865.

To His Excellency, William Smith, Danville, Va.

Dear Sir —Your letter to Lieutenant-General U. S. Grant, brought by Lieutenant-Colonel Smith and C. D. Coleman, was received by me and duly presented to Lieutenant-General Grant.

I have to-day received a dispatch from Lieutenant-General Grant stating he has, at present, no reply to make to your letter, and should he hereafter have one, it will be presented to you by special messenger.

Very respectfully your obedient servant, George G. Meade, Maj.-Gen. U. S. A.

Near Lynchburg, May 15th, 1865.

To Major-General Halleck, Commanding Divison of the James:

Sir —Since the evacuation of Richmond and the surrender of General Lee, I have considered the war as practically at an end in Virginia, at least under that conviction, I have diligently addressed myself to the duty of preserving public Order; have sought to ascertain the sentiment of the people, and I have endeavored to obtain from General Grant a knowledge of the conclusion of the Federal authorities as to the civil officers of the State government of which I am the executive head. In the absence of the military, I am satisfied that the civil authority is competent to its chief function. I know the great body of the people have made up their minds to conform in good faith to the new order of circumstances. Nor have I received the information sought from General Grant, or been enabled to obtain it from your general orders—if they furnish it—in the absence of mails,

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etc. I am gratified to believe, however, from what I can learn, that the officers referred to have been uniformly treated with forbearance, at least. Will that forbearance be extended to me? I put the question frankly, General, and will be governed by your reply.

I am bound by the obligations of my position to promote the interests of the people who have honored me, and I am consequently deeply anxious, under the circumstances, for the pacification of the State, and the restoration to her civil rights, and to her political relations. Should a similar disposition animate the Federal 204 authorities, as may surely be expected, then we may cherish with confidence, the hope that the wound, inflamed by the war just closed, will be speedily healed.

My Aid, Lieutenant-Colonel P. Bell Smith, will deliver this letter, to whom I respectfully ask you to entrust your reply.

I have the honor to subscribe myself with high consideration,

Your obedient servant, William Smith.

Lexington, Va., May, 1865.

Jno. R. Tucker, Esq., Attorney General Virginia:

Dear Sir: —I have yours by Mr. McDonald, and in reply, say that we have to recognize the unhappy fact that armed resistance to Federal power is at an end; that, as yet, the developed policy of our adversities will not justify us (to ourselves) in appealing to partisan operations or war, the true mode of conducting resistance by a weak against a strong power; that a return to the Federal Union is a necessity, which we must accept, and being a necessity, involves no abandonment of principles or sacrifice of rights; that if we return to the Federal Union as a necessity, good faith requires us to cherish the restored relation until acts of wrong and oppression shall warrant us in discarding it; that, of course, we cannot refuse to take an oath to support the Constitution of the Union of which we are a

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part, and as long as we remain such, to accept as binding and obligatory, the exposition thereof, by the Supreme Court; and that the modified oath (which I have just seen) is nothing more, although abounding in useless and (to many) irritating verbiage.

I send you a copy of my note to General Grant, to which I have received no reply except the note of General Mead; a copy of my proclamation to the people, and of my letter to President Johnson, (which you must regard, for the present, as strictly private, as I have not, as yet, heard from it) that you may see what I have been doing.

My own situation is this: As Governor of the State, with my field of duty restricted to her limits, I am here, and have to remain, to protect her interests, to promote her prosperity, and to share her fate. I have heretofore freely periled life and fortune in her service; and all that is left, a brief span of life, is hers and will be gladly yielded up if needed or required.

I look for, but see not, the silver streak across the dark cloud of our fortunes, but I yet hope God will not permit our good, noble old commonwealth to pass into the memory of the things which are past. With my best wishes, I am

Yours very truly, (Signed) William Smith.

Richmond, Va., 7th April, 1865.

General Joseph R. Anderson, and others, Committee, etc.:

Gentlemen —I have had, since the evacuation of Richmond, two conversations with Mr. Lincoln, President of the United States. My object was to secure for the citizens of Richmond and the Inhabitants of the State of Virginia, who had come under the military authority of the United States, as much gentleness and forbearance as could be possibly extended.

The conversations had relation to the establishment of a government for Virginia, the requirement of oaths of allegiance from the citizens and the terms of settlement with the

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United States. With the concurrence and sanction of General Weitzell, he assented to the application not to require oaths of allegiance from the citizens,

He stated that he would send to General Weitzell his decision upon the question of a government for Virginia. This letter was received on Thursday and was read by me. It authorized General Weitzell to grant a safe conduct to the Legislature of Virginia to meet at Richmond, to deliberate and to return to their homes at the end of their session. I am informed by General Weitzell that he will issue whatever orders that may be necessary, and will furnish all the facilities of transportation etc. to the members of the legislature to meet in this city; and that the Governor, Lieutenant-Governor, and public men of the State, will be included in the orders. The object of the invitation is for the Government of Virginia to determine whether they will administer the laws in connection with the authorities of the United States and under the Constitution of the United States. I understood from Mr. Lincoln, if this condition be fulfilled that no attempt would be made to establish or sustain any other authority.

My conversation with President Lincoln upon the terms of a settlement was answered in writing—that is, he left with me a written memorandum of the substance of his answers.

He states as indispensable conditions of a settlement, the restoration of the authority of the United States over the whole of the States, and the cessation of hostilities by the disbanding of the army, and that there shall be no receding on the part of the Executive from his position on the slavery question. The latter proposition was explained to mean, that the Executive action on the subject of slavery, so far as it had been declared in messages, proclamations and other official acts, must pass for what they were worth; that he would not recede from his position. But that this would not debar action by other authorities of the government.

I suppose that if the proclamation of the President be valid as law, that it has already operated and vested rights.

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I believe that full confidence may be placed in General Weitzel's fulfillment of his promises to afford facilities to the legislature, and that its members may return after they have concluded their business, without interruption.

Mr. Lincoln, in his memorandum, referred to what would be his action under the confiscation acts. He stated that where the property had not been condemned and sold, that he would make a universal release of the forfeitures that had been incurred in any State which would now promptly recognize the authority of the United States, and withdraw its troops. But that if the war be persisted in, that the confiscated property must be regarded as a resource from which the expenses of the war might be supported.

His memorandum contains no article upon the penalties imposed upon persons, but in his oral communications he intimated that there was scarcely any one who might not have a discharge upon the asking.

I understood from the statement, though the words did not exactly imply it, that a universal amnesty would be granted if peace were now concluded.

In my intercourse I strongly urged the propriety of an armistice. This was done after the preparation of his memorandum. He agreed to consider the subject, but no answer has been received. I suppose that if he assents, that the matter will be decided and executed between Generals Grant and Lee.

Very respectfully yours, J. A. Campbell.

Published at the Jeffersonian Office, Charlottesville, from a copy brought by a member of General Lee's Body Guard.

Headquarters, A. N. Va., April 10th, 1865.

General Order No. 9.

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After four years of arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources.

I need not tell the brave survivors of so many hard fought battles who have remained steadfast to the last, that I have consented to the result from no distrust of them. But feeling that valor and devotion could accomplish nothing that would compensate for the loss that must have attended the continuance of the contest, I determined to avoid the sacrifice of those whose past services have endeared them to their countrymen.

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By the terms of the agreement officers and men can return to their homes and remain until exchanged. You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed; and I earnestly pray that a merciful God will extend to you his blessing and protection. With an unceasing admiration of your constancy and devotion to your country, and a grateful remembrance of your kind and generous consideration of myself, I bid you an affectionate farewell.

R. E. Lee, General.

(Copy.)

Headquarters Army of the United States, April 9th, 1865.

To General R. E. Lee, Commanding C. S. Army:

General —In accordance with the substance of my letter to you of the 8th inst., I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit: Rolls of officers and men to be made in duplicate; one copy to be given to an officer to be designated by me, the other to be retained by such officer or officers as you may designate. The officers give their individual parole not to take up arms against the

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Government of the United States until properly exchanged; and each company and regimental commandant to sign a like parole for the men of their commands. The arms, artillery and public property to be stacked and parked and turned over to the officers appointed by me to receive them. This will not embrace the side arms of the officers, or their private horses or baggage. This done, each officer and man will be allowed to return to their homes, not to be disturbed by the United States authorities as long as they observe their paroles and the laws in force where they reside.

Very respectfully, U. S. Grant, Lt.-Gen. Commanding U. S. A.

Headquarters Military Governor of Richmond, April 9th, 1865.

By authority from the President of the United States, permission is hereby given to Governor William Smith, of Virginia, to come within the lines of the Army of the United States to Richmond, and remain until further orders. All officers and soldiers of the army will give him safe conduct and protection. He will be free from arrest coming and during the time he is allowed to remain in Richmond and returning to the place where he receives this pass. The person receiving this pass hereby gives his parole of honor not to communicate with the enemy or to do any act prejudicial to the interests of the United States during the continuance of this protection.

By Command of Major-General G. Weitzel.

G. F. Shepley, Military Governor of Richmond.

University of Virginia.

Dear Sir —Mr. McDonald gives me an opportunity to communicate with you. I fear the Federal troops will be here in a day or two and may propose the modified oath. My relation as an officer, to the question, gives me great trouble, without regarding the feelings I have

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as a citizen, and I have not decided on my course of action. If you can let me know what are the views of the executive, and what is proposed, I shall be obliged to you.

I am satisfied the struggle is over, and what will be for us is a question which I fear we can neither control nor influence in the official position. Whether I will be arrested I know not, nor can even conjecture; but I shall abide here with my family.

I shall submit to the will of God with all the resignation of spirit I may command, but the calamity which has come on the commonwealth, is beyond all the griefs, private or public, which I could have conceived as possible.

The action of citizens of Richmond you will have seen.

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Have you communicated with the Federal authorities on the subject of our state organization; and had you not better make a deputation to present the rights of the government of Virginia.

In the respect of a common misfortune I am very truly yours, J. R. Tucker.

Governor Smith.

May 8, 1865.

Charlottesville, April 15, 1865.

My Dear Sir —I have read the letter of Judge J. A. Campbell, a copy of which will be handed you with this letter.

I need only say, that in the present crisis of the affairs of the commonwealth, I am dearly of opinion, and therefore advise, that the legislature of Virginia be convened at Richmond at the earliest practicable day, to deliberate upon the interests of the people of the state. I do

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this in order that you may act upon my official advice, and that I may thus share with you the responsibility of the proposed action.

I am with high respect, J. R. Tucker.

Governor William Smith.

I have seen your passport, but do not send it because it may be sent you otherwise.

Yours, J. R. Tucker.

Near Lynchburg, May 14, 1865.

General Robert E. Lee:

Dear Sir —Amid the distress and perplexities of my situation, I have concluded to address you this letter with a view to obtain your counsel and such assistance as you may be able to afford.

Enclosed you will find copies of sundry papers, which will explain themselves, and which will show you what I have been doing since the evacuation. From them you may also gather my view of the necessities of our condition and the conclusion I have reached in reference to them. I do not see how we can avoid taking the oath. The propriety of my remaining in Richmond occasionally crossed my mind, but I could not conclude to do so, as it was impossible for me to foresee eventualities, and after they occurred it was my duty to wait until I could ascertain the temper and disposition of our people, as well as that of the Federal authorities. Having satisfied myself upon this subject, my conclusions are to be found in my note to Mr. Tucker, which comprehend, of course, a rule for my own action, as I could not advise others to do what I would not do myself. Were I to take the oath I should still, from what I can gather, although not fully advised upon it, have to file a petition to the Federal authorities, which would be much the hardest part of the trial. Could I bring myself

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to it? Would not Halleck give me a safe conduct to visit Richmond, to confer with him and to see my friends?

I learn, in my passage through the country, that the Federal troops are seizing all the branded horses, whether of the United States or the Confederate States. This is grossly unjust, as the United States troops have frequently left their broken down horses in the places of those they took from the citizens, while thousands of broken down Confederate horses have become private property by public auction. I hope you may be able to correct this wrong.

Most respectfully and truly your obedient servant, William Smith.

Near Cartersville, Va., May 20, 1865.

Major-General Halleck, Commanding, etc.:

Sir —Having exercised the executive power of the state government of Virginia, under an election by the people, from the 1st of January, 1864, until General Lee's 208 surrender, and since, only with the view to the preservation of public order; and having endeavored, in vain, through a note to General Grant and a communication to President Johnson, to learn the views of the Federal authorities, and having recently seen that to Governor Pierpont has been assigned the duty of reorganizing the state government, I have concluded to address you this communication, to which I respectfully ask a reply.

Since the evacuation of Richmond I have mixed freely with large numbers of my fellow citizens, and I am perfectly satisfied that the general opinion is to yield, without further resistance, to the necessity they are under, and to accept, in good faith, the new order of things which, they understand is proposed for them. I have advocated and labored to strengthen such opinion. My highest duty to the people, who have so much honored me, is to hasten forward, by precept and example, the pacification of the state; and, as I have, so I still propose honestly to perform this duty. Although Governor Pierpont is not placed

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in authority by vote of the people, but by a power they cannot resist, he will meet with no faction's opposition. The grand duty of pacification and re-adjustment, in conformity with the Federal constitution, being, under the circumstances, paramount to all others.

With these views I was prepared to take the amnesty-oath to support the Constitution of the United States, and should have visited Richmond before this, for the purpose; but I have just learnt that a reward is offered for my arrest, and am induced to apprehend, that were I to fulfil my original intention, I should be imprisoned. Now, I am too old (being in my sixty-eighth year) to be confined, without great damage to my health; but if it be the desire of the Federal government to have control of my person, I will, by permission, retire to my home in Fauquier county, and will, also, give bond and security promptly to respond to the requisition of the Federal authority. I trust this will be satisfactory.

I beg, General, you will believe I have written what I mean in the spirit of frankness and sincerity, which, I think, has characterized my long and somewhat eventful life.

My son, Lieutenant-Colonel Smith, who has been paroled, will hand you this, and will be pleased to receive your reply.

I am, General, most respectfully your obedient servant, William Smith.

The following is the reward offered for the arrest of Governor Smith:

Headquarters Military Division of the James, Richmond, Va., May 8, 1865.

\$25,000 Reward! —By order of the Secretary of War, a reward of \$25,000 is hereby offered for the arrest and delivery for trial of William Smith, Rebel Governor of Virginia.

H. W. Halleck, Major General Commanding.

SYNOPSIS OF THE AGREEMENT BETWEEN GENERALS JOHNSTON AND
SHERMAN.

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1st. Armistice between all armies pending negotiations between the two governments.

2d. Confederate armies to be disbanded and conducted to their several State capitols, these to deposit arms. Each officer and man to execute and the agreement to cease from acts of war, and to abide the action of both State and Federal authority. Arms, until action of congress, to be used solely to maintain peace and order within respective States.

3d. Recognition by the executive of the United States of the several State governments or their officers and legislatures taking the oath prescribed by the Constitution of the United States, and when conflicting State governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

4th. Re-establishment of Federal courts in the several States.

5th. The people and inhabitants of all the States to be guaranteed, so far as the executive can, their political rights and franchises, as well as their rights of person and property as defined by the Constitution of the United States respectively.

6th. The executive authority of the United States government not to disturb any of the people by reason of the late war so long as they live in peace and abstain from acts of armed hostility and obey laws in existence at their place of residence.

7th. The war to cease, a general amnesty as far as the executive can command on condition of the disbandment of the Confederate armies, the distribution of the arms and resumption of peaceful pursuits of officers and men of said armies.

Approved, G. T. Beauregard, Quartermaster-General.

Respectfully furnished his Excellency, William Smith, Governor of Virginia.

J. E. Johnston, General.

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I, William Smith, do hereby pledge my parole of honor as prisoner of war that I will retire to my home in Warrenton, Fauquier county, and will remain in arrest at that place until otherwise directed by the authorities of the United States, and that on receiving such directions I will immediately deliver myself to the military authorities at Washington or Richmond.

Given at Richmond, Va., June 13th, 1865.

William Smith.

Witness, Albert Ordway, Lieut.-Colonel 24th Massachusetts Volunteer Infantry, Provost Marshal General Department Virginia.

Provost Marshal's Office, Sub-district of Fauquier, Warrenton, Va., July 26th, 1865.

No. 181.

I do hereby certify, that on the 26th day of July, 1865, at Warrenton, Va., the oath prescribed by the President of the United States in his proclamation of May 29th, 1865, was duly taken, subscribed and made matter of record by William Smith at Warrenton, Va.

A. H. Russell, Captain and Acting Provost Marshal.

Executive Mansion, Washington, D. C., August 30, 1865.

Permission is hereby given to William Smith, of Virginia, to visit Washington City, D. C., and return to his home—the visit not to exceed 30 days in length—upon his parole of honor to deport himself as a loyal citizen of the United States.

Andrew Johnson, President.

Executive Mansion, Washington, D. C., September 20, 1865.

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The parole heretofore given to William Smith, of Virginia, is hereby extended so as to allow him to visit freely in Virginia and Maryland, upon the same conditions as those imposed in the former parole.

Andrew Johnson, President.

Executive Mansion, Washington, D. C., November 9th, 1865.

The parole heretofore given to William Smith, of Virginia, is hereby extended so as to allow him to visit freely in Pennsylvania, New York and West Virginia, upon the same conditions as those imposed in the former parole.

Andrew Johnson, President United States.

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The following proclamation of Governor Smith; the order of General Munford, and his letter to the Governor, are incidents of those stirring and eventful times, the significance of which the reader will at once comprehend.

On the very day General Munford issued his order, General Kirby Smith issued his order to the soldiers of the trans-Mississippi Army in which he embodied the following intrepid and patriotic appeal:

“Great disasters have overtaken us. The Army of Northern Virginia and our General-in-Chief are prisoners of War. With you rest the hopes of our Nation; and upon you depends the fate of our people. * * * * * Prove to the world that your hearts have not failed in the hour of disaster. * * * * * Stand by your colors; maintain your discipline. The great resources of this department, its vast extent; the numbers, the discipline, and the efficiency of the army, will secure to our country terms that a proud people can, with honor, accept.”

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Mr. Davis says in his "Rise and Fall of the Confederate Government," that General Magruder, with like heroic determination invoked the troops and people of Texas, not to despond, and asserted his ability to carry on the war indefinitely.

The President of the Confederate States, who did not know how to surrender, evidently approved this plan of these officers; and as late as the 11th of May, 1865, when the last army, east of the Mississippi had surrendered, but before Kirby Smith had entered into terms, the enemy attacked a little Confederate encampment, captured and burned it; but "was so intent upon plunder," that General Slaughter moved against it, and drove it back with considerable loss.

This, says Mr. Davis, was the "last armed conflict of the war," and deserves notice as having closed the long struggle—as it opened—with a Confederate victory."

PROCLAMATION BY THE GOVERNOR.

State of Virginia, Executive Department, Danville, April 20, 1865.

In consequence of the occupation of the Capital of the State by the forces of the United States and the surrender of the Army of Northern Virginia, numerous evil-disposed persons, associated in bands and small parties, embrace the unhappy opportunity to inflict upon the persons and property of the good people of the Commonwealth such outrages as threaten the destruction of all social order. This deplorable state of things makes it indispensable that all good citizens should thoroughly organize for the suppression of lawlessness and for the enforcement of the laws.

Therefore, I, WILLIAM SMITH, Governor of the Commonwealth, do hereby command the Sheriffs and other civil officers of the several cities, towns and counties to proceed, with all despatch, to organize the citizens thereof, with a view to the maintenance of the laws and the preservation of order. It is enjoined upon all persons to be active in the performance of all these duties. The Sheriffs are authorized and required to collect

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from citizens and others, in their respective counties, such public arms as they may find necessary for the purposes indicated.

Persons passing through the country are advised to demean themselves in a quiet and orderly manner and to return to their homes without delay; there to await further developments and information. And in the meanwhile, all citizens are enjoined to resume their ordinary avocations and pursue the same with energy and industry.

Never in the history of Virginia have such claims been made upon the fortitude, love of order, good sense and courage of our people, and it is hoped and confidently believed that those high qualities will not be wanting on the present trying occasion.

WILLIAM SMITH.

Headquarters Munford's Cav. Brig. April 21, 1865.

Special Orders, No. 6.

Soldiers —I have just received a communication from the President of the Confederate States, ordering us again to the field in defence of our liberties. General Johnston, with an army constantly increasing, well appointed and disciplined, still upholds our glorious banner, and we are ordered to report to him. Our cause is not dead. Let the same stern determination to be free, which has supported you for four years of gallant struggle, still animate you, and it can never die. One disaster, however serious, cannot crush out the spirit of Virginians, and make them tamely submit to their enemies, who have given us, during all these terrible years of war, so many evidences of their devilish malignity in our devastated fields, our burned homesteads, our violated daughters and our murdered thousands. Virginians will understand that their present pretended policy of conciliation is but the cunning desire of the Yankee to lull us to sleep, while they rivet the chains they have been making such gigantic efforts to forge, and which they will as surely make *us* wear *forever*, if we tamely submit. We have sworn a thousand times by our eternal wrongs,

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by our sacred God-given rights, by the memory of our noble fathers and our glorious past, by our gallant dead who lie in every plain of our war-scarred State, by our glorious victories on many a well-fought field that we would be free. Shall we not keep our oaths? Can we kneel down by the graves of our dead, kneel in the very blood from sons yet fresh, and kiss the rod which smote them down? Never! never! Better die a thousand deaths! We have still power to resist. There are more men at home, to-day, belonging to the army of Northern Virginia, than were surrendered at Appomattox. Let them rally to the call of our President and, Virginia, our beloved old Commonwealth shall yet stand triumphant and defiant, with her foot upon her tyrant's prostrate, and her proud old banner, never yet sullied, with its "Sic Semper Tyrannis" streaming over her.

Soldiers of the old Brigade! to you I confidently appeal. You have never been surrendered! Cutting your way out of the enemies lines before the surrender was determined, you, together with a majority of the cavalry, are free to follow your country's flag. The eyes of your Virginia, now bleeding at every pore, turns with special interest to you; will you desert her at her sorest need? You will never descend to such infamy. Let us renew our vows, and swear again by our broken altars, to be *free or die*. Let us teach our children eternal hostility to our foes. What though we perish in the fight; as surely as the God of justice reigns, the truth, the right will triumph, and though we may not, our children will win the glorious fight, for it is not within the nature of her Southern sons to wear the chains of Yankee rule.

We have still a country, a flag, an army, a Government. Then to horse! to 212 horse! a circular will be sent to each of your officers, designating the time and place of assembly. Hold yourselves in instant readiness, and bring all true men with you from this command who will go, and let us who struck the last blow as an organized part of the Army of Northern Virginia, strike the first with that victorious army which, by the blessings of our gracious God, will yet come to redeem her hallowed soil.

THOMAS T. MUNFORD, Brigadier-General, Commanding Division.

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Lynchburg, May 4, 1865.

His Excellency, Governor William Smith:

Sir: —I have the honor to acknowledge the receipt of your communication, and beg leave to reply, that I had ordered out a portion of my division, and was *en route* for General Johnston's army, when I saw your proclamation. Knowing the difficulty of supplying my command, I issued an order for all of the Virginia troops to remain at home, subject to your call, but the Maryland Battalion, who were assembled and ready *for anything, had no money, and no homes* to go to, and back pay due them since August last. The people were complaining seriously of having to support them, and no alternative was left me but to disband them.

If you have any orders for me, they will be conveyed to me by sending them to my home in Bedford county.

I send you an order I issued upon my own responsibility, and hope when the time comes for us to strike, that the command I have the honor to command, will be as ready to respond to your call, as I shall be.

Your obedient servant, THOMAS T. MUNFORD.

Brigadier-General, Commanding Division.

While President Lincoln was in Richmond, after the evacuation of the city, the dispersion of the legislature of Virginia and the departure of President Davis, and Governor Smith, and most of the officers of State, much was said as to the feasibility and propriety of their returning and reassembling.

President Lincoln was at that time waited on by Judge John A. Campbell, who had had an interview with President Davis and Secretaries Benjamin and Breckenridge, just before

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they left the city, and who said to them, as reported at that time, that the military power of the Confederacy was broken; that the separation and independence of the Confederacy was hopeless, and that it remained to make the best terms they could. It was said that the President of the United States could not enter into negotiation with the President of the Confederate States, but that Mr. Lincoln did recognize the States and could confer with their regular authorities.

Under the doctrine of State Rights, so universally held in the South, he would concede the right of the Virginia legislature to control them; and he said to Mr. Lincoln that if 213 he would permit that body to convene it would, doubtless, recall them from the field. The President was actuated by an absorbing desire for peace, and listened attentively to Judge Campbell, and he said: "Judge Campbell, let us have no misunderstanding; I will give you, once more, in black and white, my only terms." He immediately wrote down the same proposition which Secretary Seward took from him to the Hampton Roads Conference.

I. The Territorial integrity of the Republic.

II. No retraction of Executive or Congressional action on the subject of slavery.

III. No Armistice.

To these he added a fourth condition, that if the leading Confederates still persisted in the prosecution of the war, their property would be confiscated. Of this, Mr. Campbell asked for a modification, but Mr. Lincoln was immovable. He said: "We will not negotiate with men as long as they are fighting against us."

On the steamer that carried Mr. Lincoln down the James River, he penned the following order to General Weitzel: "You will permit the persons who call themselves the Virginia Legislature to convene in Richmond for the purpose of with-drawing the Virginia troops from the Rebel army; but you will not allow them to use any treasonable language or adopt any treasonable measures."

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Without consulting any one, it is said, Mr. Lincoln wrote this document, sealed it up and sent it to General Weitzel by a United States Senator. On the day the President was assassinated he received a letter from Judge Campbell ignoring the proposition the President had made to him in writing, and urging, that while it was true that the military power of the Confederacy was destroyed, the spirit of the Southern people remained unbroken. He said to the President, that "if you want to conciliate them, it will be wise to grant an armistice, and necessary for you to treat leniently their leading public men, and to seek their assistance."

This note was said to be offensive to the President's good nature, and he characterized Judge Campbell's course in very 214 emphatic terms. Meanwhile the capitulation of General Lee obviated the necessity of convening the Virginia Legislature, and he sent an order countermanding the call.

Immediately after General Weitzel entered the city, the following orders were issued:

Headquarters Detachment Army Of The James, Richmond, Va., April 3, 1865.

Major-General Godfrey Weitzel, commanding Detachment of the Army of the James, announces the occupation of the city of Richmond by the armies of the United States, under command of Lieutenant-General Grant. The people of Richmond are assured that we come to restore to them the blessings of peace, prosperity and freedom, under the flag of the Union.

The citizens of Richmond are requested to remain for the present quietly within their houses, and to avoid all public assemblages or meetings in the public streets. An efficient prover guard will immediately re-establish order and tranquility within the city.

Martial law is, for the present, proclaimed.

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Brigadier-General George F. Shepley, United States Volunteers, is hereby appointed Military Governor of Richmond.

Lieutenant-Colonel Fred. L. Manning, Provost Marshal General, Army of the James, will act as Provost Marshal of Richmond. Commanders of detachments doing guard duty in the city will report to him for instructions.

By command of Major-General Weitzel.

GENERAL SHEPLEY MILITARY GOVERNOR OF RICHMOND.

Brigadier-General G. F. Shepley, having been announced as Military Governor of Richmond, immediately issued the following order:

Headquarters Military Governor of Richmond, Richmond, Va., April 3, 1865.

The armies of the rebellion having abandoned their efforts to enslave the people of Virginia, have endeavored to destroy by fire the capital which they could not longer occupy by their arms. Lieutenant-Colonel Manning, Provost-Marshal General of the Army of the James, and Provost Marshal of Richmond, will immediately send a sufficient detachment of provost guard to arrest, if possible, the progress of flames. The fire department of the city of Richmond, and all the citizens interested in the preservation of their beautiful city, will immediately report to him for duty, and render every possible assistance in staying the progress of the conflagration. The flint duty of the armies of the Union will be to save the city doomed to destruction by the armies of the rebellion.

II. No person will leave the city of Richmond without a pass from the office of the Provost Marshal.

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III. Any citizen, soldier, or any person whatever, who shall hereafter plunder, destroy or remove any public or private property of any description whatever, will be arrested and summarily punished.

IV. The soldiers of the command will abstain from any offensive or insulting words or gestures towards the citizens.

V. No treasonable or offensive expressions insulting to the flag, the cause or the armies of the Union will hereafter be allowed.

VI. For an exposition of their rights, duties and privileges, the citizens of Richmond are respectfully referred to the proclamations of the President of the United States in relation to the existing rebellion.

VII. All persons having in their possession or under their control any property whatever of the so-called Confederate States, or of any officer thereof, or the records or archives of any public officer whatever, will immediately report the same to Col. Manning, Provost Marshal.

In conclusion, the citizens of Richmond are assured that, with the restoration of the flag of the Union, they may expect the restoration of that peace, prosperity and happiness which they enjoyed under the Union, of which that flag is the glorious symbol.

George F. Shepley, Brigadier-General United States Vols., and Military Governor of Richmond.

PROTECTION OF PRIVATE PROPERTY.

Major Stevens was charged with the execution of the following order.

Headquarters Military Governor of Richmond, Richmond, Va., April 3, 1865.

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General Order No. 2:

No officer or soldier will enter or search any private dwelling, or remove any property therefrom, without a written order from the headquarters of the Commanding General, the Military Governor, or the Provost Marshal General.

Any officer or soldier, with or without such order, entering any private dwelling will give his name, rank and regiment.

Any officer or soldier entering a private dwelling without such authority, or failing to give his name, rank or regiment, or reporting the same incorrectly, will be liable to immediate and summary punishment.

George F. Shepley, Brigadier-General United States Vols., and Military Governor or Richmond.

When the President of the United States entered the city, an immense crowd of negroes saluted their so-called liberator with loud and cordial acclamations. The peculiar feature of this exultant *entree* was, that he walked in the pageant on the streets of the proud but now fallen and humbled capital of the Confederate States of America, and the capital of Virginia. He was escorted to the headquarters of General Weitzel, which were then in the building just before occupied by President Davis. The city was then surrendered to the United States troops at 8 o'clock on Monday morning, 3d day of April, 1865!

Upon entering the suburbs of the city General Weitzel sent a small detachment of the Fourth Massachusetts cavalry, under command of Major Stevens, to meet the Mayor of the city, from whom General Weitzel received the keys of the public buildings. The Federal troops then marched to the capital without opposition.

The capitol grounds were filled with negroes of every hue and grade, of all shades from dingy white to darkest sable, in faded finery, in blue coats and greys, in butternut and

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nondescript, of uncouth shade and fashionable cut, country hands 216 and favored servants jostling together, laughing, joking, handshaking, and exchanging congratulations that “der prayers is ansered.”

Such, as described by a northern looker-on, were the motely and *maladroit* congregations that assembled in the beautiful and refined capitol grounds and took possession of the ancient and renowned State House of the Old Dominion.

The feeling on the part of the enemy against President Davis and Governor Smith was bitter and intense, and for some time it increased. For General Lee it was of a modified form of mere respect, mixed with a mild sort of veneration. For Governor Smith, amongst the white citizens of Richmond, it was of the highest grade of love and affection. [The letter of Judge Campbell, spoken of above, will be found in Major Stiles' article from *The Magazine of American History*.]

The reader must observe what a grim and solemn mockery this grotesque exhibit presented, and the unqualified falsification of the resolution of Congress passed 22d July, 1861, the day *after* the memorable overthrow and route of the Federal forces at First Manassas, followed up by President Lincoln's oft repeated declarations from his inaugural down to and including the evacuation of Richmond.

The following is an extract from the resolution:

“That this war is not waged on our part in any spirit of oppression, or for any purpose of conquest or subjugation, or of overthrowing or interfering with the rights or established institutions of those States (Confederate); but to defend and maintain the supremacy of the constitution, and to preserve the Union, with all the dignity, equality and rights of the several States unimpaired; and that, as soon as these objects are accomplished, the war ought to cease.”

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The vote in favor of the resolution was: in the Senate, yeas 30, nays 4; in the House of Representatives, yeas 117, nays 2.

Extract from President Lincoln's Inaugural, March 4, 1861.

“Apprehension seems to exist among the people of the Southern States that, by the accession of a Republican administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehensions. Indeed, the most ample evidence to the contrary has all the while existed, and been opened to their inspection. It is found in nearly all the public speeches of him who now addresses you. * * * *”I declare that I have no purpose, directly or indirectly, to interfere with the institution of slavery in 217 the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

Resolved, That the maintenance in violation of the rights of the State, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest crimes.”

The above resolutions and Mr. Lincoln's Inaugural were officially and formally communicated to the Cabinets of Great Britain and France. (See also despatches addressed by the Secretary of the United States, under direction of the President, to the Ministers of the United States at London and Paris, under date of the 10th and 22d of April, 1861.)

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Richmond, February 19, 1870.

Governor William Smith, Warrenton, Fauquier County, Virginia:

My Dear, Sir —Your letter of the 15th instant received. I am glad to hear you are writing out a statement, as Governor, of the incidents from April 2, 1865, to your return to Richmond to surrender to General Patrick in May 1865. It will be interesting and be a contribution to the history of the times. You ask if I had charge of all the archives of the State? and if Bennett was not with me? In my historical synopsis of the events which caused the overthrow of the Government of Virginia, published in the Code of 1873, at page 22, I state in a very brief way an outline of the facts of the removal from Richmond, I say: "After the evacuation at Richmond Governor Smith designed carrying on the government of the State at Lynchburg or Danville, and therefore issued an Executive order directing the several heads of departments to remove the archives of the government, containing at least the official acts at these departments during the war to the City of Lynchburg. This order, on the night of the *3d of April 1865*, they proceeded to execute, and many of the records of the Executive department and of the Auditor and Treasurer were removed by the route of the James River and Kanawha Canal, as far as the County of Buckingham, but finding it impossible to proceed, in consequence of the destruction of the canal, and the impracticability of obtaining transportation, they were conveyed and deposited in the court house of that county. And when General Lee capitulated in Appomattox County, on the ninth of the month, these records were taken possession of by the Federal Army, and were transmitted to the War Department at Washington, and have been to this day refused to be delivered to the State of Virginia."

I was compelled in that synopsis to be as brief as possible, and the account is therefore very meagre. I stated that on the night of the 3d of April this removal took place. Most persons assert that it was on the second, but the reason for my saying on the third, resulted from the fact that we did not leave the city until after 12 o'clock in that night, indeed it was about one. Each of the heads of departments had caused the archives

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belonging to his office to be boxed up separately. The Secretary of the Commonwealth, I think, had six large boxes, which had been used for boxing muskets. The Auditor, Mr. Jonathan M. Bennett, and the Treasurer, Mr. John S. Calvert, took charge of the boxes containing the papers of each of their 218 offices, which they intended to remove, and they and I went together in the same boat. There were two boats provided by the Quartermaster, General E. H. Fitzhugh. In one of which, such members of the Legislature as left the city for Lynchburg, the public guard and a portion of the Cadets of the Virginia Military Institute took passage. The officers of government, and their archives, and other members of the Legislature, were in the other boat. General Richardson must have been in the first boat with the military, for I did not see him until we reached Columbia in Fluvanna. I understood he went from thence to General Cokes', at Bremo Bluff. I suppose some of the Adjutant-General's books were carried with him, because some of the important Militia Registers are not now to be found in his office. I send you enclosed a statement made by Quartermaster Fitzhugh, which will explain his operations.

When we reached Columbia, about daylight on the morning of the fourth, we ascertained that the canal had been cut by General Sheridan's forces and was not navigable from Bent's Creek down to a few miles above Columbia. We found it was impossible therefore, to go on to Lynchburg for the want of transportation, and as General Lee's army was between us and the Federal forces, we determined to cross over the river into Buckingham and follow in the rear of our army. Bennett, Calvert and I, therefore, took our archives to Buckingham courthouse and deposited them in the Jail of the county. You will perceive that in the synopsis I have quoted above I say "*in the courthouse,*" but I used that phrase in that place simply to designate the seat of justice of the county, not the courthouse building. They were in fact placed in the jail, in which at the time there were no prisoners confined. Having seen the archives safely locked up in the jail we went to the farm-house of Mr. Richard S. Ellis, who kindly received us and our suite. I remember that Mr. Philip F. Howard, my chief clerk was with us and that Quartermaster Fitzhugh joined us, the day after our arrival there. About the seventh of April, we had ascertained beyond doubt

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that General Lee contemplated the surrender of his entire army and that it would be impossible to proceed further. Indeed throughout the entire day whole regiments were rapidly passing through Mr. Ellis' farm on their way home. They declared that they had given up, because they found it impossible for the want of supplies to keep the army longer together. I recollect how the ladies attempted to shame them by denouncing the men as deserters, and how they mournfully moved along without uttering a word. Now and then a single man would walk up to the gate and say "The jig is up." We heard the firing on the day of surrender, and soon after the news of the capitulation. On the seventh, Bennett and Calvert and Howard left us, and Fitzhugh, the two first to make their way, if possible, on the north side of the river to Lynchburg, and the others to Richmond.

The day after the surrender, several troops or squads of cavalry from the Federal army came down to the courthouse and spread through the neighborhood, and a company came to the house of Mr. Ellis and required him to furnish them with supper about sundown, which his wife had prepared in her best manner. As soon as their appetite was appeased, they said, in consequence of the hospitable manner in which they had been treated, they should ask no questions and leave the family undisturbed. They certainly asked me no questions and "I told them no lies." It is proper to say that Mr. Ellis had served throughout the war, most faithfully in the Confederate army, was then at home, on furlough on account of sickness, and that every member of the family were Virginians to the core.

I understood that the cavalry of whom I have spoken, ascertained that the State archives were in the jail—that they took possession of them and sent them to the Federal commander at Richmond. I understood they were forwarded by General Patrick to the War Department at Washington. Whether he did it or not I cannot say, but I see by a reference to my synopsis, heretofore mentioned, that the names of all the officers in command at Richmond is given and that this information was obtained by me from the war department at Washington, and that General Patrick is 219 not mentioned as one of those officers. (See page 25 of the synopsis code 1873.) The seat of the State which I deposited in one

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of the boxes with the archives, was taken out of that box and sent to Governor Pierpont; [on page 122–123, of the code of 1873, in the note, there you will see what I say there on this subject.]

I have thus, my dear sir, in a hurried way, given you such information as I think answers your enquiries. I am sorry to see by your letter that your nervousness and other ailments are given you annoyance. I hope the remainder of your life may be tranquil and happy.

Very truly your friend, George W. Munford.

Richmond, February 23, 1880.

Governor William Smith, Warrenton, Va.

Dear Governor: —Your letter of the 21st received. You say I did not say whether Bennett and I reached Lynchburg and reported. I wrote in a hurry and thought I had answered all your enquiries; have not been very well and kept no copy of what I wrote. I will supplement that letter with the information you desire.

We were so near General Lee's army that we heard every day what was going on, and we knew with absolute certainty that he would be compelled to surrender in a day or two. Whole regiments and brigades of his army were passing through Mr. Ellis' farm making for home, and they said "all was over." Accordingly on the sixth of April, the civil officers who were with me had a conference, and determined to separate. Bennett and Calvert said they would cross the river to the north side, and make their way if possible to Lynchburg. I concluded to remain, and if possible to keep an eye on the archives, which we locked up in the jail. Bennett said he would go to Lynchburg because he expected to receive the money which was deposited in the Branch Banks there. I know he reached there, and received the money he expected, but it was paid in Confederate notes, of course of no value. He carried this with him, and when he returned to Richmond sealed it up and deposited it with the Auditor, who succeeded him, and the last time I saw the package it was in the First

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Auditor's office and the seal or envelope had apparently never been opened. This was when I left the office after my successor had been appointed. Bennett formerly resided at Weston, in Lewis County, West Virginia, and after leaving Richmond returned there. He informed me that when he was in Lynchburg, you had either not reached there or had gone on to Danville. Calvert, the Treasurer, had previously lived in Shenandoah County, and returned to his former home there. Whether he went to Lynchburg or not I do not know. My chief clerk, Mr. Howard, determined to cross the river and foot it to Richmond. Quartermaster Fitzhugh, left us about the same time. They all left me on the night of the sixth or on the morning of the seventh. On the ninth General Lee surrendered, and I understood that on the tenth the Federal cavalry took possession of all the archives which were in the jail and forwarded them to the commanding officer in Richmond, and from thence they were sent to Washington, as I before stated. I remained at Mr. Ellis' for about three weeks, it being impossible to obtain transportation for myself and baggage. All the slaves were free, and they hung around the Yankee army hoping then that their former masters would be turned out of their homes and they would be speedily seated in their places. At last I obtained a negro boy to drive the buggy I had obtained, and to bring the horse back its owner. I went to Lynchburg, expecting to hear there where you were and if possible to join you. Previous to my reaching there my son, General Thomas F. Munford, who commanded a cavalry brigade under General Rosser, had cut through the Yankee army and escaped with his command to Lynchburg. Prior to disbanding, so as to avoid the capture of his force, he issued an order commanding his troops to rally at a given day with the intention to join Joe Johnsons' force in the South. This order had been published and when I reached Lynchburg, I was informed that a cavalry regiment of the Federals were in the 220 neighborhood and intended to proceed to my son's house in Bedford, some five miles above Forest Depot, to capture him and burn his dwelling and outhouses. Under such circumstances I did not remain in Lynchburg, but continued my journey to his house direct, to give him the information. He had with him several of his officers, members of his staff and some of his mounted couriers. They were immediately posted as pickets, along the roads for about five miles. While we were at dinner the next

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day one of the couriers rode up at full gallop and said that a Yankee regiment of cavalry were on their way to capture him, and that they had been enquiring the way to his house at a blacksmith's shop on the road. We had been riding over the farm and the horses were tied at the gate. The whole party took care of themselves as best they might, and my son and I, on good horses, made our way through the farm to the mountains, avoiding the main roads, and crossing by country passways with which he was acquainted. A company of cavalry rode up to the house, enquired for the General, and would not believe that he was not concealed in the house. They made a thorough search but without success, and then swore they would burn every house on the place. My son had rented his house to Mr. William W. Gwathmey, who with his family occupied the premises. Upon their urgent remonstrance, and being informed that the General had not left home more than a half hour, before they came, they went off in a canter hoping to overtake him. They took the main and parallel roads leading to Big Lick, while we stuck to the mountain passes and loitered about until in the night, when emerging, we ascertained that they had gone ahead of us and could not be less than eight or ten miles in advance of us. We proceeded then leisurely to Mr. George P. Tayloes' in the neighborhood of the Lick. My son had married Mr. Tayloes' daughter. In the morning we ascertained beyond a doubt that the Yankees had proceeded on their way down the valley. I now determined to go up to Montgomery, just in the neighborhood of Fatheringay, where my youngest sister, who had married Mr. Howard Payton lived, and I stayed with her for about three weeks longer and then returned to Richmond, arriving there about the first of June. By that time, the Alexandria Government, with Governor Pierpont, had been firmly established, they having taken possession of the Capitol and the Governor's house and such of the archives as remained, and the Governor having issued his proclamation that the seat of government had been restored to Richmond. The proclamation was dated May 23, 1865. Hearing that you had returned about the fifth of June, I called upon you and heard your account of your surrender to the constituted authorities.

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You ask me to inform you how Bennett got possession of the \$21,000, most of which was distributed under your order to members of assembly and the officers of government, on account of their salaries and services to the State. My understanding of it was this. The money that remained in the Treasury had been deposited in the Exchange Bank at Richmond. All the other money borrowed under an act of the Legislature, had been loaned by the same authority to the Confederate States Government, and the Auditor's books show that it had been paid General John C. Breckenridge, the then Secretary of War. As soon as it was ascertained that Richmond was to be evacuated the officers of the bank sent word to the Auditor that he must take possession of this money, as they would no longer be responsible for its safe keeping. Mr. Bennett said you had authorized him to take it. He showed me your order dated the *first of April*, 1865, on the second, and said under that order he could pay me what was due for my salary as Secretary of the Commonwealth. I had not drawn any portion of my pay for an entire quarter, ending March 31, 1865. The salary in currency was upwards of \$2,000. There was nothing in the treasury but this gold, and a little uncurrent silver coin, consisting of sleek twenty cent pieces, twelve and a half pieces and six and a quarter cent pieces. Bennett said he would pay me \$1,500 in gold, which he did and took my receipt therefor, which is dated second of April 1865. He said he had paid you and many of the other officers and your receipt is also dated the second of April. I received the amount paid me sometime 221 between nine and ten o'clock A. M. This money was sent to Bennett by a bank officer on Sunday. The offices of Auditor and Treasurer were not open on Sunday, and the bank having paid the amount standing to the credit of the State, no checks could be thereafter drawn upon it, consequently there was no warrant drawn on the Treasurer, and no check drawn by the Treasurer on the bank, and no entries were made in either office. For the same reason the office of the Secretary of the Commonwealth was not open. The order was not passed through my hands and no entry thereof will appear on the Executive Journal. The order was kept by Bennett as his justification for his receiving and paying out the money, and was filed in the Auditor's office with the statement of his account to the General Assembly.

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When we were about separating in Buckingham, as I have related above, Mr. Calvert said that a considerable portion of this money still remained, and that he had other gold belonging to individuals which he did not desire to carry with him, and especially as he expected we would all be made prisoners, and if so the money would be captured. He suggested that we might bury it in some safe place in the night, and let it remain there until quiet had been restored. It was also suggested that there was a balance still due me and if I would take a portion of it in the uncurrent silver which he had, I should be paid \$500 in addition to what I received in Richmond. This amount was accordingly nominally paid me—hence my second receipt which is dated on the sixth of April. The silver was in very small bags and the amount of each denomination of coin was marked on the outside. I received it without counting. When counted the next day, it fell short forty dollars; though it was apparent that the bags had not been tampered with. It was counted by Mr. Richard S. Ellis and myself. I mention these facts simply to account to you for the two payments to myself and to show how it was that my second receipt was given while we were in Buckingham.

You ask me to send you Jaynes' report. I would do so with pleasure, but I know of no copy of it except in the Journal of the House of Delegates. It is no doubt in the Public Library, but it is too long for me to copy.

It affords me pleasure to give you the information you ask for. It is written *currente calamo*, without revision or time for reflection.

Very truly your friend, George W. Munford.

MAJOR STILES'S NARRATIVE OF GOVERNOR SMITH ON THE WITNESS STAND IN THE GOLD CASES.

There is an incident in the life of Governor Smith full of characteristic incident which has never attracted the attention it deserved. Some years after the war, the writer had the

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honor of being associated with two Attorney-Generals of Virginia—Hon. Raleigh T. Daniel and General James G. Field—in defense of what was known as “The Gold Cases.” These new actions of assumpsit, brought in the Federal Court at Richmond, by the United States as plaintiff against Governor Smith, Colonel George Wythe Munford, and other officers of the commonwealth, for money of the State of Virginia, which the Governor had drawn out of the city, on the eve of the evacuation of Richmond, and had used in paying salaries of State officials and in other similar ways. It was agreed with the representative of the Government to make the suit against the Governor a test case. Our demurrer to the declaration, which seemed to us well grounded, having been overruled, and one trial of the issue having resulted in a hung jury, General Field and I determined to adopt a bolder line of defense, and to bring Governor Smith and Judge Henry W. Thomas, (who had been, I think, Auditor of Public Accounts at the time of the evacuation), before the jury as witnesses. The substance of Judge Thomas' testimony, or at least a part of it, revised by himself, will hereafter be published in another connection. Governor 222 Smith's thrilling narrative is, I fear, lost, unless indeed he may have left some account of the fact among his papers. I regret that I never urged him to do so, but remember going, on the evening before the trial, to the offices of our city papers, and advising them to have their best reporters present, as a chapter of War history was to be recited under the pressures and sanctions of judicial proceedings, which in some of its facts and features, would probably not be otherwise published or preserved. Strange to say no reporter was present, at least no adequate report was made, and a recital of surpassing interest, and verified as history is seldom verified, has been for the most part irrevocably lost.

When Governor Smith was informed by his counsel that they thought it desirable he should testify, he answered, “Well, gentlemen, you must tell me how to put the matter before the jury.” This, however, was exactly what we had no idea of doing, and we replied in substance that as he always said, and as we were entirely satisfied he had spent that money according to his best judgment in the public service, and in a manner which gave no shadow of right, title or excuse to the United States Government to demand it again of

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him—that we wanted him to convince the jury of this; and as we did not believe any man in the commonwealth better qualified than he to determine just how to compass this end we did not intend to direct him further; that we wished him to be the prominent figure in the trial and to win the verdict; and that his counsel must of necessity, and would of choice play a very subordinate part in the drama.

The grand old man caught our meaning at once—and there was no shrinking, no false modesty, no nonsense about the matter. I have never witnessed anything more superb than his entire bearing before that jury. There were negroes upon it and he fully appreciated the strain of the position—the War Governor of Virginia, a sworn witness in his own behalf before a jury of freed men, but yesterday the slaves of Virginia's citizens, of whom he was the constitutional ruler, and the chief. But he knew the negro thoroughly—knew his good points and his weakness—knew and felt his own power with these negroes. And they knew him thoroughly, up to the measure of their capacity, knew his good and true manhood; and obviously from his opening word, recognized and felt and never disputed his truth or his power over them. He rose and stepped forward to address them, his head thrown back perhaps a shade higher than ever was his wont, yet perfectly poised in conscious rectitude and strength, and his eye kindled with even a little more than its wonted fire, yet there was in it kindness towards them, and entire courtesy towards the court.

Judge Hughes ordered a chair to be placed for him, and asked him to be seated; and I recall now the exquisite tact and case with which, with a graceful bow and gesture, he replied, “No, I thank you, Judge; the blood flows a little more freely to the brain of an *old* man when the column of the body is entirely erect. If you will permit me, I prefer to stand, while submitting my testimony to the Jury.” Of course the Judge assented, and every man on the jury recognizing the implied compliment, leaned eagerly forward to catch every word he might utter to them.

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As above stated, I cannot pretend to give the details or even the substance of the historical part of his testimony—the recital of those days of fearful confusion, and suspense and despair—but I can never forget the essence of the logical and moral part of it.

He told the jury quietly, but with impressive dignity, that Virginia was a living, actual Commonwealth, and himself her living, actual Governor, when he drew this money; that Virginia did not cease to exist, nor did he cease to be her Governor, as he thought then and thought now, when in the exigencies of war he turned his back upon her capital, and went out a fugitive, but not a vagabond; that there were duties which he still owed to the State, and which her other officials still owed to her; and for these official duties already rendered, being rendered, and to be rendered, salaries were justly due; that the duty of these officers to the State, as he and they thought, now required them to leave their families, for an indefinite period, in the 223 hands of the public enemy, without means of support and cut off from sources of supply; and that he summoned these faithful officers about him and distributed a large part of this money among them, in the payment of salaries, before leaving the city; that after he left, albeit, his capital was in the hands of the military forces of the United States; Virginia still lived, and he, as her Governor, used more of this money in the discharge of the great duty with which, in that awful crisis, he considered himself charged—to wit: the duty of preserving order and the institutions of civil society, in that debatable ground which the Confederate government and forces had abandoned, and over which the United States had, as yet, established no settled authority.

As an instance of such application of the funds in his hands I recall that he mentioned his purchase of all the shoes in the town of Danville, I think, and the distribution of them amongst a large body of disbanded and barefoot Confederate soldiers, who threatened to sack the place if the shoes were not turned over to them. He added that owing to the hurry and confusion of that terrific time, he was, of course, unable to make or preserve any detailed accurate and complete account of the application of this fund, but this much he was able and willing, upon his oath, to state: that he spent no part of this money except in

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the manner and for the objects and purposes he had indicated, and upon occasions which he thought, then and now, clearly justified and demanded the expenditure; and that he kept no part of it, over and above the amount which he thought, and now to be justly due him for his services as Governor.

The effect of this statement, thus made can readily be conceived. His erect figure, his firm, clear, silvery utterance, his manly courtesy—his noble mien—carried conviction, and more than conviction, to the minds and hearts of the jury.

The case, indeed, went on, but when Governor Smith took his seat it was obviously over for the defense, and my recollection is that we offered to submit it without argument, and that at the close the jury did not leave the box.

This was the end of the litigation, the United States District Attorney, now the respected President of our Supreme Court of Appeals, promptly dismissing all the cases.

Governor Smith's part in the trial has often recurred to my mind as the finest possible illustration of the combination of splendid courage with graceful courtesy, and inspired common sense; and I have often recalled his figure as he stood testifying before that jury, as the very embodiment of lofty manhood.

Richmond, March, 10, 1877.

To Lieutenant Governor Thomas:

The United States having recently instituted actions of Assumpsit against me and many others of a late State Government; of Virginia, for various sums of money received by us in our official capacity on or about the 2d of April, 1865; and sundry gentlemen having proffered their services to me and others to procure from the Attorney-General of the United States an order to dismiss these annoying, and I must think, groundless actions; and as you, with our friend, Major Daniel, propose to visit Washington during the ensuing

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week, and upon conference with Beverley Tucker, Esq., and our representatives in Congress, or such of them as may be in the city, may deem it judicious to bring this matter to the attention of the Department of Justice, I have concluded to furnish you with the subjoined statement, to be used by our friends according to their discretion.

Yours, very truly, William Smith.

The following statement is the one referred to in the above note to Gov. Thomas. W. S.

I was elected Governor of Virginia by the people on the day of 1863, to take office on the 1st day of January 1864. On that day I took the oaths of office 224 and assumed the duties imposed upon the Chief Magistrate of the State, by the Constitution and Laws made in pursuance thereof, wholly or in part, until I entered the City of Richmond about the 5th of June, 1865, with my Aid and servant, under General Patrick's safe conduct, and surrendered myself to that officer. I obtained this safe conduct, not only to protect myself from annoyance, but also to prevent any one from acquiring a claim to the reward of \$25,000 which the Federal authorities had offered for my arrest.

On Sunday the 2d of April, 1865, during divine service, I saw a messenger hurriedly, advance to Mr. Davis' pew and hand him a paper; Mr. Davis read the paper, and, much excited, instantly left the church. After the service was over I returned to the State Mansion, and had scarcely reached there before I received a message from Mr. Davis, requesting me to come to his office without delay. Of course, I did not loose a moment. On joining Mr. Davis, he informed me that the paper he had received in church, was a telegram from General Lee, informing him that he feared he would be unable to maintain his lines another day, and that he had better make ready to evacuate the city at a moment's warning. Of course, all was soon a vast scene of busy and excited preparation, having determined to remove the State Government to Lynchburg. Accordingly, I ordered certain officers to bundle up such of the State archives as might be thought most necessary, and also charged other officers to remain in possession of the State House

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and its appurtenances and their contents, and to preserve and protect them to the best of their ability. I also ordered General Smith with his State Cadets, and also the State Guard to make similar preparation to move at a moment's notice, and should they move to report to me at Lynchburg. One of the most immediate and pressing difficulties was the want of available currency. It was obvious that evacuation would render the whole mass of Confederate currency, worthless. Besides, it was known that balances were due to most if not all of the State officers, who could neither stay nor go without suffering, unless they were adjusted; and, moreover, it could but be known, that money was indispensable to defray the costs and charges of the expected régime. In this preplexity I learned that the State could command the necessary money; whereupon, I issued the following order in favor of J. M. Bennett, Auditor of Public Accounts, as follows: [See order below.]

Fairfax, C. H., Va., September 5, 1888.

My Dear Sir: —I regret very much that I cannot find the letter you refer to, relative to the order given by General Smith upon Auditor Bennett. I do not remember the terms of it, for my impression is I returned it to him.

The only incident I recollect concerning it, is that whilst preparations were being made for the removal of the State Government I was with the other officers, summoned to meet the Governor, relative to the contemplated action, and my remarking to the Governor that it would be impossible for me to leave as I had a family of small children, and his reply: “No, you had better remain; your first duty is to your family. We will all go (referring to the other officers), and I have made provision for the payment of your salaries now due by an order issued upon the Auditor, and as our currency is now worthless, I have directed the Auditor to pay the same in gold.”

He further remarked, “as you cannot leave, I shall leave the public property here under your charge. Do the best you can, and trust in Providence.”

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This simple incident gives the key to his character. All he did during my official connection with him, was to relieve, improve and advance all who came in contact with him, and from his frank, genial, and kindly nature during that period, I came to feel better acquainted with him, and to esteem and admire him to the day of his death.

Respectfully, H. W. Thomas.

Judge J. W. Bell, Culpeper, Va.

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I did not know whence this money was obtained, but was informed that it was drawn from the Exchange Bank, one of the State depositories. It will be observed that my order clearly defined its purposes and objects and left no room for question or criticism. Money provided by a great State, to preserve social order and maintain her political integrity, is directed to be applied to the payment of the salaries and the consequential expenses of the functionaries to whom this sacred and important trust was confided. The amount, too, is inconsiderable and is necessarily consumed in the execution of the trust. It is not the accumulation of surpluses from time to time, but it was provided to meet a sudden and severe strain of the body-politic and prevent a state of anarchy. In no sense can it be regarded as a spoil of war.

Of the \$21,000 drawn under my order, the Auditor, whose duty it was, distributed under it only \$14,335.50. The residue was disposed of during the Pierpont government long after mine had altogether ceased. This account, which I subjoin, completely protects the State officials, who received the above amount, from all ascription of unworthy motives in receiving the sums severally charged to them, as they could, I have no doubt, had they been dishonorably disposed, have divided among them the whole amount of \$21,000:

Executive Department of Virginia, April 1, 1865.

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The Auditor of Public Accounts will issue his warrant on the Treasury (payable out of the Military and Civil Contingent Funds), for twenty-one thousand dollars in specie, in favor of J. M. Bennett, to be disbursed to members of the General Assembly, in attendance at the Extra Session thereof, to the Governor and other executive officers of State Government, on account of their salaries as such officers, which are now or may hereafter become due, and such contingent expenses as may be found necessary.

This order is necessary, owing to the peculiar circumstances in which the State is now situated, which prevent the regular order of business from being observed. Given under my hand as above.

William Smith.

It may not be amiss for me to remark here, that although my order bears date the 1st of April, 1865, yet I am entirely satisfied it should have borne date the following day; for I well recollect that my mind was greatly perplexed, as to how the needful money was to be obtained. And this conviction is strengthened by the facts that the Auditor did not draw this money until the 2d of April, and my receipt for the portion of it which I received, bears the like date. And I am still further fortified as to this fact by Joyne's Senatorial Report in 1865, which adopts the same conclusion.

It will not escape attention that my order after providing for the State officials and members of the Legislature, also provided for "such contingent expenses as may be found necessary." It will be readily understood that the State Government could not be removed from place to place as exigency might require, except at considerable cost, and various officers in charge of the public records and property, were, under my instructions, no doubt supplied by the Auditor with funds, not only sufficient to pay what was and might be due to them, but also to provide for such emergencies. As others, I received a portion of the \$21,000 so often referred to, to pay not only what was or might be due me as Governor, but to repay the inevitable expenses of a change of the seat of Government,

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and those contingent expenses continually called for by the public interests. I suppose all will agree that I ought to have made some such provision, and that had mischief followed from my failure to do so, I would have been justly censurable. Accordingly, my receipt for the \$5,000 received by me is without specification and was obviously expected to be accounted for, "at a more convenient season for calm and dispassionate inquiry." I give a copy of my receipt:

On the night of the evacuation there was due on salary account \$1,777.66. On 226 the 9th of April, the date of Gen. Lee's surrender and which the plaintiffs declaration assumes was the termination of the State Government \$2, 161.66. On the 9th of May, 1865, when President Johnson ordered Governor Pierpont to assume the Executive duties of the State \$3,833.06. On the 23d of May, 1865, when Governor Pierpont in pursuance of President Johnson's order entered the City of Richmond and, as Governor of the State, performed his first act as such, \$4,610.76, and on or about the 5th of June, 1865, when I surrendered myself to General Patrick, in the City of Richmond, \$5,332.91. It was at this date, the day of my surrender, that I have always considered my office as Governor ended, and my right to my salary ceased, although it is expressly declared by Act of Assembly that it shall continue for six months after the termination of the war, which did not terminate in Virginia, according to the "Protector" case [12th Wallace page 700] until the President's proclamation of the 2d of April, 1866, announced that it was at an end. For much valuable information touching the facts stated or alluded to in this paragraph, I refer to the code of 1873.*

* Vide Historical Synopsis of the changes in the Laws and Constitution of the State of Virginia, by Geo. W. Munford, Sec'y of Com. of Va., Co. Va., 1873.

For a large portion of the time between the evacuation of Richmond and my surrender there, I was actively engaged in the performance of my duties as Governor. Repairing to Lynchburg, I found but few of those ordered to meet me there. But few of the State Cadets reported. The State Guard, however, reported in considerable force, but in a state

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of complete destitution, so that I had to furnish it with funds through one of its officers, for its necessary subsistence. None of the State officials met me in Lynchburg as well as I now remember. This apparent tardiness or failure to assemble in Lynchburg, on the part of those ordered to do so, was occasioned, as I have been informed, and believe, by the bad condition of the canal, the surrender of General Lee and the steady advance of the enemy. Doubtless, the hopelessness of protracting the struggle had something to do with it. During my location in Lynchburg, I sought by every means in my power to ascertain public opinion. With this view, I traveled as far north as Staunton, and having satisfied myself that the people had no disposition to continue the war, and that the Confederate Government had lost the power to do so, I devoted myself, as the first Magistrate of the State, to the preservation of social order, and to the adjustment of proper relations between the State and Federal Government. With the latter view I sent a Mr. Speed, a relation of the United States Attorney-General, as a messenger or bearer of such terms, and although President Lincoln had, when in Richmond, caused messengers to be sent to recall the State Government, including myself, thus evincing a disposition to establish such relations, yet my communication was not only treated with contempt, but the person of my messenger was seriously imperiled. Lee had surrendered.

Finding that the proximity of the Federals to Lynchburg rendered my position there unsafe, I concluded to transfer myself to Danville, where President Davis was located. I arrived at his quarters at the hour in which he had received information of General Lee's surrender, and when he was in busy preparation to move further south. I, at once, saw the importance of my location in Danville, and upon the invitation of my friend Clarke, now Senator Clarke, of that city, I established my headquarters at his hospitable mansion. In walking through the city I found there was a large amount of commissary and quartermaster's stores on hand, which were being rapidly removed to Greensborough, N.C. I at once put a stop to it, satisfied that our paroled prisoners would soon be in the city and would find the supplies thus being removed absolutely essential to their wants and comfort. And I advised the officer's in charge to re-organize their Departments and to issue

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supplies upon regular requisitions. This policy was adopted; and most fortunate it was so. In a day or two there was over 3,000 of our men in the city at one time, on their way South; 227 they were in the worst possible humor and many of them were wretchedly destitute. The Commissary promptly filled all requisitions for rations. But when the Quartermaster was unable to fill the requisition for shoes, because they had been forwarded, as he declared, to Greensborough, the soldiers became furious, denounced him as a thief and a liar, and evil disposed persons having whispered into their ears that the citizens had carried off the shoes and had concealed them in out-of-the-way places, they swore that they would sack the town, unless they were produced without delay. In this extremity I was sent for and soon appeared among them. Fortunately, I had served with many of them and not a few recognized me at once. And when I began to speak to them and remind them of their glorious history and the sadness of the present hour, a stillness almost as deep as death settled upon them. I then told them that at the very moment of my arrival in Danville, the news came of the surrender at Appomattox—that finding the army stores were being removed to Greensborough, N. C., I at once put a stop to it, well knowing that the Southern soldiers of Lee's army would aim for Danville as a railroad point, and where they might also expect to find food and clothing, absolutely necessary to them on their homeward journey. I asked them if every requisition had not been filled, except for shoes? they answered, "Yes." "Then where so much has been cheerfully supplied, how can any reasonable man suppose that the single article of shoes has been wilfully withheld? No men, accept my assurance—of your former comrade, that there is no supply of shoes in Danville. That those which were here have been sent to Greensborough—and that in three hours after you leave here, and the trains are nearly ready to take you away, you will be in Greensborough, where you will, doubtless, be promptly and abundantly supplied with this essential want. Are you satisfied, men?" "We are," "we are," was the prompt reply. I heard but one murmured dissent, and that was promptly hushed by an indignant warning from the crowd that the "man who questioned the word of General Smith did so at his peril." This is but an epitome of my remarks. But, so the town was saved.

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But the danger was not past. Bands of plunderers, including women came into town and broke into the public stores, carrying off any and everything they could lay their hands upon—even the women carrying off muskets, etc. And it took the most determined service of the whole civil power, for two or three days, to prevent a general pillage of the public property, and restore quiet and order in the community many entertaining the opinion, and not a few acting upon it, that the dead man's estate was without an owner and that everyone had a right to appropriate to his own use whatever portion of it he could lay his hands upon. It was while in Danville I settled many questions of public interest. In no case was my authority questioned or disregarded. While there, I sent a deputation to General —, who merely informed me that my communication would be forwarded to General Grant, which was the last of it. It was in this way, I think, I first learned that a reward of \$25,000 was offered for my arrest. This, with the advance of the enemy, and the utter hopelessness of further resistance, made it necessary for me to determine upon my future course.

Honored by my beloved State beyond my merit, and thoroughly satisfied that it was my duty to share her fate, I early resolved, that under no circumstances would I leave “my own, my native land.” Hence I declined the invitation of President Davis to share his car the night of the evacuation—put aside all similar suggestions—rode with my aid and servant a thousand miles through the State on horseback, to learn the condition and temper of her people, and everywhere during the brief remnant of my power devoted to their best interests. In this spirit I concluded, under proper circumstances, to surrender myself—left Danville, wended my way through Pittsylvania and Campbell counties, crossing the James about ten miles above Lynchburg, into Amherst—thence touching Nelson, and crossing the James again, entered Buckingham, recrossed the river at Cartersville and finally stopped for a considerable 228 time at the house of that noble and hospitable gentleman, Captain Charles W. Dabney, of the county of Hanover.

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This trip was most leisurely taken; although I was aware that parties of the enemy were in pursuit of me, I acted upon the simple principle that should I encounter large parties of the enemy I could run and took it for granted that parties of our own size would not undertake to arrest me. I think it not amiss to state that Captain Dabney's was within twenty-three miles of Richmond, and within seven miles of two posts of the enemy, that it soon came to be known in the neighborhood that I was Captain Dabney's guest, and that a reward had been offered for my arrest of \$25,000, and yet, not a man in that community, occupied by men in the humblest circumstances could be found who would so far forget his duty and patriotic sympathies as to win comfort and independence by betraying me.

While here, I concluded to carry out my determination to surrender, and sent my Aid into Richmond, with a communication addressed to General Patrick, stating that it was my then purpose to do so, but as I was unwilling to play "hide and go seek," with his parties, I respectfully asked him to send me his protection. He did so (not knowing where I was), for ten days. A few days after I availed myself of the protection, and reported to him. And I am gratified to be able to say—

[It is much to be regretted that the residue of this letter cannot be found, and that it should thus abruptly close.]

In the actions herein and elsewhere referred to, the ex-Governor attended in proper person and by counsel, and took an active part in their trial; and through the Hon. Robert Stiles and the Hon. James G. Field, Attorney-General of the State, they went off upon a demurrer to the declaration, and were finally disposed of in favor of the defendants, at the plaintiffs' costs.

[From Mrs. Martha J. Lamb's Magazine of American History.]

LINCOLN'S RESTORATION POLICY FOR VIRGINIA

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THE TRUTH BROUGHT TO LIGHT.

During the years 1876–79 the writer was associated with the Attorney-General of Virginia in the defense of what were known as “The Gold Cases.” These were actions at law brought in the Federal Court at Richmond by the United States as plaintiff, against ex-Governor William Smith and other parties who had been officers of the commonwealth in April, 1865, claiming of the defendants money of the State of Virginia which the Governor had drawn out of the banks on the eve of the evacuation of Richmond, and paid to these parties on account of their official salaries.

In the course of the trial certain testimony was given by 229 Governor Smith and Judge Henry W. Thomas of great historic value and importance. The testimony of Judge Thomas was of especial interest as bearing upon the question how far Mr. Lincoln was prepared to go, and did actually go, in putting into execution his admitted views in favor of immediate restoration of the Southern States, more especially Virginia, to the Union. Recently, in glancing over Admiral Porter's *Incidents of the Civil War*, and reading his account of Mr. Lincoln's visit to Richmond, the importance of Judge Thomas's testimony became too clear to admit of further delay in giving it to the public. Admiral Porter's account, so far as it relates to the subject of this paper, is as follows:

“Next morning, at ten o'clock, Mr. John A. Campbell, late Justice of the Supreme Court of the United States, sent a request to be allowed to come on board with General Weitzel. He wanted to call on the President. He came on board and spent an hour. The President and himself seemed to be enjoying themselves very much, to judge from their laughter.

“I did not go down to the cabin. In about an hour General Weitzel and Mr. Campbell came on deck, asked for a boat, and were landed.

“I went down below for a moment, and the President said: ‘Admiral, I am sorry you were not here when Mr. Campbell was on board. He has gone on shore happy. I gave him a

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written permission to allow the State Legislature to convene in the capitol in the absence of all other government.’

“I was rather astonished at this piece of information. I felt that this course would bring about complications, and wondered how it had all come to pass. I found it had all been done by the persuasive tongue of Mr. Campbell, who had promised the President that if the Legislature of Virginia could meet in the halls of the Confederate Congress, it would vote Virginia right back into the Union, that it would be a delicate compliment paid to Virginia which would be appreciated, etc.

“Weitzel backed up Mr. Campbell, and the President was won over to agree to what would have been a most humiliating thing if it had been accomplished.

“When the President told me all that had been done, and that General Weitzel had gone on shore with an order in his pocket to let the Legislature meet, I merely said: ‘Mr. President, I suppose you remember that this city is under military jurisdiction, and that no courts, legislature or civil authority can exercise any power without the sanction of the General commanding the army. This order of yours should go through General Grant, who would inform you that Richmond was under martial law; and I am sure he would protest against this arrangement of Mr. Campbell’s.’

“The President’s common, sense took in the situation at once. ‘Why,’ he said, ‘Weitzel made no objection, and he commands here.’

““That is because he is Mr. Campbell’s particular friend, and wished to gratify him; besides, I don’t think he knows much about anything but soldiering. General Shepley would not have preferred such a request.’

““Run and stop them,’ exclaimed the President, ‘and get my order back! Well, I came near knocking all the fat into the fire, didn’t I?’

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“To make things sure I had an order written to General Weitzel and signed by the President, as follows: ‘Return my permission to the Legislature of Virginia to meet at all.’ There was an ambulance wagon at the landing, and giving the order to an officer, I said to him, ‘jump into that wagon, and kill the horse if necessary, 230 but catch the carriage which carried General Weitzel and Mr. Campbell, and deliver this order to the General.’

“The carriage was caught after it reached the city. The old wagon horse had been a trotter in its day, and went his three minutes. The General and Mr. Campbell were surprised. The President's order was sent back, and they never returned to try and reverse the decision.

“Mr. Campbell evidently saw that his scheme of trying to put the State Legislature in session with the sanction of the President had failed, and that it was useless to try it again. It was a clever dodge to soothe the wounded feelings of the South, and no doubt was kindly meant by the late Justice Campbell; but what a howl it would have raised at the North! . . . [pp. 305–6.]

“‘Yes,’ the President answered, ‘let us go. I seem to be ‘putting my foot into it’ here all the time. Bless my soul! how Seward would have preached and read Puffendorf, Vattel and Grotius to me if he had been here when I gave Campbell permission to let the Legislature meet! I'd never have heard the last of it. Seward is a small compendium of international law himself, and laughs at my ‘horse sense,’ which I pride myself on, and yet I put my foot into that thing about Campbell with my eyes wide open. If I were you I don't think I would repeat that joke yet awhile. People might laugh at you for knowing so much, and more than the President! I am afraid that the most of my learning lies in my heart more than in my head.’” [p. 309.]

It is but fair to the Admiral to note that in another connection, page 313, he says: “I made it a rule during the war to write down at night, before retiring to rest, what had occurred during the day.”

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Having heard Judge Thomas's sworn evidence, above referred to and below recited, it is needless to add that I read Admiral Porter's narrative with astonishment, and at once began an investigation of the subject. I read the account which General Grant gives of the matter on pages 505–6 of the second volume of his *Memoirs*, as follows:

“While I was in pursuit of General Lee the President went to Richmond in company with Admiral Porter, and on board his flagship. He found the people of that city in great consternation. The leading citizens among the people who had remained at home surrounded him, anxious that something should be done to relieve them from suspense. General Weitzel was not then in the city, having taken offices in one of the neighboring villages after his troops had succeeded in subduing the conflagration which they had found in progress on entering the Confederate capital. The President sent for him, and on his arrival a short interview was held on board the vessel, Admiral Porter and a leading citizen of Virginia being also present. After this interview the President wrote an order in about these words, which I quote from memory: ‘General Weitzel is authorized to permit the body calling itself the Legislature of Virginia to meet for the purpose of recalling the Virginia troops from the Confederate armies.’ Immediately some of the gentlemen composing that body wrote out a call for a meeting and had it published in their papers. This call, however, went very much farther than Mr. Lincoln had contemplated, as he did not say ‘the Legislature of Virginia,’ but ‘the body which called itself the Legislature of Virginia.’ Mr. Stanton saw the call as published in the Northern papers the very next tissue, and took the liberty of countermanding the order authorizing any meeting 231 of the legislature or any other body, and this notwithstanding the fact that the President was nearer the spot than he was.

“This was characteristic of Mr. Stanton. He was a man who never questioned his own authority, and who always did in war time what he wanted to do.”

By way of preface to Judge Thomas's evidence it should be remarked that he is a gentleman of high character, capacity and position, having been second Auditor of

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the State in April, 1865, Lieutenant-Governor after the war, for years a Circuit Judge, and at all times recognized as one of the most cautious, well-balanced and accurate lawyers in the commonwealth. His testimony was given in support of the main point of Governor Smith's defense, which was that he had drawn and expended this money as Governor of Virginia, in the public service and for the public good, in the preservation of order and, the institutions of civil society in that debatable ground from which the Confederate government and forces had retired, and over which the United States had, as yet, established no settled authority. Judge Thomas himself vouches for the correctness of the following record of his testimony, he having read every line of it; indeed, every word, with the specific exceptions indicated; being now in my possession in his handwriting.

It is also of consequence to note that, when Judge Thomas prepared and sent the writer this sketch, he had not, neither had the writer, examined the files of the *Whig*, nor was either aware of what they contained, and Judge Campbell's pamphlet—also below quoted—had not even been published. Judge Thomas's draught of his testimony is as follows:

“Early in April, when it was known, after the fall of Richmond, that Mr. Lincoln was coming there, it was deemed advisable to hold a public meeting, with the view of expressing such views as would tend to show that we were willing to accept the situation, and to declare our purpose to renounce all opposition to the restoration of civil government under the authority of the government of the United States. The meeting was held in the room adjoining the *Whig* office, and the proceedings were published in the Richmond papers.

“Judge Campbell, Mr. Myers (deceased), and myself were appointed a committee to confer with the President and submit the resolutions. This we did, and Mr. Lincoln was much pleased by the views presented by us. . . .

“In the conversation I had with the President upon that occasion, reference was made to the consequences which might ensue from the condition in which we were placed—the absence of civil government, the demoralization prevailing, and our utter inability to

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control the passions and excited feelings of a part, at least, of our community—and I remarked, ‘Mr. President, we would all be much gratified if you 232 would send Governor Pierpont here as early as possible, so that civil order may be re-established.’ I recollect Mr. Lincoln's action and utterance. He said he did not regard the division of Virginia as permanent, and that the matter, if tested in the courts, would, he thought, result in overthrowing it, that it could only be justified as a war measure, and therefore he did not want Mr. Pierpont. ‘The government that took Virginia out is the government that should bring her back, and is the government that alone can effect it. I shall appoint a committee for the purpose of summoning the Governor and the Legislature to meet at an early date in Richmond for this action, and I shall direct General Weitzel to issue you passes through General Grant's lines; I presume, (he added), you will need none in passing General Lee's; and I shall take care that you have safe conduct in the discharge of this duty, as, also, those you may summon, in repairing to the capitol. They must come here to the very place they went out of the Union, to come back; and your people will, doubtless, all return, and we shall soon have old Virginia back again.’ . . .

“I recollect distinctly his replying to my suggestion that we could get the members of the existing legislature in session without difficulty. ‘But no,’ he said ‘the government that took the State out must bring her back.’ My impression is that Mr. Lincoln asked who was Governor at the time of the secession of the State, and my answer was Letcher. He was the man, then, to come and participate in the action of the legislature; and Smith, who was the present Governor, was to be here and ratify it. . . .

“He proposed that messengers should be dispatched to summon these gentlemen, and, if my memory serves me correctly, that General J. R. Anderson and a gentleman who then represented Richmond, and myself, with others, should undertake the task. . . .

“The orders were given to General Weitzel, and passes in conformity thereto issued by General Weitzel, by order of the President. I have mine now. Before, however, we could act, the passes were revoked. This was done immediately after his return.”

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In the brief sketch of Judge Thomas, his modest and retiring nature and his kindly spirit should have been mentioned. The first characteristic explains if it does not excuse the delay in the publication of this article. He repeatedly declined “to obtrude his reminiscences upon the country,” while heartily approving any attempt to rescue and preserve this bit of history. To the regret of the writer, he struck out from the record certain quaint and characteristic remarks of Mr. Lincoln, which I distinctly recall as recited in his testimony in court, and which he did not dispute, but protested that some of these remarks and expressions reflected somewhat upon certain persons still living, as to whom the President freely used popular nicknames and phrases not altogether complimentary.

The few additions, therefore, to his written statement rest upon my authority alone, and I deem myself entirely within the kindly limitations imposed by Judge Thomas, when adding to his own recollections of his evidence, that he testified 233 that Judge John A. Campbell (of the United States Supreme Court, and later of the Confederate war office) was chairman of the committee appointed by the citizens' meeting to wait upon Mr. Lincoln; that Mr. Lincoln, when he spoke of Governor Smith, called him “Extra Billy”—which title, originating in a half-sneering, political reference, was ever after lovingly applied to the old hero by Virginians all over the country—and that he added, making use of the expression “By Jove,” or some such expletive, and smiting the table with his clenched fist, “I want that old Game Cock back here.”

What is meant, and all that is meant by these additions, is, that Judge Thomas's testimony, as given at the trial, bristled with vivid details which convinced every hearer of its truth, and that much of the vigor and quaint homeliness which enlivened the court recital of Mr. Lincoln's utterances is wanting in the above transcription; but with these qualifications it is, according to my best and quite distinct recollection, the same testimony which Judge Thomas gave in the trial of the Gold Cases in 1879.

In a recent pamphlet entitled “Reminiscence and Documents relating to the Civil War during the year 1865,” Judge Campbell has given his own recollection of these

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occurrences, a paper prepared by Mr. Lincoln expressive of his views upon the subject of peace and restoration, with certain testimony of Mr. Secretary Stanton bearing upon the main point to which this investigation is directed. As this pamphlet may not be readily accessible to the readers of this article, we quote what it contains (pages 38–44) bearing upon the history of this matter:

“Richmond was evacuated the 2d of April, and was captured on the 3d of April. I informed the Secretary of War that I should not leave Richmond, and that I should take an opportunity to see President Lincoln on the subject of peace, and would be glad to have an authority to do so, but that I would do so if an occasion arose. President Lincoln came to the city on the 4th of April, in less than forty-eight hours from the departure of the Confederate President and his cabinet. Richmond had experienced a great calamity from a conflagration. I represented the conditions to him, and requested that no requisitions on the inhabitants be made of restraint of any sort, save as to police and preservation of order; not to exact oaths, interfere with churches, etc. He assented to this, the General Weitzel and Military Governor Shepley cordially assenting. On the following day I visited him on the *Malvern* 234 gunboat on which he had come into Richmond upon the 4th. He had prepared a paper, which he commented on as he read each clause. The paper was not signed nor dated. This paper he handed to me, and on the 13th of April I returned it to General Ord, by direction of the President. I retained a copy, as I informed that General I should do. This is a copy:

“1. As to peace, I have said before, and now repeat, that three things are indispensable: The restoration of the national authority throughout all the States.

“2. No receding by the Executive of the United States on the salary question from the position assumed thereon in the late annual message to Congress, and in preceding documents.

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“3. No cessation of hostilities short of an end of hostilities and the disbanding of all forces hostile to the government.

“That all propositions coming from those now in hostility to the government, and not inconsistent with the foregoing, will be respectfully considered and passed upon in a spirit of sincere liberality. I now add that it seems useless for me to be more specific with those who will not say that they are ready for the indispensable terms, even on condition to be named by themselves.

“If there be any who are ready for those indispensable terms on any condition whatever, let them say so, and state their conditions, so that such conditions can be strictly known and considered. It is further added, that the remission of confiscation being within the executive power, if the war be now further persisted in by those opposing the government, the making of confiscated property, at the least, to bear the additional cost will be insisted on; but that confiscations (except in cases of third party intervening interests) will be remitted to the people of any State which shall now promptly and in good faith withdraw its troops and other supports from further resistance to the government. What is now said as to remission of confiscation has no reference to supposed property in slaves.

“On the 13th of April, the day before the assassination of the President, General Ord addressed me a letter, stating that by the instructions of the President he wrote, that since the paper was written on the subject of reconvening the gentlemen who, under the insurrectionary government, had acted as the Legislature of Virginia, the object had in view and the convention of such gentlemen is unnecessary; he wishes the paper withdrawn. I sent to General Ord the only paper I had ever received, being that I have copied.

“After the President had read and expounded that paper he delivered it to me. It was not dated nor signed, nor directed to me or other person. When he had concluded this he said he had been meditating a plan, but had come to no conclusion upon the subject; that he

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should not do so till he returned to City Point; that if he was satisfied he would write to General Weitzel.

“This had reference to a convention of the legislature which had been sitting during the preceding winter and recognized the Confederate States. The President said ‘he had a government in Virginia the Pierpont government. It had but a small margin, and he was not disposed to increase it. He wanted the very legislature which had been sitting up yonder’—pointing to the capitol—‘to come together and to vote to restore Virginia to the Union and recall her soldiers from the Confederate army.’

“The suggestion came from the President, and its object was plainly stated. As the suggestion had some tolerance for the existing State governments, I was pleased to hear it and strongly supported the suggestion. I told him ‘there had been discussions during the winter in respect to both peace and union; none could be found to make peace. Each man would now make his own peace.’”

It appears that Edwin M. Stanton was examined in relation to this intercourse before the committee appointed for the 235 examination of charges preferred against President Johnson in 1867. He testified before that committee that “President Lincoln went to the city of Richmond after its capture, and some intercourse took place between him and Judge Campbell, formerly of the Supreme Court of the United States, and General Weitzel, which resulted in the call of the rebel legislature to Richmond. Mr. Lincoln, on his return from Richmond, reconsidered that matter. The policy of undertaking to restore the government through the medium of Rebel organizations was very much opposed by many persons, and very strongly and vehemently opposed by myself. I had several earnest conversations with Mr. Lincoln on the subject, and advised that any effort to reorganize the government should be under the Federal government solely, and to treat the Rebel organizations as null and void. On the day preceding his death a conversation took place between him, the Attorney-General and myself upon the subject, at the executive mansion. An hour or two afterwards, and about the middle of the afternoon, Mr. Lincoln came over

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to the war department and renewed the conversation. After I had repeated my reasons against allowing the Rebel legislature to assemble, or the Rebel authorities to have any participation in the business of reorganization, he sat down at my desk and wrote a telegram to General Weitzel and handed it to me. "There," said he, "I think this will suit you." I told him, "No, it did not go far enough; that the members of the legislature would probably come to Richmond; that General Weitzel ought to be directed to prohibit their assembling. He took up his pen again and made that addition to the telegram and signed it. He handed it to me. I said it was exactly right. It was transmitted immediately to General Weitzel, and was the last act ever performed by Mr. Lincoln in the war department."

Judge Campbell adds: "General Ord had succeeded General Weitzel and communicated the intelligence to me."

But perhaps the most interesting and conclusive contribution to the history of this matter is the contemporaneous record in the daily press of Richmond. Most of the newspaper 236 offices of the city were laid in ashes at the great conflagration of April 3, 1865; only the *Whig* and *Sentinel* escaped. Whether or not the *Sentinel* was published continuously during the early days of Federal occupation, I have not been able to determine absolutely, but am inclined to believe it was not. Certainly I have failed to find any numbers of the paper covering that period between the 3d and the 15th of April. The *Times* was the first paper started after the great disaster, but its earliest issue was later than the last of these dates. So far as appears, then, to the *Whig* alone we must look for the daily record of events in Richmond just after the evacuation. Immediately upon this change of masters this newspaper, the *Whig* passed under the control and conduct of a Northern man of Union sentiments, and was promptly issued Tuesday evening, April 4, amid the smoking ruins of the city, with the sanction of the United States military authorities, as a Union journal, in a sheet about the size of an ordinary Sunday-school paper.

It may be pertinent to remind the average reader that—as the columns of the journal abundantly show—the Confederate rear guard retired from Richmond very early Monday

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morning, April 3d, and the Federals entered the burning city close upon their heels; that Admiral Porter brought Mr. Lincoln up the river in the gunboat *Malvern*, Tuesday, April 4th, landing at Rockett's about three P. M.; that the President walked through the city, for the most part east and north of the 'burnt district,' to General Weitzel's headquarters, which were in President Davis's mansion at the corner of 12th and Clay streets, and that he spent that evening meeting and conferring with military officers of the United States and the leading citizens of Richmond, returning to the *Malvern* to sleep that night, and going back down the river to City Point, say about noon the next day, which was Wednesday, the 5th.

Several reportorial notices of and editorial comments upon what it was pleased to term "the first step toward the reinstatement of the Old Dominion in the Union" appear in the columns of the *Whig* during the week beginning Friday, 23rd April 7th, and ending Friday, April 14th—the day of Mr. Lincoln's assassination. Suffice it to say, that the *Whig* commended and advocated the proposed scheme for the immediate rehabilitation of the State just so long as the military authorities of the United States appeared to approve it, and denied all sympathy with it when their approbation and cooperation were withdrawn. We give below all the *Whig's* reference to the matter which tend to the clear and consecutive development of the facts as they actually occurred. The earliest notice is as follows, and is found in the *Evening Whig*, April 7th:"

" An Important Movement—Reconstruction—Meeting of the Virginia Legislature.

"An informal meeting of the members of the Virginia Legislature remaining in the city was held in the Law building, Franklin street, this morning, for the consideration of the proposition of President Lincoln to re-assemble the legislature for the purpose of authorizing a convention to take Virginia back into the bonds of the Union. The proposition of the President was laid before the meeting. A formal meeting was appointed to take place at four o'clock this afternoon, to which time the meeting adjourned."

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Then, next day, Saturday, April 8, we have the following:

“ Correction.

“The statement that there would be a meeting, last evening, of such members of the Virginia Legislature as still remained in the city was not strictly correct. There was no meeting of legislators or others, but simply an informal conference and consultation of private individuals, among whom were five or six members of the legislature. The motive of these gentlemen in coining together was to hear from Judge Campbell the terms upon which President Lincoln had expressed himself as willing that Virginia might return to the Union. Messrs. Joseph R. Anderson, David I. Burr, Nathaniel P. Tyler and W. H. Thomas were appointed a committee to inform the legislature and Governor Smith of President Lincoln's terms; and Judge Campbell was requested to accompany the committee, who were to leave the city so soon as passports could be procured. It was said to be probable they would get off this morning.

“We prefer not to state our understanding of Mr. Lincoln's terms, as our information on that head is not official.”

The next publication of importance, and the most important of all, appearing in the issues both of Wednesday, the 12th, and Thursday, the 13th of April, is the following address:

“ To the People of Virginia.

“The undersigned, members of the Legislature of the State of Virginia, in connection with a number of citizens of the State, whose names are attached to this paper, in view of the evacuation of the City of Richmond by the Confederate government, and its occupation by the military authorities of the United States, the surrender of the army of Northern Virginia, and the suspension of the jurisdiction of 238 the civil power of the State, are of opinion that an immediate meeting of the General Assembly of the State is called for by the exigencies of the situation. The consent of the military authorities of the United States to the sessions

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of the Legislature in Richmond, in connection with the Governor and Lieutenant-Governor, to their free deliberation upon public affairs, and to the ingress and departure of all its members under safe conducts, has been obtained.

“The United States authorities will afford transportation from any point under their control to any of the persons before mentioned.

“The matters to be submitted to the legislature are the restoration of peace to the State of Virginia, and the adjustment of questions involving life, liberty and property that have arisen in the State as a consequence of the war.

“We, therefore, earnestly request the Governor, Lieutenant-Governor and members of the Legislature to repair to this city by the 25th of April (instant).

“We understand that full protection to persons and property will be afforded in the State, and we recommend to peaceful citizens to remain at their homes and pursue their usual avocations, with confidence that they will not be interrupted.

“We earnestly solicit the attendance in Richmond on or before the 25th of April (instant), of the following persons, citizens of Virginia, to confer with us as to the best means of restoring peace to the State of Virginia. We have procured safe conduct from the military authorities of the United States for them to enter the city and to depart without molestation: Hon. R. M. T. Hunter, A. T. Caperton, Wm. C. Rives, John Letcher, A. H. H. Stuart, R. L. Montague, Fayett McMullen, J. P. Holcombe, Alexander Rives, B. Johnson Barbour, James Barbour, Wm. L. Goggin, J. B. Baldwin, Thomas Gholson, Waller Staples, S. D. Miller, Thomas J. Randolph, Wm. T. Early, R. A. Claybrook, John Critcher, Wm. Towns, T. H. Eppes, and those other persons for whom passports have been procured and especially forwarded that we consider it to be unnecessary to mention.

(Signed) A. J. Marshall, Senator, Fauquier.

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James Neeson, Senator, Marion.

James Venable, Senator-elect, Petersburg.

David I. Burr, of House of Delegates, Richmond city.

David J. Saunders, of House of Delegates, Richmond city.

L. S. Hall, of House of Delegates, Wetzel county.

J. J. English, of House of Delegates, Henrico county.

Wm. Ambers, of House of Delegates, Chesterfield county.

A. M. Kelly, of House of Delegates, Petersburg.

H. W. Thomas, Second Auditor of Virginia.

St. L. L. Moncure, Chief Clerk Second Auditor's office.

Joseph Mayo, Mayor City of Richmond.

Robert Howard, Clerk Hustings Court, Richmond city.

Thomas U. Dudley, Sergeant Richmond city.

Littleton Tazewell, Commonwealth's Attorney, Richmond, city.

Wm. T. Joynes, Judge of Circuit Court, Petersburg.

John A. Meredith, Judge of Circuit Court, Richmond.

Wm. H. Lyons, Judge of Hustings Court, Richmond.

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Wm. Wickham, Member of Congress, Richmond District.

Benj. S. Ewell, President of William and Mary College.

Nat. Tyler, Editor Richmond *Enquirer*.

R. F. Walker, Publisher of *Examiner*.

J. R. Anderson, Richmond.

R. R. Howison, Richmond.

W. Goddin, Richmond.

P. G. Bayly, Richmond.

F. J. Smith, Richmond.

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(Signed) Franklin Stearns, Henrico.

John Lyon, Petersburg.

Thomas B. Fisher, Fauquier.

Wm. M. Harrison, Charles City.

Cyrus Hall, Ritchie.

Thomas W. Garnett, King and Queen.

James A. Scott, Richmond.

"I concur in the preceding recommendation. J.A. Campbell.

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“Approved for publication in the *Whig* and in handbill form.

G. Weitzel, Major-General Commanding.

Richmond, Va., April 11, 1865.”

And last of all, from the *Whig* of Friday, April 14, we copy the following military order:

“ Headquarters Department Virginia, Richmond: Va., April 13, 1865.

“Owing to recent events, the permission for the re-assembling of the gentlemen recently acting as the legislature of Virginia is rescinded. Should any of the gentlemen come to the city under the notice of re-assembling, already published, they will be furnished passports to return to their homes.

“Any of the persons named in the call signed by J. A. Campbell and others, who are found in the city twelve hours after the publication of this notice will be subject to arrest, unless they are residents of the city.

E. O. C. Ord, Major-General Commanding the Department.”

In the light of the evidence above collated, need we refer again to Admiral Porter's account of how he ran down the entire scheme for re-assembling the Virginia Legislature on that Wednesday morning (April 5th), when, with that old three-minute ambulance horse, he overhauled the flying carriage containing General Weitzel and Judge Campbell, nor how the Admiral made the President admit his clumsy ignorance and beg the Admiral not to expose him? No, it is not treasonable to say of the Admiral's narrative that “it does not read like history,” and it is but fair to add that perhaps it was not really intended to read, or to be read, in any such prosaic and critical style. The whole scope of the book puts it outside the category of grave history.

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But General Grant's book is of very different character, and is certain to be largely consulted by future historians of the Civil War. It is the more to be regretted, therefore, that the illustrious author appears to have been led into error about this particular matter. Passing by some minor details, as to which we raise no issue, it will be noted that the General differs with the Admiral in that he admits the "restoration" 240 scheme and policy survived the disastrous set-back of the 5th of April; indeed, the General seems never to have heard of that disaster. He quotes the words of President Lincoln's order given after the interview on Admiral Porter's flag-ship, the *Malvern*, "from memory." Memory of what? Of those words and that order certainly, but whether as read by himself or as repeated to him by another, it would be very interesting to discover.

Of course Judge Campbell is the "leading citizen" referred to as having been present at the *Malvern* interview (though not strictly a "citizen of Virginia,") and Judge Campbell not only publishes a copy of the paper handed him on that occasion, being the only paper he ever received from Mr. Lincoln, and which contained no reference to the meeting of the Legislature, but he also says that Mr. Lincoln, while expressing verbally and freely to him (as he had done to Judge Thomas) his views as to "a convention of the Legislature" and "a government for Virginia," at the same time distinctly stated that he was only "meditating a plan," had "come to no conclusion," and was not yet prepared to commit anything to writing on this subject.

The General says the "call" for the Legislative convention, afterwards published upon the basis of the President's order, "went very much further than Mr. Lincoln had contemplated;" and that Mr. Stanton, seeing this "call," immediately "took the liberty of countermanding the order, . . . notwithstanding the fact that the President was nearer the spot than he was." Now, it is conceivable that Mr. Lincoln, who was the author and sponsor of this movement, never saw this "call," although Mr. Stanton saw it in "the very next issue of the northern papers?" If Mr. Stanton saw it, is it not certain that he showed it to Mr. Lincoln during their prolonged and repeated discussions of this subject? And if

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Mr. Lincoln saw it, when and where did he ever express his dissatisfaction with it, upon the ground mentioned by General Grant or upon any other ground? In short, this entire statement about this “call” and Mr. Stanton's suppression of it, and “the order” authorizing it before Mr. Lincoln's 241 return to Washington, is totally swept away by the sworn deposition of Mr. Stanton himself, who relates how difficult it was for him and the Attorney-General to induce Mr. Lincoln, after his return to Washington, to abandon his policy and recall his order.*

* See pages 4 and 44 of Judge Campbell's pamphlet.

Mr. Stanton, undoubtedly, was a man who seldom “questioned his own authority;” he may even, at times, have assumed authority to countermand one of Mr. Lincoln's orders, but he certainly did not do so in this instance.

We have yet two further contributions to make to the record of this interesting crisis. It will be remembered that Mr. Lincoln, during the conference on board the *Malvern*, said that while he was meditating a plan, he had, as yet, come to no conclusion upon the subject of a convention of the Legislature, and should not do so until he returned to City Point; but that, if he was then satisfied, he would write to General Weitzel.† This was on the morning of the 5th of April. It is, of course, clearly to be inferred from the documentary and other evidence already submitted, that he was satisfied and did write authorizing the issue of the “call” of April 11; but we are happily able to establish the fact that he did so by direct and satisfactory proof.

† Campbell's Pamphlet, page 41.

The very intelligent and accomplished librarian of the commonwealth tells me that some years ago he mentioned the subject of this “call” to a gentleman who represented himself as having been a member of General Weitzel's staff in April, 1865, and that the gentleman said he well remembered the paper, and related the following circumstance connected with it: General Weitzel was speaking, in this gentleman's presence, to a brother officer,

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of his intention to issue such a “call” as Mr. Lincoln had suggested, when the officer addressed, who seemed to have been more than a mere soldier, asked whether he had the President's directions in writing, and, upon Weitzel's replying that he had only verbal instructions, cautioned him not to take the step until he had authority and directions in black and white signed by the President 242 himself, as “the politicians” might make it cost him his commission. The gentleman further informed my friend, the librarian, that Weitzel admitted the wisdom of the caution and awaited written instructions from Mr. Lincoln, which he received before issuing the “call.”

Yet once more, and finally. General Joseph R. Anderson, who was chairman of the committee of invitation appointed to carry out the objects of this “call,”* a few days ago, handed me a very important paper, which has never been published. It is Judge Campbell's report to this committee, also laid before the afternoon meeting of Friday, April 7th (see *Whig* of 8th), of the result of his conferences with President Lincoln. The paper handed me is not the original report, but a copy made therefrom under General Anderson's supervision. He returned the original to Judge Campbell, who wrote it, but exacted the condition that Judge Campbell should certify this paper as a true copy, which he has accordingly done in his own handwriting upon the face of the paper itself. It reads as follows:

* Judge Thomas's testimony, and extract from the *Whig* of April 8.

“ Richmond, Va., 7th April, 1865.

General Joseph R. Anderson and others, Committee, etc.

“ Gentleman —I have had, since the evacuation of Richmond, two conversations with Mr. Lincoln, President of the United States. My object was to secure for the citizens of Richmond and the inhabitants of the State of Virginia, who had come under the military

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authority of the United States, as much gentleness and forbearance as could be possibly extended.

“The conversations had relation to the establishment of a government for Virginia, the requirement of oaths of allegiance from the citizens, and the terms of settlement with the United States. With the concurrence and sanction of General Weitzel he assented to the application not to require oaths of allegiance from the citizens. He stated that he would send to General Weitzel his decision on the question of a government for Virginia. This letter was received on Thursday and was read by me. It authorized General Weitzel to grant a safe conduct to the legislature of Virginia to meet at Richmond to deliberate and to return to their homes at the end of their session. I am informed by General Weitzel that he will issue whatever orders that may be necessary, and will furnish all the facilities of transportation, etc., to the members of the legislature to meet in this city, and that the governor, lieutenant-governor and public men of the State will be included in the orders. The object of the invitation is for the government of Virginia to determine whether they will administer the laws in connection with authorities of the United States and under the constitution of the United States. I understand from Mr. Lincoln, if the condition be fulfilled, that no attempt would be made to establish or sustain any other authority.

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“My conversation with President Lincoln upon the terms of settlement was answered in writing; that is, he left with me a written memorandum of the substance of his answer. He states as indispensable conditions of a settlement the restoration of the authority of the United States over the whole of the States, and the cessation of hostilities by the disbanding of the army, and that there shall be no receding on the part of the executive from his position on the slavery question. The latter proposition was explained to mean that the executive action on the subject of slavery, so far as it had been declared in messages, proclamations and other official acts, must pass for what they were worth—

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that he would not recede from his position, but that this would not debar action by other authorities of the government.

“I suppose that, if the proclamation of the President be valid as law, it has already operated and vested rights.

“I believe that full confidence may be placed in General Weitzel's fulfillment of his promises to afford facilities to the legislature, and that its members may return after they have concluded their business, without interruption.

“Mr. Lincoln, in his memorandum, referred to what would be his action under the confiscation acts. He stated that when the property had not been condemned and sold he would make a universal release of the forfeitures that had been incurred in any State which would now promptly recognize the authority of the United States and withdraw its troops; but that if the war be persisted in, that the confiscated property must be regarded as a resource from which the expenses of the war might be supported.

“His memorandum contains no article upon the penalties imposed upon persons, but in his oral communications he intimated that there was scarcely any one who might not have a discharge for the asking. I understand from the statement, though the words did not exactly imply it; that a universal amnesty would be granted if peace were now concluded.

“In my intercourse I strongly urged the propriety of an armistice. This was done after the preparation of his memorandum. He agreed to consider the subject, but no answer has been received. I suppose that, if he assents, the matter will be decided and executed between Generals Grant and Lee.

Very respectfully yours, (Signed) J. A. Campbell.

A true copy. J. A. Campbell. ”

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General Anderson remembers that during the reading of this paper to his committee, when he came to that portion which contained Mr. Lincoln's expressions upon the subject of amnesty, Judge Campbell stopped, and said that it occurred to him to mention, as illustrative of the magnanimity of the President upon this subject, that he remarked at the conference, "I would gladly pardon Jeff. Davis himself, if he would ask it."

But the special importance of this report lies in the fact that it shows conclusively that, after Mr. Lincoln had returned to City Point and reflected quietly over the whole matter, he adhered to the views he had thrown out in conversation with Judge Campbell and Judge Thomas, and wrote to Weitzel (not to Campbell) a letter which Campbell read, the substance 244 of which he gives in the report, and which fully authorizes the issue of the call of April 11.

And now, to sum up briefly, we think these three positions have been clearly established, to wit: that

1st. As late as the afternoon of the 13th of April, 1865, General Weitzel and the other military authorities of the United States in Virginia were going on in good faith to carry out Mr. Lincoln's policy of immediate restoration, and they regarded the address or "call" of the 11th of April as a fair expression of that policy and the first step in execution of it.

2d. Mr. Lincoln himself was not only the author and sponsor of that policy and that "call," but as late as the afternoon of the 13th of April, 1865—four days after the surrender of General Lee, and when he must be concluded to have seen the "call"—he had found no reason to abandon this policy or to repudiate this call.

3d. To Edwin M. Stanton belongs the responsibility (or glory) of breaking up the policy of restoration, and inaugurating in its stead the policy of reconstruction.

Robert Stiles.

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Richmond, Virginia.

The address to be found below bears the appearance of being abruptly concluded. The balance of it has, most probably, been lost. Being unacquainted with the history of the Mechanics' Institute, of Virginia, and being anxious to procure a full and corrected copy as delivered, the author of these memoirs wrote to the Hon. R. A. Brock, secretary of the Virginia Historical Society, asking some information upon the subject.

To my letter, Mr. Brock, with his usual courtesy and kindness, responded as follows:

Westmoreland Club, 601 East Grace Street, Richmond, Va., August 22, 1888.

Hon. John W. Bell:

My Dear Sir —Sometime ago when it was desired to revive the beneficent Mechanics' Institute, no records of its organization could be found. The war and its destructive consequences had swept them from existence. I hold an interest, not only in the Mechanics' Institute, but in the patriotic and admirably exemplified 245 career of the late Governor William Smith, I have no knowledge of an address delivered by him such as you mention, nor have I the means to determine the circumstances inducing its preparation, or the time of its delivery. Only the latter information, I opine, may now be obtained by a careful examination of the files of some Richmond newspaper for a period of some five years anterior to our late war.

These files are in our State Library. My excellent friend, Captain George A. Ainslie, President of the Mechanics' Institute, whose whole being is responsive as a faithful citizen, might be made instrumental, perhaps, in service in your behalf.

The memory of Governor Smith is held in just and uniform regard, here, by all, as we feel that it is throughout the State, that he served with such earnest devotion.

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Faithfully yours, R. A. Brock.

According to Mr. Brock's above suggestion, I communicated with Captain George A. Ainslie, President of "The Mechanics Institute," to which I received the following reply from Thomas Ellett, Esq., secretary of the Institute'

Richmond, Virginia, August 27, 1888.

Judge John W. Bell:

Dear Sir —Your favor of the 24th to Captain George A. Ainslie, President of Mechanics' Institute, has just been handed me for reply. The Virginia Mechanics' Institute, which was in successful operation, at the breaking out of the war, owning a large building suitable for their purposes, containing drawings, models, etc., which was taken possession of by the Confederate Government, and made the basis of a Patent Office—and which was destroyed by fire, at the evacuation of this city, with its contents, including the records and papers of the old Institute, which obliterates almost entirely its history—we have heard old members refer to the speech of Governor Smith, and hope that you will be able to perpetuate it in his memorial volume, for there was no one held in higher esteem by this community, for their civil, military and patriotic services in every way, than ex-Governor William Smith. The Institute was reorganized in December, 1884, and is now doing a good work for our young mechanics. We are growing and enlarging our boundaries, and in the near future we shall be the peer of the "Cooper Institute," "the Boston School of Technology," and the other first Technical Schools, not alone of this, but also of all foreign countries. * * * * *

Yours very truly, Thomas Ellett, Secretary.

Just here I beg to add a short extract from the admirable address of the Hon. James L. Pettigru, before the South Carolina Historical Society, as quite suitable to the occasion:

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“It is a very general complaint that our people are careless of records. The materials of history are treated very much like the noble forests, not to be surpassed in beauty, with which Virginia was once covered. It is delivered without mercy, to the havoc of the axe or the ravages of the devouring flame. The supply is supposed to be inexhaustible, and the process goes on until the recklessness of waste is checked by the alarm of approaching scarcity. We would interpose to protect the remnant of that noble forest which is threatened with extermination. We would be happy to lend our aid in preserving the memory of things remarkable or interesting in our country, which are beginning to lose their hold on living memory. The labors, the trials, and dangers that have proved the endurance, or exercised the virtue of our countrymen, are in our eyes, of sufficient interest to be preserved from neglect. We would inscribe with a name the battle-fields of Indian and British hostility; and would fain prevent the soil that has been watered with blood poured out in behalf of the Commonwealth, from being confounded with common earth. ”

Hon. JAMES L. PETTIGRU, Before the South Carolina Historical Society—Adopted.

ADDRESS.

Although here under an invitation of some weeks' standing, I have to inform you that the constant pressure upon my time has left me but poorly prepared to justify your selection for this occasion, or to do justice to the important subject upon which I am expected to speak, having but a small period of time for this interesting duty, the more important to me from want of familiarity. From this cause and the want of familiarity with my subject, I shall do what I have never done before, read from manuscript my hasty and ill-digested views; yet, Mr. President, relying upon your charity and indulgence, I embrace this opportunity to address you with pleasure.

Mr. President, and gentlemen of the Mechanics' Institute of Virginia: I am obliged to you for this opportunity to address you, not that I have any peculiar power to serve you, but because I take a deep interest in your praiseworthy undertaking, and am anxious to

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contribute my humble efforts to its advancement. In the second section of the first article of your constitution you declare that "The object of the Institute shall be the promotion and encouragement of manufactures, the mechanic and useful arts, and the mental improvement of the industrial classes."

I could not feel indifferent to these important purposes under any circumstances, nor in any place; but when I know, here in the capital of our beloved State, under lowering clouds which threaten the repose, if not the integrity, of our Union, you have devoted yourselves to the promotion of objects vital to our common weal, I confess I feel such a deep interest and anxiety for your success as to guaranty my most cordial and hearty coöperation.

The duties you have assumed have been too much neglected. Your own self-respect, your obligations to your country, your allegiance to *Him* who made us after his own image, require you to perform them without further delay.

"And God said, let us make man in our own image, after our likeness, and let him have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth."

Such is man, the last of the works of God, with unrestricted dominion over the earth and all that is thereon! And yet we have been content for ages to slumber in ignorance of the full value of our vast possessions. Priceless, then, are the efforts thoroughly to understand their real value, and by our own moral and intellectual, development to approximate *Him* in whose "image" we are made.

Man is, of all the animal creation, longest in a state of helpless infancy; and when he reaches manhood he is vastly inferior in strength to many of the brute creation. It is estimated that one horse is equal to six men, and one elephant equal to six horses; yet man has dominion over all, and makes all obedient to his will. And how? By mind, and by the mechanic arts. When God created the earth and gave it for a dominion to man, it was but a raw material, and, after the fall of our first parents, unsuited to the tastes and

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necessities of man; and he sought change, improvement. In fact, God so constructed him as to make him necessarily both a mechanic and a manufacturer *He* furnished him the material, left him to fashion it, and gave him intellect that he might truly fulfill this important duty.

When God created Adam, and, because it was not good that man should be alone, “made him a help meet for him,” and placed them in the Garden of Eden, there was no sin, and their wants were supplied by the bounties God had bestowed upon them. But they sinned; wants at once multiplied, and in his wrath God decreed that “in the sweat of thy face shalt thou eat bread, till thou return unto the 247 ground.” Sin made our first parents mechanics and manufacturers—“And the eyes of them both were opened; and they knew that they were naked; *and they sewed fig leaves together, and made themselves aprons.*” And the first child of our first parents was Cain, who was the murderer of his brother Abel; and so the world was to be peopled in sin, and sorrow and toil; and man was compelled to undertake the mechanic arts to provide for his wants and his comfort made necessary to him in his new condition.

It would be interesting to trace man through all the difficulties which have marked the intervening ages to our present time; but that would be a labor entirely beyond my power, and wholly inconsistent with the necessary limits to this address; but such an exposition would demonstrate that the comfort, prosperity, indeed, civilization of man, more completely depended upon the manufacturing and mechanical arts than upon any other occupation of man. Still a brief reference to past ages may not be uninteresting.

The ancient Egyptians and Jews were particularly distinguished by a high degree of mechanical ingenuity; so, subsequently, were the Greeks and Romans; but the great defect in their useful arts was the want of science. The Romans, with all their wealth and magnificence, had no knowledge of the spinning-wheel, nor even of the mill-wheel, their grain being ground into meal by hand-mills, and similar contrivances. Hence the necessity of substituting the want of those mechanical arts which are now in familiar use,

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with enormous masses of human labor. History records that one hundred thousand men were employed for thirty years in the erection of the great Pyramid of Egypt, which covers thirteen acres of ground, and is four hundred feet high. It is difficult of belief, but still it is as well authenticated as any other ancient statement. Archimedes, born two hundred and eighty-seven years before the Christian era, was more remarkable, perhaps, for mechanical genius than any man who ever lived. His celebrated saying in reference to the lever has been in the mouth of every scholar from that to the present age: "Give me (says he) a place to stand upon, and I will move the earth." He was also acquainted, no doubt, with the doctrine of specific gravity, and was thereby enabled to satisfy the King Hiero, of Syracuse, who suspected a workman to whom he had confided the duty of making him a crown of gold, with having adulterated the gold with silver. It is said, while he had the plan under consideration for carrying out the wishes of the King, he was taking a bath, and observing that a volume of water was displaced corresponding with the size of his body, he sprang delightedly from his bath, and running naked into the streets, cried, "*I have found it! I have found it!*"

The most remarkable displays of mechanical skill, however, were in inventing engines of defense and destruction, during the siege of his native city, Syracuse, by the Romans, under Marcellus. These inventions, especially that of burning the Roman ships at a great distance by means of the solar rays, were long deemed incredible, although resting upon the authority of the Roman general. But subsequent improvements in mechanics have demonstrated their practicability, Buffon having invented a burning glass capable of concentrating the solar heat with such power as to ignite wood at a distance of two hundred feet, melt lead and tin at one hundred and twenty feet, and silver at the distance of fifty feet. Of all those engaged in this celebrated siege, the loftiest position in the temple of immortality is that occupied by Archimedes, and purely on account of his remarkable genius for mechanical invention. But with Archimedes the genius of mechanical power was buried; and the world ceased to improve, indeed, retrograded up to the days of Galileo, some nineteen hundred years thereafter.

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Without dwelling in detail upon these interesting subjects, I will ask attention to the condition of the mechanic arts at periods more familiar to our ordinary reading, which will, I hope, be neither uninteresting nor without instruction. We learn from undoubted authority that, in considerable towns in England down to the reign of Elizabeth, “the greater part of the houses had no chimneys; the fire was kindled 248 against the wall, and the smoke found its way out as well as it could by the roof, the door and the windows. The houses were mostly built of wattling, plastered over with clay; the floors were of earth, strewed, in families of distinction, with rushes. The beds were only straw pallets, with a log of wood for a pillow. In this respect, even the King was no better off than his subjects; for in the time of Henry VIII., we find direction ‘to examine every night *the straw of the King's bed*, that no daggers might be concealed therein.’” In the discourse prefixed to *Hollingshed's Chronicle*, published in 1577, the writer speaking of the progress of luxury, mentions three things especially, that were marvellously *altered for the worse* in England: the multitude of chimneys lately erected; the great increase of lodgings; and the exchange of *cream* platters into pewter, and wooden spoons into pewter and tin. To illustrate the condition of clothing in the reign of Elizabeth, I would mention that the Queen “herself never wore any other than cloth hose until the third year of her reign, when she was presented with a pair of black silk-knit stockings, by her silk woman.” The luxury of a linen shirt, says McCulloch, was confined to the highest classes. What a contrast with the condition of things in the present day! Now, in the language of another, the mechanic wears his two hats a year, dresses in broadcloth, robes his wife in silk, makes his boys to rejoice in a plurality of suits, and, in the bridal hour, enables him to hand his daughter to the altar in robes delicate as the spider's web, beautiful in color as the rainbow's hues, and for elegance, such as never, in their grandame's younger days, even Duchesses wore. This mighty change is wrought by the mechanic arts—by skill and science combined.

Contrast the cautious navigation of ancient times—sailing close in shore, never venturing out of sight of land—and that of the present day, which fearlessly dashes into mid-ocean, and finds its way on the pathless deep, with the aid of the compass and the quadrant,

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and, even in bright day, and when surrounded by the zephyr's play, under the barometer's unerring warning, takes in sail and timely prepares for the coming storm. Remember, we are indebted for these vast advantages to the mechanic arts. We are indebted to the union of science and art for the telescope, by which we can count the stars, planets, distances, etc., far beyond the reach of human vision. Earl Rosse has recently constructed a telescope of such mighty power as to enable him to ascertain that the moon, which is about two hundred and forty thousand miles from this earth, is full of lofty mountains, with deep intervening ravines, without water or an atmosphere, and of course uninhabited, at any rate with beings like ourselves.

But it is within the last seventy-five years that mechanical philosophy has made its greatest progress. Chemistry has been subdued to its service. Through natural philosophy the power has been obtained to move and regulate matter; and through chemical philosophy to test and ascertain its component parts. And thus the intelligent mechanic is enabled to work with an advantage and perfection heretofore unknown. It must never be forgotten that matter cannot be destroyed or produced. I will mention a few cases to be found in the common school books, as apt illustrations of the extreme divisibility of which matter is susceptible. A single grain of gold may be hammered by a gold beater until it will cover fifty square inches. Each square inch may be divided into two hundred strips, and each strip into two hundred parts, all of which may be seen with the naked eye; consequently a square inch contains forty thousand visible parts, which, multiplied by fifty, the number of square inches which a grain of gold will make, gives two million parts, which may be seen with the naked eye. It has also been calculated that sixteen ounces of gold, which, in the form of a cube, would not measure one inch and a quarter in its side, will completely gild a quantity of silver wire sufficient to surround the globe. The case of water is still more remarkable; a solid inch of which, with the agency of fire, may be expanded into one thousand seven hundred and twenty solid inches, which, in the absence of heat, will relapse into its original dimension. This remarkable power of divisibility has been seized upon by mechanical philosophy and converted into one of the most valuable agents

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in promoting the comfort and advancing the civilization of man. Mr. Gordon, an English engineer, thus enumerates the uses to which this plastic power is applied:

But this is not a tithe of its present efficiency. Oceans are navigated by its aid with unerring certainty and unwonted speed; continents penetrated by land and water, and the rude purposes of war made still more frightful and destructive. But its conservative and useful character is lost in the hands of carelessness or ignorance; and it then becomes a frightful and destroying monster. It has opened a vast and boundless field to mechanical labor. It is a formidable power, manageable as an infant in the hands of knowledge, but in the hands of ignorance more destructive and devouring than the howling hurricane. Of this we have distressing illustrations in the explosions and casualties which the newspaper press daily report. But I must hurry on.

I shall not dwell upon the properties of matter which the mechanic has to fashion, and with which he should be well acquainted, that he may know the article he is manufacturing will answer the purpose designed.

I shall not dwell upon the six great powers in mechanics—the lever, the screw, the wedge, the pulley, the wheel and axle, and the inclined plane.

I shall not dwell upon those new combinations of existing matter, effected through the agency of chemical science, and a knowledge of which is indispensable to the intelligent mechanic; because this would be more appropriate to works prepared for general instruction than to a popular discourse.

Still, I cannot forbear a few additional illustrations of the wonderful development of the mechanic arts. The production of cotton in the United States was a trifle previous to 1793; in that year it amounted to less than five hundred thousand pounds, the great difficulty in its production arising from the impossibility of cleaning and separating it from its seed with

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sufficient facility. The Edinburgh *Quarterly Review* for July, 1854, p. 123, says, speaking of slave labor:

Mr. Whitney, a Massachusetts man, invented the cotton-gin; and according to this writer, slave labor thereby became profitable; the disposition to emancipate ceased; and cotton rapidly increased in quantity. Nor is this all. It increased to a countless extent the comforts of the world in its various relations; furnishes employment to millions; secures us peace with the great Powers of the earth; and finally has secured for itself the general admission that *cotton is King*. And yet, the fanaticism of Abolition rails at the causes, and takes the benefit of the results.

With the great increase in the supply of cotton came wonderful improvements in the art of manufacturing it; of which I have only time to furnish part of the evidence, in this statement, of its rapidly increasing power of production. Previous to 1823.

It is estimated that the manufacturing power of Great Britain is fully equal to the labor of forty millions of men.

But, Mr. President, I owe an apology for mentioning these illustrations to your intelligent and enlightened association, so much better and fuller known to each and all of you. I have named them with a hope that I might arouse in others a spirit of inquiry, investigation, and knowledge. The American mechanic must have science. He must know that, when he labors, he labors to the best advantage. I know that this is attended with difficulty, but it suits the American character to overcome difficulties. It is related of the great Galileo, who was arraigned before the Inquisition upon a charge of heresy, for maintaining the rotary motion of the earth, etc., that being compelled to recant, he stamped his foot upon the ground, and in a low voice remarked, "she moves, nevertheless." But progress must be made; difficulties must be subdued; and the American mechanic at least "*must know enough of the laws of nature not to attempt impossibilities.*" Dr. Ure states a well-known fact, in his *Philosophy of Manufactures*, that "prodigious sums are wastefully expended

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every year by manufacturers, which would be saved by a more thorough acquaintance with the 250 principles of science and art, which apply to their business.” “Though a man,” says Lord Brougham, “be neither a mechanic nor a peasant, but only has a pot to boil, he is sure to learn from science lessons which will enable him to cook his morsel better, save his fuel, and both vary his dish and improve it.” Judge Story states, in his lecture before the Boston Mechanics' Institute, November, 1829, having had occasion to examine the history of the carding machine of Whittemore, and the nail machine of Perkins, that half of the labors of those extraordinary men would have been saved, if they had been originally instructed in the principles of mechanical science. Fulton's invention of the steamboat was useless for months, from want of science in reference to the resistance of fluids. These cases might be almost indefinitely enlarged; but surely enough has been said to rouse up our mechanics to a determination to acquire all the science necessary to the thorough understanding of their respective crafts or occupations. It is not insisted that a general knowledge of natural philosophy is indispensable, however desirable; but it is insisted, as a *sine qua non*, that the mechanic should have such a knowledge of mechanical philosophy as will enable him thoroughly and scientifically to pursue his particular employment. Such knowledge would be the source of many a happy thought, and the suggestion of many a valuable improvement. To know the philosophy of a thing, why what we are doing is right, and at all times the reason for the faith that is in us is of the greatest importance. It strengthens our self-reliance, elevates our self-respect, expands one's views, and imparts a glow that suffuses itself throughout the moral man. I well recollect that when, alas! many weary years ago, I was under the examination of the late Judge Green, for admission to the bar, he put a question to me, which, answering correctly, he inquired why it was as I stated? and I could not answer him. He then admonished me never to be satisfied until I was fully acquainted with the reasons of the knowledge I might possess. I do not hesitate to declare that this was the most valuable advice I ever received; and has been to me the source of the greatest profit and satisfaction, in my somewhat stormy career. Never, then, strike a blow, nor fashion

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a material, without knowing the scientific reason for so doing; and so well that you can impart those reasons to others.

Be not deterred, my fellow-countrymen, by the difficulties which may beset you. Archimedes was slain while sketching a figure in the sand, on the sea-shore. Copernicus was afraid to publish his astronomical theories until very late in life, receiving his works, as published, in his dying hour. Galileo was arraigned before the Inquisition for daring to proclaim the truth of the Copernican system. The *Scottish Review* presents some curious illustrations of progress under difficulty, which may not be unsuitably introduced here.

Progress Under Difficulty. —The establishment of the Royal Society was opposed because it was asserted that “experimental philosophy was subversive of the Christian faith;” and the readers of Disraeli will remember the telescope and microscope were stigmatized as “atheistical inventions which perverted our organ of sight, and made everything appear in a false light.” So late as 1806, the anti-vaccination society denounced the discovery of vaccination as the “despotic tyranny of forcing cow-pox misery on the innocent babes of the poor—a gross violation of religion, morality, law and humanity.” Learned men gravely printed statements that vaccinated children became “ox-faced;” that abscesses broke out to “indicate sprouting horns;” that the countenance was gradually “transmuted into the visage of a cow, the voice into the bellowing of bulls;” that the character underwent strange mutations from quadrupedan sympathy.” The influence of religion was called in to strengthen the prejudices of ignorance, and the operation was denounced from the pulpit as “diabolical,” as a “tempting of God's providence, and, therefore, a heinous crime;” and its abettors were charged with sorcery and atheism.

When fanners were first introduced to assist in winnowing corn from the chaff by producing artificial currents of air, it was argued that “winds were raised by God alone, and it was irreligious in man to attempt to raise winds for himself and by efforts of his own.” A route has just been successfully opened by Panama between the Atlantic and Pacific. In 1588, a priest named Acosta wrote respecting a proposal then made for this very undertaking, that

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it was his opinion that “human power should not be allowed to cut through the strong and impenetrable bounds which God 251 put between the two oceans, of mountains and iron rocks, which can stand the fury of the raging seas. And if it were possible, it would appear to me very just, that we should fear the vengeance of Heaven, for attempting to improve that which the Creator, in His Almighty will and Providence, has ordained from the creation of the world.” When forks were first introduced into England, some preachers denounced their use “as an insult on Providence, not to touch our meat with our fingers.” Many others plead against the measure of the emancipation of the Jews, that the bill is a direct attempt to controvert the will and word of God, and to revoke his sentence upon the chosen but rebellious people.

But none of those difficulties will be yours. You will be left to the pursuit of your several callings, and there will be none to make you afraid. Go on, then, and fear not. Everywhere American genius is to be found. American invention, in the pistol, the lock, the reaper, etc., bears down all competition at the World's Fairs recently held in London and Paris. Our steamers, in magnificence and speed, are without equals, and our clippers are the wonder of the world. The Russian capital is, we are told, full of American inventions, one of them, a submarine battery or torpedo, for coast defense, having been adopted. Naturalists tell us that the atmosphere is but an aggregation of animalculi—that beauty's lovely cheek—oh! discourteous, ungallant thought—is but the play-ground of countless breathing worms, to make all which plain, a Mr. Hinds, of Ohio, has recently constructed a “compound microscope which, for magnifying power, is not equaled by any in the world. In 1851 he constructed a microscope capable of magnifying objects seventeen million times. The one just completed has a diamond lens, with a power surpassing by nearly two millions that of 1851.”

But the wonders of American genius and invention are admirably summed up by the New York *Mirror*; and I give it, as I find it, entire:

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American Invention and Discovery. —The American is unequalled in genius and aptitude for invention and discovery. From his five hundredth patent wash-tub (each a marvel for its day) up to the electric telegraph, there is no field in which his brain and hand do not distance competition. He has invented and discovered more things to advance general comfort, labor-saving and well-being, than all other representatives of the human race combined. He has not scorned the simple nor been staggered by the intricate and profound. No hint escapes him, no subject is too comprehensive for him. We might cite a volume of bare names of his useful inventions and discoveries. Every household teems with them; every trade and occupation is indebted to them. And yet there is no cessation of his invention. One would think the round of invention must have an end somewhere, and finally run out. It does not appear thus. The Patent Office annually increases its record.

We have seen lately, as a specimen of rare American mechanical genius, a machine, costing not over five hundred dollars, invented by a workingman, which takes hold of a sheet of brass, copper or iron and turns off complete hinges at the rate of a gross in ten minutes—hinges, too, nearer than are made by any other process. Also a machine that takes hold of an iron rod and whips it into perfect bit-pointed screws with wonderful rapidity and by a single process. This is also the invention of a workingman. And both these machines are superior to anything of the kind in the world. No other process of manufacture can compete with them. Yet these are but a fraction of the marvelous inventive triumphs constantly going forward in this country.

A late notable discovery is that of a process for transforming plaster of Paris into marble, pure white, or of whatever grain, and scarcely varying from real marble in weight, while it is impervious to wet and cold, and is susceptible of the highest polish. This discovery has been made by one of our New York artists, Mr. Wallace Wotherspoon, the landscape painter. It has (in its products) been critically examined by leading builders and marble-workers, and pronounced *the* desideratum. Mr. Wotherspoon conceived his idea while sojourning in Italy, and after several months' chemical experiment has fully realized it. It

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will give the sculptor a means of casting his bust or statue in the most perfect counterfeit of marble, while it is adapted for walls and ceilings of dwellings, and will give the builder power to put up the most elaborate mantel and other ornaments at a third of the cost of real marble. In truth plaster of Paris marble promises, like flax-cotton, to create a revolution in a branch of trade and industry.

Science and Art. —Professor Faraday is of the opinion that we are on the verge of important discoveries concerning the nature of physical forces, and their relation to life and physiology. He says that all forces have a similar dual property, and 252 that even gravitation will be ultimately determined to possess it. One force cannot be called into action by electricity without the other, and they are always equal. When the north poles of four magnets are placed together at right angles, so as to form a deep square cell, in the center of that cell there is no magnetic attraction at all. The “northness” and “southness” of a magnet (Professor F. says) takes in curved lines outside, not inside a magnet.

The London *Artizan* mentions an invention for softening horn and rendering it elastic like whalebone. The horns are cleaned, split, opened out and flattened, and impressed for several days in a bath composed of live parts of glycerine and one hundred parts of water. They are then placed in a second bath consisting of three quarts of nitric acid, two quarts of pyroligneous acid, and twelve pounds and a half tannin, five pounds bitartrate of potash, and five pounds sulphate of zinc, with twenty-five gallons of water. After leaving this second bath it will have acquired a suitable degree of flexibility and elasticity to enable it to be used as a substitute for whalebone.

Chemists have found our terraqueous globe made up of sixty-three so-called elements; of these, thirteen are most widely distributed, and of the latter again, one—oxygen—composes about two-thirds of our globe. It is present as a gas in our atmosphere; we drink its liquid as water, and carry it about with us as part of our nerves, our muscles, and our clothing; it feeds our blast furnaces and quenches our fires, while vast stores of it are locked up in the solid rock.

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Common sulphur, when placed in a Florence flask and heated to a certain point, fuses, and the liquid produced by the fusion is a thin pellucid body; applying more heat, it loses its transparency and becomes thick and blackens, at which juncture the flask may be inverted without the liquid coming out. If heated still further, a vapor is given forth, and the sulphur again becomes liquified. Poured in this state into cold water the liquid is no longer yellow and brittle, but has become a substance like India Rubber or Gutta Percha, on which seals and impressions may be and are taken.

Vice Admiral Kreugar, of the Swedish Navy, has invented an instrument by which the force of the winds can be measured with great facility and with the utmost exactitude. By order of the King of Sweden this instrument is exhibited at the Paris Exposition.

The zodiacal light, about which so much is now said in scientific circles, in connection with the important theories lately announced of a nebulous ring around the earth, was first described and named by Canini in 1683. It appears but towards the end of winter, and in spring after sunset, or before his rising in autumn and beginning of winter.

An English mechanic has taken out a patent for certain mechanical improvements or arrangements for supplying steam or other boilers or vessels with water or other fluid, independent of power from the engine, or any separate mechanical source. The apparatus consists of a pair of cylindrical copper vessels, firmly constructed and ingeniously contrived, so as to withstand the pressure of steam.

Messrs. De Roulz and Fontenay, of Paris, have invented an alloy which may be employed for almost all purposes to which silver is usually employed. The improved alloy is composed of silver, copper, and purified nickel, in the following proportions: silver twenty parts, nickel from twenty-five to thirty-one parts, and the rest up to one hundred parts in copper. An alloy is thus produced containing twenty per cent., or thereabouts, of silver, and constituting silver of the third degree of fineness, thus reversing the proportions of the ordinary composition of the second degree; this latter containing eight hundred parts of

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silver, two hundred of alloy, whereas the improved compound contains two hundred parts of silver and eight hundred parts of alloy.

Mr. A. Guthrie, of Chicago, has given an exhibition of an instantaneous method of extinguishing fires by applying strong pressure of air to the water in the common hydrant pipes, so as to direct a great flood at once on the building which takes fire. The necessary force is given to the water by air which is kept constantly in a high state of compression, in a large stationary chamber in some part of the city. This pressure is shut off till an alarm of fire is given by signal or telegraph, when, by simply opening a valve which forms a communication between the air chamber and the street pipe, and attaching hose to the nearest hydrant, streams of water are thrown to any desired spot.

If an observer, provided with slips of bibulous paper which has been dipped in a solution of iodide of potassium and starch, ascend a bill near the sea, while the wind is landward, he will find that the papers suddenly change their tint, becoming blue. This indicates a new chemical agent in the atmosphere, called ozone by its discoverer, Professor Shanbien, to whom we owe also gun-cotton.

The London *Mechanics' Magazine* states that its editor recently saw at the Institution of Civil Engineers, London, a submarine cable for the Atlantic Telegraph Company, 253 which differs from all the other telegraph cables hitherto used. It combines increased conducting powers with a diminution of weight, so that the entire cable for the Atlantic telegraph may be carried in one ship.

It was proved by competent testimony before one of the courts of New York, recently, in examining into the causes of a fire in Maiden Lane, that colored fireworks take fire by spontaneous combustion, unless properly prepared, at certain temperatures of the atmosphere.

Nor is this the only encouragement by far, to cheer on the American mechanic. He is the offspring of a fusion of the energetic and enlightened portion of many nations of the

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earth, and is necessarily blessed with uncommon energy and will. This is powerfully stimulated by our free institutions. The world is open before him, and it is his own fault, to a large extent, if he does not win its honors. A printer's boy of our own country chained the lightning's angry flash, delighted, by the charms of his conversation, the most polished court in Europe, and died beloved by his country and admired by the world, a patriot and a sage. A blacksmith, second only to Washington in the field, often led our revolutionary armies to battle. A shoemaker shared largely in the formation of our Federal Constitution, and enlightened and instructed the august body which formed it. Follow on, then, my fellow-countrymen, in the footsteps of your illustrious predecessors. Remember that it was a maxim of Lord Bacon, that "knowledge is power," and devote every spare moment to study. Shun the haunts of dissipation—avoid low and vicious associations—act upon the maxim of the celebrated John Wesley, "to be always in haste, but never in a hurry" and society will open its arms to receive you—proud homes may be yours—lovely and accomplished women will smile upon you—our legislative halls will be within your reach—and the highest honor of the earth, the Presidency of the United States, may, perchance, be yours.

I speak in no unmeaning compliment, Mr. President and gentlemen of this Institute, when I declare that, next to the owners of the soil, you constitute, and have constituted, the most important, the most reliable, and the most conservative element of each and all of our American communities. Art and science cannot be acquired by a *coup de main*. They are the acquisition of patient, persistent toil. Any great and sudden change of society, from whatever cause proceeding, are so many disturbing agents which threaten mischief, and almost certainly subject you to loss. To be conservative, then, is the law of your condition. The very habit of investigation which the scientific knowledge of your calling requires, will elevate the tone of your feelings and the range of your thoughts, and learn you to appreciate your country, and what is far more important, your God; for I hold it to be absolutely impossible for you to fashion the materials, and scientifically understand them,

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which God has so bountifully supplied for the use of man, without entertaining a profound veneration for His holy name.

Fellow-countrymen, I have laid it down as my rule of life, *to be happy with what I have, and yet with cheerful alacrity to pursue that which I ought to desire*. I have endeavored to impress it upon my children. Excuse me, gentlemen, for commending it to you. Your observance of it will make you happy, useful and valuable men, gentlemen and patriots; and when that day shall come, as come it must and shall, when the name of American citizen shall be a passport and a protection, each of you, my countrymen, may say, with more than Roman pride, wherever your foot may rest, and by whatever danger beset, *I am an American citizen!* and that shall give you peace, and food, and raiment, and safety.

May God bless you, my fellow-citizens; and in this hour of danger to our political covenant, may he still continue his fostering care to our beloved country!

Considered in its application to the husbandry, the cottager looks forth upon the neat paling which fences his dwelling—it was sawed by steam. The spade with which he digs his garden, the rake, the hoe, the pick-ax, the scythe, the sickle—every implement of rural toil which ministers to his necessities are produced by steam. Steam bruises the oil-cake which feeds the farmer's cattle; molds the plowshare 254 share which overturns his fields; forms the shears which clip his flock, and cards, spins and weaves the produce.

Applied to architecture, we find the Briarean arms of the steam-engine ever at work. Stone is cut by it, marble polished, cement ground, mortar mixed, floors sawed, doors planed, chimney-pieces carved, lead rolled for roofs and drawn for gutters, rails formed, gratings and bolts forged, paints ground and mixed, paper made and stained, worsted dyed and carpet wove, mahogany veneered, door-locks ornamented, curtains and furniture made, printed and measured; fringes, tassels, and bell-ropes, chair-covers and chair-nails, bell-wires, linens and blankets, manufactured; china and earthenware turned; glass cut and

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pier-glass formed; the drawing-room, dining-room, kitchen, pantry, closets, etc., all owe to steam their most essential requisites.

Before 1794 it seemed that this species of labor was about to die out in the natural course of events. In three of the northern States it had perished; in five more it lived only upon sufferance; and in the South public sentiment would have abolished it if a feasible way had been proposed. Whitney then invented the cotton-gin; and the export of cotton in 1793, less than five hundred thousand pounds, trebled in 1794, increased to six millions in 1795, reached eighteen millions in 1800, two hundred and eighty millions in 1830, nine hundred and twenty-seven millions in 1850. African bondage became profitable. The planters of Alabama, Mississippi, Georgia and the Carolinas bear the sin before the world; but Liverpool, Lowell, Manchester and New York furnished the money which prolongs and extends the system.

The increasing powers of the steam-loom are shown in the following statement, furnished by a manufacturer:

A very good *hand-weaver*, twenty-five or thirty years of age, will weave *two* pieces of nine-eighths shirting a week.

In 1823 a *steam-loom weaver*, about fifteen years of age, attending two looms, could weave *seven* similar pieces in a week.

In 1826 a *steam-loom weaver*, about fifteen years of age, attending two looms, could weave *twelve* similar pieces in a week; some could weave fifteen pieces.

In 1833 a *steam-loom weaver*, from fifteen to twenty years of age, assisted by a girl about twelve years of age, attending four looms, could weave *eighteen* similar pieces in a week; some could weave *twenty*, pieces.

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The following paper contains a bold and manly expression of the principles and tenets always entertained by the writer; and, although defeated in the great struggle for their maintenance and support, he yet exhibited the unsubdued spirit of one who felt that, he was thrice armed who hath his quarrel just.

It was not addressed to anyone on its face, but manifestly intended for the President of the United States. We insert it as we find it:

I believe that the thirteen British Colonies now constituting States of the American Union were, at the commencement of the Revolution, dependencies of the British Crown, and became, in the language of the Declaration of Independence FREE AND INDEPENDENT STATES. I believe that that celebrated instrument which proclaimed to the world the principles which justified resistance to British aggression in solemnly declaring that it is the right, and is the duty, of a people to throw off their Government 255 when it shall oppress them, clearly and necessarily proclaimed the doctrine of secession; that our successful Revolution established the doctrine as a principle of public law; that such colonies, having become *free and independent States*, are sovereign, neither dependent upon the other; that in associating themselves together their sovereignty was in no wise effected or impaired; that this principle equally applies to the compact between such States known as the Federal Constitution; that Governments have powers but no rights, and can be changed at will by the parties to the compact creating them; that this doctrine, although embodied in the Declaration of Independence, was, out of abundant caution, re-affirmed by many of the States in their several ordinances adopting and ratifying the Constitution; that the people of Virginia, in convention assembled, particularly declared that the powers granted in the Constitution *may be resumed by them whensoever the same may be perverted to their injury and oppression*; that this doctrine was again solemnly proclaimed by the Virginia Legislature in the celebrated report and resolutions of Mr. Madison, and in the Kentucky resolutions drawn by Mr. Jefferson, which celebrated papers constituted, for many years, the text book of the Democratic party, on questions

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of Federal power; that those principles were taught to the people of Virginia, from the Hustings and their schools and colleges, and was their received doctrine; that it was approved by a large majority of the American people, as evinced in the triumphant election of its great expounders, Jefferson, Madison and others, during much the larger portion of our political existence; that this was the common sentiment of Virginia on the 17th of April, 1861; that the continual agitation of the slavery question, commencing with the first session of Congress and growing daily in extent and intensity; the unequal and oppressive policy of a protective tariff; the refusal to permit the slave-holding States to share, without restriction, the common patrimony of the Union, followed up by the election of a sectional candidate to the Presidency, and the proclamation of the President so elected, calling for 75,000 men to dragoon sovereign States into submission, notwithstanding the direct refusal of the convention to put that power in the Constitution, painfully impressed the people of Virginia with the conviction that the time had come when it was "their right," as it was "their duty" to throw off the government, which, in their judgment, was perverted to their injury and oppression.

It is not my purpose to discuss these principles; my only object is to state the grounds upon which Virginia felt herself bound to withdraw from the Federal Union, and to claim from all her sons the allegiance which they had been taught was due to her. Nor is this all. The principles of our revolution, universally recognized among us as unquestionable, inspired us with a general sympathy for all peoples struggling for liberty and independence.

It was with difficulty that President Washington could prevent our infant Republic from taking part in the French Revolution. We were the first power, I believe, to recognize the struggling republics of Spanish America, and we were prompt to extend sympathy and material aid to the distant people of Greece, engaged in a violent effort to free themselves from the grasp of the Turk.

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It was not believed that the seceding States could be otherwise than objects of sympathy and interest with the other States of the Union—neighbors, speaking a common language, in many respects with similar institutions—bound together by many ties, and only differing on questions of public policy, no one believed that we could be objects of less interest and regard than the Frenchman, the Hibrids of Spanish America, and the degenerate Greek.

With the right proclaimed in the Declaration of Independence, and with the sympathy universally expressed by our people for all peoples struggling to establish their liberty and independence; but few believed that the right we claimed would be seriously denied to us. But in this we have been sadly disappointed. A cruel war has been waged against us; our best and bravest sons have died upon the field of battle, or have perished in the prisons in which they were confined; one-half of 256 our wealth has been taken from us by the emancipation of our slaves, who have been turned loose among us; our farms have been devastated; our other property, to great extent, destroyed, and our houses, which sheltered our wives and children, have, in thousands of instances, been burned to the ground; and it is not too much to say, that of all our wealth, two-thirds have been destroyed in this unexpected and bloody war.

And we are denied the right of self-government, and the sympathy expressed for every other people is not only denied to us, but is superseded by fierce and bitter feelings of hatred and revenge.

Finding ourselves thus disappointed in being denied rights we had been taught were “unalienable,” standing alone in the world without human sympathy or assistance, and deeply indignant at the conduct of France and England, our soldiers determined to end the war, and our people, in general, to acquiesce in it.

It was not believed that, in the face of what they considered their undoubted rights and with their knowledge of the sympathy uniformly accorded to every other people struggling as we have done, there could be any disposition to increase the flow of blood or still further

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extend the ruin and confiscation of property, especially as we were and are chained as members of the American Union and consequently entitled to all the privileges of American citizens.

If we are to be members of a common brotherhood, if we are to be united as members of the American Union, if we are to be regarded as necessary to the construction of a gigantic nationality, I implore you, Mr. President, to exert your great power and influence to heal the wounds, soothe the passions and remove the prejudices which now exist and which, if allowed to continue, will make the seceded States a source of weakness, rather than of strength to the American Union.

My personal interest is but slight; confiscation can do me but little harm, and death itself could but briefly anticipate that period, which, according to the course of nature, I must soon attain; but, having resolved, in common with the rest of my fellow-citizens, in good faith to aid in restoring our past relations to the Federal Union as far as practicable, I sincerely desire that no policy shall find favor with your Excellency, inconsistent with the accomplishment of this great and patriotic purpose.

I pray your Excellency, to remember in this connection, that the people of the seceded States did not act without deep conviction of the right to do as they have done; that the disastrous termination of their efforts for liberty and independence has not convinced them that they were in error in the efforts they have made, and that they now only submit to a necessity which they have no power to resist. The death or the confiscation of the property of the father of a family are not likely to convince his children of error and to make them good and loyal citizens.

I deem it due to myself to declare that the foregoing positions and opinions are those in which I believe. Accepting re-construction as a necessity since the surrender of General Lee, I have borne myself in such a way as to promote and not obstruct it.

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Such influence as I possessed has been uniformly exerted for the pacification of the State. Governor Pierpont, having been placed at the head of the civil power of the State, will find no factious opposition from any of the people; he will certainly have none from me.

When Richmond was evacuated, I left the State property in large amounts, and the State buildings in charge of agents and uninjured.

Deeming that my allegiance was due to Virginia, I recognized her right to my services, and, although long past the military age, entered her military service, from which I was transferred to that of the Confederate States.

Elected by her people, from the camp, as their chief magistrate, I resigned my position in the field and assumed the civil duties thus assigned me.

In the various capacities in which I have served, I am not aware that the United States authorities, civil or military, have ever charged me with harshness or oppression. I know they could not truly do so.

William Smith.

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We insert the following extracts from a letter written by Governor Smith, a few years after the war, to an old and tried friend of the same principles, because they seem to embody in clear and cogent terms, the fundamental tenets of his political faith, which he ever followed from early manhood with an unfaltering step to the day of his death.

Warrenton, Va., August 28th, 1873.

Colonel John A. Parker:

My Dear Sir —You have known me long and are familiar with my public record. I have always regarded office as a public trust, and not as private property, to be exercised for

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the benefit of those who conferred it, and not for the benefit of the incumbent. Admonished by all history that "power is continually stealing from the many to the few," I was early taught and have ever believed, that in politics the most essential and eminent virtue in the citizen, was jealousy of power. Hence, I have always denied to government the exercise of any power not clearly granted; hence, I have always maintained that doubtful powers should belong alone to the people; hence, I have always earnestly maintained that the only way to enlarge the powers of the Federal Government was by express grant, in the mode and manner as provided in the constitution, and hence I have always repudiated the whole system of implied powers, as certainly fatal to constitutional government as death is to that which lives. These doctrines are not new; they are the teachings of our honest and patriotic fathers. Guided by them, I have never had to give up an opinion. Neither the wording of General Jackson's celebrated proclamation, nor the *inland sea doctrine* of Mr. Calhoun misled me. And most assuredly I will not submit to, but will raise my warning voice against the alarming doctrine of Mr. — as promulged in his late speech at a ratification meeting in Richmond. You may ask why all this? I answer, shall we abandon the truth because it is crushed to the earth? Shall we give up the great plan of Christian redemption, because, after 1873 years of effort, the Devil is still roaring over the earth seeking whom he may devour? No, sir, no; we must cherish the hope that truth, though crushed to earth, will rise again and cry aloud and spare not. But, my dear sir, there are other reasons for what I have said. I wish to recall your attention to my past record and to my present opinions.

Again, I was, in 1847, Governor of our State. A Senator for the United States Senate had to be elected. The caucus, as customary, met to select a candidate. The Democratic party was divided between the straight-out and Calhoun Democracy, the latter only twenty-eight in number. When the caucus was organized, the Calhoun wing of the Democracy offered, in substance, the following:

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Resolved, That the nominee of this caucus must have a majority of the whole Democratic vote of the Legislature whether present or absent.

This resolution being unusual and being manifestly aimed at me, I was consulted as to the propriety of its adoption. I earnestly advised that it should pass, and without division, and it was done. Thereupon the Calhoun Democracy withdrew. The business then in order being the selection of a candidate to be put in nomination the next day for the Senate, was called up. I was presented to the caucus, and not only got the majority required by the resolution, but had seven votes more than necessary. Next day the election came off. I had been selected by the caucus under unusual requirements, and ought to have been elected upon the final vote. The Whigs were opposed to me from a disposition to cross the Democratic party, and was aroused because of my superior activity and efficiency in party matters. Mr. — *consented to run against the nominee of his own party*. Accordingly *he* was put in nomination by the Calhoun ring of the Democracy, and I, the nominee, was put in nomination by the straight-out Democracy. The result was as anticipated. 258 — was elected after the struggle of a day, not by his party friends, but by his enemies. * * * * *

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At a time when the powers of the Federal Government have been fearfully increased by constitutional amendments and habitual usurpation; at a time when corruption in the highest places stalks unblushingly through the land; when public office, even that of a Senator, is openly bought and sold; when Congress, in its whirlpool varacity is swallowing the *tripartite* diversions of our Federal system, and rapidly forming in line thereof a great central despotism, — surrenders. Surely there never was a time in our whole history when it was more plainly our duty to watch power with lynx-eyed jealousy than now, and to restrict it to its clearly defined grants. Without this sacred and patriotic duty is boldly and wisely performed, Constitutional government will soon be no more. Despotism, in the form of an oligarchy, the worst of all governments, inevitable, and our ruin and desolation certain. And at such a time as this, Mr. — talks of the inland sea doctrine of Mr. Calhoun,

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his well-known bid for the Presidency, and at the time, a subject of very general ridicule; of the Pacific Railroad, with all its vast corruption staring him in the face, in approval and in support thereof, tells us what Greece might have been under the policy he now favors, and what the Jews did under the press of Roman power; in fact, renounces the school in which he was taught, and abandons the doctrines of his life; manifestly, has surrendered to circumstances of which he so much speaks, instead of locking shields with you and I and the thousands of Virginians, who would gladly unite with us, and bravely breasting the current of misgovernment and injustice, which has swept away so much that we have cherished, endeavor to save that which remains. Alas, how few can resist temptation! How many are ready to “crook the pregnant hinges of the knee that thrift may follow fanning.”

As to myself, you and yours know me. My political career, I may say, commenced in Rockingham. It was there, in an encounter with Judge Baldwin, I won my spurs, and made a name which forced me into a six month' canvass. For thirty-six years, with intervals, I have been in the public service. I have, I repeat, always regarded office as a *public trust, and not as private property*, to be exercised for the benefit of the people who gave it, and not for the benefit of him upon whom it was conferred. Acting up to this view of duty, I have never been found fault with by my constituents. No one has questioned my integrity in office, and no one, my devotion to the principles of the Constitution as taught in Mr. Madison's celebrated report. And, I think, I may fairly claim that I am fully up to Mr. Jefferson's famous test of fitness for office: “Is he honest, is he capable, is he faithful to the Constitution? * * * * *

I am, my dear sir, most truly yours, William Smith.

We also append an extract from a letter to a friend who has written him as late as 1885, asking his opinion of the rapid strides the general government was making to centralism and the absorption of the rights of the States.

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Unfortunately the letter abruptly terminates, and was not resumed so far as can be ascertained. But as far as it goes it will interest his old Democratic and State Rights contemporaries 259 who so often heard him in Congress and on the Hustings enunciate just such views:

Warrenton, Va., October 16th, 1885.

To L. C. M., Esq.:

My Dear Sir—I duly received your esteemed favor of the 12th inst., and, although I write with great labor and difficulty, I will not longer delay my reply, although I am much pressed by my other correspondence, and although it may take me the whole day, as it will.

I recollect the incidents in my history to which you refer, with more or less distinctness, and your reference to them induces much of what follows. I settled at Culpeper Court House in August, 1818, to practice law, and not twenty-one years of age until the 6th day of September following. About the latter part of August I was taken sick, and did not recover so as to attend to business until the latter part of October, when I went over to Fauquier County Court, then, as now, the fourth Monday of the month. Being a man of strong convictions and fearless in maintaining them, I soon took part in politics. I could not see how our systems of State and Federal Governments could be fairly misconstrued. The line of separation between them was plain, manifest, intended, provided for. All the powers of government which could be exercised *as well* by the States were State powers; while the general policy was to give to the Federal Government, as the agents of the States, only those general powers which the States could not as well exercise separately; as for instance, to regulate our intercourse with foreign nations and among the several States, to raise revenue, to raise an army, to coin money and regulate the value thereof, to establish post-offices and post roads, etc. But as the Federal Government had no existence until 1789, when it was created, and can have no power except what was granted, and as the powers not granted are reserved to the States or to the people

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thereof, it is plain there can be no enlargement of the powers of the Constitution by implication, or usurpation, or precedent, or construction, or in any other way than that provided for by the Constitution. [See 5th Article thereof; you will find it in the Va. Code of 1860, page 21, and in Va. Code of 1873, page 40.] I refer you to these books because I wish you to see the Federal Constitution, which you will find in both of them, and which, in providing by the article quoted for its own amendment, necessarily forbids all other modes of so doing; and because you probably have or can easily procure one or the other of them. You cannot fail to see that our ancestors who penned the Constitution meant that their work should not be readily changed. You cannot fail to be struck with the jealous watchfulness with which our noble patriots endeavored to protect their precious work, the Constitution. Even Congress *cannot* submit amendments to the Constitution to the people for adoption without the concurrence of two-thirds of both Houses, or even to call a convention upon the application of two-thirds of the States, to consider of amendments, and when agreed upon in convention they only become a part of the Constitution, after being submitted to all the States of the Union and receiving the approval, by adoption, of three-fourths of them. Washington, in his farewell address, dated 17th of September, 1796, touches this subject and says: “ *If, in the opinion of the people, the distribution and modification of the Constitutional powers be, in any particular, wrong, let it be corrected in the way the Constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield.* ” At this time Washington knew that there was a great party in the country and cotemperaneous with his administration. In 1789, under the leadership of Alexander Hamilton, who did not believe in the capacity of the people to govern themselves, who wanted a monarchy, failing in which, by the adoption of the Constitution, they determined to strengthen the government by every practicable “usurpation.” This party was practically in power, from the adoption of the Constitution 260 until ousted by Mr. Jefferson, in 1801. Nor was this all. To satisfy the fears of the people and to induce

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them to adopt the Constitution, it was by common understanding, agreed that sundry amendments should, without delay, be made thereto. This was done, and the tenth of them reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This, with nine other amendments, all having the same end in view, was submitted by Congress at its first session under the Constitution to the States for adoption, which they unanimously adopted and so became a part of the Constitution. You cannot fail to see in the fifth Article that it was the policy of the Constitution to make it difficult to change it, and in that Article and in the amendment quoted, a great jealousy of Federal power and a clear purpose to confine the Federal Government to the undoubted power, is, beyond all question, demonstrated. Had the government, from the start, confined itself to the exercise of the clearly granted powers, we should have had none of that strife and bitterness which has characterized the first century of our political existence. Unfortunately our first twelve years of government were practically in the hands of those unfriendly to a government of the people. Hamilton was an able and patriotic man and a favorite of Washington, but he was an avowed monarchist. He wished our Constitution modeled after that of Great Britain, and being disappointed in this, by the adoption of our Constitution, he could but see that the fifth Article thereof precluded all hope of ingrafting his views thereon by way of amendment thereto. He saw that his only chance of increasing the powers of the Federal Government was by construction, by "usurpation," as Washington termed it.

SOME LETTERS.

General D. H. Hill:

On the morning of the battle of the Seven Pines, Colonel Anderson's brigade, of which Colonel Smith's 49th Virginia Volunteers was a part, was ordered to move by the flank, and at regimental distance, to relieve General Garland, then engaged with the enemy. On reaching the formidable *abattis*, lying on north of the Williamsburg Road, we found he had been routed and dispersed. Galloping up to Colonel Smith, he informed him that

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his brigade had been cut to pieces, and urged him to put in. Order soon came to keep to the left of the Road, and to the fort forward march. The 49th moved steadily forward through the *abattis*, before referred to, accompanied for an hour or so by General Garland, who, every now and then, would cry out in admiration of the regiment, "What tigers!" "what tigers!" When near the fort, on the Williamsburg Road an incident occurred which should be preserved. As Colonel Smith was picking his way through the *abattis*, he found Sergeant Scruggs, of Amherst, lying at the foot of a huge stump, badly wounded; he said to him, "ah, Scruggs, my dear fellow, I am sorry to see you in such a fix." "Yes, Colonel, he replied, "I am badly hurt, *but don't take anyone out of the ranks for me. As soon, however, as the fight is over, hunt me up, and take care of me;*" and it was done. In three months he returned to duty; and is now at home, it is hoped, prosperous and happy.

Another circumstance connected with the gallant soldier, as it illustrates how small the difference sometimes between life and death, may not be omitted. When he fell, it was at the foot of a huge pine stump, his feet higher than his head. This inconvenient position he endeavored to obviate as far as practicable, by putting his hand under his head. He had hardly done so, before a shot from the fort passed between his skull and fingers, wounding both, but neither seriously. But for the slight elevation of the head his death would have been inevitable.

Another incident of the same battle, it may not be amiss to mention. During the steady advance of the 49th, at the bloodiest crisis of the battle, Colonel Smith discovered 261 a regimental battle flag before him. Supposing it might be his own, and resolved not to abandon it, he called loudly for one of his men to take it; but unable to make himself heard in consequence of the confusion and noise of the battle, he called to his Adjutant to bring it to him, and he would bear it. This was done, and the Colonel bore it a considerable time, until he received a positive order to give it up. Several persons were present when the order was delivered, and among them a bright, gallant looking youth, who thus addressed the Colonel: "Colonel, I have heard the order you have just received; I belong to the Florida regiment, of Garland's brigade, which has been dispersed to-day. I beg leave

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to join your command for this fight, and ask the favor of bearing that flag in front of your regiment, which I pledge myself to do, so long as life shall last." The Colonel looked at him a moment, and then handed him the flag without a word. The noble boy received it; pushed rapidly to the front, where he found the regimental flag still born aloft by the last of the color-guard. And thus the Veteran regiment finished its glorious day's work, with two flags flying at its front. It is much to be regretted, that the name of the brave young soldier should have escaped us, as it would afford us much satisfaction to give it to the public. It may not be amiss to add, that the 49th went into action 440 strong and lost 55 per cent. of its number; that its color-guard consisted of eight, all of whom were killed or wounded, the last of whom refused to quit the field or relinquish his flag, but, who unhappily died of his wound. And that you, General, under whose eyes it fought, a few days afterwards had it restored, and in the most flattering terms expressed your approbation of their conduct, on that bloody day.*

* The above letter was found among the Governor's papers (Letter Press Book) unsealed and unsigned; but is a faithful delineation of the remarkable incident referred to in his letters to General Doniphan, of Missouri, which was lost in the fire at Culpeper, before mentioned. [See illustration No. 9 in the body of this volume.—J. W. B.]

Warrenton, Va., October 28, 1866.

Dear . . . Texa —I was gratified to hear of you by your letter of the 17th inst., received on yesterday, but greatly mortified to hear so little of yourself, your prospects, your family, and your present condition. You gave in lieu, however, your political views somewhat at large; and such views! I could not have believed it. What, become the panderers of our deadly enemies—do the work of our own degradation and dishonor? By the God that made me, "I would sooner be a dog and bay the moon, than such a Roman."

Our army terminated the war. Badly fed, and aware that our country was greatly exhausted, and putting faith in the off-repeated declaration of President Lincoln and

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Congress, and I may say every organ of public sentiment in the United States, that all they were fighting for was the preservation of their Union, they threw down their arms. At once, the purpose of our enemies was disclosed; new terms were imposed, and the Southern States *hastened* to accept them. Was the Union restored then? No, the Freedman's Bureau bill and the Civil Rights bill followed in quick succession; now the Constitutional amendment, which you propose to accept, is passed and offered to us by Congress. Would its adoption by us, secure oblivion for the past and our restoration to our constitutional rights? There is no such pledge in the bill, and we are warned by leading Radicals that still further conditions will be imposed. I say, that our character, our chivalry, our manhood, alike, forbid us from becoming the voluntary instrument in the work of our own degradation. Power may crush us, but we will not be the vile thing to do our own dishonor. As to President Johnson, Virginia feels grateful to him for what he has done; not that he has done all that she wished, but that he has done so much more than she expected, that she would be unreasonable to complain of what he has omitted. She regards him as the breakwater against which the mad waves of fanaticism have burst in vain, and by which, the South has been saved from desolation; and satisfied that he will do all 262 he can in the future, she is disposed, not to embarrass him by her distrust, but to strengthen him by her confidence. Such is Virginia, and in her views I participate.

It may not be amiss for me to send you an extract from a letter I recently addressed to a friend. "The signs are indeed most ominous. We are threatened by the Radical party, with confiscation and death, and the Conservative party of the country seem to be wanting in the spirit and strength necessary to prevent it. Shall we yield ourselves, like sheep to the slaughter, or if necessary, die like men, in protecting ourselves, and in vindicating the eternal right of self-government against the most brutal and vindictive tyranny recorded in the annals of civilization. For my part, I have no difficulty. I shall do, as I hope, I ever have done, manfully performing my whole duty."

Again, I say in conclusion, my wish is to make my farm a model one; and there, in quiet usefulness float down the stream of time, to "that bourn, whence no traveler returns."

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And I confess I view with regret, the prospect of having this quiet and unpretending life so congenial to my age, broken in upon by the rude shock of war. May God in His mercy, pass this cup from our lips. I have presented you my views—they are those of our family and of my beloved State, and you cannot, must not prove recreant to them.

William Smith.

Monte Rosa, Va., March 7, 1867.

Thomas Meehan, Esq.:

Dear Sir —I am really obliged to you for your kind, but cautious favor of the 4th inst., received on yesterday. I do not propose to make or discuss issues; but in looking over my paper to-day, I found a resolution of Congress which, being appropriate by way of reply, to one of your positions, I send you. The same purpose was proclaimed at other times by Congress and by President Lincoln, and at the surrender by Generals Grant and Sherman. Should not a great power preserve its faith inviolate?

But the only working questions are two: 1st. Is Virginia a State? if so, it must be admitted that she is entitled to the protection of the Constitution. If not a State but conquered Territory, why not dictate terms and impose them? why call upon us to do our own dishonor? We might quickly submit to the government imposed by our conquerors; but to require us, who have no rights, to do the work of our own degradation is a refinement of cruelty, without precedent, and we think without excuse. New York has rejected the Constitutional Amendment; Massachusetts has declined to act upon it; Ohio, by an overwhelming vote, refused to strike the word "white" from her Constitution; other States (loyal) retain words denying negro equality. And, yet, we commit an unpardonable crime for adhering to the same policy; and the representatives of the States referred to unite in hunting us to the death for it. But enough of this.

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A few words more. Look to the resolution I enclose you, and see *where we are now*. The balance of the policy of the Radical leaders is already proclaimed to be confiscation and death; and you will see some such scheme presented to Congress during its present session; and if it becomes a law, what then? I am in my 70th year. I have a nice home and a farm of 225 acres—all I care for. I want quiet, repose, and safety for life and property. We will acquiesce, I believe in any honest government which will secure these objects, that power may put upon us, even a military government. *But it would be the act of power, not our own*. You say, one thing I know is a fact, “that the vast majority of the Northern people do not want to oppress the South.” Then I say, your people must act, and act promptly, for I see no hope in your politicians. May God in His mercy dissipate the vision of ruin, desolation and blood which looms up before us; in place thereof give us Safety, Prosperity, and Peace.

I am, my dear sir, most truly and sincerely yours, William Smith.

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Warrenton Va., March 9th, 1867.

Dear Governor —I have your esteemed favor of the 26th inst., and note its sentiments with great satisfaction. But I earnestly advise you against your views, at present, in this direction. I would not advise you even to purchase a farm here, as I am now looking tearfully, for a state of horrible anarchy among us. Sherman's bill was thought to be intolerable; but Mr. Sumner's bill, which proposes to confirm suffrage to our negroes and a few white men, to be found here and there, called “loyal” means to put the government of the State in the hands of the minor and least intelligent of our population. The family of Washington, who conquered the mother country and secured the liberty and independence of his country; the decendants of Jefferson, the author of the Declaration of Independence, the embodiment of the immortal principles (so shamefully disregarded in our recent struggle) upon which we justified to the world, our resolution; the family of Madison, the great expounder of the Constitution, and the decendants of Patrick Henry,

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who set the revolutionary ball in motion by his matchless eloquence, and especially his soul-stirring, and at the time, inspiring cry of "Give me Liberty or give me Death," with a host of others scarcely less known to fame, all such are to be subordinates to the ignorant negro and to the vagrant few, and with not more than a dozen exceptions, most worthless and corrupt of our whites. This is a Republican government with a vengeance; and imposed upon us, by States, which within themselves, as in your State, utterly repudiate negro equality. There must be a God, and if it be true as we are told, that He has declared or proclaimed, that, "Vengeance is mine," then such outrages and injustice must provoke His wrath; and the wrong-doer will be visited by condign punishment.

Yours most truly, William Smith.

Warrenton, Va., April 17, 1869.

L. R. S., Esq.:

My Dear Sir —Having been from home for ten days, yours of the 5th inst, has remained unanswered. In reply now, I have to inform you that you are not a security for the debt referred to in your letter. I see it intimated in various ways that we are to abandon our organization, and take part in the existing Radical split. I trust we shall be spared this most foul and atrocious degradation. What are we to gain by it? At the best, Radical supremacy, in a form somewhat less obnoxious, that is, the striking out of certain provisions of the Underwood Constitution. But this, according to all rational calculation is certain, and with a Radical split *inevitable*. We shall positively gain nothing by it but humiliation and shame. I therefore insist upon it, that we preserve our organization, and run the candidates we have heretofore selected and announced. It matters not that some of them are ineligible —that Congress has reserved the power, and will not ratify the election of our candidates. *That may be*, but the Constitution, as modified, will be adopted; and if administered by minority candidates, put in by act of Congress, we shall have exalted and burnished the name of our State; consolidated the sentiments of our people, and given a new impulse

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to the opinions and right feelings of the North, which, although slowly, is working for our deliverance. But it is by no means certain that Congress would reject our officers or refuse to relieve them of their disabilities. The iron policy of Radicalism is relaxing, and opinions in high places, and from influential sources, in favor of the removal of all disabilities from all our people are openly proclaimed; let us then, quietly, but firmly, and with dignity perform our duties. The good sense of the American people cannot sleep forever; and they must tolerate, indeed admire that sublime crime which, after all, was but the struggle of a noble race for their liberty and independence. For God's sake, do what you can to preserve our organization. In mercy save us from the deep damnation of becoming a party to a Radical split. For one, I am determined to save our dear old mother, as much as I can, the shame and infamy of the threatened sacrifice; and if no other be announced, I will at the proper time announce myself her candidate for Governor.

In haste, yours truly, William Smith.

Warrenton, Va., June 10, 1869.

R. T. Daniel, Esq., Chairman, Ex. Com., Richmond:

Dear Sir —Yours of the 9th was received last night, suggesting a visit to Rockbridge. I should be much gratified to speak in that county on the 25th, as I would like to be at the supper given by W. C., on the 24th, if my dear sick wife can get away to the Springs by so early a day, as I wish to accompany her, that I may see her made comfortable. But, my dear sir, can it be made necessary to go to Rockbridge? I know not how to think so. What does Governor Letcher and other true and able men mean? The duty of every man of intelligence and position in the present fearful crisis, the most fearful Virginia has ever known, scorns a cause for indifference, even! Achilles in his tent is an example to be shunned, not followed.

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I go to Manassas on the 12th inst., and Carolina 14th, Fredricksburg 15th, Stafford 16th, King George 17th Alexandria, to Convention, 18th, Madison 19th inst., and will write you further about Rockbridge.

In haste, yours truly, William Smith.

Warrenton, Va., June 22, 1869.

R. R. Collier, Esq., Petersburg, Va.

My Dear Sir —On returning home on Sunday, having fulfilled numerous engagements to speak to my fellow citizens, on the life and death struggle in which they are engaged, I found several of your letters, and among them, one of the 12th inst., insisting upon my views in opposition to the so-called Underwood Constitution. In reply, you will please accept what follows as the result of my best reflections:

I must remark that no true man should ever despair of the Republic. That no one can be held responsible for disregard of principle, or inconsistency of conduct in the course he may pursue in the exigency which is upon us, provided in what he does he aims to promote the best interest of his State. In no sense a free agent, nothing of our choice, only acting within the narrow limit accorded to us, we are hound to do whatever tends to better our condition, even that, in such moderation as not to offend our task masters, It was negligence, principle, *if it may be so called*, and despair, which induced our people to abandon the late State Convention to the most wretched and ignorant combination that ever undertook to form the organic laws of a State. And the *abomination*, which is soon to be voted on, is what might have been, in substance, expected. Our military government was a very different thing at one time from what it is at present. Then our military government sincerely disposed, as I varily believe, to secure us a good government; rarely made an appointment, if at all, unless he believed his appointee was competent. But since the joint resolution of Congress (I believe it was), dissolving our civil government, the

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practice has been, to a great extent, otherwise. Look at our present Court of Appeals—a court of the last resort. Supreme over the rights of persons and property, composed of strangers to our people and our laws, one of whom at least, is believed to be so utterly deficient in a knowledge of the commonest principles of jurisprudence that he could not procure, from three Virginia judges, a license to practice law. Look around you, into town and country, and you will see the Bench, everywhere similarly occupied. The monuments of our estates and the records of our courts, dusty with years of watchful custody, likewise confided to strangers. Even our revenues, the hard earnings of an impoverished people; in short, the offices of Virginia, heretofore held by men of worth and fitness, are now merely a *lure* to 265 the needy adventurer from other States, and the greedy and mercenary of our own. It requires no seer, my old friend, to foretell the consequences of such a state of things as this. It is so plain, that “he who runs may read.” Alas, my country! Now, ought we not do whatever we can to save our State from that tide of corruption which is setting upon us, and threatening, with sure destruction, all that we have been taught to reverence, to cherish, and to hope for! Undoubtedly our Military government is far, far preferable to the dreadful government, the proposed constitution unaltered, would give us; but it cannot be comparable to a State government, under the proposed *expurgated constitution and which being under our control*, we can at once proceed to amend, at pleasure. Nor is this all; such a State organization would relieve us from Congress—a hard task master, in whose justice, past experience will not allow us, for a moment, to trust. You cannot wonder then, that my first greatest effort has been to secure the rejection of the disfranchisement test oath, provisions of the proposed constitution and that I have said but little about it; rectification or rejection, satisfied that without any advice from me, it will be the pleasure of the people to put it through, thus amended, by a large majority.

I thus write in haste and labor. Wherever I have been, all is well; and I look for a complete victory on the 6th of July next. Let us, I implore you, to unite our labors to save our grand old State.

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Truly your friend, William Smith.

Warrenton, Va., August 27th, 1869.

B. F. Berkley, Esq.:

My Dear Sir —I am in receipt of your favor of the 26th inst., asking that I would put in writing the views I recently expressed to you in conversation on the cars, as to the propriety of requiring the recently-elected members of our Legislature to take the test oath. But as I am satisfied that the Federal authorities will not exact the oath of our members, and as far too much, in my judgment, has been said and written, I may say, for the country's good, about it, I much question the propriety of giving my views in the way you suggest, and thereby protracting a discussion which should never have commenced, or which, at any rate, should have long since ceased. As, however, you think otherwise and are pleased to say my opinions are original, I yield my doubts, and now give them to you for whatever disposition you may prefer.

Congress claims the power to reconstruct Virginia, and being omnipotent at present, exercises it. The form of a Constitution for Virginia having been agreed upon in the convention of 1867–8, and it being unnecessary to submit it to a vote of the people it was, for some causes, delayed until Congress took up the subject, and by act passed in March last, I think, conferred upon the President the power to order a vote upon said Constitution as a whole or in part. I choose to be particular and therefore give the whole of the first section of said act, which reads as follows:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States, at such time as he may deem best, may submit the Constitution, which was prepared by the convention which met in Richmond, Va., Tuesday, the 3d day of December, 1867, to the registered voters of said State for ratification or rejection, and may also submit to a separate vote

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such provisions of said Constitution as he may deem best, such vote to be taken upon each of said provisions, or in connection with the other portions of said Constitution, as the President may direct." The act of which the section given was a part, was passed, as you are aware, at the instance of the President himself, that he might give to the people of the State a chance for a Constitution under which they might be able to live by rejecting from the proposed Constitution certain obnoxious provisions, universally condemned by all just and enlightened minds. These provisions were the fourth clause of the First Section of the Third Article, and the Sixth Section thereof. The first denied to some of our most enlightened citizens 266 the right of suffrage, and the second excluded all the citizens of the State from the offices thereof who could not take the following oath. (I prefer to give it here, as it may not be within your reach):

"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, etc.; * * * * that I have never sought 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 the obligation freely, without any mental reservation or put. pose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter."

General Grant called the attention of Congress to these clauses and submitted them for a special vote of our people, that they might reject them from the Constitution if they saw fit, which was done by an immense majority and the Constitution they expurgated was adopted almost unanimously, as the organic law of the State. By the Constitution they adopted, all male citizens of the United States, with a few qualifications and exceptions,

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are entitled to vote and to hold office, and only required, from those taking office, the following oath:

“I, —, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of — to the best of my ability. So help me God.”

With the powers of the State in the hands of the people they were reconciled to the oath, and also to the Constitution as adopted, inasmuch as they had the power to amend it. But just before the election and when we were lulling in the comfortable assurance that we would be able to get possession of our State, and too late to change our programme, it is announced that General Canby will require the members-elect of the Legislature to take the test oath. It may not be amiss to copy it for you.

“I, —, of the county of — and State of —, 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, counsel or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted, nor attempted to exercise, the functions of any office whatsoever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded any voluntary support to any pretended government authority, power or Constitution within the United States 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 reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

General Schofield appeared in the convention after *the test oath* had been adopted by that body, and in a speech endeavored, in vain, to get it reconsidered, so monstrous did he

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regard it. The President so regarding it, brought it to the attention of Congress, and that body gave him the power to submit it, for adoption or rejection, to our people, who, by an immense vote, rejected it from the Constitution. It is also well-known that the President was opposed to its adoption; and that as to the other States similarly situated, he forbid the application of the *test oath* to their functionaries. Can it then be believed that he will permit, much more coerce, its application to those of Virginia.? It must not escape your attention that *the test oath*, so heavily rejected at the late election, is a transcript of that of the act of 1862. I have given them to you that you may compare them. And, that which is submitted to the people for a separate vote, to be rejected if they please. General Canby had proclaimed, although rejected from the State Constitution, he would exact it from our State officials under the act of Congress. The positive and undeniable effect of which will be, to defeat the choice of our legally recognized voters and to compell us either to hunt for young men, barely of age, without knowledge of men and government, or to yield the State to an utterly ignorant and depraved minority. Our Legislature is almost entirely composed of new men, and it is said, has only a few members in it who were ever in a Legislative body before. And all this, too, when the gravest duties of government requiring *par excellence*, integrity, knowledge of the wants of the people and ripe experience in the affairs of State, are, especially necessary, a new system of government, to which the people have never been accustomed and which, in many respects, they are known to be strongly opposed, having to be inaugurated. We can but expect a wretched job when it is left to apprentices and the *master-builders* are away. It has been said that our case is different from those of Georgia and North Carolina, where the test oath was not enforced because their Constitution was recognized by Congress, but ours has not been, hence the difference. Our Constitution has been before Congress about a year, and without objection; it was so far recognized and approved by that body that it empowered the President to submit it in whole or in parts to the people, and appropriated money to pay the expenses of the election, implying necessarily, that that Constitution, however adopted fairly by the people, would be approved by Congress; indeed, that Congress, by its own Act, was fully committed thereto. But the election recently held, was assuredly designed

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to adopt a State Constitution, provide for a State organization and complete the work of reconstruction. The Constitution provides for the necessary offices, how they shall be filled, what qualifications are required, what oaths shall be taken, etc. And yet it urges that these State officials must take *the test oath* imposed by the Act of 1862. An oath which it is not pretended they will be bound to respect after they shall have been recognized by Congress, and which can never be exacted of their successors! Is it to be wondered at then, that many of our people should entertain a strong feeling of indignation at what they regard as an unworthy trick to still further wrong and embarrass them in the honest effort to recover their proper position in the Union? And that many of us will not believe that President Grant can or will permit this wanton and mischievous outrage. There are certain well-established principles of statutory construction which are presumed to be always in the mind of the law-making power: First, that the Act was necessary to accomplish its purpose; second, that where the purposes of an Act are clean, it shall be so construed as to accomplish them; third, that powers granted establish their prior non-existence, and that powers not granted do not exist. I beg your attention to my application of these principles to the election law of Congress. None will deny, I presume, that the object and purpose of Congress was the restoration of Virginia to the Union; and that any construction of the election law, not required by its plain and explicit language calculated to defend it, is unwarranted and erroneous. Allow me, then, to examine the Act I have already given you, the first Section of it, which authorizes the President to order a vote upon the Constitution in whole or in part, and his power to bring on the election of July, 1869, was derived from the election law. It did not previously exist, and when the power, thereby conferred, was exercised, it was exhausted. He was *functus officio*, and his power over the subject was at an end. This is the inevitable conclusion of common sense and well-established principles of law, and need not be elaborated or enlarged. This second section is as follows:

Section second. *And be it further enacted*, That at the same election, the voters of said State may vote for and elect members of the General Assembly of said State, 268 all the officers of said State provided for by the said Constitution, and the members of Congress

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and the officer of the District of Virginia shall cause the list of registered voters of said State to be revised, enlarged and corrected prior to such election, according to law, and for that purpose may appoint such registrars as he may deem necessary, and said election shall be held and the returns thereof made in the manner provided by the Acts of Congress, commonly called the "Reconstruction Acts." It can but strike you that the objects of this section are two-fold, and that they are presented in apt and proper language. It confers upon the lawful voters, the right to elect certain representatives, and upon the District Commissioner the duty of providing for a fair election, receiving the returns, footing up the results and proclaiming who are the persons elected. Having thus exercised the powers conferred by the election law and discharged the duties it imposed, he, too, is *functus officio*, and his relation to those he has proclaimed to be elected becomes that of any other private gentleman, nothing more, nothing less.

Sections three and four exclusively refer to Texas and Mississippi and need no remark. But section five is important, and reads as follows:

Section five. *Be it further enacted*, That if either of said Constitutions shall be ratified at such election, the Legislature of the State so ratifying, elected as provided for in this act, shall assemble at the capitols of said States on the fourth Tuesday after the official promulgation of such ratification by the military officer commanding in said State. "The Legislature of the State so ratifying, shall assemble on the fourth Tuesday." It is not to "assemble" under the order of the President, or of General Canby, but it shall "assemble" *by command of Congress*, as expressed in the election law, "on the fourth Tuesday after the official promulgation of the ratification of the Constitution, etc.," not after it shall be convened by the proclamation of our military commander; but it "shall assemble" at the time fixed, after the ratification of the Constitution shall be proclaimed, in despite, even, of General Canby's hostility.

But I must hurry on, as my time will not allow me to add other views I would like to present. The Legislature having convened in obedience to the law of Congress, and

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not in obedience to the command of our District Commissioner, will proceed to this consideration of such matters as are required of them by the law under which they have assembled. Meeting as a parliamentary body, it must organize by the election of the necessary officers. By the express provision of the Constitution, it alone has the right of the election returns and qualification of its members. Being organized, what next? Under ordinary circumstances it would be the appointment of committees to wait upon the Governor and notify him that the General Assembly is organized and ready to receive any communication he may desire to submit. But we have no Governor as yet, nor can we send any such committee to our military commander, for he is not recognized by our State Constitution, nor by the election, or, indeed, any law as an official, with whom the State can hold such relation. What then? What can the Legislature do? It is an incomplete body; only one of three departments which constitutes the State, and manifestly can do nothing which is final or binding. The seventh section of the election law reads as follows:

And be it further enacted, That the proceedings in any of said States shall not be deemed final, or operate as a complete restoration thereof, until their action, respectively, shall be approved by Congress.

The Legislature, to concur in an amendment of the Federal Constitution, must be that of a State with all its functions in full operation and its government undoubted, recognized and complete. When our Legislature shall assemble, it may ratify the fifteenth amendment, but suppose Congress shall disapprove our "action," will it not fall to the ground? Nor will the approval of Congress alter the case. No amendment, I repeat, can be concurred in, except *by a State* in the full exercise of all her Constitutional powers. Under these views you will have seen my conclusion, that we have no State government under our State Constitution until the period fixed 269 for its organization, to wit: the 1st of January, 1870; that any ratification of the fifteenth amendment by Virginia, previous to that period, would be null and void, and an election of Senators wholly without authority, mischievous and useless; and that the meeting of the General Assembly, required by the fifth section, can accomplish no valuable result, while it will subject the State to a heavy expense, which

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Congress will, some day, pay. Nor does the sixth section alter the question. It reads as follows:

Section sixth. *And be it further enacted*, That before the *States* of Virginia, Mississippi and Texas shall be admitted to representation in Congress, their several Legislatures, which may be, hereafter, lawfully organized, shall ratify the fifteenth amendment article, which has been proposed as an amendment to the Constitution of the United States.

It will be observed that this section does not apply to the State organizations —that, it would seem, is yielded. Indeed, Congress recognizes the necessity of perfecting the State government before the fifteenth Article shall be acted on, when it merely declares that Congressional representatives shall not be admitted until said Article is ratified. This construction is so obvious, that I am persuaded it would have been of universal acceptance; that the Legislature “shall assemble,” and when it shall assemble, what can it do? In fact it can do nothing sensible but to meet and adjourn. It may satisfy the fifteenth Article, and to satisfy the general expectations, perhaps it should; but it will not be worth the paper upon which it is written.

I have, my dear sir, replied quite hastily and more at large to your letter than I had intended, but I hope, I do not believe that the *test oath* can be legally exacted of our State officials, nor do I believe that the President will permit the attempt to enforce it. I do not believe the Legislature, when it shall assemble, has the power to do anything more than organize, draw its mileage and per diem, and adjourn. But if they do undertake to do anything more than to pass upon the fifteenth Article, it will, I doubt not and should be politically damned.

I am, my dear sir, truly yours, William Smith.

In view of the fearful political ordeal through which this grand old State was passing, among other things in which Governor Smith actively participated after the war, with a view to her speedy and substantial restoration to her civil and political rights, we insert the

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following letter to a prominent citizen of Petersburg, Va., as a part of her history and trials of that day:

LETTER FROM GOVERNOR WILLIAM SMITH.

Warrenton, Va., May 19th, 1869.

To R. M. Collier, Esq., Petersburg, Va.

My Dear, Sir —Yours of the 1st inst., has been received. Absence from home for some time, and then a desire to see the President's proclamation ordering an election have delayed this reply. I now give it for such use as you may see fit to make of it, and, with the more pleasure, as it will facilitate my replies to others, having in view similar enquiries with those propounded by yourself.

A few preliminary observations are necessary to the proper elucidation of our present deplorable condition, and you will I am persuaded, pardon me for obtruding them upon your attention.

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In 1867 Congress, in *her* wisdom, treating our dear old State as a territorial appendage, enacted a law providing for a convention to form a constitution or frame of government for the State. The negro was enfranchised, large bodies of our most intelligent citizens were disfranchised, and the purpose was explicitly developed to put our State government in the hands of the alienage, pauperism, ignorance and vice of the State. This alarming policy very naturally excited the profoundest interest, and the result was a convention, composed of eight hundred of our best and most enlightened citizens. This body, in point of numbers, was without a precedent in our State, and in all that constituted the excellence of our race, unsurpassed. This great body firmly looked our difficulties in the face, and unanimously resolved to defeat the Underwood constitution. It provided for an executive committee with ample powers, which body, with the aid of the county superintendents,

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etc., met in Richmond on the 7th of May, 1868, to nominate State officers, etc. On that occasion Colonel R. E. Withers was nominated for Governor, and Colonel Baldwin, who came near getting the nomination, made a speech of such glowing patriotism as quite to electrify our venerable *Enquirer*, who, in his rhapsody cried out, "Even while he spoke the charming thought filled the minds of his hearers that such a speech was adding another leaf to the crown of laurels with which his mother State will some day crown his brow, 'when the King shall claim his own again.'"

Through such instrumentalities the wisdom of our State had proclaimed a platform and had selected candidates to uphold and maintain it. The president of the convention (Mr. Stuart) in returning thanks for the honor of his selection, anticipated the platform, and proclaimed undying hostility to the negro constitution. Colonel Baldwin, at the convention which selected our State candidates, gave "another proof of the wisdom of his head, and the patriotic love of his heart," in firing up all to the undying determination to sustain and elect them. And I feel fully warranted in declaring that there never has been a popular organization, under more trying and imposing circumstances, to the action of which was more thoroughly and fully pledged the troth, the plight, the honor of each and all of its members.

Our candidates, occupied moreover, a most anomalous position—a position of extraordinary, indeed, unprecedented, trust and confidence. We had a clear majority in the State; our candidates might easily be elected, but if the same vote should be thrown against the constitution, it would be defeated, and our candidates would take nothing for their pains. The defection of a few voters here and there for and not against the constitution would have easily changed the result, and it might have been that the constitution, by a very little management, might have been adopted, and yet our candidates be elected. Surely, then, they had a right to expect the hearty, unbroken support of everyone, at least, who participated in their nomination. It was under such circumstances our candidates opened the canvass, which they prosecuted with an activity and ability rarely equalled. Everywhere the enormities of the proposed constitution were

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exposed, and the framers of it held up to the scorn and contempt of the people, until at last the public mind was so fully enlightened and public opinion was so thoroughly consolidated, that the frightened enemy shrunk from the election, while the Conservative party reposed in their strength, awaiting, like the strong man, the summons to renew the conflict.

It was at this time that signs of dissatisfaction began to appear. And, finally, in the month of December last a circular was issued from Staunton, Va., subscribed by five gentlemen of that town, and addressed to some forty of the most prudent of Virginia's sons. It was an open disloyalty to that grand organization of which they were voluntary members, and of which I will add, they were conspicuous ones, and to fidelity to which they were bound by every tie and duty which gentlemen recognize among each other. Nor was there any necessity, as far as can be seen, for this summary proceeding. The Executive Committee was in being, enjoyed to a great extent the confidence of the State, was intelligent and patriotic and would doubtless have hearkened to the "recent intelligence from Washington," had it been communicated 271 to them, and which was the pretext upon which the revolutionary movement of our Staunton gentlemen was predicated. If, however, they saw fit *to jump* the Executive Committee, why did they not summon the people to re-assemble in convention to receive their report? These gentlemen, in the circular of December last, announce that "recent intelligence from Washington satisfies us that the best interests of the State of Virginia urgently require that there should be a consultation of some of the most prudent of her sons, in Richmond, on Thursday the 31st inst., in regard to the best policy to be pursued in the present condition of the country." Manifestly, it was deliberately intended to set at nought the grave and well-considered conclusion of the grand convention of eight hundred of Virginia gentlemen, selected by the sovereign people and by them approved, by the conclusions of a coterie of forty gentlemen or less, selected by the five gentlemen of Staunton!! Thank God, the history of our beloved State can furnish no precedent for such conduct on the part of any of her sons as this. I

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will not say that those gentlemen have committed a crime against the law, but undoubtedly they have committed a grievous fault, and grievously should they answer it.

The Executive Committee and County Superintendents were duly summoned to meet in convention on the 28th of April, to *take into consideration the President's proclamation, etc.* No proclamation had been issued, but it was confidently expected before the period designated. The convention assembled, but it had not appeared, and the business for which it had convened was, it may be rightly said, *coram non judice*. It was in vain, that it was urged that the convention should adjourn over—that to act in anticipation of the proclamation would be to act in the dark—would make confusion worse confounded, and might and probably would, compromise the most vital interests of the State. The same gentlemen who had repudiated the Executive Committee by initiating an independent movement, strangely appeared in the body convened under its authority, and assuming to be members thereof, brought their dangerous influence to bear and defeated this reasonable and most prudent proposition; nay, in a body in which conciliation and harmony was of prime consequence, adopted the five minutes rule, refused to permit a gentleman who had the floor to transfer his time to another of distinction and ability, who had not been heard upon the subjects under consideration, and finally, to cap the climax, carried a resolution proposing to bind the members of the body to sustain its action, although they were in open contumacy of a similar obligation imposed by the action of the grandest assemblage ever convened in Virginia, and of which they were conspicuous members.

Well, proceeding to act, our State ticket was withdrawn, our grand organization was thoroughly disorganized, and proud old Virginia graciously allowed the privilege, or I should rather say, reduced to the necessity, of choosing between two carpetbaggers; yes with 30,000 majority at least, upon a new registration, we by our own act, with our own consent, are degraded to such a choice. Nor was there the slightest necessity for such a shame. Were concessions necessary we could easily have made them by modifying our platform and accepting the constitution, less the test oath disfranchisement and county

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organization clauses. This would have strengthened us with the blacks. Secured in their own suffrage, thousands would have refused to deny it to us. A mutual confidence would have sprung up, and the negroes, naturally aristocratic, would have looked up to their old masters and present employers for protection and support, and down upon scalawags and carpet-baggers with loathing and contempt. With our platform modified and our State ticket elected, as it could easily have been, a frugal honest State government would have been certain, while at the same time, we should have been protected against all damage from the remaining obnoxious provisions of the constitution.

At length, however, the President's proclamation appears, and to our consternation, without submitting the county organization clause to a separate vote. And here we are without a State ticket, which we could easily have elected, and which would have given us almost complete protection, compelled to accept or take a constitution 272 with all its unbroken horrors and a Governor, it may be with a government a disgrace to civilization, and an exemplar to those of Arkansas and Tennessee; or a constitution which, in its most favorable aspect, will be without one essential modification, and with a Governor who, however favorably spoken of, is a stranger, and not free from our suspicion and distrust. And whose dreadful work is this? It is not that of the scalawag or the carpet-bagger or even of Congress, but of Virginians, bound to an organization they have scattered—of Virginians of talent and position—of Virginians under disabilities which they were anxious to have removed. And thereby hangs a tale:

But och, mankind is unco' weak, and little to be trusted; If self the wavering balance shake, its rarely right adjusted.

But, it may be asked why this criticism, *cui bono*. The mischief is done, criticism cannot repair it. Now, sir, I am one of those who think that when one enters an organization and assumes its obligations he should grapple them to his "soul with hooks of steel; "failing in this he should be brought up for public judgment. Without this, organization would not have the strength of a straw—it would be a constant state of uneasiness and distrust. Without

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confidence, unity and strength, success would be the accident, and defeat the expectation. But the mischief is done, now let us consider how it can be repaired.

It is part of true wisdom to accept the situation, whether it be created by ourselves or not. It is our palpable duty—nay, we have no right to refuse to perform it. We owe it to ourselves, our families, our posterity and our State. The third article of the constitution, provides for universal suffrage with sundry exceptions, as specified in four separate clauses. By the fourth clause of this article, every person thought worthy of Federal or State, city, town or county office, and shall have actually held the same, however unimportant, is denied the right of suffrage through all time. The right of suffrage is the power of the State, and it is accorded by the third article to every negro male adult, pauper and carpet-bagger in the State, giving to these classes, with but little property and no fixed interest, the power to tax, at will, for the numerous and extravagant purposes of the constitution, the property of the State held by the native born, intelligent and educated classes thereof, or by those who in good faith, bought and settled among us with a purpose of incorporating themselves with our society. Without self-protection through the ballot box, industry and improvement would cease, and a rapid emigration of our most worthy and valuable people would ensue. Having provided, in this way, for the exclusion of all those who *have* held office, the proposed constitution proceeds to exclude from office in the future all of our people who by education and intelligence are fitted for them. The test-oath as it is called, being the seventh section of the third article of the constitution (with which the people of Virginia are familiar), was inserted for this purpose, and will effectually accomplish its object, so far as the present generation is concerned; and thus our State government, under our present trying and perplexed condition, demanding for itself the largest prudence and wisdom, will be placed in the hands of our negroes, wholly uneducated, without the slightest knowledge of public affairs; and it is no reflection or disparagement to say, utterly incompetent to their management. So monstrous are these propositions, so grossly outrageous of every right and duty, that General Schofield appeared in the convention, and in a public speech, protested against them. But that body, drunk with power, and madly bent upon riding our

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poor old Commonwealth to her destruction, offensively rejected his counsels. Congress, similarly impressed, left the offensive features of this constitution to the President, and that high functionary, sharing in the common repugnance of all liberal and enlightened minds to these obnoxious provisions, ordered an election, and specifically ordered a separate vote upon them, that those they were designed to oppress might reject them. Even Governor Wells, yielding to the force of these authoritative opinions of the high functionaries, with whom he claims to be on terms of liberal affiliation, in a recently published letter takes ground against them, 273 True, it is disclosed, that he does not desire his supporters to follow him, but that by it he hopes to divide the white vote, while through the leagues the negroes are notified that they are to vote for the constitution as a whole, and of course, against striking out the obnoxious provisions referred to. A despicable trick which should excite the indignation of every honorable man. Is it possible that there can be found in all Virginia any native born citizen, or anyone who has *bona fide* settled among us, so lost to the instincts of his race and so indifferent to the prosperity of the State, that they will not with heart and soul, rush to the polls and save our present generation from disfranchisement and utter ruin, and the State from the control and power of those utterly incompetent to manage her and those who have only come within her border for place and plunder? What, refuse to go to the polls—refuse to make every effort to take his neighbors with him, to vote down provisions condemned by all liberal and enlightened Radicals, and which, if once put upon us, will cover our fair land with ruin and desolation? Never! never! I cannot think of it with patience. And I cannot, will not, believe that with the power in our hands we shall not have the intelligence and patriotism to use it for our own safety and the well-being of our State.

Having secured the excision of the disfranchisement and test oath clauses, we can pause and take our breath; for then we know that the State will soon, if not at once, be under the control of her intelligent masses—that the other obnoxious provisions of the Constitution may be borne until we can be relieved from them by amendment, according to the twelfth article thereof, or otherwise. In the meantime, it is of the greatest importance

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that we should carry the Legislature. Many of the obnoxious provisions of the proposed Constitution, including the county organization, article seven, will essentially depend, for their mischievous or innocuous character, upon the laws enacted for putting them into operation. Indeed, we cannot overestimate its importance. That the Radicals of the convention fully appreciated it, is fully demonstrated by their shameful gerrymander, by which they have endeavored to secure to themselves the Legislative power of the State, although a clear minority of the population thereof. It is, however, without doubt, within our power, if we exert it, to control the Legislature. And will we neglect or refuse to do it? It surely cannot be possible! With the Legislature, corrupt and ignorant Judges cannot be put upon us; the vast system of *mixed* schools which are intended, with the expenditures, which must be the necessary consequence, will be prevented; and that huge scheme for an army of office-holders, and the plunder of the people in providing salaries for them, known as the "County Organizations," may be deferred, or, at any rate, emasculated.

Now, my dear sir, although it is my wont to believe that we can accomplish whatever may be thought right and proper, yet it is the part of common prudence to consider what we ought to do should we be disappointed. We may lose the Legislature—it would be a great calamity, full of untold evils which would severely oppress us all. What should we do to provide against the consequences of so sad an event. I see but one thing left us, and that is to elect the Walker ticket—I will not say our ticket, but I say the "Walker ticket;" for our ticket was buried—was buried with the gallant Withers, and the memory of those who brought it about should be cherished, *for our reprobation*, as long as life itself shall last.

It is a deep humiliation for Virginians to have to choose one of two carpet-baggers for their Governor. And it is deeply aggravated when we remember that it has been brought about by those who were bound to prevent it—that in this regard we "have been wounded in the house of our friends." But so it is, there is no help for it—we are compelled to choose. Wells or Walker must be Governor. If both are bad, prudence says choose the one who will do the least evil, and patriotism urgently demands that we should give the preference to him, who, in his antecedents, general bearing, character and affiliations, gives the

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strongest assurance that he can appreciate the dignity of office to which he aspires, and that in his personal and official conduct 274 he will emulate the fame of his illustrious predecessors. Wells came to the State during the war—posted in Alexandria as provost, he did not, as I learn, make a favorable impression upon the people. Certainly he made no historic fame as a soldier. Returning from the army about the close of the war, or having been retired, I know not which, he commenced the practice of law in Alexandria.

While thus engaged he was appointed, by military authority, Governor of Virginia. Accepting the office he moved to Richmond, and at once compromised the dignity of his station and offended the sentiment of the State by practicing his profession in said city, and when sufficiently induced, elsewhere. He became a candidate for Governor under the reconstruction acts, and relied almost entirely upon the negroes for support. Charged with *improperly* possessing a private letter and prosecuted therefor, he permits the United States Attorney to dismiss the proceedings, the testimony being absent, and then claims a triumph. He appears before the reconstruction committee and reviles and villifies the State. He opposes the removal of Congressional disabilities. Yielding to what seemed to be the policy for his situation, and especially the official opinions of the high functionaries with whom it seemed he was desirous of being considered on terms of intimate association, he published a letter taking grounds against the disfranchisement and test-oath clauses, and then, according to the testimony before us, suggesting to the central association that they could, through the leagues, notify the negroes privately that they must go for the Constitution intact. At least such seems to be the fact, and if so, instead of being elevated to the position to which he aspires, he can expect only the scorn and contempt of every honorable man. Nor is this all. He stands upon the same platform with a negro for Lieutenant-Governor, who, in the event of a vacancy in the gubernatorial office, would be Governor, and proclaims in the face of the world “we are well beloved cousins, all.”

We cannot look upon Wells other than an unscrupulous adventurer, supported by the most ignorant and depraved of our population, and bound, by his wretched associations if not by his instincts, to a policy which will humiliate, and degrade, and impoverish our State.

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No true-hearted Virginian, proud of his State, and cherishing his own self-respect, can vote for such a man. Walker is the other candidate, and enjoys the supreme advantage, it may be, of being but little known. We are told that he too came to the State upon the termination of the war with a well-filled carpetbag; that he became a Republican candidate of the city of Norfolk, for something which I do not recollect, but was found too respectable for the constituency he desired to represent, and was defeated, and, for the same reason, failed in obtaining the Republican nomination for Governor at Petersburg; that while he is for the Constitution, which gives the negroes the right of suffrage and to hold office, he is for, and will vote accordingly, to strike therefrom the disfranchisement and test-oath clauses, which deny similar rights to the whites; and that, if elected, he will favor the policy of freeing the Constitution of these obnoxious measures incorporated therein by the unworthy factions which created it, and which will still remain. It is, moreover, represented that his character is spotless, his views liberal and enlightened, and his fortune, which is considerable, actually invested in the business and operations of his adopted State. If this be true, and I have no reason to doubt it, then the claims or merits of Wells and Walker are in striking contrast indeed, “as wide as the poles assunder.” From Wells we have nothing to expect but injury and wrong. His character, his associates, his revenge—yes, I say revenge, for the uniform repugnance with which he has ever been treated by our educated masses leaves no room to doubt that; and in the event of his election and the adoption of the Constitution unamended, we may expect to have the frightful scenes of Arkansas and Tennessee re-enacted here, and our beautiful State a perfect pandemonium upon earth. With Walker, however, our case is widely different. With good character, as I am bound to believe, and which, in itself, gives assurance of a desire for the good opinion of his fellow man—elected by our friends, and bound to look to them for support, and concurring with us, in the main, in the general policy to be pursued, I cannot see how we can doubt as to our choice, or think seriously of permitting the election of Wells by refusing to attend the polls.

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You can but notice, my old friend, that I have treated the questions I have discussed as if the Constitution in a modified form would be adopted. Of this I have no doubt. It would not be by my vote, had I one to cast; but it will be carried by thousands. How vitally important is it then, to secure the rejection of the disfranchisement and test-oath clauses. These clauses rejected, the State would soon be in the hands of our enlightened masses, even should we lose the Legislature and the Governor, the loss of which, however, would, in the meantime, inflict upon us an amount of annoyance and actual loss it would be difficult to estimate. But, should the obnoxious provisions referred to be voted out, as I have no doubt they will be, and we should carry the Legislature and Governor, as we can and must, and Congress should not give us further trouble, then we may soon see our State government relieved of all embarrassments, the busy hum of industry everywhere within our borders, and our desert "smile and blossom as the rose." Then let us gird up our loins, and like the strong man go forth conquering and to conquer. Let us resolve as of the first importance *to vote out the disfranchisement and test-oath clauses*. Without this all is lost. As second in importance *let us carry the Legislature*, that we may be saved from ruinous Legislation. And third and last, let us defeat Wells and elect Walker, who, if he be as we hope will, armed with the veto power, be able to protect us from the hungry pack already in full cry for our destruction. The unparalleled effrontery of the clauses I have so often referred to, strikes down almost the whole of our present generation, by excluding them from the ballot box and from office, and thus throwing the whole power of the State into the hands of the minority of our population, alike mercenary, selfish and ignorant, and every man thus wronged and injured should go forth into the canvass as a missionary and for his own sake, and for that of his country, "cry aloud and spare not," until the day of election has passed and the battle shall have been won.

I have thus, my old friend, given you my views of our duty in our present great emergency. In the course of my remarks I have freely criticised the movement which has brought us into our present peril. I am one of those who think that it is no unimportant public duty firmly to bring those to the bar of the public, who, bound to a great organization by every

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tie recognized in such associations, deliberately undertake to supercede it by "a new movement," alike unnecessary and mischievous, and which, to this day, is without any sufficient explanation, and hold them responsible for the evil they have done.

And now as the oldest of Virginia's living sons who has been honored with her high positions; as one who has mingled but little in our struggle since the war for liberty and independence; and as one who, through a long life, has ever performed his duties to his beloved State to the best of his ability, and in an earnest, zealous and patriotic spirit, I implore you as I would every friend I have within our broad limits, to go into the present frightful, fearful struggle in no hesitating, halting manner, but freely censuring where censure is due, resolutely perform our whole, entire duty; and so our good God will preserve us from impending ruin, and our noble State that high destiny which we have always believed was His will and Providence.

I am, my dear sir, most truly yours, William Smith.

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LETTER FROM GOVERNOR SMITH.

Hon. William Smith:

The undersigned members of the convention, having great regard for your opinions, and knowing that from your long experience in the administration of the government of Virginia as its chief magistrate upon two occasions, that your views will have great weight with the people of our State, do hereby request that you will favor us with your views upon such reforms as will, in your opinion, tend to relieve us from the present oppressive taxation under which the people are now suffering, and, whatever in your opinion, the same can be effected by change in the organic law of the State.

D. C. DeJarnette,

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C. F. Suttle,

J. V. Brooke,

F. McMullen,

H. W. Thomas,

C. E. Sinclair,

J. H. Stringfellow.

Warrenton, Va., September 18, 1871.

To D. C. DeJarnette, C. F. Suttle, J. V. Brooke, F. McMullen, H. W. Thomas, C. E. Sinclair and J. H. Stringfellow:

Gentlemen —I am in receipt of your esteemed favor of the 1st, in which you are pleased to express great regard for my opinions, which, from long experience in public affairs, having been twice Governor of the State, would exert a large influence over the views and sentiments of our fellow-citizens; and requesting of me an exposition of such retrenchments and reforms as can be Constitutionally effected, and at the same time diminish that vast mass of taxation, which is crushing out the life and hope of our people.

This, gentlemen, is a large field which you invite me to enter, entirely too comprehensive for a canvass already upon us, and, therefore, after much and anxious consideration, I have concluded to confine my suggestions to the reform of the Legislature. The Legislature, in theory, is of the people, in sentiment and opinion, in poverty, in ability, to bear the burden of expensive government, sharing their wants and hardships, and in all things sympathizing with them. In this sense only, is the Legislature the real representative of the people, and entitled to the people's confidence. In any other, the Legislature is a tyrant, a plunderer, and should be held up for scorn and reprobation. In short, it is not the

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true, loyal representative of the people, except when earnestly endeavoring to promote their interest. If the Legislature should, through idleness and inattention, lengthen its session—if it should, regardless of economy, improvidently waste the public money—if it should be unwilling to sympathize with and share the hardships of the people—manifestly, it is not such a body as the people should countenance and retain in their service. Just out of a cruel war, in which all was lost but land and honor—stripped of a property chiefly relied upon for the payment of debts, at the time they were created—enveloped, by the tyranny of the Federal government in doubt and uncertainty as to that which the war had spared—denied the fight of self-government, and at the same time saddled with a military and cruel despotism—borne to the earth with desolation, debt and taxes, an opportunity was at length afforded them to free themselves of the despotism which oppressed them. Nobly did they embrace it. And in the adoption of a Constitution, in many respects it is true, not as they would have had it, but freed of its proscriptive features, they saw, with infinite satisfaction, as was then supposed, relief from military government and a Constitution which could be amended as experience and wisdom taught to be necessary. The stake was great, the struggle fierce and their triumph thorough and complete. They manifested the strength of numbers and the wisdom by which they were managed, in the election of a Governor and Legislature by large majorities. True, in the profound excitement of this great struggle, but little heed was given to the material to constitute the General Assembly. It was 277 enough that it was *anti-radical, intus et in cute*; and in all other respects, it was, I have no doubt, confidently believed that the members coming directly from their constituents and thoroughly acquainted with their poverty and distress, would feel themselves bound by every consideration of patriotism and duty, to forbear the expenditure of every dollar which could be spared from the public service. How has this natural and reasonable expenditure been vindicated? Let us see. I shall, as I have said, confine myself, in the consideration of reforms, to the Legislature. It is the great power in the State. Reforms there will assuredly produce reforms in every department of the public service. And there is a peculiar propriety in commencing *at that point*, those reforms so urgently demanded by the universal *out-cry* of our suffering people. Physician, heal thyself!

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Let this be done—and who would dare resist that retrenchment and reform which the people must have and which the Legislature must sooner or later accord.

When the last Assembly met it was composed of 181 members—43 Senators and 138 Delegates. Our entire population, according to our late census, is 1,224,948 souls, not quite 8,887 persons for each member. This body was more numerous than that prior to the war and prior to our dismemberment by the formation of the State of West Virginia. Why was so numerous a body necessary? It was, however, the number provided for in the Constitution, and that was the work of a Radical convention, manifestly gloating over the prospect of plundering the State, and aiming, doubtless, to provide the places for so doing. Did the late Legislature correct this great and grinding oppression? Let us see.

I have said that the Legislature provided for by Radical rule for our State *as it is*, is a more numerous body than that provided for by our Constitution for the State *as it was*. So much for our precedent. Now let me call attention to the three great commonwealths of our Union, New York, Pennsylvania and Ohio. Ohio has a population of about 2,600,000—a Legislature, as well as I remember, of 149 members, with an average constituency for each member of 17,449 persons. Pennsylvania has a population of about 3,500,000—a Legislature of 133 members, and a constituency for each member of 26,575, or nearly that number. New York has a population of nearly 5,000,000, with a Legislature of 160 members, averaging a constituency of 31,250. Now, if those populous and prosperous States can be successfully managed by Legislatures greatly less in numbers than ours, why should not ours be reduced to a number in proportion to that of Ohio, at least? Such a reduction would reduce our Legislature below 109 members—the number I propose, greatly improve that body and diminish its expenses annually, over one hundred thousand dollars. Are not these considerations of the highest import? Our Constitution accords, to the most depraved and ignorant, the right of suffrage and eligibility to the same, some of whom have and will find their way into the Assembly. That I do not unjustly designate the great body of our new born fellow-citizens, you will readily admit. Indeed, I find in the recent Republican address to the people of Virginia, it is substantially admitted, for

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in arraigning us for our intolerance, it says, “they then endeavor to make it impossible for intelligence and respectability to join the party of the Government, and then they effect to execrate the party, because it is composed only of the stranger, the humble colored man, and the adventurous native who dares to defy the terrors of the home proscription.” Again, the address charges us with refusing to vote upon the convention question: “Thus causing the convention to be composed of men, who, however honest in purpose, and loyal to principle, to the State, and to the Nation, had no experience in the important work devolved upon them,” Is it not then the plainest duty, to free ourselves, as far as practicable and proper, of a material component of our Legislature, that is without “intelligence and respectability,” and has “no experience in the important work devolved upon them?” Looking to this question as one of the gravest importance whether we regard it as seriously affecting the purity of the Legislature, or as bearing heavily and needlessly upon an impoverished people, I deem it important to look into the 278 action of our late representatives and to enquire about their mode of disposing of it.

The 4th Section of the 5th Article of the Constitution reads as follows: “At the first session of the General Assembly, after the enumeration of the inhabitants of the State by the United States, a reapportionment of Senators and members of the House of Delegates, and every tenth year thereafter, shall be made.” The General Assembly was thus enjoined to re-apportion the State, and if possessed of the census, had the clear and unquestioned right to make the re-apportionment so as to effect this great reform. But, although the Legislature recognized the duty and the power, it was not equal to the great occasion. It took up the subject and unmindful or regardless of the considerations I have feebly presented, it was content, on, most lame and impotent conclusion, to reduce its members from 181 to 176 members, so that the next Legislature will be still more numerous than that which existed prior to the war and prior to our dismemberment—more numerous than the great States of Ohio, Pennsylvania and New York, saddling us with over one hundred thousand dollars a year, without any corresponding equivalent that I have ever heard or been able to divine. And shall we quietly submit to this great grievance? Shall

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we continue to pay over \$100,000 a year and feel and know that we do not derive the slightest advantage from so doing? It is a wise maxim of the common law, that every wrong has its remedy, and it is by common consent agreed, that when there is a will there is a way. Did the last Assembly rightfully exercise the power granted or rather imposed as a duty, and, in so doing, exhaust it. Undeniably, it had no power to act until the Federal census had been taken and promulgated. Recognizing this as the correct and proper rule, the Secretary of the Commonwealth, under a resolution of the General Assembly, asked the superintendent of the census for a statement thereof as far as Virginia was concerned. This statement was furnished under date 18th February, 1871, and upon that the Legislature acted. In the letter accompanying this statement, the superintendent explicitly states: "In furnishing these statements, however, I must say that this office is not, by so doing, concluded from making changes in the official publications of the census." Again: "Until it becomes necessary to furnish the certificates of population, for the purpose of re-distributing representation in Congress, these statements will be left open for correction and revision as occasion may appear."

Are these statements *not official, but open for correction*, such as the Constitution contemplated as the guide in the important work of reapportioning the State? That mistakes are expected is clear—that they exist is undeniable, for my own village of Warrenton is set down at 446 souls, when every resident thereof must be fully satisfied that our population is three times that number. But whether mistakes exist or not, it cannot be doubted that the Legislature could not legally proceed in the important work of reapportioning the State without having first procured an official statement of the census thereof. All, therefore, that was done by the last Legislature in this regard, is null and void; and the power in full force and vigor, enures to the Legislature we are soon to elect. Other views might be added, but I must not too far expand my reply. But, should any serious doubt be entertained about the right of our next Legislature to re-apportion the State, there can be no doubt about its right to pass an amendment to the Constitution provided therefor. Let it then be done, and if necessary, done quickly. It will never do, annually

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to collect from our people \$100,000 to be paid over to those who, instead of giving us corresponding equivalent, are an unqualified and dangerous nuisance.

In view, then, of this important reform, I would earnestly press upon our people that they instruct their Representatives to reduce their number to eighty-four Delegates and twenty-five Senators, the number recommended by the minority report of the committee of the convention, on the basis of representation and apportionment, making one hundred and nine members in all, nearly as large a body as that of Pennsylvania, with her millions of population and wealth; and to secure obedience to their will that they fully commit their candidates to the policy I have indicated. By reducing the number, the ignorant and corrupt element would be greatly diminished and the intelligent conservative element, in the wider range of selection afforded them, in all probability, greatly improved. Are these considerations of no importance? Is \$100,000 a year taken from our taxes not worth an effort? I have dwelt more upon this subject than might be thought fitting for a letter; but, deeming it of the first importance in all its aspects, moral, social, political and economical, and easily effected if the people will it, I feel almost unwilling to cease my efforts to stir them up to the necessary vigilance and effort.

The next reform, I would earnestly commend, are those in connection with the pay and allowances of the members of the Legislature. Prior to the war, the whole theory was simply to re-imburse to members the sums necessarily expended by them in their comfortable and decent outfit and support. The *per diem* was allowed to pay board bills and other moderate personal expenses, and the mileage was allowed to reimburse to members the sums actually expended by them in reaching the seat of government, and, after their duties have been performed, of returning to their homes. These allowances were liberally commuted for the convenience of members and the State; but the *per diem*, even in our flush and prosperous times, never exceeded four dollars a day, while the mileage allowed was twenty cents a mile when the members had to travel by private conveyances or the slow and lumbering mail coach. But when the war terminated, and our people, stripped of everything, had to scuffle for bread, it was to have been expected

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that the government placed over us would have taken into consideration the desolation of our lands and our stricken and impoverished condition. But not so. Without dwelling upon this subject, I will merely remark that the Pierpont government was put upon us by Federal power, and ridiculous and absurd as it was, we found ourselves constrained to accept the Legislature, the laws enacted by it, the Constitution and all, as the true genuine authority of Virginia. Pierpont was soon superceded by Wells, and a mixed civil and military government, which, in its turn, gave place to that organized upon the adoption of our present Constitution. The Legislature elected under and by virtue thereof, in fixing its pay *or wages*, as termed in the Act of Assembly passed April 20th, 1870, provided, "that the President of the Senate and the Speaker of the House of Delegates shall each receive the sum of ten dollars per day, and each of the other members of the General Assembly the sum of six dollars per day, for attendance upon the duties of their respective Houses." Yes, gentlemen, *six dollars per day*, fifty per cent. more than was ever paid to our members prior to the war, when all were men of "respectability and intelligence," and not as now, when a material portion of them are men "who had no experience in the important work devolved upon them," and who, outside of their Legislative functions, can't make a dollar a day, with an occasional exception perhaps, by their usual employments. And this great wrong upon the people was perpetrated by their representatives just from among them, intimately acquainted with their desolated fields, dilapidated houses and general destitution, and cannot be justified or excused. It is in vain for members to say that they cannot live on a smaller compensation— *I know otherwise*. Let members try respectable private boarding, study and inform themselves and give diligent attention to their duties, and I'll answer for it that four dollars a day will be found not only sufficient, but leave a considerable surplus to spare. Of course six dollars a day will not suffice for luxurious living and the usual appliances which attend it; for that demoralizing habit no State has ever undertaken to provide. New York pays her members but three dollars per day, and Ohio pays her members but four dollars per day; and yet they have small Legislatures and rich and prosperous communities. Why should we do more? I ask for a reply.

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But one of the most inexcusable allowances made by the *Legislature to itself*, is that made by the Act of April 20, 1870, which provides that a member, when absent from his post with leave, "shall receive wages for every day" he may "*be so absent*" 280 — "*in the same manner as if he had sat in the House.*" The first section of the Act referred to allows to each member "six dollars a day *for attendance*" upon the duties of his House and then allows him, if absent, *with "leave of absence,"* the like sum. As this leave is rarely, if ever, refused, this allowance is a strong temptation to inattention and neglect of duty. Do members wish to visit Washington, the marriage or funeral of a friend, with the railroad frank and the State to pay the expenses, the trip is taken; or should a member think his business at home requires his attention, with these advantages, he would not hesitate to take it. Nor is this all. During such absence the board bill and other personal expenses in Richmond would be stopped, and at home or with a friend, the member, without expenses and without the performance of any public service, would pocket the whole *per diem*. Now this may be a pleasant operation to the members, but I take it, that it is not what we, the people, bargained for or will submit to. We had a striking illustration of the grossness of this allowance or perquisite rather, about two weeks before the adjournment of the Legislature. The Senator from Nelson offered a resolution granting him leave of absence for the balance of the session, with the relinquishment of his *per diem*, during such absence, and asked its adoption solely upon the ground of urgent private business at home. A Senator offered an amendment to strike from the resolution the clause relinquishing the *per diem*, and it was adopted, and thus amended it passed. I understand the Senator did not accept the resolution as passed. Why, I do not know; but as far as I may infer, it was for a reason highly creditable. But why Senators should have refused the relinquishment of the *per diem* is so marvelous that I am compelled to infer that it was denied because it would have been a precedent to confront similar applications by Senators less scrupulous and wise than the Senator from Nelson.

It is known that the Legislature elected at the same time with the adoption of the Constitution, assembled on the 5th of October, 1869, for the purpose of organizing the

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State government according to the act of Congress, and having done so, received their mileage and four days' pay and adjourned on the 8th, to re-assemble on the 18th of October for the purpose of electing United States Senators. Here was an interval of ten days, without service rendered and without leave of absence, a mere adjournment to the time stated. Of course they, the members, could not draw pay for this interval, but I find the difficulty was promptly settled by the passage of the Act of February 19th, 1870, which directed the clerks of the two houses to issue their certificates "for the per diem of the members and officers of the General Assembly, for the recess from the 8th day of October, 1869, to the 18th day of the same month." This act, without reference to a committee, and under a supervision of the rules, was put through with *race-horse* speed; and thus members divided out amongst themselves about \$10,000 of the people's money.

Again on the 18th of October, Legislature re-assembled and having elected Senators and adopted the 14th and 15th Amendments, to please our masters, adjourned until Congress should approve the Constitution the people, by an overwhelming vote of both parties, had adopted. After great hesitation and delay, Congress was pleased to declare its approval of our Constitution, and the Legislature re-assembled on the 8th of February, 1870, for the first time clothed with the full powers of such a body. You must not forget, gentlemen, that members at their 5th of October session had drawn their mileage from and to their homes—had on the 8th adjourned over to the 18th of October, and on the 20th of the same month had adjourned over again and re-assembled as above stated. The Legislature soon took up the question of mileage to and from this session.. No law or established usage existed, to warrant the accounting officers to pay it; and legislation thus became necessary. The Legislature took it up, and after much hesitation called for the opinion of the Attorney-General, who finally gave it (oh, most lame and impotent conclusion!) in favor of the claim. Thus relieved of responsibility, as it was hoped and doubtless believed, the bill promptly passed the Senate without a division, was sent to the House and was there 281 rejected, and then the vote rejecting it, was reconsidered and the bill passed by a vote of 70 ayes to 45 noes. And the Legislature full of doubt and hesitation, the custodians

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of our treasury divided among themselves another handsome sum, some nine thousand dollars of the people's money. The pretence of the Attorney-General for this allowance, to wit: "that having closed the business of the extra session, the members were necessarily compelled to travel to and from their homes to attend the regular session, and are entitled to mileage for the same," really detracts from his high position. Will not this reason equally apply to the session commencing the 5th and ending the 8th of October, 1869, which met for the purpose of organizing the State government, and having completed its work, adjourned. And if so, what becomes of the recess of ten days, and for which members promptly helped themselves to \$60 each? But, the true enquiry is how did the Legislature regard its various sessions, as they occurred. The Legislature assembled on the 5th of October for the first time under the Constitution and organized. On the 8th it adjourned over to the 18th, and on the 20th of October, 1869, having elected United States Senators and ratified the 14th and 15th Amendments, adjourned over to the second Tuesday after Congress shall have approved the Constitution, or to such day as Congress may designate, and thus uniformly treated it as one continuous session. At their first meeting they drew mileage and their per diem for four days; at their second, they drew for three days. Neither the ten days recess nor mileage, was, as far as I can learn, claimed or even thought of, and yet they had a right to draw for the recess, then if at all. It was only after Congress had approved our Constitution, and the Legislature had re-assembled on the 8th of February, 1870, clothed with full powers and with none to make them afraid, that they seem to have become aware of the claims I have been treating. If so, it is marvelous and well calculated to excite distrust and suspicion.

The next reform I suggest is in the allowance for mileage to members. Originally and in the early days of our State, and before the introduction of railroads and steamboats, traveling to the seat of government was slow, laborious and expensive. It was a matter of course, that the State should pay the expenses of traveling by those called into her service, and frugally support them while thus employed. Hence the mileage and per diem of which we hear so much. It was inconvenient to keep a detailed account of personal expenses, and

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hence on the part of the State, they were liberally commuted. As the State progressed with her improvements and traveling expenses declined, until they became a mere bagatelle, the allowance of four dollars for every twenty miles traveled, became enormous and ought long since to have been reduced. For instance, the traveling expenses from Warrenton to Richmond, by rail, a distance of about 130 miles, is about seven dollars, while that allowed a member is about twenty-six dollars, making an aggregate disbursed among the members of the Legislature of about \$7,000, for which they do not render the slightest return. Now shouldn't this be reformed? Should not an impoverished people stop this leak in their treasury? But there is another and a higher view to be taken of this question. It is not a mere question of dollars and cents, interesting as it is to us in our straightened circumstances; but it is one directly antagonizing the independence of our representatives. It is a notorious fact that our railroads are *free* to members of our Legislature, and equally palpable that they are expected to pay by their votes for this exemption when bills come up before them in which those roads are interested. This will never do. The independence of the representative being impaired, endangers the prosperity and safety of the people; and every practice, whether it consists of free riding, free drinking, free eating, etc., or not, should be sternly repressed by the necessary legislation. And first in order, I would earnestly advise that the law allowing mileage be repealed and that members be allowed their real and reasonable expenses, upon account rendered, and verified by affidavit, in lieu thereof. Second, that members who shall receive any advantage or enjoyment from anyone interested in a bill before them shall be expelled. And 282 third, that anyone directly or indirectly interested in such a bill who shall offer to a member such advantages or enjoyment shall upon conviction thereof, be sent to the Penitentiary. Such measures may be regarded as harsh by some, but the downward tendency of official morals is absolutely frightful, and all who love the State and her traditions and cherish the memory of the past as furnishing us a safe guide now and for the time to come, can but see in what is passing around us, that all which is dear to Virginians, and the Christian gentleman *is lost*, without the sternest measures of repression.

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You will observe, gentlemen, that I have freely referred to the late Legislature. I beg to assure you and that body that I have not done so in personal unkindness; for I feel it not. But I have felt it to be my duty to speak of the body collectively, although, in so doing I would seem to censure some, who, I doubt not, would have gladly sustained the reforms I commend, and not a few I trust whom I may claim as my friends, and for whom I entertain regard and esteem. Nor do I make these declarations from apprehension of injuriously affecting my popularity in my beloved State; for I have long been in the habit, indeed, I do not recollect if it were ever otherwise, of speaking my mind with manly frankness, and of trusting to the truth and soundness of my utterances, and the good sense and intelligence of my fellow-citizens, for my vindication. But my great object has been to show the important reforms which ought to be made in the Legislature itself—how that body had failed in embracing the noble opportunity it had, of building up its reputation and promoting the best interests of the State, and how from the constitution of the body a different result could not have been expected and might not hereafter, unless the people took up these reforms and fully committed their representatives, before their election, to carry them out by the necessary legislation.

I have said that the Legislature, as at present constituted, is not likely to reform itself, although clearly demanded by the best interests of the people. A few words of explanation will make this manifest. About one-third of the last Legislature was of the Radical party. This party in Virginia, the recent Republican address substantially admits is without “intelligence and respectability,” and distinctly avers that “most of its members are humble laborers who have little interest in the subject of taxation, having to their sorrow small property to be taxed.” Of course, such a constituency has and will select representatives like unto themselves, in sympathy and condition; and the same address, speaking by authority, distinctly avers that the representatives of the Republican party in the late convention “had no experience in the important work devolved upon them. Nay, so far is this view carried in the paper referred to, that it proclaims that, “They do not feel that it is for them to lead in devising ways and means for preserving the State credit, etc,” and that

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“when the party representing the wealth of the State, brings forward measures of State finance, the Republicans will, under proper protest, aid them in carrying them out, etc.” Again, it says: “But though in this spirit, they may support unwise and unjust measures, still they will hold the majority party responsible for faults, etc.” Now here is a most important element in our Legislature, admitted by itself to be out of place, “humble laborers,” and without “experience in the important work devolved upon them,” and who, poor ignorant fellows, and because they are such, claim that they, even when they “support unwise and unjust measures” are not only irresponsible therefor, but have a right themselves to call “the majority party” to account for them. Can it be expected that such a party—drawing, while dressed in a little brief authority, six dollars a day, will consent to reduce that amount, or will favor short sessions, when by so doing they hurry their return to their ordinary employments which do not, I suppose, pay more than fifty cents to a dollar a day and rough fare? It would be simply absurd to expect it. Another portion of our Legislature is apt to be composed of worthy, excellent young men, without experience or business habits, who go to Richmond with the best intentions, but who soon become wedded to the fascinations of city life. Will they willingly see their pay and allowances, 283 insufficient, doubtless, to pay the expenses of their gay career, reduced, or hasten the sessions to a close to return to the plain and homely habits, it may be, in which they have been reared, and which it may be feared, too many soon learn to despise? Not they. Again, we have some, of broken fortunes, accustomed to a life of ease and luxury, who anxiously look about for the means of escaping the hardships and self-denial of humble life. Such men seek the Legislature in the spirit I suggested, and if elected will in heart at any rate, bitterly oppose short sessions and all reduction in their pay and emoluments. Again, there are those who go to the Legislature for what they can honestly make out of the position. Their morals and habits are fixed and defy the temptations of a luxurious city. They save every dollar beyond what is necessary for decent and respectable living, and take home such savings to build up their private fortunes. This is all right and proper, and such members are worthy and valuable citizens, and I do them no injustice when I infer that they too would not be zealously anxious for reduced pay and short sessions. There is yet another

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class, which with those specified comprise the component parts of our General Assembly. It is composed of men, who, like angels visits, are few and far between. They study the true interests of their constituents and earnestly endeavor to foster and promote them—they resist the creation of offices not of indispensable necessity, and when formed struggle to attach salaries to them, so moderate in amount as not to excite the cupidity of the mercenary—they push forward the business of the sessions with activity and industry. Spotless in character and lofty in bearing, corruption dares not approach them, and entering into the philosophy of their relation to the people, they ask no allowance for themselves beyond what is necessary to a moderate and frugal support and the approbation of those who have trusted them. It is thus manifest, that we, the people, must rely mainly upon ourselves for those reforms of the Legislature which our interests require—that our candidates should be committed to carry them out before their nomination—and that when this has been neglected, that they should be promptly instructed as to our wishes.

To sum up—I would earnestly recommend:

1st. That the Legislature be largely diminished.

2d. That a Legislature of 109 members—25 Senators and 84 Delegates—is sufficiently numerous for all useful purposes.

3d. That the per diem now allowed should be reduced to \$4 a day.

4th. That members should only be paid for their actual attendance upon their respective houses, except when absent therefrom by sickness at the seat of government; and that the Act of April, 1870, allowing members their per diem if absent with leave, even if absent on their private business or pleasure—should be repealed.

5th. That mileage, as such, should no longer be allowed, but that the traveling expenses of the member, upon an account stated and verified by affidavit, should be in place thereof.

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6th. That all attempts, by anyone interested in a bill before either house of Assembly, to influence any member thereof be severely punished. And that any member accepting such advantage shall be expelled.

It will be observed, gentlemen, that in the reforms I propose, I have confined myself wholly to the General Assembly. You are not however to consider that I do not regard other reforms as necessary and important, far from it. But it must not be forgot that when the Constitution was voted upon, it was obnoxious to us in many essential features. But the Canby & Wells Government, under which we then lived, was so repugnant to our feelings, and was so surely and insidiously undermining the virtue and independence of our people, that it was thought best to adopt the Constitution, with the disabling clauses voted out, especially as we would have the power to reform it, “at a more convenient season for calm and dispassionate enquiry.” But, that time is not yet, and for reasons so obvious to your intelligent minds that I need not take time or space to express them. But the reform of the Legislature is the grand work. As the embodiment of the real power of the State, there is a 284 peculiar propriety in beginning there. Important results can be promptly reached. In thirty days the laws can be passed which will reduce the annual expenses of that body from \$220,000 to \$75,000. What a noble Christmas offering it would be for our representatives to tender such a glorious consummation to their tax-ridden constituency! They can do it and they should do it. Will they be equal to this important duty?

It will no doubt, be thought that I have freely criticised the late Legislature, but if so, I have confined myself strictly to measures affecting itself. It is true every reform I have proposed, it could and ought to have made. It could have reduced its own numbers—its own pay—refused pay except for service rendered—repealed the law of mileage, reimbursing to members, actual disbursements only in lieu thereof—and passed laws punishing all persons who would offer any advantages to members with bills before them; and to expel members who accepted them. But they were not equal to these reforms and did nothing.

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And now the people in view of the past, must commit their candidates to these measurers at the time of their nomination or if this has been neglected, they must instruct them. Unless this is done the next Legislature will do as the last, nothing, nothing whatever.

But, gentlemen, while I thus complain of the last Legislature, I would by no means have one of the Conservatives, however censurable, displaced by a Radical; for the Radicals, as a body, opposed every reform I am endeavoring to have made. The journals of the two Houses show this. And can it be expected to be otherwise? Without character— with but little property, it can scarcely be expected that they will consent to reduce their pay and emoluments. Besides, they are the party of plunder everywhere. Here they have never had a chance to indulge their proclivity to any great extent. They gave us our present expensive Constitution with its crowd of officers, and had they been able to retain the proscriptive clauses of their Constitution they would have had a majority, and then our fate would have been like that of Tennessee, Louisiana, etc. As it was, they voted themselves eight dollars per day while thus engaged, and have opposed all reduction in the public charge and expenditure. I say all, uniformly, systematically and upon principle. Our Constitution made by them, authorized contracts for interest as high as twelve per cent. per annum and they voted for the bill regulating it. They passed the funding bill, for without their vote, which was unanimous in the House, it would have been defeated there, a majority of the Conservatives voting against it, the vote being seventy-eight for and forty-two against the bill and the Radicals casting forty votes, their entire strength, of the seventy-eight. Their celebrated Homestead clause of the Constitution, has six exceptions, covering so many of the daily transactions of men as to be of little value, and the law enacted to carry it out, for which they voted, still further impairs its presued policy. And in the same article, the eleventh, containing the Homestead provision, the fourth section provides that “the General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as stay laws.” In Article 1st, section 10, of the Federal Constitution it is expressly provided that “no State shall pass any Bill of Attainder, ex post facto law, or law impairing the obligation of contracts.” And which provision, in

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words even, is transferred to our Constitution, the work of Radical hands, and is to be found in the fourteenth section of the fifth Article thereof. There is scarcely one man in ten who owns \$2,500 worth of property, and if the Homestead provision was designed to protect it against the claims of outstanding creditors, will it not clearly impair “the obligation of contracts?” These wretched tricksters and miserable demagogues well knew that it did so, and that whenever the question was raised in the State or Federal Courts, the Homestead clause, so far as prior obligations were obstructed, would be declared null and void. I am in favor of a real Homestead, subject to none of the exceptions specified in the Constitution except that which makes it liable for “taxes, levies or assessments.” I want it as a permanent home for wife and children, in which the wife can be contented and happy, with none to make her afraid, and in which she can train her children to walk in the paths of virtue and piety, a comfort to her valued citizens, and “humble followers of Him who died that all might live.” And as a public policy I deem it, eminently wise and proper. But the Radical scheme of the Homestead is “a deception and a snare,” and was manifestly so intended. They complain that we are not carrying out the school system, to which, as they allege, we are opposed; and that its execution ought to be entrusted to them, who are its friends. And yet we have passed the necessary school law, organized under it, opened public schools all over the State and raised \$500,000 to defray its expenses. True, we have not commenced big school houses, as they would have done if they had had the power. But in the name and for the destitute children of the country they would have let out fat jobs to pets and favorites, under color of which they would have done here as everywhere else, plundered the people. Again, they complain of our electing partisan judges. Now, look at Underwood—look at Rives—look at Bond—look at the whole class of Federal and State appointments when the Radicals were in power, all bitterly partisan, all hungry cormorants, all howling hyenas, utterly incapable of being gorged by any variety or abundance of plunder. But the County Judges at least, must be “*learned in the law of the State.*” Where shall we find such in the Radical party? The idea is simply absurd. And the only alternative was for the Conservatives of the Legislature to choose those as judges who were most acceptable to them, or by allowing free fights among

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ourselves, permit the Radicals to choose the Conservatives most acceptable to them. Of course, with the invariable practice of the Radical party before them, our Conservatives of the Legislature did not hesitate to choose our County Judges from among their friends; not as partisans, however, but as men of spotless character and unblemished reputation and fully within the requirements of the Constitution; men who stand proudly before the people of Virginia and challenge all persons to show that any prisoner was ever denied, in any of her courts, a full, fair and impartial trial.

I have said that the Radical party is the party of plunder, everywhere. I repeat it. The States south of us have been plundered to an extent unknown in the history of mankind. I have not time to go into detail upon this subject, and it can hardly be necessary, for the fact is notorious; but I will give certain tables of aggregate results, the general accuracy of which, I am assured by the *Washington Patriot*, may be relied on—indeed, they are, to a great extent, official. The indebtedness and liabilities of the subjoined States before the war, to wit, in 1860–61, will be seen in the first column and that of 1871 in the second column:

Louisiana \$10,099,074 \$76,473,091

Georgia 3,170,750 50,137,500

Tennessee 20,115,666 45,688,263

North Carolina 14,575,375 30,215,915

South Carolina 5,000,000 17,500,000

Alabama 5,000,000 17,258,010

Texas, debt for railroads 12,000,000

Arkansas 3,000,000 13,500,000

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Mississippi, debt reported 1,800,000

Florida, lowest estimate 6,000,000

\$60,768,451 \$270,572,779

I have no full, official returns from Texas or Mississippi, but the taxes in both are enormous, greatly beyond our experience. In Texas, before the war, the tax was ten cents on the hundred dollars—it is now two dollars and twenty-five cents—the taxes of 1871 are \$5,890,000 “or ten times the amount ever levied before re-construction.” To the following from the *Patriot* of 22d September, I invite attention.

“The following table just prepared at the Census office exhibits the comparative 286 value of property in eight States for 1860 and 1870, respectively, and for reference in the county taxes for those two periods:

States.	Assessed Valuation.	County. Taxation.	1870.	1860.*	1870.	1860.			
Alabama	\$153,234,652	\$432,198,762 (c)	\$309,474	Arkansas	92,399,897	\$180,211,330			
Florida	\$1,738,760	285,773	Florida	29,700,022	68,929,685	165,851	74,425		
Georgia	226,119,519	618,232,387	901,600	283,365	Louisiana	243,870,274	435,787,265	4,109,999	440,238
Mississippi	177,278,888	509,472,912	2,170,993	384,908	North Carolina	127,613,954	292,297,602	923,604	255,417
South Carolina	174,409,491	489,319,128	575,005	59,506					

* Including value of slaves.

It is thus seen, that while the aggregate value of taxable property is reduced more than one-half, the county taxation alone has been increased four, five and even ten-fold beyond any experience before re-construction. If this system of extortion and robbery had been imposed upon a people ordinarily prosperous, it might possibly have been endured. But it was applied to a population exhausted by the privations of four years of unequal strife, suddenly deprived of their accustomed labor, and utterly destitute of any resource but their own hands to recommence the battle of life. The history of the civilized world presents

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no such spectacle of tyranny and spoliation combined, or of tranquil submission to such monstrous wrongs on the part of a spirited people, educated in the ideas of personal and public liberty.”

See what a terrible category awaited us, but from which we happily escaped by maintaining ourselves in the great struggle of 1869, in which we routed the cohorts of Radicalism, horse, foot and dragoon. It was a glorious achievement of which we were justly proud.

But time and tide wait for no man, and the biennial election, provided for in our Constitution, is upon us. Our former adversaries, although defeated, are again rallying to renew the contest, and the highest obligations of patriotism and duty demand of us unity, thorough organization, and the firm resolve, as the only sure and certain means of retaining in our own hands, by which we can hope to retain the control of the State, and to protect her from the plunder and misrule of Radicalism. It is amazing that our former slaves, now our fellow-citizens, with whom we are in daily and intimate association as our laborers, who look to us, not only for employment, but for advice, kindness and assistance in their troubles, should hand together and under such leaders as Wells and Underwood, and Platt and Porter and Stowell, aliens to the State, and, until recently, strangers; such renegades as Rives and Wickham and others, all of whom show their disinterestedness and patriotism by clutching places and plunder, should attempt to wrest from us “to the manner born” the government and management of our State. But it is so; and shall we, with the power to prevent it, permit it? In union there is strength and victory; in division weakness and defeat—shall this important axiom be disregarded? Shall young ambition, in its impatient eagerness, be allowed to rend asunder our firm array and deliver us over to our enemy; and such an enemy! everywhere, when they have the power, plunderers and robbers, and, only not so, here, for want of power. Nay, this universal proclivity is not without its illustrations here. Look at the Federal appointments in our midst and we see, I believe I may say invariably, large wealth suddenly accumulated—does not thereby hang a tale! We complain of our taxes, and rightfully, because they are more than we ought to

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have been called upon to pay under sound and judicious reforms. But let us make them ourselves; for God's sake don't call in those to diminish our taxes, who, in the ten States where they have the power, have foully robbed and almost devoured them. Our victory in 1869 saved us 287 from a like disastrous fate, our defeat now, would bring us into line and inaugurate the plunderer and robber. Our taxes, now so enormous and paid with a sense of weariness and distress, would be remembered as the sunny spot in the past, while the magnitude of the taxes and assessments levied upon us by our new masters, would wring from us such a wail of sorrow and distress and excite in us such a profound feeling of desperation as to drive us, as it is charged some of our Southern sisters have done, into combinations for our protection and for vengeance upon our oppressors. But such need not be our fate. It is fully in our power to avert it. We have a heavy majority in the State, let us not fritter it away by our dissensions, and thus become the prey of the spoiler. Let us organize everywhere—nowhere can it be neglected without danger. Let us reform the Legislature as I have suggested—we can do that now, if we are wise and firm. Other reforms are necessary, but those of the Legislature will be glory enough for one day. It must not be forgotten, that Rome was not built in a day, and that by undertaking too many reforms, we may lose all. We must reform the Constitution too, it was so understood at its adoption; but not now, the time has not come. The Radicals made the Constitution, the Conservatives must reform it.

And now, gentlemen, I must bring this letter to a close—prepared amid constant interruptions, it must necessarily abound in imperfections, and I am also ready to admit its great prolixity; yet, the subjects I have touched are far from being exhausted; but if I shall impart information or arouse to wise and vigorous performance of duty any who may honor it with a perusal, I shall be amply requited for the labor it has cost me. Pardon me, gentlemen, for concluding with the admirable rule laid down by a Romish Father as a guide for his Christian brethren, and to which I think I may most appropriately call the attention of our Conservative brethren of every hue as furnishing an unerring guidance for them in their severe and trying struggles, for their rights, their liberties and the Constitution.

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He says, (I quote from memory): "In non-essentials let there be liberty, in essentials unity; in all things, charity."

I have the honor, gentlemen, to be, with great consideration, very truly yours.

William Smith.

EXTRACTS FROM A SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA, ON THE TARIFF BILL.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 9, 1842.

We think it not inappropriate to insert some extracts from a speech delivered in the Congress of the United States by Hon. Wm. Smith, in 1842, on a subject then, as well as at the present time, engrossing the public mind and engaging the earnest attention of the American and English statesman.

It bristles with the effective logic of facts and figures, and is now, as ever, deeply interwoven with the private fortunes of the people. The whole speech is as fresh as when delivered, and will well repay persual and study.

TO MY CONSTITUENTS AND FRIENDS.

For my views, gentlemen, upon the tariff, allow me to ask your consideration—not for myself, but for the grave importance of the subject. It is thoroughly interwoven with your private fortunes, and is deeply interesting to the whole country

In the *general* accuracy of my statistics, you may safely confide. Of the truth of my principles, and the soundness of my conclusions, you are fully competent to judge. But I will remark that, in the course of my reasoning, I have always preferred the cool demonstrations of ascertaining results to the attractive theories of speculative philosophy.

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I am, gentlemen, your friend and fellow-citizen, William Smith.

Washington, August 20, 1842

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SPEECH.

Mr. Chairman —The question under consideration is one of the highest importance. Its object is two-fold: First. To raise revenue for the support of the government. Second. To protect manufactures. The first object is a legitimate and indispensable duty. The second object is unwise, inexpedient and destructive of the true interests of the country.

There are four modes of raising revenue.

First. By internal taxes. This mode has prevailed, to some extent, for about twenty years of the last fifty of our Federal existence. It is recommended: First. Because it taxes the property, and not the consumption of the country. Second. Because it is an honest tax, levying directly upon the people the sum necessary for the support of government; and thus, in an effective way, keeping the people informed of the millions collected from them for taxes. Third. Because, flowing directly from the pockets of the people, they will exercise greater vigilance over both charge and expenditure, secure stricter economy and responsibility, and thus arrest, to a considerable extent, the progress of corruption. Fourth. Because it will subject our collecting officers to fewer corrupt temptations. Fifth. Because it in no respect leads to the corruption of the public morals. Sixth. Because it is less liable to defalcations, and, when they occur, to loss of the public money. Seventh. Because by it our revenue will be more cheaply collected. *

* I have a statement now before me, made at the Treasury, which shows that our net revenue from customs, from 1830 to 1840, both inclusive, was \$210,707,992, and that the expense of collecting it was \$15,160,148, which is over seven and one-half per cent.; a per cent. greater than attends the collection of direct taxes, as is well known.

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Eighth. Because it places, as near as can be, the burden of government on the whole people, and upon each person in proportion to his property. Ninth. Because it gives to our domestic industry its widest scope and span; the markets of the world and the friendship of all nations; secures the largest amount of exchangeable values, and the most rapid accumulation of wealth. Tenth. Because it brings into premature existence no branch of industry. Eleventh. Because it leaves every man to that occupation or pursuit, to which his own taste or judgment may incline him; relieves the country from one source of agitation and excitement, and thus tends to strengthen and consolidate our free institutions. For these and other reasons, which time will not allow me to enumerate, I, speaking only for myself, under a due sense of my responsibility, declare my decided preference for direct over indirect, internal over external taxes.

Secondly. By imposing duties upon foreign goods, the like whereof is not made or grown in this country.

Thirdly. By imposing equal, uniform duties upon all imports. This is the principle of the compromise act.

Fourthly. By imposing duties mainly upon such imports only as come in conflict with our factory system. Thus using a great and essential power of the constitution for the purpose of disturbing the industry of the country; pampering one interest at the expense of all the rest; exciting the hostility of foreign powers, and breaking up that equality of right, without which the Union cannot be preserved.

This is protection, and this the character of the bill now under consideration.

I am aware, Mr. Chairman, that protection, as such, is not generally contended for. It is revenue only which gentlemen profess to desire. If this were so, why was reference made at all to the Committee on Manufactures? Why not have referred, at once, the whole subject of duties to the Committee of Ways and Means, the appropriate committee, as its very name implies? The truth is, protection is the great object, and revenue the incident

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merely; inverting the legitimate powers of this government, and making it the instrument of wrong and oppression, and not of prosperity and freedom.

Of all the nations which ever joined in the march of time, this republic possesses, in a pre-eminent degree, the elements of real greatness. Blessed with a constitution formed by a rare union of the purest patriotism and the most enlightened wisdom—with a population that mingles benevolence with enterprise, and morality with desire for gain—that possesses an industry that never tires, and an enterprise that fearlessly encounters every peril—a courage that dares to meet a foe, and a magnanimity that readily forgives him—with a country fertile as the Nile, and embracing the capacities of almost every clime—our young energies untrammelled, and our substance yet our own—nothing is wanting to enable us to realize the dreams of Utopian philosophy, but *to let our industrial pursuits alone*. But this, I fear, is not to be permitted. The high prerogative of freedom—to buy as cheap as we can, and sell as dear as we can—is not to be allowed. The doctrine that the selfishness of man is the safest counsellor in the selection of his occupation or pursuit, is to be exploded. And government, wiser and shrewder than individual man, is to prescribe and regulate the different branches of our industry.

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This outrage upon the intelligence of the age is vindicated, however, upon a variety of reasons, which I will now proceed to consider.

First Reason for Protection — That it will Create a Home Market for our Surplus.

The value of a home market, created by legislature, may be more than questioned—it may be denied. It depends upon the mutable opinions of men. The policy of to-day may be abandoned to-morrow. A home market, which springs into being under the operation of natural causes, cannot be too highly appreciated. It is but little subject to changes—is steady as the wants of man—and may be safely counted on in the operations of labor and capital.

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But any market created by law is a dear one. This truth is established by law itself. You create a home market, by refusing to our people the privilege of buying in the cheapest market, and compelling them to buy what they need at higher prices, of a portion of our people, who, in consequence thereof, have been induced to engage in manufacturing industry. Without duties, we will suppose we can get from the foreign manufacturer one hundred yards of cotton cloth for a barrel of flour. But our own manufacturers, under a specious idea of a home market, prevail upon us to impose upon the foreign article a duty of twenty per cent.; in consequence whereof, we get from our manufacturer only eighty yards of cloth for a barrel of flour. The object is attained; we have a home market—but is it not a dear one?

From the adoption of our present constitution, up to the late war, our manufacturers were aided by the imposition of light duties. From the war, up to the present time, they have been aided with high duties, amounting, in many respects, to actual prohibition. Let us see the sort of home market the manufacturers have given us:

American prices in Boston, in the years:

1816	1824	1828	1832	Flour	\$7 37	\$6 62	\$5 52	\$5 62	Corn	1 00	48 55	62	Pork	22 00	12 00
13 00	13 00	Cotton	30 16	11 11	Tobacco	20 00	10 00	6 40	5 50						

I have selected the periods of the former high tariffs, running through a period of sixteen years; and I ask if the policy which creates a home market gives for our principal articles any increase of price? I will now ask attention to four periods, embracing a space of about fifteen years preceding the late war, and during the prevalence of low duties.

American prices in Boston, in the years:

1795	1800	1805	1810	Flour	\$12 00	\$10 00	\$13 00	\$8 25	Corn	1 00	75 1 25	1 15	Pork per		
bbl	18 00	17 00	16 50	19 00	Cotton	33 36	25 16	Tobacco	6 87	5 00	8 00	8 00			

This contrast of prices between the periods of free trade nearly, and that of high and oppressive duties, affords a most instructive lesson. In the one period, we see our

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products finding a market at good prices, to be exchanged for the cheap products of other climes.

But during the latter period, we see our products falling in value; and the articles for which they were exchanged coming to us enhanced in price, by reason of the duties imposed upon them; still further, in fact, reducing the real value of our products. Am I not, then, right in maintaining that any home market, created by law, is a dear one?

The fact is, the creation of a home market, otherwise than by the treat principles of political economy, is seriously destructive of national wealth. It not only impairs the exchangeable value of all our great products, by enhancing the articles for which they are bartered; but the nations of the earth are placed in a state of hostility to them, by the policy I am now considering.

The English would be glad to place bar iron in our seaports at two cents a pound. Yet, under the policy which goes for a home market, we are compelled to pay for the same article from three and one-half to five cents a pound. I might run out my illustrations of this great subject in many ways; but time will not permit. Suffice it to say, that I trust enough has been said to show that a home market, such an one as legislation gives us, is a *dear one*.

But it is utterly impossible for any tariff, looking to revenue at all—ay, if raised to prohibition—to give us a home market. Upon examination of the census table, it 291 appears that the number of persons engaged in “manufactures and trades” is 791,749. (See Census Compendium, by Allen, page 103; by Blair and Rives, page 99.) This number includes every description of mechanic, white or black, slave or free. By the subjoined statement, taken from the Compendium, page 358, it will be found that the number there stated as engaged in mining and manufacturing is only 473,288. Deduct from this number those engaged in machinery, granite, marble, bricks, lime, printing and binding, musical instruments, carriages and wagons, mills and houses, (none of which subjects are

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imported, and which would exist, many of them, in a greater degree than now, if we had free trade,) and the number sinks to 265,032 only. This number might fairly be reduced considerably—as tobacco, for instance; the manufacture whereof is entirely unaffected by a tariff. But take the number 265,032 with such wives and children as they have; and what a poor prospect do they present of a home market for the surplus products of our 3,719,951 hardy tillers of the soil! Why, sir, the idea is ridiculous—supremely absurd. My colleague [Mr. Stuart] gave us a very graphic picture of the productions of his district. As a Virginian, I rejoiced with him, and said, *there* is a single district in the Old Dominion able to feed every factory hand in the Union—a district that will hardly thank her representative for increasing, by his vote, the price of the articles for which she has to exchange her productions.

The truth is, *a home market* is a wild and visionary conceit. Our productions must, for many generations of men, exceed our consumption. Our surplus must find a market at home or abroad. At home, legislation may compel it to the extent of our own consumption; but no further, Abroad, we can find no general market for our own manufactures, until we can give them the essential element of *cheapness*. This we can never do, until our operatives are willing to work for a bare subsistence, as is now the case in the workshops of Europe. And this, thank God! they will never submit to, until our wild lands are all taken up and made “to smile and blossom as the rose.” A home market, adequate to the consumption of our surplus, is then impracticable. Abroad we must seek and find one, or the most frightful calamities must overtake all the producing classes.

It is, however, insisted that our legislation has not been such as to give us a home market. In answer to this, I ask attention to our production and importation of four great articles of consumption.

Bushels of wheat \$84,823,272

Bushels of rye 18,531,875

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Corn 377,531,875

Oats 123,071,341

Had the vast amount of surplus products been without a foreign, and restricted to a home market, ruin would have swept over the land. It is actually frightful to think of it. And yet, gentlemen gravely urge that sufficient protection would give us a home market for our surplus. What folly! Do they, who urge the argument, believe in the soundness of its conclusion? *Credat Judæus, non ego.*

Second Reason for Protection — That it will Prevent the Flow of Specie from this Country.

This reason is much used, and with great effect among the unreflecting. But it is not true in fact or theory. It has been our fortune, sir, to listen to many dissertations, both of eulogy and censure, upon the high tariff policy of England. Yet her banks, for about twenty-five years preceding (I think) 1823, were unable to maintain specie payments. And even within the few past years, the Bank of England has frequently stood upon the brink of bankruptcy, and has only saved herself by deepening the sufferings of that kingdom, by the frightful agonies of frequent and severe contractions. Sir, the flow of specie is regulated by great causes, which disregard all human legislation. Those who undertake to control its gentle yet irrepressible currents, would feel as though rebuked for their foolishness, if they would but look upon the lights of science and study the lessons of experience, as were the courtiers of Canute for their fulsome adulation, when he took his seat upon the sea shore and said, in imperial tone, to ocean's approaching wave, "thus far shalt thou go and no farther." But the murmuring tide, heedless of his command, rolled on in its mighty and inscrutable destiny; and will roll on, until time shall be no more. And such is the destiny of money—ceaselessly, yet unseen, it regulates the relations of industry, adjusts the indebtedness of nations, and rolls on, until time shall be no more. And is this to be regretted? The flow of specie is ever a healthy operation. And, instead of being arrested, were it practicable, ought to have every facility for its departure; for it ever goes

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to stay some unproductive industry, or to pay some honest debt. Any legislation, therefore, that aims to arrest the flow from the country, is a species of quackery that cannot be too strongly denounced.

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But let us look into our own history to ascertain the facts. From 1821 to 1832, both inclusive, the imports of specie were \$82,331,067. The exports for the same period were \$85,604,131. This embraces the periods of all our high tariffs. Do we find the flow of specie from the country stopped? A comparison between the sums just stated gives a negative reply.

In March, 1833, a tariff act (commonly known as the compromise act) was passed, providing for the gradual reduction of duties to twenty per cent., the revenue standard. Let us see how specie fluctuated under reducing duties, and an abandonment of the protective policy. The honorable chairman of manufactures, in his elaborate report now before us, asserts the position I am controverting; and, in his first table, gives the following results.

A statement exhibiting the value of bullion and specie imported annually free of duty (after deducting therefrom the re-exportations) from 1834 to 1840, inclusive:

Bullion Imported.	Specie Imported.	Excess of Specie Exported.
1834	\$792,810	
\$15,442,564	1835 1,420,740	5,962,533
1836 2,153,015	7,269,268	1837 1,023,677
4,800,007	1838 621,037	14,090,974
1839 150,520	\$1,423,729	1840 694,872
2,006,000	Aggregate \$6,856,671	\$49,571,346
Deduct excess 1,423,729	Aggregate \$6 856,671	\$48,147,617

Could I ask a more triumphant reply? In twelve years of protective policy the exports exceed the imports of specie \$3,273,064. But, in the seven succeeding years of duties sinking rapidly to a revenue standard, our imports exceed our exports of specie and bullion the sum of \$55,004,288. The assertion is, that high duties will keep the specie in the country. The fact is, as proven by our records, that specie leaves the country under high

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tariffs, and returns to it under low ones. Do not these interesting facts prove that high tariffs destroy, and that free trade advances to prosperity of the country?

Third Reason for Protection — That it makes Goods Cheap.

This reason, Mr. Chairman, is certainly sufficiently amusing. In one breath we are told that, unless the duties are raised, our manufacturers must be ruined, and in the next, when they are told that this would only shift the burden from their shoulders to those of the farmers, they gravely reply: "Oh, no! the tariff will cheapen goods, not enhance them." When we inquire how this can be?—when we ask if foreign goods are not so low that they cannot now compete with them?—when we ask if the very object of the duty is not to increase the price of the foreign article, that they may get a better one for their own?—that if this be not so, how is it that they are to be benefited by increased duties?—they answer, gravely: "That the tariff will reduce prices, not enhance them;" and seriously appeal to the past, in confirmation.

In support of this most anomalous conclusion, my colleague [Mr. Stuart] informs this committee that, when information reached Brazil that it was *intended*, at the extra session, to impose a duty of two cents a pound on coffee, the Brazilians instantly reduced the price of that article by the whole amount of the duty. This was marvelously kind in our Brazilian friends, truly! What! Not even wait until our *intention* was embodied into *law*! I will, however, not undertake to explain the phenomenon, until I ascertain the fact. Is the fact so? Who will avouch it? We are told that while our scientific and practical countryman (Franklin) resided in France, as the representative of his country, it was stated that a living fish put into a vessel full of water would not cause it to overflow. The French academicians eagerly undertook to explain the apparent phenomenon. The most ingenious and profound essays were written to explain it, but without reaching any satisfactory solution. At a dinner party, I believe, the story goes, some of them submitted the question to the venerable Franklin. "Has the fact been ascertained?" he inquired. "No, it has not been questioned," was the reply. "Then (he remarked) we will first ascertain the fact." Accordingly, a vessel

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was produced, filled with water, and a living fish put into it; when, to their surprise, the water burst over the sides of the vessel, blowing sky-high the fine-spun theories of the most learned philosophers of the day. Such, I have no doubt, will prove the character of my colleague's fact, the existence whereof I utterly deny; and the explanation of which I shall not, therefore, attempt.

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Fourth Reason for Protection — That the English will not buy from us.

This allegation has been so repeatedly made, that it is really, to a great extent, believed. But never was a statement more destitute of truth. England is, by many millions, not only our best, but our largest customer.

Driven from this position, the friends of protection then undertake to alarm the fears of the cotton interest, and give, as a

Fifth Reason for Protection — That it is Necessary to Protect us Against the Growth of India Cotton.

I have heretofore demonstrated that 350,000 bales of cotton are fully equal to the whole consumption of the Union. Protection could not extend beyond this amount. The residue (not less than 1,700,000 bales) would have to go into the world for a market; which it could not procure without it presented a price and quality fully equal to that of all competitors. No protective laws here could avail it. The pretension, therefore, is a delusion and a farce.

But, Mr. Chairman, this is no new pretension. It is one as old as the protective policy. It may not be uninteresting to look back to former days, and on occasions such as the present one. If I mistake not, we are but listening to a cuckoo-note, of which I do think those who utter it should be ashamed.

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In 1816 the celebrated Isaac Briggs, in a letter to William Lowndes, chairman of the Committee of Ways and Means, thus sounds the alarm about India cotton:

“Let not even the cotton-grower sleep on his post in the hope that he will be able to obtain a foreign market and a good price, to the extent of his increasing crops, and commensurate to his wishes. I have no doubt he will soon find this a treacherous hope, however fair the prospect. Bourbon cotton has, for experiment, been planted in British India; the experiment has completely succeeded; and Britain may soon derive a full supply of good cotton from her own colonies and dependencies. She will then take ours, or not, as may best suit her own convenience.”

Again: Niles's Register, of 1824, says:

“It is high time that the planters of the United States should look at home for a permanent market, which may regulate and give steadiness to the foreign demand. * * * Egypt and Greece, and their islands, can apply three times the labor to the culture of cotton that we apply to it; and the quality raised by the people of those countries is of a superior kind. We would not predict evil to any part of our fellow-citizens; but nothing, apparently, is more certain than that the product of cotton will soon exceed the amount required for consumption.”

The following extract is from the circular of Freeman & Cook, London, dated January 1, 1842, quoted in “American Interests:”

“ Cotton —The cotton trade with India, for the last two years, has been highly important in every point of view. The imports in 1841 reached nearly one-third those from the United States, which have a very depressing influence on the value of American cotton. The manufacturers, however, have been benefited by an ample supply, at very low rates,” etc.

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In Niles's Register, of February 14, 1818, it is said—(this was four years after the East India trade had been thrown open to British merchants)—

“Cotton can be raised in India cheaper than we can raise it; and, in the present state of commerce, the carriage on it has a very small effect on its price. The culture in India is extending, and can be extended to any degree that is material, from the vast population whose labor may be directed to it.”

Again: A tariff writer says:

“Three years ago no cotton (comparatively speaking) was imported from India; but, last year, 90,000 bales were received in England; the present year may give an importation of 150,000; the next, of 250,000; the next, a quantity sufficient to exclude all American cottons, except Sea Island, from the British market, unless at exceeding low prices. The increase of ships, since the free trade to India, has been at the average of sixty ships, of four hundred tons each, per annum. Calculate the amount that the probable number of vessels now engaged in the trade will carry. ‘A wise man foreseeth the evil.’ Our planters have been told this over and over and over again; and it has been made known to them ‘as though an angel spoke it,’ that they must rely upon a domestic consumption to insure to them a liberal and just price for their article.”

The author of “American Interests” quotes from a Liverpool circular, dated December 11, 1818:

“The immense increase in the import of East India cotton is the most remarkable fact connected with the cotton market. The average import of the fourteen years 294 past was 25,365 bales; of the last year only it was 117,955 bales; and during the first eleven months of the present year it has amounted to no less than 215,000 bales. The low price at which this cotton has been pressed upon the market, has very much increased the consumption

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of it; several mills are building for the spinning of East India cotton only; and, mixed with Brazils, it is said to make an excellent substitute for American cottons," etc.

In 1827, before the high tariff of 1828, a great tariff journal said:

"We have often asserted that a great change was going on at the South in regard to the policy of encouraging domestic manufactures; we have expressed our belief that the time would come, and speedily (if it even has not already arrived), when the tariff would more benefit the cotton growers than the cotton spinners. We have ventured an opinion that our Southern fellow-citizens would receive instruction from experience."

Above are the predictions of the tariff men from time to time. Recently, many flattering accounts have been published of the success of the efforts to raise cotton in India, under the management of planters from this country, It is also now known that the experiment has entirely failed, and that our planters have left India, and returned to this country.

The Manchester *Guardian*, an English paper, says:

"We have learned, through the medium of letters received by the last overland mail, that the efforts of the American planters, who went to the westerly side of India, have, so far, entirely failed."

This failure is attributed to mismanagement on the part of the directors of the East India Company. But the article goes on as follows:

"So far, the cultivation of the American cotton in Upper India has made no progress; nor do we imagine it is very likely to do so hereafter. * * * On the whole, we fear the prospect of receiving any large supply of superior cotton from India is not, at present, very flattering."

It may not be uninteresting to exhibit the growth of cotton in the world, and in the United States. It will be observed that, at the commencement of the predictions against our cotton, we grew but little, if any, over 80,000,000 lbs.; that, since then, the whole increase

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has been with us; while the quantity grown in the rest of the world, so far from increasing, has actually materially diminished:

Cotton produced in the world. Cotton produced in the United States. Years. 1791
490,000,000 pounds. 2,000,000 pounds. 1801 520,000,000 “ 48,000,000 “ 1811
555,000,000 “ 80,000,000 “ 1821 630,000,000 “ 180,000,000 “ 1831 820,000,000 “
385,000,000 “ 1834 900,000,000 “ 460,000,000 “ 1840 790,000,000 “

I find no return of the growth of cotton in the world as late as 1840.

To show that our cotton still maintains its ascendancy, I will give a report of the business done in it, in the month of May last, in Liverpool, the great cotton market of the world:

“The import during the month of May was 240,000 bales—in 1841, 159,000, bales. The total sales of the month were 129,000 American, and 1,800 Surat, on speculation; and 5,000 American, 600 Surat, and 600 Brazil, for exportation.”

I have previously demonstrated that the idea of finding a market at home for our immense supply of cotton is perfectly delusive. But, whether right or not in this, I am sure all will agree that the opinion that India is to become the great rival of this country in the growth of cotton is the veriest humbug ever started by scheming selfishness. We are next presented with the

Sixth Reason for Protection — That it will make us Independent.

This is an appeal to our nationality—an attempt, by pure selfishness, to arouse within us our disinterested feelings. We are asked if we will not free ourselves of dependence on foreigners for actual necessities, in time of war. And a glowing sketch is then presented of the sufferings of our soldiers during our late struggle with Great Britain. Without admitting or denying the correctness of this sketch, it must be admitted that no just fears upon this subject can be entertained for the future. With twenty millions of sheep, and upwards of two millions of bales of cotton, the man must be hardy who will venture to assert that we can ever suffer for want of clothing. Why, sir, in time of profound peace, with a strong

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appetite among us for every sort of luxurious indulgence, we did not import and retain for our use, in 1840, of blankets, more than about three cents worth to each of our people. Our whole importation of woollen goods, of every kind, retained for consumption, was only about thirty cents each. In 1840, we imported, of cotton goods, \$6,504,584 worth; and exported, of our own manufacture, \$3,549,607 worth; leaving for consumption, of cotton goods, about 15 cents to each person. In 1840, we imported, of gunpowder, only \$4,521 worth, and exported \$117,347 worth. Of arms, we have the most abundant supply, to wit: 692,542 muskets, 23,334 rifles, etc. We have also two public armories, which turn off annually 27,948 arms; and contracts with seven private armories, which annually supply 13, 100 small arms. In 1840 our whole import of iron, after deducting 32,786 tons used by railroads, and admitted free of duty, was only 22,718 tons; being less than one-twentieth of our own production, and only about three pounds to each person. It is obvious, therefore, that, whatever may have been the force of this reasoning in the days that are past, *now* it is not entitled to the slightest consideration.

Seventh Reason for Protection. — That, after a short time, the policy may be abandoned.

This reason concedes the injustice of the policy. It is but to say, As soon as I get rich enough to do without it, I will cease to plunder you. But let us look into this pretension.

General Washington in his seventh annual message, of December 8, 1795, says:

“Our agricultural commerce, and manufactures prosper beyond former example.” In the same paragraph he asks: “Is it too much to say that our country exhibits a spectacle of national happiness never surpassed, if ever before equaled?” At this time duties were only 15 per cent. Mr. Monroe, in his fifth annual message, or December 3, 1821, says: “It may fairly be presumed that, under the protection given to domestic manufactures by the existing laws, we shall become at no distant period, a manufacturing country, on an extensive scale.” On the 25th of May, 1816, in the House of Representatives,

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“Mr. Clay said, the *object* of protecting manufactures was, that we might eventually get articles of *necessity* made as *cheap* at home as they could be imported, and thereby to produce an independence of foreign countries. In *three years* he said, we could judge of the ability of our establishments to *furnish those articles as cheap* as they were obtained from abroad, and could *then legislate* with the *lights of experience*. He believed that *three years would be sufficient* to place our manufactures on this desirable footing.”

The same sort of arguments were used in support of the tariffs of 1824 and 1828. In 1833, when the anti-tariff party was in the ascendency, or, as was conceded, would shortly be so; when Mr. Clay said of the tariff: “If it should even be preserved during this session, it must fall at the next session;” and when, under the apparent and lofty desire of preserving in harmony and peace the fraternal relations of this Confederacy, he was really struggling for the preservation of the tariff interest, did he not broadly repeat the same doctrine? “What was the principle,” he said, “which had *always* been contended for, in this and the other House? That, after the accumulation of capital and skill, the manufacturers would stand alone, unaided by the Government, in competition with the imported articles from any quarter. Now, give us time; cease all fluctuations and agitations *for nine years*, and the manufacturers, *in every branch*, will sustain themselves against foreign competition. In 1795, the prosperity of our manufactures was such, that General Washington thought it worthy of a place in his annual message to Congress. In 1821, Mr. Monroe, in the same form, expressed the opinion that the protection then existing would make us a great manufacturing people. In 1816, Mr. Clay thought *three years* enough to test the utility of protection. In 1833, Mr. Clay declared—give nine years of peace, and it would enable our manufacturers, “*in every branch*,” to encounter foreign competition. Well, sir, the anti-tariff interests, with a generosity rarely equaled, and with a manly confidence, about to be most shamefully requitted, grant nine years of peace to their adversaries—generous, uninterrupted peace. Are they now willing, “*in every branch*,” or, indeed in any branch, to encounter foreign competition? No, sir; still they utter the same cuckoo note. Greedy and rapacious as ever, still the cry is, “Give, give.”

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I have now, Mr. Chairman, with candor, considered the principal reasons in support of a protective policy; and have satisfied myself, at least, that they are obnoxious, equally, to practical justice and the soundest principles of political 296 economy. I will now proceed to the consideration of objections to the policy of protection.

First Objection. — That it is Injurious to Commerce and Navigation.

I suppose, Mr. Chairman, it will be universally conceded that commerce and navigation are two of the great and essential partners of agriculture. Commerce takes up the surplus products of agriculture; and navigation transports those products to the different markets of the world. It is obvious, therefore, that any policy that cramps or embarrasses these branches of industry, is prejudicial to the best interests of the country. An abundance of ships, cheaply built, is essential to agriculture. By it, freights are reduced. Every surplus that can be spared is sent abroad. Production is stimulated; the number of our sailors, is of course, increased The real home market is formed; and, in truth, every branch of industry quickened and enlarged. I ask attention to a table embracing our foreign trade:

United States foreign tonnage. Tons.	Population of the United States.	Imports kept for consumption.	Imps. for consumption which ought to have been.	Years.
669,921	5,245,815	\$52,121,891	\$52,121,891	1800
984,269	7,036,563	61,008,705	69,495,854	1810
854,294	9,654,596	56,441,971	95,556,800	1815
619,896	12,866,020	576,475	12,866,020	1820
899,764	17,063,353	88,951,207	169,306,145	1830
576,475	18,419,441	946,073	18,419,441	1840

During the first ten years, our trade was annoyed both by England and France, yet our tonnage increased nearly 50 per cent. During the second of five years only, though the war with England had intervened, and our navigation had braved all the fury of the greatest naval power of the world, yet our tonnage had but slightly diminished. But during the two subsequent periods of fifteen years, the three great tariffs of 1816, 1824, and 1828, had intervened; and they reduced our foreign tonnage 277,819 tons, nearly sweeping it from the ocean, and thus accomplishing what had defied the power of England with her thousand ships of war. Yes. sir; in this period, our foreign tonnage diminished over 50 per cent.—and that, too, while our population increased over 50 per cent. Is it not most

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monstrous? But, sir, in 1833, the compromise act was passed. By it a scale of descending duties was established. The effect was soon visible in the increase of our commerce and navigation, so that, in the next period of ten years only, we more than recovered all that we had lost in the preceding fifteen years; our foreign tonnage being, in 1840, 899,764 tons—an increase since 1830 much greater than our population. And, sir, this increase continues; our foreign tonnage being 946,073 tons in 1841.

In support of this view of my subject, I will offer for consideration certain extracts from the report of the Committee on Commerce, of which the honorable J. P. Kennedy, is chairman.

[Permit me here to remark, however, that this report is one of the strongest tariff documents that has been published at the present session; and, to my mind, the deadly foe of the interest it undertakes to protect.]

We present the following aggregates of importation during these terms:

THE IMPORTATIONS OF SILKS.

During the first term, from 1821 to 1830, amounted to \$71,400,000

During the second term, from 1831 to 1840 138,400,000

Being an increase of \$67,000,000.

OF WINES.

During the first term 15,900,000

During the second term 29,700,000

Being an increase of \$13,800,000.

OF WORSTED GOODS.

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During the first term 15,800,000

During the second term 45,100,000

Being an increase of \$29,300,000.

OF LINENS.

During the first term 32,400,000

During the second term 42,600,000

Being an increase of \$10,200,000.

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OF TEAS.

During the first term 24,400,000

During the second term 42,900,000

Being an increase of \$18,500,000.

OF COFFEE.

During the first term 50,300,000

During the second term 89,500,000

Being an increase of \$39,200,000.

“These constitute the principle commodities which, since the act of 1832 and 1833, with the exception of wines, have been admitted free of duty; and in regard to wines, the

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reductions of duty under the act of 1832, which took effect on the 4th of March, 1834, were established at so low a rate as to be, in effect, equivalent to free importation.”

Now, sir, these comparative tables are presented by the report in question, by way of complaint that free goods produce an over-importation beyond the growth of our population. It says:

“Contrasted with this view of the extension of our trade through the medium of free goods, an examination of the principal imports would show that, in the dutiable articles retained in the tariff since 1832, the increase of importation has preserved a ratio nearer to that of population; and although these importations were, undoubtedly, somewhat enlarged by the stimulus of the government measures upon the currency, yet the difference between them and the free goods is sufficiently obvious to demonstrate the pernicious effect of reducing the duties.”

Here is a clear confession by a committee devoted to a tariff policy, that free goods increase our importations, and, as a consequence, our commerce and navigation.

Nor, sir, is this all. Imports are only paid for by exports. The imports and exports must bear the relation of equality. This is universally conceded. Mr. Adams, in his fourth annual message, says: “In our country, a uniform experience of forty years has shown that, whatever the tariff of duties upon articles imported from abroad has been, the amount of importations has always borne an average value nearly approaching that of the exports, though occasionally differing in the balance—sometimes being more, and sometimes less.” When, therefore, the honorable Committee of Commerce shows that free goods increase our importations, it is also established that our exports are increased in that same ratio. And is not this so? Mr. Clay has said: “For we are instructed by all experience, that the consumption of any article is in proportion to the reduction of its price; and that, in general, it may be taken as a rule, that the duty forms a portion of its price.” Articles being admitted free of duty, are reduced in price; more persons are found to consume them. As

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a consequence, exports are sent forward to procure them. These find a ready market; for the increased consumption of the articles for which these exports are to be exchanged gives the ability to purchase them. And thus a lively interchange of commodities ensues, which increases, not only the business of commerce and navigation, but the comfort, prosperity and happiness of all the producing classes. Why, then, should this great interest be sacrificed to the tariff policy? It is to be, in fact, the right arm of our power in all our future wars. It asks no contributions to its own support. It only asks that it should not be crippled and chained for one of the least useful and important interests in our country.

Secona Objection to a Protective Policy — That it Must, to a Great Extent, Demoralize the Country.

Nothing is to be more deprecated, Mr. Chairman, than the enactment of laws which do not find support in the moral sense of the community. It impairs that respect for them which is essential to their utility. A bloody criminal code cannot be enforced. Many illustrations might be given of the inefficiency of human legislation for want of the necessary harmony with popular feeling, were it needful. Can it, then, be supposed that public feeling will cooperate with the law in punishing the evasion of a high tariff? Or that those who supply the consumer with cheap goods will be looked upon with hostility? No, sir, smugglers will come to be looked upon in this country, as they are now in Europe—with favor. The two great tariff nations—Great Britain and France—with a mighty revenue service, with a contracted frontier, with a dense population, a mighty military marine, and a great experience and thorough knowledge of the subject, have in vain attempted to put down the smuggler. In Europe smuggling is a well-established business, employing a large capital, with a regular tariff of its own, operating almost as steadily as the lawful trade. The smuggler's 298 agent appears regularly on ' *Change*, and makes his engagements with as much exactness as regular dealers. He will take all the risks, and, for a premium varying from 15 to 40 per cent., will deposit a banker's check as a guaranty for the safe delivery of the article according to contract. The report of Messrs. Villiers & Bowring on the commercial relations between France and Great Britain estimates the loss to the British

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revenue, from the clandestine introduction of brandy, geneva and tobacco from France, Belgium and Holland, to be above £1,500,000—about \$7,500,000.

We are informed also, by the same authority, that a vast system of smuggling is carried on with France by the agency of dogs. “In 1823 it was estimated that 100,000 kilogrammes (about 225,000 pounds) of goods were thus introduced into France; in 1825, 187,315; and in 1826, 2,100,000 kilogrammes.” These dogs carried about six pounds each, and were easily made to obey orders by harsh treatment when they were loaded, and by kind treatment when they reached their homes. It was estimated that not more than one dog in 75 was destroyed, although the frontier was lined with revenue servants.

Now, sir, if such be the difficulty in executing the revenue laws in Europe, with all the advantages possessed there, what chance is there, I ask, of executing them here? With 8,000 miles of frontier (much of it in forest), no human force can prevent smuggling, and exactly to the extent the parties concerned may desire Buffalo will, no doubt, grow rich; and Norfolk, if she be wise, may find renovation and health in this “bill of abominations.”

Third Objection to a Protective Policy — That it must lose us our Foreign Market.

It is an undoubted truth, that we cannot sell if we do not buy; unless we make that which other nations *must* have, and cannot elsewhere procure. Now, it so happens that there is nothing within the whole range of our industry that cannot be else where procured *in abundance*. And it follows, as an inevitable consequence, that the line of policy which prevents us from being purchasers, prevents us from being sellers, also. There must be substantial equality between exports and imports. If we had been always blessed with a moderate duty, assuming the imports of 1800 as the basis of my calculation, we should have imported, in 1840, the sum of \$169,306,145; and, upon the principle stated, and which cannot be denied, we would have a like sum; instead whereof, we exported about \$100,000,000 only.

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This principle is admirably illustrated by a table taken from Mr. Kennedy's report, to which I have referred.

Total imports and exports of the United States:

Imports.	Exports.	1825	\$96,340,075	\$99,535,388	1830	70,876,920	73,849,508	1835
129,391,247	121,693,577	1840	107,141,519	131,571,950				

Of these amounts there were exported from, and imported to:

Great Britain and her dependencies.	France and her dependencies	Imports	Exports.																				
Imports.	Exports.	1825	\$42,394,812	\$44,217,555	\$11,835,581	\$11,891,327	1830																
26,804,984	31,647,881	8,240,885	11,806,238	1835	65,949,307	60,167,699	23,362,584																
20,335,066	1840	39,130,923	70,322,986	17,908,127	22,355,905	Spain and her dependencies.	Brazil.																
Imports.	Exports.	Imports.	Exports.	1825	\$9,322,791	\$5,840,720	\$2,156,707	\$2,393,754	1830	8,373,681	6,049,051	2,491,460	1,843,238	1835	15,617,140	7,069,279	5,574,466	2,608,656	1840	14,019,650	7,618,347	4,927,296	2,506,574

It is particularly well illustrated by our trade with France. In consequence of the abolition or great reduction of our duties on French silks and wines, our importations from France very greatly increased. But it will be observed that our exports increased in the same ratio. True, our imports from Spain and Brazil greatly exceed our exports; but the equality of the general aggregate is maintained.

If, then, it be true that imports and exports are, on an average of years, nearly equal (as I have very briefly attempted to establish), then it follows that the present bill, which is more or less prohibitory, and will prevent us, in a great extent, from buying from foreigners, will also prevent us from selling to them. The consequence must be most disastrous to those who till the soil.

But this is not all. When it comes to be known that it is our settled policy to 299 make everything at home—to buy nothing—we at once provoke the hostility of the world, and set all nations to work to procure elsewhere the supplies previously purchasdh of us. We thus

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lose the foreign market, without which we cannot dispose of our surplus, and without which we would be the prey of the home market.

Now, sir, is it to be supposed that this fatal catastrophe will be permitted?—that the millions engaged in production will allow themselves to be stripped of the foreign market by a few rapacious manufacturers? It would enrich them, but the mass would, indeed, be impoverished and undone.

Fourth Objection to a Protective Policy — That it is Grossly Oppressive, Unequal and Unjust.

Before I proceed with the argument of this head, I ask attention to a table embracing the relative importance of the three great interests of our country.

Capital employed. Annual production. People employed. Agriculture \$1,500,000,000
\$794,453,071 \$3,719,951 Forests 9,868,307 17,845,717 15,203 Miscellaneous 3,199,729
68,000 The following articles more properly belong to agriculture than to manufactures.
Granite, etc. 2,442,950 3,734 Bricks and lime 9736,945 22,807 Turpentine, tar, etc.
660,827 21,994 Carriages and wagons 5,521,632 10,891,887 Flour 37,022,810 60,788
Other products of mills 65,858,470 76,545,246 Mechanics, inseparable from agriculture
250,256 \$1,581,278,409 \$952,739,182 \$4,162,733 Add for real estate \$3,500,000,000
Commerce and navigation 379,445,473 40,871 Internal, “ “ 11,526,950 17,594 Ocean,
lakes and rivers 100,000,000 92,604 Fisheries 16,429,620 36,584 \$507,402,043 \$187,653
Manufactures in factories \$234,643,176 \$197,200,304 \$265,032

I speak, Mr. Chairman, of the three great interests of industry, because commerce and navigation are so essentially connected, that they may well be united and placed under the same head. In this arrangement of our industry, I have classed with agriculture certain employments that have always belonged to it. Surely, felling the forest and converting it into timber, working rock, making brick, wagons and grinding meal, etc., may be justly so associated, being identical in interest and feeling. I have also classed with agricultural laborers those mechanics who have always been thus united, and who are included in the 791,545 persons represented by our late census as engaged in manufactures and trades.

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In ascertaining the number of persons engaged in the factory business, I have deducted the persons I have just stated as given to agriculture. Other branches were deducted, as machinery, etc., because they were articles entirely unaffected by the tariff, etc. But, not claiming them for agriculture, I threw them out of the calculation altogether. But the table, to which I have before referred, will enable all to judge of the propriety of my calculations. From this view:

Agriculture has a capital of \$5,081,278,409

Commerce and navigation 507,402,043

Manufactures 234,643,176

Now, sir, these interests are equally entitled to justice, and to be freed from unequal burdens. At any rate, if partial legislation were to take place, an uninformed person would suppose that it would be for the benefit of the many, and not for the few. Yet, it is most wondrous! the smallest interest—in many of its departments a pauper—is enabled to plunder the other two. It is an admirable illustration of the efficiency of proper organization.

I present to this committee, sir, this view of our prodigious wealth, and of the persons engaged in its management, that all may be able to judge clearly the best mode of raising revenue for the support of government. Shall we levy on the wealth, or the people of the country? Or shall we put the whole burden upon a portion of our wealth and people only? These are truly interesting inquiries, involved in the bill before us. Let us examine them.

According to my table, our aggregate wealth amounts to something over five thousand eight hundred millions. None can think it less. Indeed, our household property and slaves are altogether omitted in this estimate. If we levy upon this wealth the sum requisite to support the government, it is obvious that the most equal and exact justice is done to all our citizens, each paying in proportion to the wealth he possesses; and no more. Here,

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sir, there is no proper room for complaint—no bickering—no hatred and ill-will; but the burdens and the blessings of government, like the dews of heaven, fall equally upon the rich and the poor, the just and the unjust. Sir, is not this so plain as to defy contradiction? Is it possible that such a system of revenue cannot find favor with the American people? that they, when they come to consider it, will pronounce it unwise, impracticable, and inexpedient?

But, sir, the manufacturers—constituting about one-nineteenth of the laboring classes—insist that the revenue ought not to be collected from the wealth of the country, but from duties on foreign imports; and not even by an equal, uniform, *ad valorem* duty, but by a duty discriminating in favor of their manufactures—affording what has been, and still is called, *incidental protection*. No term is more shamefully perverted. *Incidental* means *casual—happening by chance*. Is that the character of the bill before us? A duty of fourteen cents on an article that costs eight cents—of six cents on one that costs two cents—of nine cents on one that costs six cents, (the three articles being coarse flannels, cottons, and calicoes,) is a protection “*happening by chance*,” indeed! Sir, what is incidental protection, as now understood and carried out, but the most shameful and unblushing wrong? Every sort of regular expenditure is swollen to the largest size; improvements undertaken, which are neither sanctioned by the constitution nor common sense; claims rejected, perhaps, a hundred times—old as the hills almost, and frivolous in the extreme, are passed. And then, if by all these means such a charge is not raised against the treasury as to require a tariff large enough to satisfy the cormorant appetite of the manufacturers, they are allowed to discriminate, and, under the general name of incidental protection, procure all that *their modesty* will permit them to ask. Incidental and direct protection are, then, the same; and the man who attempts, at this day, a distinction, is either trying to cheat others, or to cheat himself.

But, sir, whenever protection, whether incidental or direct, is necessary to the support of any branch of manufactures, it is a public wrong and a public injury.

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What is the first fact agreed upon? that a certain branch of manufactures cannot support itself at the price it can get for what it makes. It is, then, a pauper upon the parish; and must either receive bounties, in the shape of duties, or it must give up its business, and go to a more profitable employment. If, in the shape of duties, you take a share of the profits of the other concerns of the country, to supply the losses of one in question, do you not inflict a great wrong upon those you have plundered? And if, by such means, you are able to keep up this losing concern, will you not, by diminishing the general wealth, perpetrate a great public injury? It is, in truth, like putting a certain number of persons upon the poor list, and supporting them out of the county-levy. The county would clearly be the richer, by the whole amount of their support, had they never undertaken it. And, as every man of practical wisdom would give up his private undertaking which could not support it self, so it is, to my mind, the part of true wisdom, after giving every branch of industry the protection of just and equal laws, to leave them to thrive or perish, as they may be able to stand the competition of rival establishments.

It is, undoubtedly, the part of duty and justice, to place the whole public burdens upon the whole people. But this incidental protection *incidentally* exempts all those, whose business is aided by it, from any share of the public burdens. Were you, by law, in direct terms, to exempt manufacturers from taxes, the voice of the country would be raised in indignant condemnation. But, by incidental protection, precisely the same result is accomplished; and many of those whom it oppresses are drawn to its support. It is vain for gentlemen to pretend that such is not the result of this policy. No human wit can fail to perceive that that system of revenue by which the government and the manufacturers are supported, is one which places the expense of government upon a part of the people. In truth, incidental benefit and incidental wrong may be regarded as inseparable, in reference to all the great departments of industry. It is but a more polite way of expressing a homely adage, that "what is one man's loss is another's gain."

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But, it is asked, will you destroy, annihilate, the vast establishments now engaged in manufactures? I answer, I would not. But I would cease to destroy, annihilate, the wealth of the country in their support. They should no longer be fed from the general crib by bounties and taxes. I would refuse any longer to support such 301 overgrown and rapacious paupers. I would say to them, that, for six-and-twenty years—a period beyond the legal infancy of man—you have grown and fattened upon the liberal provision of a generous and indulgent country; and now you must set up for yourselves; “root hog or die.”

It, however, does not follow that all our manufacturing establishments would perish. Those unwisely located, or extravagantly or unskilfully conducted, would no doubt soon cease to be. And this, so far from being a subject of regret, ought to be one of rejoicing; for the country would be no longer burdened with the support of unprofitable establishments. But many, very many of them, if not all, would survive. Forced to depend upon their own exertions, their industry would be increased, their wits sharpened, and their management improved. They would become useful and valuable members of the community, adding to, and not consuming, its wealth.

Many gentlemen—advocates of incidental protection—are very indignant at the proposition to tax tea and coffee. They are, necessities of life, of universal use among the poor, say these *incidental* politicians; and should therefore be free. I have heard such arguments from those who would tax the laborer's shirt 300 per cent., the under-dress of the milk-maid 180 per cent., and the iron for the plough of the small farmer 50 per cent. And I could but in bitterness of spirit ask myself if such dear lovers of the poor were playing the hypocrite, or had really cheated themselves into the belief that the cotton shirt, the flannel undercoat, and the iron plough, were not equally essential and necessary to the poor as a cup of tea or coffee.

One of the great objections I entertain to *incidental* protection is, that it oppresses the poor, by transferring the fruits of their labor to swell the gains of capitalists. Every cent that is paid for a yard of cloth, over and above the price at which it could be purchased under

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a system of free trade, is either annihilated in supporting the manufacturer, or swells the amount of his wealth. In either event, it is the same thing to the poor man. His money is gone—most unjustly lost to him forever. Do not understand me as being the advocate of a system shaped for the benefit of the poor man. No, sir; no. I entirely repudiate it. I regard such a system as a species of agrarianism, and nothing less. The poor man has an interest, a most particular interest, in the institutions of freedom; and, as a matter of pride—the pride of a freeman—should demand to pay in proportion to his property; and treat with scorn—bitter, indignant scorn—all discriminations in his favor. But what I do insist upon is, that the poor shall not be oppressed; that, under the specious guise of friendship, the poor shall not be crushed beneath the *iron heel* of incidental protection. Such, sir, I tell you, is the character of the bill now under consideration.

To illustrate this view in a tangible form, I will invite attention to a table prepared by the honorable gentleman from Pennsylvania [Mr. Snyder], whose sound practical views, a few days since, gave so much satisfaction to the committee.

This table sets forth the amount of articles, which it is supposed each poor family will consume, with the tax, amounting to \$9.53½, which he pays on such articles to the Federal government. The amount is greater in fact, because the \$9.54½ is paid first by the importer; and not only he, but every merchant who sells the articles charges a profit on this sum; so that it is, in truth, doubled to the consumer.

Sugar, 2 pounds per week—duty 2½ cents per pound 5

Coffee, 2 pounds per week—duty 2 cents per pound 4

9

Multiply this by 52 weeks 52

And we have, for one year \$4 68

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To this amount add—

2 bushels of salt, at 10 cents duty 20

1 gallon of spirits 60

3 gallons of vinegar at 8 cents 24

½ ream of paper 1 20

9 pounds of steel—duty 2½ cents per pound 22½

10 pounds of lead (for fowling) at 3 cents per pound 30

1 sickle, (or reaping hook) 30

1 grass scythe 30

100 pounds bar iron—tariff \$30 per ton 1 50

\$9 54½

By this table each family can calculate, for itself, whether the quantity be more or less. But this is far from all. Common white cloth can be bought in England for 2½ cents a yard. The duty proposed is 6# cents. Calico, costing in England 6 cents has a duty of 10 cents. Flannel, costing 8 cents a yard, has a duty of 14 cents, etc., etc.; so that, in every article a man buys from a store, he is paying a heavy tax. If 302 a foreign article, he pays a direct tax; if a home article, he pays the tax indirectly, in the increased price demanded. I do not hesitate to say that, in my State, many a poor man, who pays but 10 cents to the State, pays \$20 to the Federal government, or to manufacturers—the price of the goods he buys being higher than they ought to be, by reason of duties imposed upon foreign imports. But this is not all; the poor man will frequently pay more taxes than the rich one; the tax being

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upon consumption. The poor man with a large family must eat, and drink, and wear. To support his family at all, he has to labor early and late. And in the midst of all his anxieties, in steps “incidental protection,” imposes high duties upon the articles the poor man's family must use, and thus deepens his perplexities, while in his vocation of patriotism and love. The rich old bachelor, however, disregarding the injunction to increase and multiply, lives to himself, and within himself adds dollar to dollar, and contributes nothing—not a cent—to the support of that government by which he is sheltered and protected. Is this right? Yet, this is the principle of incidental protection.

But I will give some general illustrations of the beauties of incidental protection. In 1840, we imported 120,039,585 pounds of sugar, and made in the United States, 155,110,809 pounds; making, after deducting 18,930,952 pounds, which were re-exported, the grand total of 256,219,442 pounds. Well, the sugar-planters of Louisiana, about 600 in number, say they must be ruined without a duty on sugar—that is, upon the article we buy from foreigners. The *incidental* politicians say the country needs revenue, and we will save the planters from ruin by imposing a duty of 2½ cents a pound. This duty upon the quantity imported, deducting that re-exported, gives a revenue of about two millions and a half. But the sugar-planters wanted the duty to save them from ruin. The duty is imposed for that object, certainly, in part. Of course, the planter puts the duty upon his sugar also, which, being 2½ cents upon the whole quantity of 256,219,442 pounds of sugar, gives the sum of \$6,405,485, which is annually paid for the growth of sugar in the United States—two millions and a half of which goes into the treasury, and the balance into the pockets of the sugars-growers. The investments in the sugar business are supposed to be worth forty millions of dollars, consisting chiefly of land and negroes. If the plantations were permitted to go down, the loss of capital could not exceed ten millions of dollars. Is it not plain it would be the better policy, inasmuch as we will have to pay upwards of six millions to keep them going? Yes; every poor woman in the country, when she sips her coffee, and gives the pap to her child, should remember that the sugar with which both are sweetened is

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enhanced to her in price, for the enrichment of the sugar-planter, and should ever, in her heart at least, curse the policy of incidental protection.

But, of all the outrages that legislation ever perpetrated upon a universal want, that upon salt is the greatest. Without pausing to descant upon it, I will merely remark, that to man and beast it is of the most indispensable necessity. As a manure even, to fertilize the earth, it is of the very highest importance. To meet this universal demand for salt, more than one-half of this solid globe is covered with an everlasting *brine*; in situations not convenient to this briny wave, salt springs are found; and in many parts of the world it is dug as a mineral from the bowels of the earth itself. It was, then, a matter of surprise and regret to me, to hear my honorable colleague [Mr. Summers], advocate the increase of the salt duty for the benefit of the salt manufactures of his county, lying in the mountains of Virginia, remote from the seaboard, and amply protected by its inland situation from all competition in the supply of the adjacent country. I regretted it, because I saw in it a disposition to tax the whole seventeen millions of people, for the benefit of a small interest of a few hundreds of people in my own State, already most amply protected by their location, if content to supply the country that naturally looks to them for this essential article—an interest that most shamefully oppresses the community in which it is located, by converting the supply of salt into a grinding monopoly. My colleague shakes his head. The gentleman from Kentucky [Mr Triplett] says, the monopoly is broken up. It may be so, and I so presume it, as it is so said. But that it did exist, is undoubted, and in as oppressive a form as could have been devised. And this article, so essential to the health and prosperity of man—of such universal use and necessity, and so abundantly supplied by God—my colleague is willing, by high taxes, to make a monopoly in the hands of the few producers of it in the United States. Why, sir, the duty proposed is over 100 per cent., being eight cents on the bushel of 50 pounds, while the foreign bushel is 80 pounds, being a duty, in effect, of 12½ cents.

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Price, per bushel, of salt imported into the United States from the countries named, at periods of three and five years, during the years 1822, 1825, 1830, 1835 and 1838.

303 Whence imported. 1822. 1825. 1830. 1835. 1838. Cents. Cents. Cents. Cents. Cents.
Danish West Indies 32 1-8 10 1-2 11 16 1-2 7 3-5 Dutch West Indies 18 10 1-2 7 7-8 9
1-6 7 1-6 England 18 1-6 18 1-6 15 15 3-4 18 Ireland 18 5-8 13 1-2 20 1-3 23 5-8 16
1-5 British West Indies (Turk's Island etc) 14 2-3 10 1-8 9 1-3 10 1-4 10 7-8 France on
the Mediterranean 8 1-2 10 1-4 7 7-8 6 5-8 7 1-2 Spain on the Atlantic 7 1-5 7 3-4 6 3-
4 4 2-3 4 2-3 Spain on the Mediterranean 9 5-8 8 1-4 8 3-4 5 1-2 4 2-3 Portugal 10 9 8
6 1-10 6 1-2 Cape de Verds 8 1-3 8 7-8 7 5-8 9 1-4 7 1-2 Italy 9 3-4 6 1-5 5 5-8 4 1-3
4 5-8 Sicily 3 3-4 2 3-4 2 5-8 Colombia 10 3-4 20 7 1-4 5 1-3

But, sir, we imported, in 1840, 8,183,203 bushels of salt, at a cost of \$1,015,426. We made, according to the census of 1840, 6,179,174 bushels. Upon this whole amount of 14,362,376 bushels, we have to pay the duty upon the article imported, of course, upon the article made, in the increased price of it—making, in fact, a sum paid by the people of the United States upon the article of salt, that would more than buy every bushel made in the Union. This is the consequence of incidental protection.

The same illustrations might be given in reference to every public want; but it is needless. I will, however, remark, that we imported and retained for use, in 1840, about \$45,000,00 of goods. During the same year we manufactured articles like those imported to about the amount of \$225,000,000. Now, if we levy an additional duty of 20 per cent. upon the articles imported, it causes a like increase of price on the like articles made by our manufacturers; and thus, we pay \$54,000,000 a year to get \$9,000,000 into the treasury. This is the grand result of the doctrine of incidental protection. Am I not, then, warranted in my position, that the policy of protection is grossly unequal, oppressive and unjust.

CAUSES OF PUBLIC DISTRESS.

I hold, Mr. Chairman, that the true and proper causes of the universal distress which pervades this country, are debt, extravagance and idleness. I class, among the idlers, all who are unprofitably employed; as they do not produce, but destroy the common

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wealth. Among these are to be found all manufacturers who cannot exist without a tariff. Extravagance, to which I allude, is the consequence, mainly, of our false system of credits; which have unsettled, in the public mind, the true estimate of values, and caused the personal expenses of the people, as well as the operations of industry, to be carried on without regard to a true and proper economy. Debt is the result of many causes, but chiefly of banking. Banking, as it exists, is destructive, to a serious extent, of virtue and morality; and, *incidentally*, sends more legions of souls to the devil than any other one of his instruments. To me it is a matter of amazement that those who teach the importance of *self-denial* should advocate or sustain a system which leads us continually into temptation, and which feeds, by its facilities, all that is worldly in our nature. Were we out of debt, would not the country be prosperous, and, I may add, happy? Every element of wealth is abundant. The country never more abounded in all that ministers to the necessities, the appetites and the elegant comforts of man. Money, in its legitimate function of superseding barter, is abundant. But we are in debt. And the convulsion, which now wrings with anguish every branch of business, is nothing more nor less than a mighty effort to adjust and liquidate our almost universal indebtedness. This effort promotes industry, which increases production. It also arrests extravagance, which diminishes consumption. And thus, increased production and decreased consumption, by giving a vast surplus, lower prices enormously, which, while the general comfort of the whole people is prodigiously improved, leaves the debtor class in the greatest, and frequently most inextricable distress. Many of the fairest fields of the South have been abandoned by their late happy and apparently prosperous owners. All the great staple interests are gloomy and depressed. And it is not to be wondered at, that the manufacturing interests should not have escaped from the influence of causes that have operated so disastrously upon all other industry.

But, sir, do the manufacturers suffer more than the planters, the farmers, or the stock-raisers? I maintain they do not. A few days ago I saw it stated that several new factories

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were about to be erected in Pennsylvania, and I cut from a Northern paper, about three months ago, the following editorial:

“ Factories. —We learn from the Troy *Whig* that Mr. Benjamin Marshall, of New York, is about erecting four factories on the Poestenkill, in addition to the two already 304 in progress there. The amount of money to be expended is about \$500,000; and the mills, when in operation, will afford employment to more than 1,500 persons.”

The operations at Lowell have been recently enlarged; and if stoppages have occurred, they are few and far between, and rather indicate deficient capital or skill, than deficient profit. Is this state of things attributed to low duties? Surely not. In England, where we are told the highest duties exist, the distress is frightful. This is so notorious that proofs must be unnecessary. But I will ask attention to a single extract concerning the state of things at Manchester, in England, by the last arrival:

“Two mills belonging to Mr. Richard Roberts, Manchester, will cease working this day (Saturday). The very extensive mills of Messrs. Stirling and Becton, in which, it is said, 2,000 hands have been employed, have not been working since last Saturday. Another mill—and an extensive one—belonging to a company, will either totally close to-day or next Saturday, or the greatest part of the machinery will stand still. The Oxford road Twist Company will stop 400 looms this day. Messrs. Sharp, Roberts & Co., the well-known and very celebrated locomotive engineers, gave notice a few days ago, it is said, to 200 or 300 mechanics, that unless some orders were received before to-day, they would, this and the succeeding week, be discharged.”

Now, if low duties stop our factories they ought to keep those in England going. But this, it is shown, is not the fact. Far, far from it; as the groans and starvation of the operatives of England attest. The fact is, the whole world is in debt; and the whole world, in trying to pay, have, to a great extent, stopped consumption. If an individual refuses to buy his usual suit of clothes, determining to make the old stock answer, he perceives the value of the

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retrenchment. But he does not look to the consequences of a whole nation thus acting, which are prodigious. We are now practising this economy; and the great consequence is, that our manufacturers want purchasers only. In support of this view, I ask attention to a single extract from a recent Northern paper:

“ Goods in Market. —It is stated in the Portland *Argus*, that Messrs. A. and A. Lawrence & Co., Boston, who sell the Lowell cotton goods, have on hand 28,000 bales, or about 25,000,000 yards. This includes the goods from the York mills, Dover and the Cocheco mills, Saco. James W. Page & Co., and James H. Mills & Co., from the various other establishments in New England have about an equal amount; making 50,000,000 of yards of goods piled up in the stores of merchants, waiting for market.”

This speaks only of a single city. Now, how can government justly relieve these distresses? Can they, also, relieve the distresses of other branches of industry? I have prices of two periods of time at the city of Pittsburg. Hear!

“ Two Pictures. —The way that provisions and other articles have fallen at the west is a caution to pork dealers and hucksters. The following is a list of prices at Pittsburg at the two periods therein mentioned:

April 4, 1839. July, 1842. Bacon, assorted 9½ to 10 2 to 2½ Lard 10 4 to 4½ Butter—keg 16 5 to 6 “ roll 22 6 to 7 Oats 62½ 20 Blooms \$100 00 \$50 00 Pig iron 43 00 20 00 Lead 6 3 Whiskey 43 to 45 13 to 15 Molasses 46 26 Salt 2 12 1 Cloverseed \$11 50 to \$12 00 \$4 to \$4 50 Dry peaches 3 50 to 4 00 1 75

In these prices it will be seen that the farmer's bacon, oats, etc., have fallen greatly more than the pigs and the blooms of the iron-master; yet he is to be cared or, while the farmer, in fact, has no benefit from this bill; but has to pay (indirectly, it is true) the whole sum secured to the iron-master. Sir, can this be tolerated? Will it be borne by the free and intelligent people of this country?

THE BILL.

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Contemporaneous with, or preceding the bill now under consideration, we had three reports upon the subject of duties upon foreign imports: The first from the Committee on Manufactures; the second from the Secretary of the Treasury; and the third from the Committee of Ways and Means. These three organs are important agents in the legislation of the country, inasmuch as they are expected to take enlarged and comprehensive views of the public interests, and to give to Congress 305 the results of their most impartial inquiries, and of their best considered reflections. But I charge—deliberately charge—that no interest was regarded in either of these reports, except that of the manufacturer. The general inquiry was, how much articles would bear so as not to exclude them entirely from the country? and even this, in many instances, was disregarded; I charge that, pending the preparation of these reports, and the bills which accompany them, numbers of manufacturers were in daily and hourly attendance; that the bills were, in the general, made to suit them; altered to suit them; and that, too, at their instance, in some particulars, after the items had been agreed upon. I charge that the bill that will probably pass this House will be the manufacturers' bill; and is only subjected to the formality of a passage here, to comply with the forms of the Constitution. Sir, can such a bill possess the affection, or command the confidence of the country? No, sir, never. It is destined to evasion in every form human wit can devise; to a short life and inglorious end.

WHAT IS TO BE DONE FOR REVENUE?

Sir, this inquiry presents but little difficulty. It is known that our import for 1841 increased considerably over that of 1840, which is the year assumed as the basis of calculation for the future.

The imports for 1840 were \$107,141,519

“ “ 1841 “ 127,949,177

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The duties on imports for the first half of the present year are known to exceed those of the corresponding half of the last year by nearly \$2,000,000.

The receipts for the first half of the year 1841 were \$6,113,410

“ “ “ “ “ “ 1842 “ 7,974,689

Increase \$1,801,270

Domestic exports in 1840 \$113,895,624

Foreign “ 1840 18,190,312

Exports \$ 132,085,936

Domestic exports in 1841 \$106,382,322

Foreign “ 1841 15,469,081

Exports \$121,851,403

From these tables it is obvious our foreign trade is in a most healthy state. Importations must increase with our increase of capacity to buy them; especially as, owing to their cheapness, the number of consumers must be greatly increased; and thus we may safely calculate for the future. I then assume, sir, that the revenue from customs, for the present half year, will equal what it was for the first, which will make a revenue for this year, from customs, under the compromise act and that of the extra session, of \$15,949,378. I would, then, impose a duty upon tea and coffee and sundry other articles. I select tea and coffee, especially, because they are articles of universal use; and *such* portion of the public tax, at least, would be borne, in nearly just proportions, by the whole American people. I know this tax is opposed upon the ground that it would be oppressive to the poor. But those who make this objection, and yet go for high taxes on coarse cloths, salt, sugar and iron

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(articles of much more general necessity and use than tea or coffee), pay but a poor compliment to their sincerity. Impose a tax upon tea and coffee equal to that of 1830, and we should have an ample revenue.

1830. Pounds. Duties. Imports of tea 8,609,415 \$2,908,197 “ “ coffee 51,488,248 2,574,412 Revenue from tea and coffee \$5,492,609 1840 Pounds. Duties. Imports of coffee 94,996,095 \$4,749,804 “ “ tea 19,703,620 6,655,738 Revenue from tea and coffee \$11,405,542

This is the amount of duty that would have been collected in 1840 on these two articles, had such duty been levied. Were such duty now levied there could be no 306 doubt but we should realize an amount of revenue fully equal to the sum above stated. The result would be—

From customs, under existing laws \$15,949,378

From tea and coffee 11,405,542

From other free goods, say 1,000,000

Annual revenue \$28,354,920

Add to this the revenue from the public lands, which, properly put into market, and under a steady state of public affairs, would give \$3,000,000 more; and, after deducting from the estimated charge on account of the army, which will be unquestionably reduced, we shall have an ample revenue for all proper and healthful purposes. This system of revenue adopted, there would no longer be room for the play of selfish interests. The disturbing subject of the tariff would no longer distract the public councils; and the industrial pursuits of the country would quietly adjust themselves to each other, in harmony and peace. Sir, is not this a consummation most devoutly to be wished?

This policy ought to meet with the hearty approbation of one great school of economists on this floor, which claims to reduce prices and reverse balances of trade by simple acts

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of legislation. According to the admirable logic of my colleague [Mr. Stuart], this heavy tax upon coffee, of \$4,749,804, would be no tax at all upon us—it not increasing the price of that article—and being, in fact, collected from the coffee-growers. It must, moreover, find favor in his eyes; for it will carry out his well-known views as to the compromise act, and yet secure sufficient revenue for the government. I trust, therefore, to see this policy adopted.

GENERAL REMARKS IN CONCLUSION.

Mr. Chairman, it is well known that, ever since the general pacification of Europe, there has been a great rivalry among the nations thereof, in all the industrial pursuits of man. The consequence has been, enormous *over-production* in every branch of the factory system. *Supply* being thus greater than *demand*, prices have ruinously fallen. And the question is, shall we, in this condition of the world, enlarge this *over-production* in this country, by high bounties, under the vain and delusive hope of relieving manufactures? Or shall we follow common sense, and quietly permit *supply* to adjust itself to *demand*? That I do not mistake the fact, I will ask attention to sundry extracts as to the condition of the laboring poor in England. They are from a letter published in the London *Morning Chronicle*:

“On the same evening I proceeded to Burnley, and the contrast was perfectly heart-rending. Groups of idlers stood in the midst of the street; their faces haggard with famine, and their eyes rolling with that fierce and uneasy expression which I have often noticed in maniacs. I went up to some of them, and entered into conversation. They were perfectly candid and communicative; for the men of this part of Lancashire retain much of the sturdy independence of the ancient foresters—they will go miles to do you a service, but they will not stir one inch to do homage to wealth or station. Each man had his own tale of sorrow to tell; their stories were not ‘The short and simple annals of the poor,’ they were complicated details of misery and suffering, gradual in their approach, and grinding in their result; borne, however, with an iron endurance, such as the Saxon race alone displays,

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and with the sternness belonging to that noblest form of pride—the pride of independent labor. ‘We want not charity, but employment,’ was their unanimous declaration; and proofs of their truth were abundant in the anecdotes told and verified of men having traveled miles to obtain a job, however heavy the labor, and however wretched the remuneration.

“On reaching Colne, I went to the market-place, and addressed myself to the most intelligent looking of the many idle operatives by whom it was crowded. I asked him to guide me to the streets where the unemployed work-people resided, that I might see with my own eyes the condition to which they had been reduced. As I had never been in this part of the country before, it was impossible for me to collect specimens, and I took care that my guide should not; for, though he led to the streets, I took the houses at random. In all, I visited eighty-three dwellings, selected at hazard; they were destitute of furniture, save old boxes for tables, and stools, or even large stones, for chairs; the beds were composed of straw and shavings, sometimes with torn pieces of carpet, or packing canvas, for a covering, and sometimes without any kind of covering whatever. The food was oatmeal and water for breakfast; flour and water, with a little skimmed milk, for dinner; oatmeal and water again, for a third supply, with those who went through the form of eating three meals a day. I was informed in fifteen families, that their children went 307 without the “blue milk,” or milk from which the cream had been taken, on alternate days. I was an eye-witness to children appeasing the craving of the stomach by the refuse of decayed vegetables in the root market. I saw a woman in the very last stage of extenuation suckling an infant, which could scarcely draw a single drop of nutriment from her exhausted breast.

“From the excellent clergyman of the town I learned that, out of a population of 53,000, no less than 13,000 were receiving parish relief; that the poor rates had risen from 3s to 10s in the pound; that the relief granted was deemed by the paupers so inadequate to their wants, that the relieving officer in one district was obliged to be protected by a military guard; and that the general ruin was fast absorbing the shop-keepers of Colne, and the

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dairy-farmers in the neighborhood. I went into several of the shops; the same tale was told by all; they saw nothing before them but bankruptcy and ruin.”

At a meeting of the Anti-Corn-Law Association of Manchester, England, it was

“ *Resolved*, That, believing this country to be on the eve of a revolution, and being utterly without hope that the Legislature will accord justice to the starving millions, a requisition be forthwith prepared, signed, and forwarded to the members of this borough, calling upon them (in conjunction with other Liberal members), to offer every opposition and impediment to the taxation of a prostrate people, for the purposes of a bread-taxing aristocracy—that the wheels of government may be at once arrested, through the rejection or prevention of votes of supply.”

In pursuance of this resolution, a petition was forwarded to Parliament, which received 30,000 signatures in one day. Can it be possible, in this starving condition of the laboring classes, for manufactures still to decline in price? Unquestionably not, without improvement in machinery, or reduction in the price of the raw material. This being true, the whole duty laid upon importation *must fall upon the consumer*; because, to the extent of the duty, the price must be enhanced. That this is known to be so, is evinced in the anxiety of the manufacturers for the tariff. Why should they want a tariff, unless it would enhance the foreign article, and enable them to get a better price for their own?

We exported the following amounts of articles from the United States:

1839.	1840.	1841.	Cotton	\$61,238,982	\$63,870,307	\$54,330,341	Tobacco	9,832,947
9,883,957	12,576,703	Flour	6,925,170	10,143,615	7,759,646	Pork	1,774,230	1,894,894
2,621,537	Rice	2,460,198	1,942,076	2,010,107	Manufactures	10,927,529	12,848,840	

From this table you will see, sir, the immense superiority of our agricultural interest. The manufacturing interest has, as I have previously shown, in the great essentials, nearly possessed itself of the home market; and, by this table, it will be seen that, in proportion to capital and labor, its export is larger than that of agriculture. It will also be observed that

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this is done under a declining tariff at home, and without any tariff abroad. In the name of all that is just, then, I demand to know why it is that the agricultural and planting interest is to be depressed, that the manufacturing may be enriched? It is not the most profitable business in the country, I suppose, for it is the only one that is begging that it may be made profitable by law. Shall we maintain it as a public charge?

It is deeply interesting to us, as a people, that our capital and labor should be engaged in the most profitable way. What we make to sell, is designed to be converted into what we wish to buy; and thus the quantity we produce is not more interesting than the quantity for which we can exchange it. A farmer makes a thousand bushels of wheat annually for sale; five hundred of which he is in the habit of laying out in supplies for his family. A tariff of 100 per cent. is imposed upon such articles; and he is either compelled to give up his whole crop, or stint his family of one-half of their usual supplies. Now, if this five hundred bushels of wheat really went into the treasury, the farmer might find some comfort in the reflection; but when he knows that nine-tenths of it has been sunk in a losing business, or has gone to enrich distant manufacturers, he can but feel the most profound indignation at the folly or rapacity by which he is undone. The Englishman would cheerfully give us 200 yards of brown cotton cloth for a barrel of flour; but our own manufacturer will not give us more than 100. To get the 200 yards would be a great advantage to the poor man—his comforts would be greatly increased; yet the law interferes, and imposes such a duty that the Englishman cannot give us more than our own manufacturer. Is not this most oppressive?

Again: a manufacturer, with a capital of \$10,000 we will suppose, will make 1,000 yards of broadcloth a year. A farmer, with the same capital, we will suppose can 308 make 1,500 bushels of wheat, which he can exchange with the foreigner for 1,500 yards of broadcloth. Does not the farmer, substantially, make more cloth than the manufacturer? And is it not better for the country to have cloth made by the farmer, than the manufacturer, in this view of the subject? And that, this is the true view, is to be found in the fact, that the manufacturer cannot get along *upon his own hook*, but is compelled to call upon

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the farmer to help him. I know it is said that, if the labor in manufactures were to go to agriculture, it would cause so great an increase in the supply of cotton, flour, etc., that they would not be worth raising. If this would be so, it is plain to every mind that the manufacturers would not quit their business. They would hold on to it. They would practice greater economy and industry, and put up with smaller profits.

But sir, would we cease to wear clothes if our own countrymen ceased to make them? No one will pretend to this. If our own manufacturers did not supply them, foreign manufacturers would; and this would create a demand for any increased surplus we might have to spare, creating a most active commerce, and giving us two hundred yards of cloth for a barrel of flour, instead of one hundred yards, as before illustrated; thus, in fact, largely increasing the farmer's crop, by diminishing the quantity of it necessary to supply the annual wants of his family.

It is, however, insisted that foreigners will not buy of us. I have already sufficiently met this question of fact, and I trust, satisfactorily refuted it. But if they will not buy of us, we cannot buy of them, as has been previously shown; in which event, we should find it profitable to manufacture, and would, of-course, do so.

A tariff imposes upon a part of the people the taxes necessary for the support of government. This, all must agree, is unjust; and a brief illustration will make it plain. A manufacturer and a farmer are neighbors. Free trade exists. Each makes \$1,000 a year, and each pays \$50 a year for taxes. The manufacturer comes to Congress, says he cannot make a living profit on his capital, and prays the imposition of a high duty on the imported article which comes in competition with his manufacture. The duty is imposed. The manufacturer gets more for his article, and receives \$1,100 instead of \$1,000 as before. The farmer has to pay more for his goods, of course, and then receives \$900 only, instead of \$1,000 as before—the manufacturer's excess, and the farmer's deficiency, being necessarily the same. Both, however, continue to pay, nominally, the same amount of taxes. But, under this tariff, the manufacturer, in effect, not only pays no tax, but has his

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income increased. Without a tariff, after paying his taxes, he had \$950; with a tariff, after paying his taxes, he has \$1,050. The farmer, without a tariff, after paying his taxes, had \$950; with a tariff, after paying his taxes, he has but \$850. He, in truth, not only pays his own taxes, but the manufacturer's taxes, and \$50 besides. This is an individual illustration of a great result; and establishes the fact, that, under a tariff policy the manufacturers are practically relieved from all participation in the public burdens.

It is conceded by all that free trade would be right, were it universal. What is this but a concession that a single nation of fools can utterly abrogate one of the most vital laws of political economy? Now, sir, I contend that the laws of free trade are never departed from, without a public mischief. I have 1,000 barrels of flour for sale; I take them to market, I sell them for a sum which I am willing to take, and at which I can afford to produce them. They are taken to England, to be consumed, where a duty is imposed upon them. Is it not plainly a matter of the most perfect indifference to me, what that duty is? Far different, however, is it as to the articles I have to buy. My interest is to have them as cheap as they can be bought—to invite the sellers of the world to our market, that, by competition among them, I may purchase at the lowest rates. The wisdom of this policy, every man must recognize in his own dealings. But, gentlemen insist that as our flour, etc., are taxed abroad, we must retaliate; we must incumber commerce with burdens; and consume dear, instead of cheap goods. Sir, this policy is too preposterous for my adoption. I must be allowed to think that our people are wise enough, shrewd enough, and enterprising enough, to be trusted with the power of selling as they please, and buying as they please. Let us, I pray you, freed from all legal restraints, buy as cheap as we can, and sell as dear as we can.

Sir, the privilege of buying and selling as we choose, is of the first importance in adjusting the employments of industry, and preserving a due relation between them. Manufactures can easily be overdone. A single year of non-consumption, of hard times, of determination to make old clothes answer the place of new ones, overwhelms them with distress. Not so with agriculture. There never was yet, in the history of man, too much meat and bread. People may refuse to wear new clothes; but every returning day *must* bring us a new

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breakfast. Why, then, should we disturb the action of that great system, which, if let alone, would quietly preserve those harmonious relations, without which the prosperity and happiness of civilized man cannot be steadily advanced or permanently secured?

Mr. Chairman, in the views which I have had the honor to submit to the consideration 309 of this committee, I pray you not to regard me, for a moment, as hostile to domestic industry. But I cannot, will not, bound my views of this vast interest by the tilt-hammer, the shuttle, and the loom. A writer in the New York *Saratoga Sentinel*, has justly and beautifully said:

“ Home Industry! A Captivating Name! —Who is not in favor of protecting ‘home industry?’ Not one. It is our highest boast that we are in favor of protecting ‘home industry.’ In what does ‘home industry’ really consist? Look abroad over our thousand hills and boundless plains. See the emigrant cutting down the trees, building his log cabin, and turning up the prairie, where golden harvests have slept ever since the flood. There is ‘home industry.’ Look at the farmer improving his worn-out fields, feeding his cattle, and taking his crops to market. There is ‘home industry.’ Look at his wife and daughters cooking his food, making his clothes, doing everything to save what he has earned, and giving comfort to his habitation. Here is ‘home industry.’

“This class exceeds all others in society, both in numbers and importance. It is they who give value to a country. Without them, our wide-spread and fertile lands would be as valueless as the deserts of Arabia. Not a house would be built, did they not feed the builders. Not a city or village would spring into existence, or continue to exist, did they not draw substance and wealth from the farmers around them. Not a ship floats, whose freight is not, in the first instance, the product of his toil, or of the labor of those whom he feeds. The lawyer, the doctor, the divine, the mechanic, the seaman, the soldier, the public officer, the merchant, the banker, the broker, the poet, the painter, the idler, and the knave, are all fed by his hands—clothed by his toil. The wealth of the Girards and the Astors is the accumulation of his industry; it is he who fills the treasuries of states and nations, builds

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navies, and supports armies. Without him, society cannot exist, and the world would be surrendered to a few wandering savages.

“His is the ‘home industry’ which, above all others, merits ‘protection.’ But what ‘protection’ does it obtain or ask? or what is it possible for government to give? Does the emigrant expect to ask the government to cut down the tree for him, or build his cabin, and plough up the prairie? Does the farmer ask or expect the government to build his fences, cultivate his fields, or cover them with manure? Does he go to his government, and say, ‘My land is poor; I can scarcely get a living, I beg you for protection; I beg you to impose a tax on the produce of my neighbor's more productive lands, that my crops may sell higher, and I may get rich?’ If he were to approach Congress or the State Legislature with such a petition, he would be laughed to scorn. He would be told that ‘he had himself chosen his occupation, and selected his home; that he must encounter the hazards of the one, and the inconveniences of the other; that it would be as unjust to tax his neighbor's crops, to enable him to sell his good at a higher price, as it would be to take his neighbor's property without consideration, and give it to him.’”

“There are few men in society who advocate an equal distribution of property through the instrumentality of law, and these are stigmatized as agrarians and levellers. But is not a protective tariff, so called, founded on the same principle? When the law steps in, and compels me to pay more for a hat than I should otherwise be obliged to pay, does it not take a part of my property and give it to the hatter? If the law compels the farmer to give five bushels of wheat for goods which he could otherwise purchase for four, does it not take from him a part of his property, and give it to the manufacturer?”

“And this is called ‘*protecting home industry!*’ The industry of *thousands* is taxed to swell the income of *one*; but the thousands are forgotten, and the one only remembered! Because the one, in being enabled by law to appropriate to himself, in part, the fruits of the industry of thousands, *gets rich*, a protective tariff, incidental and direct, is hailed as a happy measure, all important to the country.”

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I must, therefore, resist this michievous policy—this system of plunder—this outrage upon the laws of God on high. From the hill-top and the vale—from private and official place—I will cry aloud and spare not. The experience of all mankind has attested that physical divisions of labor are essential to the highest perfection art. And God himself has proclaimed, in terms not to be mistaken by anyone who venerates His holy name, His regard for this principle, in the great *geographical divisions* of labor and production into which he has divided this earth. Why should we not follow this unerring guide? Why should we vainly attempt to produce in a single latitude that which, by the providence of God, can only be produced prosperously and happily in them all? Those now in power here might plant themselves in the affections of this Age by redeeming plighted faith, and following out to their consequences a few great and obvious principles.

But this is not to be expected. When did Federalism ever illustrate its day of 310 power by measures bright and beautiful, calculated to gladden the heart and make the millions smile with joy? In the day of the elder Adams, its alien and sedition laws aroused the fiercest passions of our nature, and filled the public mind with apprehension and alarm. Its return to power was signalized by the tariff of 1828, commonly known as the “bill of abominations,” which came near producing a civil war, and the consequent destruction of our Union. And now, sir, upon its return again to power, with the first opportunity it seeks to devise a new “bill of abominations,” and plunge us, probably, into all the dangers from which we had so happily escaped. And shall it be, sir? Shall this country again experience civil, and, perhaps, military commotion? The prospect, is, indeed, gloomy enough; but it is not without hope. The people are awake; and if the signs are not misunderstood, they will take power from those who now possess, and seem incompetent wisely to use it.

“The darkest cloud may wear A sunny face to-morrow.”

SPEECH OF MR. SMITH, OF VIRGINIA,

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In the House of Representatives, March 29, 1842, in Committee of the Whole, on the Loan Bill.

Mr. Smith, of Virginia, observed, that if he had consulted his own physical condition, he certainly should have given his assent to the motion for the committee to rise; but he would not allow his own feelings to interfere with the wishes of other gentlemen who desired to be heard on this question. He felt a particular desire, in consequence of the remarks of some gentlemen in the course of this debate, and the statements that had been made with regard to the indebtedness of the government under the late administration, to get the floor in order that he might, by a reference to the public documents, correct the errors into which they had fallen, and set the matter in a proper light before the country.

In the progress of this debate, which has certainly been a most discursive one, it has been affirmed by the honorable member from Kentucky, [Mr. Marshall,] and the honorable member from North Carolina, [Mr. Rayner,] that the bill now under consideration was one to pay the public debt, incurred by the late administration, and for which the Whigs were in nowise responsible. The printers to this House, the editors of the *National Intelligencer*, whose position justifies the inference, at least, that they are well informed of the true condition of public affairs, and whose statements have consequently a more than ordinary weight with the country, in their tri-weekly paper of the 22d of March, 1842, remark, in a leading editorial:

“Happy for the country (was it not?) that these same Whigs get the reins out of the hands of these great economists at the end of the last four years, or heaven knows where they would have landed us, having contrived, during those four short years of profound peace, to spend seventeen millions of surplus revenue which they found in the treasury, and to contract a debt of some twenty millions of dollars besides; and, what is the worst of it, without leaving anything to show for the enormous expenditure.”

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At the late extra session, the honorable member from New York, [Mr. Barnard,] in his speech, to be found in the 9th volume of the *Congressional Globe*, page 233, put the existing debt of the country on the 4th of March, 1841, at \$36,015,000. An honorable member from Georgia, [Mr. Meriwether,] also stated it at upwards of \$24,000,000. The newspaper Whig press also charged it to be \$40,000,000. And one, more specific than some others, says: “ Keep it before the people —it is now officially announced, that the national debt incurred by Mr. Van Buren, during the four years of his administration, amounts to THIRTY-ONE MILLIONS *three hundred and ten thousand fourteen dollars and twenty cents.* ” One of the charges during the Presidential election against Mr. Van Buren, was the debt he had created. And the cry by the Whigs was, “Let us open a new set of books!”

Now, Mr. Chairman, these statements thus repeatedly made, I propose to investigate. It is due to historical truth, as well as to the official conduct of those public servants, who have been driven by these and such like charges, from the service of their country. In my examination, I shall be materially assisted by the developments of the past year, and shall rely mainly upon the official statements made by the Whigs themselves.

What was the debt created by the late administration, and left as a charge to its successor? This is the question.

On the 4th of March, 1841 Harrison was inaugurated—the reins of government were in his hands. A satisfactory cabinet—satisfactory at least to the great mass of the 311 Whig party—was selected. This cabinet was composed of partisans who had fought before the country for their places, and who stood pledged to expose those atrocities, that profligacy and extravagance, they had unqualifiedly charged to exist. The deep recesses of official privacy were theirs; “the secrets of the prison-house” were in their keeping. With every facility that power could give, they had every inducement that could operate upon the passions of the man to expose to the country everything that was exceptionable in the conduct and management of their predecessors. Accordingly, Mr. Ewing ordered

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“a rest” for the 4th of March, 1841. The accounts of the late administration were run up to that period, and those of the new were dated therefrom. The creditor is never slow in presenting his demand, and a magnificent array of public debts was no doubt confidently anticipated.

Well, sir, three months rolled away—Congress was in session—and on the 3d of June, 1841, Mr. Ewing submitted his report on the state of the Treasury to the consideration of that body. During this period, he had ample time to ascertain the amount of the acknowledged and undisputed obligations of the country, and, of course, to report the correct amount thereof.

I ask attention to the following extract on this subject, taken from said report. (See pages 2, 3, and 12:)

“Treasury notes issued prior to the 1st January, 1841, and outstanding on the 4th March, 1841 \$3,873,200 00

Do. issued under the act of 1840, from the 1st January, to the 4th March, 1841, which may, and most of which probably will, be presented in payment of public dues during the year 1841 1,110,611 08

Interest estimated at about 300,000 00

\$5,283,831 08

For payment of arrearages and *current* expenses, and taking care of public property on roads, harbors, rivers, etc. 40,199 12

For arrearages for preventing and suppressing Indian hostilities 825,637 86

The whole amount of debt as claimed by Mr. Ewing to have been left by the late administration \$6,149,668 06

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This statement is, however, to some extent, inaccurate. The item of \$40,199.12 is for *current expenses* as well as for arrearages. And the last item is grossly inaccurate, scarcely any of it being for arrearages. One item in said last amount, is a requisition of the Quartermaster-General, which is for the service of 1841, and not arrearages of the late administration, as will be seen by the subjoined letter:

“ Quartermaster-General's Office, Washington City, May 29, 1841.

“Sir: In reply to your inquiry whether any further appropriation will be required for this Department during the present year, I have the honor to report, that at least \$440,040, will be necessary for the service of this Department connected with the operations in Florida.

“On the 14th of November, 1840, I presented an estimate for the Florida service of \$1,300,000, of which only the sum of \$859,960 was appropriated, leaving a deficiency of the sum I now ask. The reduced appropriation, I have no doubt, was in consequence of the belief, generally entertained, that the war would soon terminate; I did not then, and do not now, concur in that belief. My estimate was founded on a perfect knowledge of the difficulties to be encountered, and of the wants of the service in Florida; and, if I am not greatly mistaken, it will be found before the close of the year, that it was a minimum estimate, every dollar of which will be necessary.

“I am, sir, most respectfully, your obedient servant, “ Th. S. Jesup, Quartermaster-General.

“The Hon. John Bell, Secretary of War, Washington.”

The other items of the said amount of \$825,637 86 are, to a great extent, subject to the same remarks. But as their examination will take more time than I can spare, I will surrender them as a charge against the late administration, and proceed.

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I will next, Mr. Chairman, inquire for the amount of cash on hand on the 4th of March, 1841. This is essential to an exact balance sheet between the two administrations. On reference to the report of Mr. Ewing, I find the following entry on page 3:

The available balance in the Treasury on the 4th of March, 1841 (see statement B)
\$646,803 12

On reference to statement B, of said report, page 15, I find the following entry:

312

Deduct amount in mint and branches for purchasing bullion for coinage 215,151 88

This is, however, cash on hand, left by the late administration, and must, of course, be added. On page 2 of said report, exhibiting the receipts from the 1st of January to the 4th of March, 1841, is to be found the following item:

Bond of the Bank of the United States \$17,913

But in exhibit D, of said report, page 18, there was received from bond of the Bank of the United States 530,049 17

Difference to be added to cash on hand on the 4th of March, 1841 512,136 17

Making actual cash on hand on the said 4th of March, 1841 \$ 1,374,091 17

Indebtedness as claimed by Mr. Ewing 6,149,688 00

Deduct above item, see above letter 440,000 00

Deduct cash on hand 1,374,091 17

1,814,091 17

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Debt of the late administration \$4,335,596 89

But during the present session, nearly a year having intervened since the 4th of March, 1841, the Secretary of the Treasury was required to inform the Senate as to the amount of the public debt at the date aforesaid. To this he responded as follows:

Statements of the public debt on the 3d of March, 1841:—

Treasury notes outstanding \$6,607,361 54

Debt of the corporate cities of the District of Columbia assumed by the United States
1,440,000 00

The (old) funded and unfunded debt, viz: The funded debt—principal \$53,174 38

Interest 243,106 36

296,280 74

The unfunded debt—registered certificates 26,622 44

Do. Treasury notes issued during the late war 4,475 00

Do. Mississippi certificates 4,320 09

\$35,417 13 381,698 27

\$8,379,059 81

This amount is exclusive of notes received for duties and lands subsequent to the 31st of December, 1840, which were not reported on the 3d of March, 1841, by the accounting officers.

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The debt for the District of Columbia is one she owed to Holland, and which Congress assumed for her relief during General Jackson's administration, agreeing to pay the interest thereof quarterly, and sixty thousand dollars a year of the principal. The other items, amounting to \$331,698.27, are remnants of our public debt, from the Revolution to this day, which have never been, and probably never will be, presented for payment. Neither of these items can be charged to the administration of Mr. Van Buren.

Take the debt of the country (as reported by Mr. Secretary Forward) on the 3d of March, 1841 \$8,379,059 81

Deduct the account of debt of the District of Columbia, and of the funded and unfunded debt (see above 1,771,698 27

\$6,607,361 54

Deduct for Treasury notes received, but not entered, before the 4th of March, 1841, (as see Ewing's report, p. 2) \$500,000 00

Deduct cash on hand 1,374,091 17

1,874,091 17

Indebtedness by this calculation \$4,736,270 37

313

I have now presented, Mr. Chairman, for the information of the committee—

1st. The many different statements made at many different periods, as to the indebtedness of the country when the late administration retired from power.

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2d. An account of that indebtedness compiled from the official report of Mr. Secretary Ewing, dated June 3, 1841, correcting that report as to an error, admitted by him in his report to the Senate of the 30th of June.

3d. An account of that indebtedness as reported by Mr. Secretary Forward, in reply to an express call from the Senate, during its present session.

The charge was a debt of near \$40,000,000 00

The proof is, by first statement 4,335,596 89

“ “ second ” 4,773,270 37

Here, then, is the charge, and here the proof; and I might be content. But there have been in some quarters such gross misrepresentations, and in others such surprising misconceptions of the facts, that I trust the committee will excuse me if I make them still more plain.

By reference to the Treasury report of December, 1837, there was in the Treasury on the 1st of January of that year, the vast sum of \$45,968,528

Of this sum there was deposited with the States \$28,101,644

Unavailable funds, consisting of the notes of broken banks, the accumulations of fifty years about 1,100,000

Unavailable from suspended banks 3,500,000

Certain trust funds 370,797

33,072,441

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Real balance on hand \$12,896,087

Receipts from customs, etc. (Report Jan., 3d 1841, page 23) 84,503,993

Receipts from extraordinary sources of revenue, same report, page 19 9,124,747

Miscellaneous receipts, report, p. 23 311,566

Receipts from 1st January to 4th March, 1841, exclusive of Treasury notes, see same report, page 2 2,428,248

Whole cash receipts from 1st January, 1837, to 4th March, 1841, of *available* funds, Treasury notes excepted \$109,264,641

The honorable chairman of the Committee of Ways and Means, in an elaborate statement, no doubt very carefully prepared by him, states the expenses of the government to be:

For the year 1837 \$31,610,000

1838 31,544,000

1839 25,443,000

1840 22,289,000

Mr. Secretary Ewing, in his report, before referred to, page 2, states the expenditures from 1st January to 4th March, 1841, exclusive of Treasury notes, to be 3,979,044

Whole expenditures \$114,905,044

Deduct receipts above 109,264,641

Balance as debt \$5,700,403

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This amount is to be still further reduced by cash in the mints.

Now the committee cannot fail to see, that when I show, as I have done, from the official data, the entire receipts and the entire expenditures, the difference constitutes the real debt. Every man of business must admit the conclusive character of this reasoning.

But again, Mr. Secretary Ewing, in his report, page 3, says:

There will be required for the services of the current year \$24,210,000

Sundry additional appropriations 2,526,336

Making \$26,731,336

The actual and estimated means under existing laws, to meet these demands are 20,730,395

Leaving unprovided for, *of the demands* for the present year, the sum of \$6,000,941

314

There were, then, no demands against the government which this sum would not pay. Of course there was no large outstanding debt left by the late administration as a legacy to the present administration. But this sum of six millions is to be reduced by the cash on hand, and omitted by Mr. Ewing as formerly shown. And, according to Mr. Secretary Forward's report, every demand against the Treasury for the year 1841 was met, except to the amount of only \$623,557. Where, then, is the mighty debt, about which we have heard so much said? One year has passed. The reformers have had unobstructed possession of the government. Every disposition to make the worse appear the better side, evinced—the *rest* formed—and I presume the “new set of books” opened, as promised. And I ask, nay I demand, to be shown the so much vaunted debt of the late administration. My object in this examination is the truth. It is due to the country that it should, upon this subject at

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least, stand unquestioned. If, in any of my statements, I have committed any essential error, I pray gentlemen to correct me. I particularly call upon the honorable chairman of the Committee of Ways and Means. He is, of all others, qualified, upon this subject, to detect error and expose it. And if none speak, I shall assume it as established, beyond all human doubt, that the debt left and created during the late administration, was only about some five millions of dollars, in the shape of Treasury notes. Here, then, is this mighty spectre, raised by party misrepresentation, to frighten the good people of the country, shrunk into an inconsiderable debt of about five millions of dollars. This much I admit, no more.

But it is alleged that during the late administration there was spent of cash on hand, when it came into power, and collections made from other than ordinary sources of revenue, \$31,310,014. This is Mr. Ewing's statement, in his report, before referred to, (p. 5.) It is singularly inaccurate, hardly to be satisfactorily explained. I will, however, give the true amount.

I have already shown that the cash on hand was only \$12,896,087

Collections from extraordinary sources, see doc. p. 19 9,124,747

Treasury notes outstanding on 3d March, 1841, p. 12 5,283,831

27,304,665

From which deduct amount in Treasury on 4th March, 1841 1,374,091

\$25,930,574

The real amount spent during Mr. Van Buren's administration, over and above the current revenue.

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But how? Why, as any prudent man having money, and debts to collect, would have done in the management of his private affairs, improved the estates he had, bought others, and removed away those from whom he had purchased, if such were the contract.

In the three first years of Mr. Van Buren's administration (I have no calculation for the fourth year,) there was expended in permanent public buildings \$3,927,909

In purchasing Indian lands 8,795,825

In removing Indians, and consequent wars 13,794,217

For three items only \$26,517,951

Here we have, in three items alone of permanent investment, an amount greater than the cash on hand, the debts collected, and the debts created during the last administration, showing an application of a part of the current revenue to these permanent and important objects. By these expenditures thousands of Indians have been removed beyond the Mississippi. The States have been relieved of a most troublesome population; and the Federal government has acquired millions of acres of land of inexhaustible fertility. But the objection to this expenditure can but excite our surprise—nay, our indignation, when we remember that those who now make it, are among those who directed the expenditure. Yet such is the fact.

But, sir, this complaint never would have been made, had the recommendations of the late administration been respected. Economical estimates were submitted, and economical appropriations earnestly pressed upon Congress. But under the prodigal system introduced by an overflowing Treasury, economy was urged in vain. The Executive recommended appropriations to the amount of—

For 1837 \$22,720,107

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For 1838 22,735,209

For 1839 23,509,089

For 1840 19,856,600

\$88,821,005

315

Amount received during above four years 106,288,342

The sum that would have been in the Treasury on the 1st of January, 1841, had Mr. Van Buren's recommendations been followed \$17,467,337

The actual appropriations made by Congress were—

For 1837 34,126,807

For 1838 33,138,371

For 1839 23,862,560

For 1840 21,658,872

\$112,786,610

From these tables, it will be seen that the appropriations made by Congress exceeded the sum Mr. Van Buren regarded sufficient for the support of the government, economically administered \$23,965,605, demonstrating that the fault, if any, was not with him.

But the honorable gentleman from North Carolina, [Mr. Stanly,] in an early stage of this debate, charged that the late administration submitted estimates below what was requisite for the public service, with a view to win popularity by creating a character for economy.

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This is a grave charge, imputing to a high functionary, in the discharge of his official duty, a paltry and contemptible purpose. If true, I will agree with the gentleman that it deserves our unmitigated contempt. But I must have the proofs.

[Here Mr. Stanly inquired if he should give them now?]

Mr. Smith. Yes, now; I will yield the floor for the purpose.

[Mr. Stanly thereupon arose and said, that he was surprised that the gentleman from Virginia should be uninformed of the facts, when they were embodied in documents accessible to every member. Why, he said, at the extra session the Quarter-master-General required an appropriation of some three or four hundred thousand dollars, which had been refused to be submitted at the preceding session, for the reason stated. He said he would name another instance of an appropriation of fifty-six thousand dollars for the public buildings, grossly inadequate, and exhausted early in the year.]

Mr. Smith resumed. Mr. Chairman, I am really amazed at the gentleman from North Carolina. How he can have brought his mind to believe that the late administration, in submitting estimates to the amount of some twenty millions, could have hoped to advance its popularity by withholding estimates for two sums, together less than half a million, passeth my comprehension. But the first item is fully shown not to have been withheld for the reason stated, by General Jesup's letter, to which I have before adverted, and to which I again refer. As to the appropriation for the public buildings, I have only to say, *that* is an item within the control of a committee of this House, with the operations of which I believe the honorable gentleman intimately conversant; and if there be any fault in this respect, it was not at the door of the late administration. I ask attention to the following letter:

Treasury Department, Jan., 23, 1841.

Sir: In reply to your inquiries of this date, whether payments for labor on the public buildings in this city have been postponed until the 1st of April next, or the amount of

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wages proposed to be reduced, and, if so, the reasons therefor, I have the honor to submit the following statement:

All the labor on these buildings, carried on under the immediate charge of the Commissioners, has been paid for as soon as done, so far as my knowledge extends. So has that performed by contractors, it is presumed; as all the requisitions for money to pay them have been promptly met.

But, in a case of necessity, since the appropriation was exhausted, and during the present month, I understood that the Committee on Public Buildings of the House of Representatives have, on application of the workmen, advised the Superintendent of the Public Buildings to permit some of the laborers to work on some of the stone till the new appropriation pass; and I presume that he has acquiesced in the advice. The Board of Commissioners, however, has not interfered in this case; nor as this department, nor has either of them, proposed any reduction in wages.

Respectfully, Levi Woodbury.

P. S.—To obviate any mistake, I would add that the claim by some workmen for lost time, under a resolution to indemnify them, passed by Congress at the last session; but this is not for work done, but rather for inability to obtain work; and as no appropriation has yet been made to pay the claim, of course it has not been and cannot be paid till Congress think proper to make one. L. W.

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But these items thus selected by the honorable gentleman to sustain his charge, are, (the principal one, if not both) for the service of the year 1841, and could only have been embraced in the estimates submitted in December, 1840, after the Presidential election was over, and after all reason for the motives imputed had ceased to exist; so

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that it is palpable, the gentleman, in this respect at least, has done injustice to the late administration.

When Mr. Van Buren came into power, he found economy destroyed by a flood of revenue, which many thought it would be impossible to exhaust. The surplus was ordered to be deposited among the States—which being done, *suspension*, like thunder in a cloudless sky, burst upon the country. Prosperity, vast and mighty, its like unknown in ancient story, shrunk into “airy nothingness.” The lowing herd, the murmuring brook, the teeming field, the laughing, joyous crowd, presented a scene, over which the angel of fate must have looked with sympathy. But a sirocco swept over the scene, and all was death. Amid difficulties such as these, Mr. Van Buren had to steer the ship of State; with a revenue rapidly diminishing from these great causes, as well as from act of law, he had to maintain the public service; and well and truly did he meet the crisis. He retrenched the public expenditure, and yet upheld the public defences. He expended in public buildings millions of dollars. He purchased from the Indians a territory sufficient to found an empire. He met every engagement to the public creditor promptly. And at the termination of his official career, without ever adding one dollar of tax to the existing burdens of the people, nay, with the taxes reduced by millions, he handed over to his successor the vast acquisitions to which I have adverted; a high and unsullied public credit, and \$1,374,091 in cash—“ *the hard*,” with which to commence the performance of the important duties the sovereign people had devolved upon him.

Here, Mr. Chairman, are the facts, the reality. Facts that are to be found in the official records of the country, and upon which every Republican can dwell with pleasure. Here is “ *the rest*” for the late administration, at which its successor promised to “ *open a new set of books*,” that the depravity, mismanagement, and extravagance of the late administration; and the integrity, skill and economy of the present Whig party, might be demonstrated to the eyes of an expectant people. One year has passed away. Let us

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see how far the public expectation has been realized, and the promises of the Whigs redeemed.

I have stated, Mr. Chairman, that Mr. Van Buren reduced the expenditures from \$31,610,000 in the year 1837, to \$22,389,356 in 1840. Under the operation of the causes before stated, and especially the compromise act, the revenues were rapidly sinking; and the severest economy for 1841 was an indispensable duty, if, for no other reason, to prevent the current expenditures from exceeding the current resources of the country. Accordingly the estimates submitted for the service of the year 1841, by Mr. Van Buren, were \$16,621,520. But the actual appropriations made by Congress were \$18,381,197.

These appropriations were made with an eye to the strictest economy, rendered indispensable by the shrinking means of the treasury. The means, however, to meet them, were considered sufficient, leaving on hand, in cash, the sum of \$824,273 on the 31st of December, 1841 These official results, formed by experienced statesmen—pregnant with admonition, were, however, unheeded by their successors. Flushed with success—madly drunk with power—conscious that the public income, with all proper economy, would barely preserve the public faith inviolate, the Whigs, on assuming the reins of power, instantly enlarged expenditure over the average of the two months preceding the 4th of March, 1841, first deducting treasury notes, as is the case in all calculations, and averaging the pensions which were paid to the agents previous to the 4th of March, the enormous monthly sum of \$539,699.

The actual expenditure for 1841, exclusive of treasury notes \$26,396,996

Deduct expenditures from 1st of January, 1841, to 4th of March, 1841, exclusive of treasury notes, and after averaging pension payments 3,500,000

Expenditures for ten months \$ 22,896,996

Monthly average \$2,289,698

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Monthly average previous to March 4, 1841 1,750,000

Monthly excess after 1st of March, 1841 \$539,699

No wonder that the Whigs ordered an extra session for the alleged purpose of providing the ways and means, which their predecessors had failed to supply. For such prodigality as this, certainly no provision was made. By this means the Whigs created the necessity of an extra session; and then sought to throw the blame upon the Republicans. "Oh, shame, where is thy blush!"

But when the extra session came, did the Whigs arrest the expenditure which 317 had been commenced by Harrison and continued by his chosen cabinet? No, sir; new appropriations were made, and new expenditures authorized. This was done, too, that there would be a deficit, according to the treasurer's report at the end of the year, of upwards of \$6,000,000. And according to the statements of the honorable Chairman of the Committee of Ways and Means [Mr. Fillmore], a permanent and annual one of \$17,488,000. It was as plain as the sun in Heaven's bright and cloudless sky, that the revenues were unable to support a system of expenditure so extended and enlarged. To arrest prodigality then, restore economy, cut off all useless and unnecessary offices, was not only demanded by stern necessity, but was loudly called for in redemption of the solemn promises made to the country. "Retrench! retrench!" Mr. Clay had proclaimed.

In his speech (to be found in the *National Intelligencer* of July 15, 1840) when treating of the public expenditures, he says, that "*the annual expenditure may, in a reasonable time, be brought down from its present amount of almost forty millions to near one-third of that sum.*"

In every town and hamlet, from every vale and hill-top, it was proclaimed that \$13,000,000 to \$15,000,000 a year were amply sufficient to support the government, economically administered. The honorable gentleman from North Carolina [Mr. Stanley], in an early part

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of the session, had said, if the Whigs were allowed time—but a single year—they would show that the government would be sustained on \$15,000,000.

[Here Mr. Stanley remarked he had never said so.]

I, Mr. Speaker, certainly so understood the gentleman. I have this moment shown that his great leader [Mr. Clay] had said that *a third of forty millions* would soon be enough; and surely he would not dissent from an opinion coming from a quarter to which he owed so much deference.

But sir, the Whigs, instead of attempting retrenchment—instead of holding on to that which had been made to their hands, assumed the expenditures, not of the last year, but of the four of Mr. Van Buren's administration, as furnishing the true standard of future expenditure.

Mr. Fillmore says “if the experience of the past is to be the guide for the future, that our annual expenditures for the current four years will be near \$28,000,000.”—Speech of July 24, 1841.

He goes on and says: “Then, according to this calculation, taking the law as it now stands, and judging of the future by the past, the amount stands thus:

Probable annual expenditure \$27,697,000

Gross amount of duties after July 1, 1842 \$13,950,000

Deduct for expenses of collection, drawbacks, etc. 3,741,000

Making your net revenue per annum 10,209,000

And leaving an annual deficit of \$17,488,000

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Now, Mr. Chairman, when it is remembered that it has been the habit of Whig orators to denounce, without stint, the expenditures of Mr. Van Buren's administration, as not only profligate, but extravagant, we can but smile at the cool, veteran hardihood with which those gentlemen refer to those very expenditures thus denounced, as furnishing a standard for the future.

Mr. Van Buren spent in 1840, \$22,389,356, and was denounced for his extravagance. The Whigs spent in 1841, \$26,394,996, and are, I suppose, economical. For the year 1842 they have estimated the expenditure, exclusive of treasury notes, at about \$26,000,000, an amount below the mark, if they can raise the *wind*. Mr. Clay himself, after having declared, in 1840, that a third of \$40,000,000 was enough, now, in a solemn resolution, adopted that extent of expenditure which he had formally reproved. He says:

“ *Resolved, therefore*, That the rate of duties on foreign imports ought to be augmented beyond the rate of 20 per cent. so as to produce a nett revenue of \$26,000,000—\$22,000,000 for the ordinary expenses of government, \$2,000,000 for the payment of the existing debt, and \$2,000,000 as a reserved fund for contingencies.”

Sir, from all this heedless expenditure of the public moneys—this disregard of the plainest principles of common prudence—what was to have been expected? Increased taxes, loans, debts, discredit, bankruptcy. At the extra session, new taxes were imposed to the amounts of several millions, and a loan of \$12,000,000 ordered. Notwithstanding all which, the public credit is dishonored, and this great Republic is unable to meet the demands upon her. Shame! Shame upon it! And now, to crown the whole, the bill under consideration proposes a heavy loan, authorizes the bonds of the government to be put in the market and sold for whatever they will bring. To such dire extremity are we reduced!

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The Secretary of the Treasury reported the public debt to be, on the 23d December, 1841, \$14,728,085.70; on the 1st March, 1842, it is ascertained to have been \$19,756,938,

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exclusive of the debt for the district, and the small amount of old debt. And it will probably be near \$30,000,000 at the end of the year. This is the road to ruin, with a vengeance.

The prospect is indeed most gloomy. In a recent message the President has said:

“From present indications, it is hardly doubtful that Congress will find it necessary to lay additional duties on imports, in order to meet *the ordinary current expenses* of the government.

On the 24th of March, 1842, Mr. Rives, in the Senate of the United States, said:

“What, Mr. President, is the mortifying situation to which we are reduced? With a current revenue hardly equal to one-half of the current expenditures of the government, we have been driven to every variety of desperate shifts and expedients to meet the daily demands of the public service. Already, since our assembling, the Secretary of the Treasury has been compelled to come before us again and again with the report of an empty and bankrupt treasury, showing quarterly deficits of large amount, for each of the first two quarters of the current year. And how have we been compelled to meet them? By a new issue of the notes of the government, which, as soon as they were put out, though bearing six per cent. interest, have been actually sold, I learn, in the streets of the National Capital, at a discount of from three to four per cent. At the same time the treasury notes, which had fallen due, have been protested, in repeated instances, on the public mart, for non-payment, with the view, as we are told, of recurring to the responsibility of individual indorsers, as having become a better guarantee than the credit of the government itself! And last, though not least, so pressing have become the necessities of the government, and so precarious the public credit, that we have seen the proposition seriously entertained to put the stock of a new loan into market for whatever it will bring.”

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“Is this the entertainment to which we were invited? This the consequence of *Whig rule*? Far better would it have been for the country had the reviled Republican party been permitted to retain the administration of public affairs.

During the administration of the younger Adams in 1828, the public taxes were enormously increased. During the administration of his Republican successors, Jackson and Adams, the taxes were reduced to the amount of many millions. But Federalism, *true to its instincts, imposed new taxes in the first six months of its restoration to power.*

Under the law reducing the public taxes, and so reducing the public revenue, Mr. Van Buren felt himself bound, by the most laborious and practical economy, to confine expenditure to income. *But Federalism, regardless of the laws of prudence and economy, instantly increased expenditures with their eyes wide open, millions beyond our income.*

The Democratic party has always been opposed to a permanent public debt. *But Federalism, in its first year of power, created one to the amount of twelve millions of dollars, now proposed to be increased by many millions more.*

Once a debt always a debt until paid, is the great principle of the Republican party. *But Federalism, in its first year of power, has passed a bankrupt law, thus sponging out, at a word, hundreds of millions of debt, justly and honestly due.*

The Republican party advocates low tariffs, cheap goods, and a consequent increase of the wealth and comfort of the people. *But Federalism has already increased the tariff, and proposes to do it again at the present session, and, as I have learned, to an enormous extent; thus fostering classes and interests at the expense of the great mass of the people.*

When public revenues are deficient, alive to the preservation of the public credit, the Republican policy is to arrest expenditure until the treasury can be replenished. *But the Federal policy is to spend first, and provide the means of payment afterwards. Hence*

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the destruction of the public credit, and the alarming proposition to sell the bonds of government for what they will bring.

But of all the acts of unmitigated folly that have made the one year of Whig rule distinguished, not illustrious, that of giving away, amid bankruptcy and discredit, nay, absolute want, the proceeds of the public lands, is the most signal and amazing. A resource that had existed from a period prior to the Constitution—that had been enriched by successive acquisitions—for the enlargement of which over \$25,000,000 were paid during Mr. Van Buren's administration alone—all gone, all, all, at one fell swoop. And upon the shallow pretext that it was but restoring to the people their own, so long and unjustly withheld; as if the people had not to restore the amount in another form, more than doubled, by the operations of an unjust system, and the costs and charges of collection. Truly, it was a mighty triumph of folly over wisdom, faction over patriotism, and plunder over the Constitution.

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The Whigs, sir, sensible that the present disastrous condition of public affairs is likely to involve them in serious consequences with the people, are seeking to throw the responsibility from themselves. At one moment they undertake to throw it upon the Republican party. But, driven from that vain and most ridiculous effort, they then undertake to throw it upon John Tyler. This will not, shall not do. For the present condition of things, the Whigs, and they alone, are responsible.

When Harrison assumed his official duties, with a cabinet around him, enjoying the confidence of his party, their first act of power was to swell the public expenditures monthly upwards of \$500,000. In the then condition of the treasury this was an act of supreme folly. But, for this, Tyler is not certainly responsible.

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When, by the act of God—and who can doubt *His wisdom?*—Tyler came to the head of public affairs, he allowed Harrison's cabinet to continue the government in the march it had commenced. Will the Whigs say he was responsible for that?

When the extra session came, in the face of a certain deficiency, the extravagant expenditure which had commenced, was sanctioned and approved; and taxes were laid and money authorized to be borrowed to sustain it. Will the perpetrators of this folly dare to hold Tyler responsible for that?

The truth is, John Tyler, when called to his present eminent position, brought with him a kind, and amiable, and a gentle spirit; and it was played upon, and fatally played upon by the selfish and designing to keep him from that proud position, to which his principles, his cherished principles, impelled him. He felt himself under obligations to the party which had elected him, which his own amiable nature inclined him, as far as possible, to redeem. And he, substantially under the influence of these considerations, which every gentleman will appreciate, surrendered the government to the cabinet Harrison had left him—to the Whig party. He yielded everything, with one great exception. And those to whom he so confided—who shaped and directed public affairs to their own liking, are seeking to make him responsible for their own mismanagement and folly.

But, Mr. Chairman, the Whigs shall not thus escape. They, and they alone, are responsible for the tarnished credit and honor of our country. And I charge the honorable chairman of the Committee of Ways and Means [Mr. Fillmore] as the chief among the sinners, with being especially responsible for our present deplorable condition.

The honorable gentleman from Kentucky most feelingly deplores the overthrow of the Whig party, and imputes it to the fragments into which it is broken. Sir, the gentleman does not trace the causes of its dissolution with his usual perspicacity. They are to be found in their gross and palpable errors of management and legislation; in promises broken and pledges unredeemed. Have you practiced economy? Have you reduced expenditures?

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Have you abolished unnecessary offices? Have you proscribed proscription? No, sir! no! Economy has run into prodigality—the expenditures have been greatly enlarged—no offices have been abolished—and proscription, instead of being-proscribed, feeds like a vampyre upon the blood of its victims. A distinguished Whig Senator proclaimed that the mere election of Harrison would be worth \$100,000,000—that prices would advance and the crushed and ruined interests of the country would at once spring up and “smile and blossom as the rose.” Has this promise been redeemed? Let the universal fall of prices, the bankruptcy of the treasury, the wail of distress, deep and loud and agonizing, which now resounds throughout the land, answer. Sir, the people feel that they have been deluded and imposed upon—that amid the hard cider revels into which they were seduced, they committed a great wrong upon their country, for which they are eager to make atonement. Hence the overthrow of the Whig party; hence the almost uninterrupted triumph of the Democratic party throughout the Union since the extra session.

But, sir, it may be asked, will I do nothing to restore the public credit? I answer, yes. I will retrench expenditure to the standard fixed by the late administration. I will reclaim the public lands. I will continue the issue of treasury notes, until I ascertain whether a reformed and healthier system will not invigorate and enlarge the sources of public supply to the proper measure of the public wants. But under no circumstances will I vote for the present bill. Sell the bonds of the government for what they will bring! no, never. Nor, Mr. Chairman, do I consider it necessary.

The Secretary reports a deficiency at the end of 1842 of \$14,218,570

Of this sum there are in treasury notes, which can be renewed 7,000,000

\$7,218,570

By reclaiming the public lands, and vigorously prosecuting their sale, we can easily procure this year 3,000,000

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\$4,218,570

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The appropriations for the army, fortifications, etc., for the year 1841, were \$7,725,440

Those asked for 1842 are 11,717,791

Cut this down to 1841, and deduct the difference 3,992,351

Deficiency \$226,219

To show that this is no extravagant estimate as to the public lands, I give their proceeds for a series of years:

“The sales of the public lands from 1833 to 1841 were as follows:

In the year 1833 \$4,972,284

“ “ 1834 6,099,981

“ “ 1835 15,999,804

“ “ 1836 25,167,833

“ “ 1837 7,007,523

“ “ 1838 4,305,564

“ “ 1839 6,464,556

“ “ 1840 2,252,202

“ “ 1841 1,454,063

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It is true they shrunk, in 1841, to a very small amount; but this was, in part, the consequence of great causes, and in part for want of pressing the lands into market.

To come certainly within our means, I would also, in certain respects, reduce the pay of the army and navy, and certain branches of the civil service. And if all this did not do, I would increase the duties on imported articles, of which a like kind is not produced in this country, as the only tax which will operate equally upon the whole people. These measures would soon place us upon high and lofty ground, exempt from oppressive taxation, and freed from Jews and Shylocks.

And now, Mr. Chairman, I will rapidly bring my remarks to a close. Let us, however, look back to the great election of 1840. And what do we see? The Whigs appealing to the country, inflaming the public mind and debauching the public morals, by bacchanalian songs, drunken revels, and all the disgusting mummery of log-cabins, hard cider and coon skins. It was enough to make the lover of his kind weep tears of bitterness and sorrow. The immortal bard of Avon, second only to the inspired fathers, to “point a moral and adorn a tale,” has most felicitously remarked that—

“There is a divinity that shapes our ends, Rough hew them how we will.”

This unquestioned truth, which, in all the affairs of men should ever be remembered, was entirely forgotten or contemned by the Whigs in their mad eagerness for victory.

And when victory perched upon their banner; when, after years of struggle and hope long deferred, they found the sway of empire theirs; when, in the foolishness of their imagination, they thought their spoils and power were without end; and in the pride and weakness of their hearts, said, as the rich man of old, “Soul, thou hast much goods laid up for many years, take thine ease, eat, drink and be merry;” all our long and cherished aspirations are about to be gratified; Oh! it might have disarmed the wrath from on high,

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and averted that fearful catastrophe which shrouded their pride and folly in gloom and despondency, had they but remembered that—

“ There is a divinity that shapes our ends, Rough hew them how we will.”

SPEECH OF MR. SMITH, OF VIRGINIA.

On the Veto Message of the President of the United States on the Provisional Tariff Bill, July 2, 1842.

House of Representatives, Congressional Globe, Vol. XI.

Mr. Fillmore having called for the orders of the day—

The Speaker announced, as the unfinished business, the message of the President, returning the provisional tariff bill with his objections.

Mr. Smith, of Virginia, who was entitled to the floor, said that he had been requested to yield it for a few moments to the gentleman from Ohio [Mr. Calvary Morris], in order that he might have the opportunity of making a personal explanation; and he acceded to the request with much pleasure.

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Mr. Smith, of Virginia, then rose and addressed the House up to the expiration of his hour, with great force and ability, in support of the veto. He said that, from the first commencement of the debate, he felt no little solicitude with regard to this question. Every step the debate had taken had increased that solicitude, because he found, in the progress of the discussion, feelings displayed, principles advanced and facts asserted, altogether incompatible with our system of government. It was for this reason that he felt a desire to take part in this discussion; and he would not hesitate to say that he felt a degree of personal interest in the subject, because the President of the United States had been assailed by those who recently were in intimate connection with him, in terms and

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in manner equally unworthy of him and of his assailants. It had been his lot to know the President for many years; he had served with him in the councils of his native State; and he would say that, however he may have differed with him on political matters, he never knew anything of him to justify the language that had been applied to him here. On the contrary, he knew him to be a high-minded, honorable man, possessing all those kind and benevolent feelings which dignify and ennoble human nature.

In treating this question, Mr. S. said that he should confine himself to certain public questions, and then address himself to those who had preceded him in debate, when he should take occasion to express the deep indignation and scorn of the unfair, unmanly and ungenerous manner in which the Executive had been treated on this occasion. In doing so, he had not one personal feeling to gratify; but he should treat the subject with candor and fairness, and award justice where justice was due. In the first place, he should call the attention of the House to the act of 1833, commonly called the compromise act, because it was part and parcel of the subject he was treating, and because he entertained different opinions with regard to the meaning and intent of that law from those expressed by gentlemen on this floor; and, in some measure, he differed from the President himself in his construction of it. The view that he entertained of it was, that it was the great bond of peace to this Union; that to disturb or violate it was an outrage that deserved the indignation of the world; and that those who believed that the preservation of that bond of union was essential to the peace and harmony of the country were bound by every principle of honor and of patriotism to adhere to it.

What were the circumstances that preceded it? Did not every gentleman remember that, amid the angry contests of that period, the Union was almost severed? Did not every gentleman remember the jealousies and heart-burnings between the plundered on the one side, and the oppressors on the other—which had reached such a height as to carry alarm into the bosom of every patriot? Then it was that Mr. Clay stepped forward with that bill of peace, and accompanied it with a speech in which he fully explained the principles on which it was founded. Would gentlemen advert, for a brief moment, to the principles

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of that compromise, as explained by their great leader, Mr. Clay? A high tariff existed—it was regarded by those who did not participate in its benefits with deep abhorrence, and looked upon as little short of plunder. In short, such was the determined spirit with which it was opposed, that it was found to be impossible to sustain it much longer, without endangering the Union; and the question arose, whether some compromise could not be effected, by which the opponents of protection could be satisfied, without relinquishing it altogether. What were the terms of compromise that were proposed and carried into effect? Why, that, through a course of nine years, the existing duties should be gradually reduced until brought down to 20 per cent. *ad valorem*. Every gentleman will recollect that, and they would also recollect that there were serious apprehensions on the part of the manufacturers that these terms would not be observed. Did gentlemen not remember that, in 1832, President Jackson recommended that the tariff should be reduced to a revenue standard? And what did Mr. Clay say? Mr. S. here quoted some passages from Mr. Clay's speech on presenting the compromise bill, in which he expressed the opinion that the tariff was in imminent danger—that it was at the last gasp; and that, without some liberal concessions to the South, it could not be preserved till the next session of Congress. Some further extracts were quoted by Mr. S. from the same speech, showing the necessity of passing the bill in order to preserve the peace and harmony of the Union. Here, in the strongest and most emphatic language, Mr. Clay declared that the tariff was at the last gasp, and that it was necessary for the interest of the manufacturers that there should be a gradual reduction of duties. The gentlemen of the South, with unequalled generosity, yielded to the terms proposed, and consented, with the power in their hands to allow the manufacturers the benefits of protection for nine years longer, on the condition of a gradual reduction during that period. Now, he would inquire, in the language of Mr. Clay, "What statesman would ever venture to stand up before the country and disturb this bond of union?" Yes, this was the language of a man when he had a bargain to make; yet, after a few years have elapsed, and he is called on to comply with the conditions upon which it was made, he is seeking to disturb it, and to violate the solemn contract guarantied by himself.

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He would now (Mr. S. said) proceed to the consideration of another part of the subject, which was the act of September, 1841, called the distribution act. What did that act say? with a view to preserve the character of this legislature; with a view to preserve the faith pledged in this compromise inviolate, it was provided in that act that whenever it should be found necessary to raise the duties beyond 20 per cent., the distribution should cease. Then there were two acts of solemn legislation on which the faith of the Legislature was equally pledged—the compromise act, passed under the circumstances he had adverted to; and the distribution act, passed with that solemn and express reservation for the purpose of preserving, the faith pledged in the first. It was conceded on all hands that, without that proviso, the last-named act never could have passed the Senate; and it was also conceded that, without it, it could not have received the sanction of the President; and yet they saw gentlemen, after having got these measures, seeking to violate the solemn conditions on which they obtained them.

They had heard gentlemen, who were in favor of distribution, say to the manufacturing interests that “unless you hold on to the distribution, you shall get no protection.” He would ask gentlemen if there was any principle of honor or morality that would justify such an outrageous violation of the most solemn pledges ever entered into by man. Under the circumstances he had explained, this distribution bill was passed through this and the other House, and sent to the President for his signature. Mr. S. here averted to the “race-horse speed” with which the measure was hurried through; and observed that, notwithstanding the plausible reasons given by the chairman of the Committee of Ways and Means for this hurried legislation, when sent to the Senate it was suffered to remain on the table for several days, in order, as he supposed, that it might be passed at a period so near the 30th of June that the President would feel himself under the necessity of sanctioning it. The bill then went to the President under circumstances which induced a belief that the President was placed in such a situation as compelled him to sign it, and thus violate the faith he had pledged in the compromise act, as well as commit an act contrary to his known and recorded opinions. This, however, like many other attempts

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that had been made to head Captain Tyler, failed, and he returned the bill with his veto. What were the grounds on which his objections were placed? Mr. S. here went into a recapitulation of the reasons given by the President, in his veto message, for returning the bill to the House in which it originated, explaining and commenting on them as he went on.

In relation to the distribution act, Mr. S. said that the President, who had been arraigned here as in favor of unqualified distribution, had expressly declared that he would go for it only so far as that it should not interfere with the compromise act. In 1841, when the distribution act was presented to him for his signature, he did not hesitate to give his assent to it; though he saw, in the condition of the treasury, good reasons for withholding it, yet he gave his assent to it, because it contained a proviso that the distribution was to be arrested the moment the duties should be raised above 20 per cent. Now, when he was called upon to give his assent to a bill involving a breach of the compromise act, and a breach of the distribution act, he would ask gentlemen if he was not under a high moral obligation to reject it, which he could not well have disregarded.

The compromise act had been observed in good faith by one party, while the other had reaped all the benefits from it; but now that the South was to receive its share of the advantages held out by it, gentlemen were anxious to violate it, and arraigned the President because he would not assist them in doing so. What, in the name of sense, did the South gain by that compromise, if it was not that the duties should be ultimately brought down to a revenue standard? They agreed to submit to the collection of duties that the treasury did not want, for nine years, for the sake of manufacturers, on the condition that, at the end of that period, a protective tariff should cease. They would have made a bad bargain without that condition; and they would not, without it, have agreed to the compromise, when they had the power in their own hands to destroy protection altogether.

Mr. S. then went on to explain how the bill that was vetoed by the President violated the compromise and the distribution acts, and asked gentlemen if they did not know it. They knew that the distribution act never could have passed the Senate, nor have received the

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sanction of the President, without that proviso which they sought to repeal. He asked them how they could reconcile such a system of legislation to their consciences. He was startled at a proposition made by the gentleman from New York [Mr. Granger]. He called upon the manufacturing interest to stand firm by their principles. This was an appeal to the selfish feelings and interests, that he had not been accustomed to in legislation.

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Mr. Granger (by permission of Mr. Smith) explained what he had said. It was, that, rather than be driven from the ground he had taken, by Executive dictation, he called upon the manufacturing interest to stand upon their arms, and exist as they could exist under this glorious compromise act, till the result should show who could stand the existing state of things longest.

Mr. W. Smith. Then I am to understand that the gentleman is willing to stand by the compromise act?

Mr. Granger. No, sir.

Mr. W. Smith. I confess I don't understand the gentleman. I presume he understands himself. The gentleman, then, did call on the manufacturing interest to stand to their arms—thus appealing to their selfish feelings in a manner altogether unsuited to legislation. We came here (said Mr. S.) to settle great questions, involving the interests of the whole Union—not to legislate for selfish or sectional interests. But this was not all; the gentleman called upon his friends to stand by their principles. He should like to know what they were.

Mr. Granger said his principles were these: He believed that the interests of the country required such a tariff as would give protection to domestic manufactures, under a revenue sufficient for the economical wants of the government. His principles were, that the public lands belonged to the States of this Union, and not to the Federal government; and that

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their proceeds should long ago have been distributed to them. This, he said, would have prevented the excesses of 1835.

Mr. Smith. Well I have got the gentleman's principles; and what are they? The five loaves and seven fishes—protection and distribution—plunder and division. Mr. S. then referred to the avowal made by Mr. Granger, that, when Postmaster-General, he had dismissed 1,700 postmasters; and, if he had been permitted to remain in office a year longer, he would have removed 3,000 more—an avowal which the gentleman made with a degree of chuckling satisfaction, evincing a bloody spirit, equal to that of Danton, Marat, or Robespierre. This too, coming from a member of a party which came into power under the pledge of proscribing proscription! After repelling, in terms of indignation, the imputation thrown out by another member from New York [Mr. Fillmore], that the veto was the result of a coalition between the President and Locofocos, as he was pleased to term them, Mr. S. inquired of the gentleman whether this imputation was thrown out on any evidence to support it—or was it merely the outpouring of disappointed spleen? The gentleman, he remembered, commenced his remarks by saying that he should treat the President and his message with all proper respect. Now, was it treating him with proper respect to charge him with an act involving the highest moral turpitude?

Mr. Fillmore rose to make an explanation.

Mr. Smith said he only wished the gentleman to reply yes or no to the question he asked: Had he any evidence in support of the charge, or was it the result only of his own disappointment and spleen? The limited time allotted him by the rules was too short to allow him to enter into a colloquy with the gentleman, which he should otherwise be glad to do; and he should like, also, to propound a few interrogatories to the ex-Postmaster-General. Mr. S. then went on to reply to the remarks of his colleague [Mr. Stuart], who took the extraordinary ground that the principle of distribution was contained in the compromise act. This position of his colleague Mr. S. entered into a refutation of.

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He then alluded to the fact that, at the time the compromise act was passed, the treasury was overflowing, and possessed more money than it was known what to do with; and the distribution of the proceeds of the public lands was known to be but a temporary measure.

He next alluded to the vetoes of General Washington, who, from his position, was capable of judging of the intent with which the veto power was conferred; and asserted that one of his vetoes was simply on the ground of expediency, and not on the ground of constitutionality. But the wisdom of General Washington was here rebuked by the new lights which had sprung up to dazzle and astonish them.

He (Mr. S.) regarded the veto power as one of the most important powers conferred by the Federal Constitution; and it was a remarkable fact, that it had never been exercised without meeting the approval of the people. It was a power calculated to preserve public liberty; and the vituperation with which it was here assailed, it was worthy of observation, came from the disappointed faction which had been foiled in all their high aspirations. But what was this veto power? Was it a legislative, executive or judicial power? If it was not a legislative power, he knew not what it was. It was certainly not executive, nor was it judicial; and *per se* it must be legislative.

He prayed the House to bear with him while he took occasion to state the relations which he bore to the President of the United States; and, after a few observations on this subject, he was cut short by the expiration of his allotted hour.

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SPEECH OF MR. SMITH, OF VIRGINIA,

On the Tariff , July, 1842.

On motion of Mr. Fillmore, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. McKennan, of Pennsylvania, in the chair,) and resumed the consideration of the bill to provide revenue from imports, and to modify the several acts

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imposing duties on imports; the question being on the motion of Mr. Saltonstall to amend the bill, by substituting for it the tariff bill reported by the Committee on Manufactures.

Mr. Summers, who was entitled to the floor, addressed the committee in an hour's speech, in support of the policy of laying discriminating duties, and, in that way, giving incidental protection to domestic manufactures.

Mr. Smith, of Virginia, then obtained the floor, and addressed the committee during the hour. He commenced by saying that there were four modes of collecting revenue for the government; first, by imposts on articles, none of which were made in this country; secondly, by imposts alike on all articles entering our ports—a horizontal tariff; thirdly, by imposts upon articles manufactured in the country, with a view to protection; and, fourthly, by a system of internal taxes. Speaking for himself alone, he had no hesitation in avowing that he believed that a system of internal taxes was the true and proper policy of this country, and would operate more equally than any other upon every section of the Union. The system of protection he regarded as a system of plunder. When he spoke of protection to the industry of the country, he meant the *manufacturing* industry—protection to the manufacturers. Theirs was the least interest of the country. Yet such was the zeal of their advocates, that the people were made to believe that the welfare of the nation depended upon their prosperity or adversity. The commercial interests of the country were more important, and had more capital invested in them. Agriculture, however, was the great interest on which all others rested for support. It was an interest in which seven times as much capital was invested as there was in manufactures and commerce.

The question before the committee, and which he should discuss, was the amendment to the bill offered by the chairman of the Committee on Manufactures, [Mr. Saltonstall.] He regarded it, then, as a question involving the protection of the manufacturing interests; for the subject would not have been referred to the Committee on Manufactures, had it not been with a view to give protection. What, he asked, was the principle of protection, but a direct attempt to levy on the other branches of industry? The great interests of agriculture

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and commerce, which constituted the great body of the wealth of the country, were to be taxed for the benefit of manufacturing industry. One interest came forward and said it was languishing, and must be revived by legislative enactments. This interest confessedly could not subsist without aid from the government. The remaining great interests of the country must be taxed for its support. What was the reason the manufactures could not thrive without this invidious distinction in their favor? Plainly because labor and capital employed in other avocations were more profitable and attended with richer rewards. It would be, he maintained, a species of the most extreme folly for Congress, by its legislation, to take away labor and capital from agriculture, and turn it to the less profitable business of manufacturing. Would such a policy be wise? Should Congress interfere with the pursuits of life, to diminish the agricultural wealth of the country?

He replied to the views of his colleague, [Mr. Stuart,] who had said that, if the consumer paid the duty on imports, it would be equally true, if the same duties were placed on exports, that the consumer of those exports would also pay that; and had hence argued that England would have to pay any tax that our government might impose upon its exports to her. He replied to this position, by saying that, if England were obliged to buy our exports, she would of course pay any tax we might impose upon them. But England was not compelled to take the productions of the United States. She might look to other countries, and thence receive her supplies. To prove that it was true that the consumer paid the tax imposed on imports, he would quote from the language of one who was good authority in certain quarters of the House. He quoted from the speech of Henry Clay a passage, in which it was insisted "that the consumption of an article was in proportion to its price," etc. This was the opinion of the father of the American system, spoken in the debate upon the compromise bill.

But if it was not true that the amount of duty imposed entered into the price of the article and was paid by the consumer, why did the manufacturing interest wish the tariff increased? Why was a high tariff so strenuously advocated, and so many petitions sent here from the manufacturers all over the country in its favor, if the effect 325 would be

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an increase in prices? The object was plain. It was to raise the prices of their goods, and add to their profit. But gentlemen had said that this bounty, paid to the manufacturers, went towards the benefit of the consumers. Let them take England, and view her pauper population. There was an evidence of the benefit of the protective system! Her population, generally, living upon the lowest pittance; and her operatives reduced to a state of beggary. The bounties afforded the manufacturers had forced them into the markets of the world, and had compelled them to sell at the lowest rates. He pointed, emphatically, to England, for an example of the bounty system. What was more extraordinary and more obnoxious, the farmers of the country, who raised millions of bushels of wheat, had to pay those bounties for the benefit of the manufacturers.

He replied to the arguments of his colleague from the Kenawha district [Mr. Summers,] in favor of a duty on salt. His colleague had complained of the reduction in the price of that article; but did not that reduction result from the breaking up of an odious salt monopoly which formerly existed in the country? This monopoly actually paid individuals who had salt-springs for not opening them, and they carried on their operations at a ruinous cost to the country around, who had to buy their salt. He thought that with 16 cents a bushel for their salt, which his colleague had said was the present price, they could do a very profitable business.

But he objected to the revenue system which was proposed. With such high rates of duties, he held it would be impossible to collect the revenue which would arise. He pointed to England, with her immense naval and military establishments, and her powerful and well-organized custom-house corps; even she, with all these advantages, and with but a small territory, could not enforce her revenue laws, and was unable to prevent smuggling. He referred to the various operations which were proposed to get goods into England free of duty, and the frequent instances of travelers buying goods in France, at an advance of only 20 or 30 per cent., deliverable free of charge in London. If, in spite of all the regulations adopted in England, duties could not be collected upon the whole of the imports of the country, how could we expect to accomplish such an object with our 8,000

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miles of frontier? Did gentlemen suppose that the system of plunder legalized by a high protective tariff would be tolerated? He assured them it would not. Smugglers would run into the thousand inlets upon our coast, and laugh at the custom-house regulations. He gave instances of the smuggling carried on in France and Germany, and thence inferred that it could not be prevented under any high tariff that might be adopted.

It should be remarked that gentlemen who advocated this bill were, for the most part advocates of high expenditures on the part of the Federal government. Some there were who seemed reckless as to the amount of money which they voted to expend. Claims, as old as the government itself—claims which had been rejected year after year—were ripped up from their oblivion, for the purpose of swelling the amount of Federal expenditures. The cry was, “Give us but a revenue tariff;” yet, if all the appropriations urged by the advocates of this “revenue tariff” should be voted, the amount would be such as to afford the most enormous protection, if not the effect of an entire prohibition.

He then entered into a statement of the amount of tonnage entering our ports from foreign countries at various periods. In 1800, when our population was five millions, the tonnage was 669,000; in 1810, 984,000; and in 1841, with a population of seventeen millions, but 899,000—thus showing an actual falling off, though the population of the country had increased at an unparalleled rate. Here was one of the consequences of the protective system.

He entered into a statement and comparison of the home tonnage of England, France, and the United States—showing the power of our country in this respect; and how, if not cramped, she would become the first nation in the world.

He replied to the argument that our cotton-planters should find a home market for their produce. The production of the United States was 21,000,000 bales. Of this, 350,000 would supply all the manufacturers of this country. Where, then, was the home market which those gentlemen spoke of? It would take 700,000 bales to supply the country; but

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that included whites, blacks, and all. 350,000 would supply all those connected with the manufacturing interest. He went into a variety of illustrations to prove the truth of these views.

He next proceeded, by tabular statements, to show how the system operated on American prices. He also examined the doctrine that a tariff produced low prices. He likewise glanced at the land question, and was proceeding with an elaborate speech when his hour expired.

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NEBRASKA AND KANSAS.

SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA,

In the House of Representatives, April 27, 1854.

The House being in the Committee of the Whole on the state of the Union—

Mr. Smith, of Virginia, said:

Mr. Chairman: I am sensible of the difficulty under which I labor in occupying the floor at this time, in consequence of the protracted debate which has already taken place upon the subject of the organization of the Territories of Nebraska and Kansas—the subject to which I wish now to call the attention of the committee. I feel deeply upon this subject. It is not in my nature to feel coldly upon any question which interests me; and I acknowledge that I feel strongly on this question, because I do feel, and feel deeply and acutely, too, that a great wrong has been perpetrated in the past legislation of the country, a great outrage on the interests which represent, on the interests of that section with which I am associated, and which wrong and outrage it is proposed by these bills to correct.

Mr. Chairman, when a wrong is done, and perpetrated under deliberate and solemn circumstances, when a great outrage has been perpetrated on the Constitution, time

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cannot canonize the error, even if the argument of time should apply to this question. And I, gentlemen, I pray you to understand, rejoice from the very bottom of my heart that there is now some indication in the proposed bills to repair the wrong that was done. In this view of the subject, I ask how it is that gentlemen from the same section of the country as myself, are found here in opposition to this effort to repair the injury that has been done? I ask how the country could have anticipated that gentlemen from that section of the Union which is interested in this question, could have hurried themselves into this debate, even before the bills had come up for action, and could have manifested the deep hostility which they have shown to the redress which they propose?

I must say, Mr. Chairman, that nothing was better calculated to excite my surprise and to provoke my astonishment than that manifestation; and I must be at liberty to say, also, that I was particularly astonished at the remarks of the gentleman from Louisiana [Mr. Hunt], as well as at the remarks of the gentleman from Tennessee [Mr. Cullom], on this question, and to whom I propose to address, after awhile, if my time will permit, a few remarks. In the first instance, and at present, however, it is made necessary, by the course of remarks here, that I should somewhat refer *in limine*, to the origination of the question of slavery. I believe that it is known to this committee, and to every man in the House and in the country, that slavery was not introduced into these States by any act of law. I suppose it is perfectly well known to every one, within the hearing of my voice at least, that on the discovery of this country and on its occupation by the Cavaliers at Jamestown, and by the Puritans at Plymouth Rock, the whole country was a *tabula rasa*, in which no slavery was found and no provision for its institution.

It is also known as a historical fact that slavery came into Virginia first of all other portions of our great Republic. It was brought there by a Dutch man-of-war, I think, from which slaves were landed to the number of some 20. They were sold, and purchased by planters; they were purchased as slaves and held as slaves in that *tabula rasa*, without any thought of the necessity of having the institution of slavery recognized or established by any enactment of man; and the very first act in which slavery was ever recognized

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within the limits of this Republic, was an act passed by the State of Virginia, in the Legislature of 1660, 40 years after the first introduction of slaves. And that act, strange and curious as it is, was an act punishing English servants for running away with negroes.

I call the attention of the committee to this particular point, for the purpose of illustrating the manner and circumstances under which slavery came into the country. From Georgia to Maine slavery was thus introduced here. There never was one single law passed introducing slavery or establishing it. It came into the country as a matter of course, as every other variety of property came into it; as cattle, which were for the first time imported about the same period, by the Pilgrim fathers, and bought and sold, following the laws regulating the disposition of property among the living, and when dead, among their representatives, as all other descriptions of property. I mention it now, because it must relieve my friend and colleague here from the Norfolk district [Mr. Millson] of much of his apprehension of what will be the fate of the slavery institution, when that great territory north of 36° 30# shall become a *tabula rasa*—if, indeed, it can, under our Constitution, ever be made so, by any legislation of ours.

I will not dwell upon this matter further than to call the attention of this committee 327 to a fact, a remarkable fact, that this subject endangered no feeling of hostility and bitterness among the provinces, which as States now cluster in our Union. Up to the period of the revolution, although slavery existed in every State, although there were no regulations even for the reclamation of fugitive slaves among them, yet the Provinces moved on in a career of beautiful harmony, without engendering the slightest ill-feeling upon this subject. And when the old Articles of Confederation became the law of the land, it is a remarkable fact, that they contained no provisions whatever for the restoration of slaves when they escaped from one Province or State to another.

I mention these things for the purpose of letting this committee understand that in that day there was no difficulty in recognizing the right of property, no effort to mar the general

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harmony which then prevailed, and no difficulty, no effort of antislavery fanaticism to divide them in the approaching conflict of the Revolution.

Well, sir, during that Revolution, indeed, I may say after its termination, an effort was made, as is well known, to introduce, for the first time, this question of slavery into the powers of the country. The ordinance passed in 1784, as the gentleman from Ohio [Mr. Taylor] stated yesterday, in relation to this question of slavery, and for the first time made it a power in the State. It was, however, repealed upon a motion of a gentleman from North Carolina [Mr. —.] It being repealed, the Northwest Territory moved on in its career of prosperity for three years, until the ordinance of 1787, as it was termed, was enacted. I say *as it was termed*, because gentlemen will remember that it is a question whether that ordinance—and here allow me to say that this term “ordinance” was the usual and general mode of describing any enactment of legislation by the Confederacy; it was the common term for all acts of legislation. I say I wish to be understood by this committee that it is doubtful—I may say more than doubtful—whether that ordinance itself ever had a legal existence. The old Articles of Confederation required for the passage of an act of that description, if they gave any power over it at all, the concurrence of nine States of the Confederacy, and the ordinance of 1787 received the sanction of eight States only. And this view is strengthened into conviction, for according to the preliminary examination which I have been able to give to the subject, it appears that these amendments and modifications proposed to the bill, through all its various stages to final consummation, all received the sanction and the approbation of Congress upon that principle. But when it was enacted, we find that but eight States concurred in its enactment—not the nine States which the Articles of Confederation required. I have the Articles of Confederation here. It says:

“Each State retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not, by this confederation, expressly delegated to the United States in Congress assembled.”

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And the only grant of power in the Articles of Confederation which, in the least degree, countenance the power exercised in the passage of the ordinance of 1787, which it may be insisted is a *quasi* treaty, is in the following passage of it:

“The United States in Congress assembled shall never engage in a war, or grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.”

In passing, let me take occasion to refer to the gentleman from Missouri, who made reference to the deed of cession from Virginia, in a manner and in a way which seemed to countenance the idea that that old commonwealth had approved and sanctioned the slavery restriction feature of the ordinance of 1787. Now, sir, if such was his intention, he was under a great mistake. And I here take occasion to say that, throughout all the legislation connected with the public domain, the government of Virginia has never recognized the doctrine of intervention with slavery in any respect whatever. Sir, the gentleman from Ohio [Mr. Taylor] yesterday said that the principle of abolishing slavery in the States after the year 1800, was recognized in the days of the Revolution. Sir, I deny it. A proposition was made that there should be no slavery in the States after 1800; it was voted down, and Mr. Jefferson, whose name has been so often invoked in reference to this subject, voted against the proposition. But, sir, time will not permit me further to allude to these matters.

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Mr. Chairman, the ordinance of 1787 was passed by a Congress in which but eight States were represented, and of those States but 18 members were present. The convention which framed our present Constitution was then in session, and was 328 the great point of interest to the country. In this state of things the ordinance was passed by 18 persons, representing eight States, clearly in violation of their constitutional powers, and for the first time, it may be said, recognizing the anti-slavery principle. This has proved the fountain of bitter waters, flowing in gentle and unimportant volume, exciting no apprehension, producing no uneasiness, until by the addition of the turbid stream of 1820, it has grown into a flood, that has repeatedly threatened to engulf our glorious Union.

But, whether the ordinance of 1787 was legally enacted or not, is now matter rather of antiquarian research than of practical utility, and is only referred to, to trace the beginning, the humble beginning, to our present troubles.

Well, sir, when the Constitution was formed, that instrument was intended and designed to settle all questions between the different members of the American Union. It was intended to settle and adjust the principles upon which the *future* was to be regulated. Sir, in its adoption no reference whatever was had to the ordinance of 1787; on the contrary, with that ordinance before them, with that ordinance before the country, what was done in reference to the public lands, for instance? It provides expressly with reference to them—in express terms, but not in conformity with the ordinance of 1787.

Mr. Chairman, I now propose to call the attention of the committee to some provisions which are to be found in the Constitution. What does the Constitution say? It says:

“Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of

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the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.”

But when it comes to dwell upon the subject of the Territories of the United States—when it comes to speak upon that particular subject, what does it say? Here it is:

“The Congress shall have power to dispose of, and make all necessary rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.”

Now, gentlemen of the committee, I pray you to mark that, under the clause in which exclusive power is given to Congress over the district, and over the dockyards, arsenals, etc., with the same subject before them, with the subject of the public lands expressly included in this ordinance providing expressly for the introduction of new States, in reference to that very property, it expressly declares that Congress shall have power only to dispose of, and make all needful rules and regulations over it and all other property of the United States.

Sir, I ask this committee, has the Congress of the United States the same power over the public domain that it has over the District of Columbia, the dock-yards, the arsenals, etc? Sir, upon well-established principles of statutory construction, and constitutional construction also, we know perfectly well that there can be no sound, legitimate argument in reply to this view of the subject. An exception limits the power to which it applies; and a grant of “exclusive jurisdiction” over certain specified subjects of property of the United States, denies “exclusive jurisdiction” in the United States over the property not enumerated.

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But, sir, the tenth amendment of the Constitution, founded in a profound jealousy of power, however carefully restrained, marks the sense of that instrument so distinctly, that he who runs may read. It is short, and I will give it:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

A plain and palpable distinction thus exists in reference to these subjects. In connection with this subject, I would beg also the attention of the committee to what I am about to read, as laid down by the Federal court, and with most conclusive force; although, by reading it, I consume much of my time. I would ask gentlemen to ponder deliberately and well on the subject:

“In America the case is widely different. Every State of the Union has its Constitution reduced to written exactitude. A Constitution is the form of government delineated by the mighty hand of the people, in which certain first principles of fundamental law are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the power that made it. The life-giving principle and the death-dying stroke must proceed from the same hand. The Legislatures are creatures of the Constitution; they owe their existence to the Constitution; they derive their powers from the Constitution; it is their commission, and therefore all their acts must be conformed to it, or else they will be void. The Constitution is the work or will of the people themselves, in their original, sovereign and unlimited capacity. Law is the work or will of the Legislature, in their derivative and subordinate capacity. The one is the work of the Creator, and the other of the creature. The Constitution fixes limits to the exercise of the legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet in this there can be no doubt, that every act of the Legislature, repugnant to the Constitution, is absolutely void.”

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This, sir, is the decision of the Federal court in the case of Vanhorne's lessee, vs. Dorrance; and there is an abundance of similar decisions. If these decisions be so, then, I ask you, gentlemen of the committee, what is the character of the proceedings which were had on the 6th of March, 1820? If there be no right to exercise a power unless clearly given—if there be no power to legislate here, except within the scope and limits of the Constitution—and if the Federal government, this government, has less control over the lands, politically speaking, than she has over this district, and the dock-yards, and so on, I ask, what power there was in the Congress of the United States, on the 6th of March, 1820, to say that there should be no slavery north of 36° 30#?

And here permit me to remark, assuming that it was a clearly unconstitutional act, as other evidence abundantly shows, and as I shall make still plainer before I take my seat—here, I say, just allow me to call your attention to the condition of things prior to that period. I have shown that there was no agitation on the subject of slavery prior to the Revolution, although slavery prevailed, in a greater or lesser degree, throughout the provinces. And from the close of the Revolution up to 1818, when this controversy began, all was peace and harmony and brotherly love. Here and there existed a fanatic. Here and there came a petition, but it did not disturb the general surface of our relations; and we went on careering in our high destiny as brethren. But the element of discord was introduced on the attempt to put Missouri into the Union; and what has been the consequence since? The gentleman from Missouri [Mr. Benton] says peace! peace! peace! but I say that there has been no peace, and appeal to history to bear out the truth of my declaration. The passage of the act of 1820 was an encouragement to the anti-slavery sentiment and feeling of the country. That proposition opened the door to agitation, and that door has been kept wide open to the present hour. I say to this committee, that up to the year 1820 peace, without a single element of disturbance, was the law of the republic; but from that day to the present there has been no peace. Why, do we not all know that that subject has been introduced into these Halls for the last 20 years? Do we not know that a distinguished man, now no more, stepped down from the Chief of Magistracy of the Republic and entered this Hall to

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agitate that very question? Do we not know that he proclaimed upon this floor, that sooner than stop abolition he would see 5,000,000 of Southern hearts deluged in blood? That was the effect of his declaration here. Do we not know that the gentleman from Ohio [Mr. Giddings], when I was in Congress some years ago, offered resolutions declaring that it was lawful, in effect, for the negro to slay the wife and children of his master?

Mr. Giddings. May I correct the gentleman?

Mr. Smith. I have no time to spare.

Mr. Giddings. Ah! but when a gentleman misrepresents another upon this floor, he should permit a correction.

Mr. Smith. Well, then, take it out of my time, and you may go on.

Mr. Giddings. I only wish to say distinctly, that I never made any such statement, as that the wives and children of those who hold their fellow-men as slaves, ought to be slain by the negroes.

Mr. Smith. Oh, no; of course not, directly. You dare not. That would have been too provoking, too insufferable. But for his act, the gentleman received the benefit of a resolution or resolutions of the House, that induced him to retire from this Hall, that induced him to retire from this Hall and go home, that he might get Congress rebuked by his people.

Mr. Giddings. They rebuked me by sending me back.

Mr. Smith. They sent him back by a majority diminished two thousand, and he was afraid to continue the experiment.

Mr. Giddings. Will the gentleman permit a further correction?

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The Chairman. The gentleman from Ohio is out of order.

Mr. Giddings. I suppose the gentleman from Ohio is not out of order, if the gentleman from Virginia will permit a correction.

Mr. Smith. If the gentleman will not take it out of my time, I shall be very happy to let him interrupt me.

Mr. Giddings. The gentleman will find that my majority was greatly increased beyond the year before, and vastly beyond any ever given, either before or since.

Mr. Smith. Well, my recollection is that the gentleman had obtained a majority 330 of 4,000, and that he only got a majority of 2,000 on that occasion. At any rate, the gentleman did not get the resolutions repealed. He came back here, and had the grace actually to ask Congress to repeal the resolutions.

Mr. Giddings. Does the gentleman mean to make such an assertion as that upon this floor?

The Chairman. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. Smith. No, sir, I do not. And instead of getting the resolutions repealed, the proposition was received with a loud laugh, and that was thought to be the end of it.

Mr. Giddings. I never made such a proposition.

Mr. Smith. The gentleman from Ohio did not make the proposition, but one of his colleagues did, I presume with his consent. However let that pass.

Well, sir, I was going on to remark, that up to 1820 there was peace, and since that period there has been discord and distraction, and I was utterly amazed, when I heard a gentleman who has lived through the whole of this period of time since the introduction

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of the Missouri restriction, proclaim that there had been peace. Why, the gentleman has figured in many a storm and peril since that time in connection with this question of slavery, and even as late as 1850, most prominently and with his characteristic distinction and ability. Nor, has he ever let it alone, but as late as 1852, he was out upon this question, as I shall show before I close my remarks. Sir, as I was saying, this has been the battle-ground upon which this question has been fought. I well recollect the scenes of 1841, 1842 and 1843 upon this floor. Why, sir, such was the active, incendiary character of the anti-slavery sentiment, originating in this particular restrictive clause, and encouraged by it into life and vigor, that we had actually to pass a law authorizing an invasion of the sacred character of the postoffice transmission. Yes, sir, they were scattering all over the country incendiary publications, agitating the subject of slavery, and in every way and form, disturbing the repose and peace of the country. Nor was that all. A great State even sent her missionaries into the Southern States, for the purpose of raising questions as to the constitutionality of their police laws. She issued manifestoes to all the States of the Union arraigning the States of South Carolina and Louisiana in consequence of their course in reference to those agents. And the great struggle of 1850, growing out of an attempt to put an end to this question, and which shook the columns of our Union to their very foundation, originated in this compromise of 1820, and it was then hoped and believed that the adjustment then arrived at, put an end to the question, and forever. Yes, sir; we are daily told in solemn and impressive tones by men of eminence and distinction, that this Missouri compromise, the Pandora's box of this Republic, has brought peace and quiet to the country.

In 1820, however, contrary to the brief constitutional view which I have presented of this question—contrary to the undoubted right of Missouri under the Constitution, when she applied for admission into the Union, which she did in 1818, and then in 1819, what was the course then pursued by the North? The question of her admission was not opposed by gentlemen representing slave interests, but by gentlemen from the North, who took ground against her admission, unless slavery was prohibited within the limits of the territory

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acquired from France, and who required that such territory should be forever afterwards kept free from the influence of slavery. This was the proposition. I have not time to refer to the resolutions admitting this Territory, for the purpose of showing the truth of what I now state, but I am well aware that I have no occasion to do so, because the matter has been so ably discussed by the gentleman from Georgia [Mr. Stephens] and the gentleman from Alabama [Mr. Phillips], as to command my unqualified admiration. Their arguments covered the whole ground, and their demonstrations were so complete that there is but little occasion for me to allude to this subject at any great length, and I shall only do so in a very brief and rapid manner.

What was the purpose and motive of this movement? Was it humanity? No. Was it for the right of the negro? No; it was for political power, and humanity to the negro was the cover under which it was sought to give strength and interest to the struggle. It is well known that the Northern and Eastern States, or rather the New England States, particularly, were hostile for half a century, at least, to the growth of the West, and to the increase of Western and Southwestern interests. This hostility was embodied in form by the Hartford convention, and in 1820 in the Missouri debate. What did Mr. Rufus King, of New York, say upon this subject? He says, "that no interest ought to be put into competition with political power; if it was, as one of the original parties to the compact, he felt himself in honor bound to not to submit." He said, moreover, that "the admission of Louisiana itself made a new confederacy or compact; and if the attempt to extend slavery beyond the Mississippi succeeded, the people of the North ought not to submit for any interest whatever." Yes, sir, here is a gentleman acting under instructions, and who had taken 331 an oath to support the Constitution of the United States, actually proclaiming that it would be a matter of honor for him to disagree to its sacred provisions.

I advert to this because I wish the committee and country to understand that this thing originated in no love of justice and humanity, but in a desire for political power. This was the motive of the originators, as avowed by the great men at the North, and especially by

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Rufus King, of New York—a gentleman whose opinions always commanded the highest degree of respect. We all recollect the close of this Struggle.

Well, sir, it was thought that the struggle had closed with the passage of the act of 6th of March, 1820. And, sir, what was this act? It consisted of eight sections, seven of which were almost copies of other laws, which had been passed in relation to the admission of other States into this Union. There is not in these seven clauses one single reference to a contract, or compromise, or agreement. And it is a little remarkable that this eighth section, about which so much has been said, is a section which is irrelevant to the balance of the bill, to its previous section; and under the rules of this House, as now understood, that section, if offered under similar circumstances, would be ruled out as not in order. I say to this committee that it is a remarkable fact, that that section was wholly independent of the legitimate object of the bill. What had Missouri to do with the restriction of slavery in the country outside of her own limits? Why, I say, that if such a bill as that were now up, and this proposition was submitted, by way of amendment, the Chair would rule it out as wholly irrelevant to the body of the bill, and the purpose for which the bill was introduced.

Now, what was the purpose of the bill of the 6th of March, 1820? It was to allow Missouri permission to form a constitution; and, if she furnished to Congress evidence that she possessed a population sufficient to justify her admission into the Union, it was the duty of Congress not only to allow her the permission she asked, but also to admit her into the Union upon equal terms with the original States—I repeat it—the duty of Congress to admit her. Congress has no power to withhold admission into the Union of States formed out of the territory of the Union, with the requisite population, provided such States have—in the language of the Constitution—a republican form of government. “New States may be admitted by the Congress into this Union.” *May*, here means, *shall*, upon well established principles known to every intelligent lawyer and statesman; and, within the limitation and requirement before specified, imposes an obligation which Congress cannot constitutionally disregard. It is not beneficial to the Union for the government to hold

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provinces, even if constitutionally competent to do so; but it is beneficial to admit States, and Congress, therefore, as before stated, must admit them.

Well, Mr. Chairman, this provision, this eighth section, was inserted in the act; and the gentleman from Missouri, [Mr. Benton,] in his speech the other day, says—and I believe he says so in his “Thirty Years in the Senate”—that that proposition, or compromise, was imposed—yes, sir, he said so in his speech the day before yesterday—was imposed upon the North by the South. Sir, I utterly deny the correctness of that historical statement. The gentlemen to whom I have referred—the gentlemen from Georgia and Alabama [Messrs. Stephens and Phillips] have demonstrated that so clearly and so unmistakably, that a minute reference to it by me is wholly unnecessary. But I shall be excused, I am sure, for calling particular attention to the amendments of the Senate, and the disagreeing votes of the House thereon, and especially to that on the eighth section, then known as the ninth:

“A division of the question on said motion was called for.

“And, on the question, 'Will the House *disagree* to so much of the said amendments as is comprised in the words following, to wit:

“And to enable the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States:

“ *Sec. 2. And be it further enacted*, That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper.’

“It passed in the affirmative—yeas 93, nays 72.”

The amendment being defeated by the free State vote.

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The residue of the amendments being disagreed to, except the ninth, being the eighth, as it now stands in the statute:

“The question was then taken, will the House *disagree* to the said ninth section? (being the last of said amendments,) contained in the words following, to wit:

“ Sec. 9. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, 332 otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services as aforesaid.’

“And also determined in the affirmative—yeas 150, nays 18.”

So the House by an almost unanimous vote, refused to concur with the Senate in this amendment.

It was then ordered by the House “that the Clerk acquaint the Senate therewith.” This was on the 23d of February. On the 28th the House was informed that “the Senate *insist* on their amendments to the bill,” etc. Immediately “the House proceeded to consider their disagreements to the said amendments.” Various efforts were made by Southern members to postpone the subject; but in vain. An inexorable free State majority crushed every effort.

“And on the question ‘Will the House *insist on their disagreement* to all the said amendments, except the ninth section thereof?’

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“It was determined in the affirmative—yeas 97, nays 76.”

And so determined by the Northern vote.

“The question was then taken, Will the House insist on their disagreement to the ninth section of the said amendments.

“And passed in the affirmative—yeas 160, nays 14.”

Again defeated by a still stronger vote.

At the instance of the Senate, a conference between the two Houses was agreed to.

On the 29th of February, the House proceeded to consider their own bill, with the amendments reported from the Committee of the Whole; and the said amendments being read, were concurred in by the House, with the exception of the following.

“And shall ordain and establish that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided always, That any person escaping within the same, from whom labor or service is lawfully claimed in any other State, such fugitives may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid: Provided, nevertheless, That the said division shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory.”

“After certain proceedings, the question was then taken to concur with the Committee of the Whole House in the amendment above stated.

“And passed in the affirmative—yeas 94, nays 86.”

Again by the free State vote.

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The bill was then engrossed, and read a third time, by a vote of 93 to 84, and so again carried by the free State vote. On the next day the question was put, “ *Shall the bill pass?* ” and it passed in the affirmative, by a vote of 91 to 82—again by the free State vote—and was sent to the Senate for its concurrence.

Sir, I presume it is known to this House that the Senate, foreseeing the coming storm, had the tact to unite Maine, then also asking for admission into the Union, with Missouri. I well recollect the incidents of that day in connection with this question. Many of them dwell now freshly in my memory. Had not these States been thus happily united, they perhaps would never have entered into our Union, and the Union itself might have been dissolved. A proposition was made in the Senate to dissolve the Union formed by the bill, but it was defeated, and thus associated, the bill was sent by the Senate into this House. A Committee of Conference between the two Houses was proposed and finally agreed to.

The Committee of Conference having agreed, and the question coming up upon agreeing to their report, and the previous question having been ordered,

“The said main question was then put, to wit: ‘Will the House concur with the Senate, in so much of said amendments, as proposes to strike out from the fourth section of the bill the provisions prohibiting slavery or involuntary servitude in the contemplated State, otherwise than in the punishment of crimes, as recited in the report of the Committee of Conference,’ and passed in the affirmative—yeas 90, nays 87.”

And passed under all the solemn and imposing circumstances attending the vote, with the aid of only fourteen votes from the free States.

The question then came up on the eighth section before given, and passed in the affirmative by a vote of 134 to 42. Of the negative vote, “Nile's Register” says, 333 five so voted “because they were in favor of an entire restriction on all the country west of the Mississippi, except in the State of Louisiana; and the thirty-seven others united with the

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preceding because opposed to any restriction whatever. Of the thirty-seven, one was from Maryland, eighteen from Virginia—[God bless her!]¹—six from North Carolina, four from South Carolina, four from Georgia, one from Kentucky, and two from Tennessee.” Thus, under all the remarkable circumstances of this exciting subject, and at the risk of losing the State, a majority of the Southern votes in the House was against the restriction of the line 36° 30′. Virginia had then but twenty-three Representatives upon this floor. Eighteen of those votes were from Virginia, and whether the other members from that State voted or not, I do not know; but here was eighteen who voted against it.

I ask, then, the gentleman from Missouri, [Mr. Benton,] and I ask other gentlemen, how they can say that the South imposed this restrictive feature upon the North? Sir, all the facts show the contrary.

But it is now insisted that this is a contract. Yes, sir, it is now contended that it is a solemn contract, and upon that subject I have again to call the attention of the committee to the subsequent Journals of the House. In 1820, or 1821, when Missouri came here with a constitution already framed, and presented it for the consideration of the House, and demanded admission, what were the facts of the case? Was she admitted? No, sir. The proposition reported by Mr. Lowndes for admitting her was voted down. By whom? By the North, and not by the South, for every Southern man voted for the resolution. If it was a contract, it was faithless. I put the question, who was faithless?

It is alleged that this compromise of 1820 was a sacred and binding obligation. I ask the question again, when Missouri knocked for admission, who voted against it? Who voted it down? It was the free State vote which did it. Not all, I admit; but, nevertheless, it was the free State vote. Are they incapable of recognizing the obligations of a contract? All the subsequent propositions for the admission of Missouri were treated in the same way, until, finally, a joint committee of the two Houses of Congress was formed for the adjustment of this question. I shall not stop to introduce the resolution which they reported; but we know that, in its terms, it was a contract. But it was not a contract upon the line of 36°

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30#. It was a compromise that Missouri should not pass any law prohibiting a citizen—a person entitled to the rights of a citizen in the different States—from admission within her limits. That, and that alone, was the compromise of 1821. But all the efforts made to exclude her from admission, because of her pro-slavery institutions, failed. Mr. Clay—then not the Speaker of this House, but its presiding genius, no doubt—interposed, and threw his influence in the scale to effect this adjustment. It is a remarkable fact, that Mr. Clay's name is now invoked here by gentlemen, and by the gentleman from Tennessee, [Mr. Cullom,] as the author of the act called the compromise of 1820. Why, sir, does not the gentleman know that Mr. Clay himself declared that he was not the author of the compromise of 1820? In 1850, in his place in the Senate, he said distinctly that nothing was more remarkable than the facility with which the public forget the incidents of history; nothing more remarkable than that he was held responsible for the compromise of 1820.

Mr. Cullom. Will the gentleman allow me a single word?

Mr. Smith. I have but a few minutes, and I hope the gentleman will be short.

Mr. Cullom. But Mr. Clay insisted in the same speech that he had supported it in common with his Southern brethren; for, as the Speaker of the House, although the Journal did not show it, he had no doubt that he should have voted in favor of the measure.

Mr. Smith. I understand all that. But Mr. Clay did not express himself so strongly as the gentleman from Tennessee represents him as doing. He said he did not know whether he had voted for it or not. That is the language.

Mr. Cullom. He said he had no doubt—

Mr. Smith. The gentleman has no doubt that he said it, I am very sure.

Mr. Cullom. No, sir; those were Mr. Clay's words.

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Mr. Smith. If they were, I do not recollect them.

Mr. Cullom. I do recollect them.

Mr. Smith. Well, sir, let it pass. I now propose to read from the *National Intelligencer*.

Mr. Cullom. Of what date?

Mr. Smith. February, 1820. It says:

“The House then again went into the Committee of the Whole, [Mr. Baldwin in the chair,] the restrictive amendment being still under consideration. Mr. Speaker Clay rose and addressed the Committee nearly four hours, against the right and expediency of the proposed restriction.”

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So that he not only went against the *right*, but he went against the *expediency* of the proposed restriction.

Mr. Cullom. That was the restriction upon the State, and not the line of 36° 30#.

Mr. Smith. The restriction was general.

Mr. Cullom. But I insist that it was the restriction upon the State.

Mr. Smith. No, sir, the restriction was general. It was not Mr. Clay who introduced that measure, as it has been sometimes supposed. It was well known that it was introduced by a member from one of the free States. But here is what the *Intelligencer* says upon the occasion: “Mr. Speaker Clay rose and addressed the Committee nearly four hours against the right and expediency of the proposed restriction.” There was, then, a restriction, and what was that restriction then under consideration? It was not only to prevent Missouri from coming into the Union as a State, without the abolition of slavery within its limits, but it

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was also a restriction upon all the territory in the Louisiana purchase, even through to the Pacific ocean, that was under discussion.

I am admonished, however, that my time is short. I had intended to have noticed those courtly gentlemen, the editors of the *National Intelligencer*, to show that they were then against restriction; that in that day they came out and said that the extension of slavery did not extend the principle.

Mr. Cullom. I am very certain the gentleman from Virginia would not misrepresent either the editors of the *National Intelligencer* or Mr. Clay upon so vital a question as this. Does not the gentleman know that the speech and the editorials to which he has referred have reference to the restriction of slavery within the limits of the State of Missouri, and not to the line of 36° 30#?

Mr. Smith. I know they do not, but I will make that matter plain when I come to speak of the subject in its order. The *Intelligencer* expressly says that the expansion of slavery does not effect the principle of slavery. I suppose that is an answer to the gentleman's question as to them. But what is more, they say, and strange it is that the excitement upon this question is greater in that portion of the country which is not affected by it, than in the whole South and West which is calm upon this question. Sir, let me tell the gentleman that I am sorry I have not time to pay him more fully my respects. I do deplore my want of time to fully enter into the matter. Let me tell the gentleman, furthermore, that the South rarely comes here as a petitioner. He knows that, indeed, full well. She moves and resolves through her Legislatures. That is the position of the South now. She never petitions, but resolves, as she has on this occasion. She has spoken. Four States have spoken, and yet gentlemen tell us that they have not.

Mr. Cullom. Had any State spoken before the introduction of this bill?

Mr. Smith. I wish I had time to refer to all that. I would like it of all things.

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The gentleman from Missouri, [Mr. Benton,] in his remarks the other day, said that “the Constitution was not made for Territories, but for States.” I ask the gentleman how it is that we have exercised so much power from the beginning of the Constitution to the present day over Territories? I ask him how he recognizes them as wards in chancery, as infants of tender years, unless this government has a constitutional power over them?

But the gentleman says:

“This compromise of 1820 is not a mere statute, to last for a day; it was intended for perpetuity, and so declared itself. It is an enactment to settle a controversy—and did settle it—and cannot be abrogated without reviving that controversy.

“It has given the country peace for above thirty years; how many years of disturbance will its abrogation bring? That is the statesman's question; and without assuming to be much of a statesman, I claim to be enough so to consider the consequences of breaking a settlement which pacified a continent.”

There is much other matter which I intended to lay before the committee, but under the operation of the home rule I am deprived of that pleasure.

This, then, being the sentiment of the gentleman from Missouri, two days ago, and delivered with his usual impressive manner, let us see what he said in 1852. He told this House in this debate that the ordinance of 1787, the compromises of the Constitution, and the compromise of 1820, were necessary parts of a great whole, all essential to the peace and repose of the country. I think the following is his language of 1852; and if I am wrong, he will correct me:

“I do not believe in a guardianship over the people; do not believe in the mission of any man, or set of men, to save the Union. That creed belongs to the political party who believe that the people cannot take care of themselves. ‘We, the people’ made the Constitution—so says the instrument itself, in its first line; ‘AND WE, THE PEOPLE,’

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can save it—so say the masses. The salvation of this Union is not in the contrivances of politicians, but in the love and affection of the people; not in force, or cataplasms, but in JUSTICE!—in doing justice to all the members of the 335 Union. It is libel to say of the authors of our Constitution, that they did such bungling work that it cannot hold together without periodical patching; and it is another libel, and upon the people, to say that they cannot take care of the Constitution which their fathers made for them.

“I believe in the compromises of the Constitution, and swore allegiance to them, and keep the oath. I do not believe in the compromises made by politicians, candidates for the Presidency. I have seen too much of such work.”

Admirable! And the gentleman does not believe in compromises made by politicians! He has seen too much of such work! But to proceed:

“What was ever more boasted than the compromise of 1833? or more worshiped in its day? or more sworn by? or more relied upon to save the Union? or more ferociously adhered to for its hour as the watchword of party? or more omnipotent over delicate nerves and attenuated pates? or made a more inexorable test of political salvation or damnation? and what more utterly and ignominiously abandoned, and by all its followers, high-priests, and disciples, the moment it was found that it would make nobody President? It was my prerogative to see through their contrivance at the time of its device, and to think as little of it at its birth as its author did at its death. The compromise of 1820 also had its day of laudation and glory; but it made nobody President, and now it is despised!”

“Despised!” gentlemen of the committee! You are told by this distinguished gentleman, who so long graced the Senate, that it is now “despised!”

Mr. Benton. Despised by nullifiers. [Great laughter and applause.]

Mr. Smith. “It is not so nominated in the bond.”

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Mr. Benton. That was my meaning.

Mr. Smith. I cannot tell what the meaning was, except from what is written.

Mr. Benton. Read who it was despised by.

Mr. Smith. Despised by the country, of course.

Mr. Benton. No, sir; no, sir. By the nullifiers—nullifiers. Do not falsify my words, sir. The nullifiers, sir. Don't falsify my words, sir. Don't try to do it. I was speaking of the nullifiers.

Mr. Phillips. I would ask the gentleman if there were any nullifiers in 1820?

Mr. Smith. I never heard that there were any nullifiers at that time.

Mr. Benton. No, sir. I was speaking of the time when that was said.

Mr. Smith. Wait, sir. I have not got through yet. I have more of it here for the gentleman:

“Abjuration of it is the order of the day.”

Mr. Benton. By the nullifiers, again. [Laughter.]

Mr. Smith. Why, I thought the nullifiers were a small body. But it was “the order of the day.” Did the nullifiers give the “order of the day” to the country? Most assuredly not, but that is not all:

“Repudiation of the authority to make it is a test for the Presidency; and judicial decisions treat it as a nullity. The compromise of 1850 is, in the first place, a deception, the compromise bill having failed, and its conglomerated measures passed separately as independent measures, and with very little help from their present assumptious guardians.

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In the second place, it was contrived upon the avowed ground that it was to make its champions Presidents.”

Mr. Benton. Certainly.

Mr. Smith. “And judicial decisions treat it as a nullity.” Why, are they nullifiers too? I ask the question. Surely the judges are not nullifiers. John C. Calhoun was not upon the bench. But that is not all. Speaking of the compromise of 1850, the gentleman said, further:

“And is now stuck to upon that principle; and if it fails to do the job, it will take the track of its two defunct predecessors, and soon be with them, ‘ in the tomb of the Capulets. ’”

Yes, the gentleman actually buries the compromise!

“This is my experience of Congress compromises, and nobody need to set up these little clay-gods for me to worship, especially when those who set them up do it for a purpose, and knock them down when they don't answer it.”

Not for the nullifiers to worship, but for me to worship. There the gentleman buries the compromise of 1820, and says expressly that compromises shall not be made for him. And yet the gentleman tells us that he came into Congress upon the compromise of 1820, and that he has continued to stand upon that compromise, and with a grateful heart expresses his obligations to his Northern friends.

Sir, here is the gentleman now. I give him in evidence upon this question. But I know that my time is limited. Would that I could array before you all the elements that I could bring to bear upon this question. But I shall soon be buried, although 336 not in the tomb of all the Capulets with the Missouri compromise; for I trust to rise again some other day. I advert to these things for the purpose of expressing my astonishment and amazement at the position now assumed by the gentleman from Missouri in reference to this question.

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Allow me to generalize here a little, and to appeal to Northern gentlemen, and ask them how they can recognize the justice of this thing? You talk about our dividing this territory. We took our half, says the gentleman from Missouri. But what was it? A compromise means an adjustment between two parties, in which each concedes something. What have the free States conceded? They have, like a giant or tyrant, thrown us upon our backs and throttled us. They take millions of square miles of the territory of the United States, and say that slavery shall be excluded therefrom, and what do they give us?

It is a remarkable fact, that the line established by the treaty of Spain and the act of 1820 leaves to the slave owner no territory for his occupation whatsoever, except that which is already embraced within the States, or in the territory West of Arkansas, permanently occupied by Indians, and about the size of that State. I appeal to you as men of justice; I appeal to every Northern man who has a heart, what justice is there in taking about a million of square miles of land to yourselves, excluding the slave owner, and saying that slavery shall not set foot within it, and yet give us no corresponding equivalent? Are gentlemen disposed to disregard the original principles upon which our Government is established, and under which we have heretofore excluded all disorganizing questions? Are you to take millions of acres of land and leave us nothing, then turn around, like the gentleman from Ohio [Mr. Taylor], and say, for God's sake do not break the compromises? It is a good deal in the style of the Irishman who swore that he was the best-natured fellow in the world, if nobody made him mad. So these gentlemen say, give us all, for the sake of harmony and Union. In pursuance of this spirit, they took possession of the Territory of Oregon. In pursuance of this spirit, they took possession of California; and what a disagreeable development would be presented if the secret history of the organization of that State could be obtained! She was without resources. No fostering Federal power was there to protect her infancy and supply her wants; compelled to pay taxes to the Federal Government through the custom-house, and in a state of social dissolution, she was constrained to organize a State government, and in so doing was made to believe that, without an anti-slavery clause in her constitution, she could not, even then, be admitted

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into the Union. Federal officers figured in her convention, wielding a large power, under the then existing circumstances; and California, the golden and the beautiful, and the lovely of the earth, more admirably adapted to slave labor than any spot under the sun, was closed against nearly one-half the Union. Sir, it was a rank injustice to the South, and a great injury to California.

Yes, the anti-slavery interest has almost monopolized all that is really valuable of our public domain. Is this justice? Can it be defended?

My God! is it possible that an American Congress can continue this gross injustice? And it is a most remarkable illustration of the Union sentiment of the South, that they have so long acquiesced in their wrongs. They have submitted until at last, I fear, that proud spirit has been somewhat broken which caused her to resist the British power on the point of a penny per pound on tea, and which caused her to be among the first actors in the Revolution. That spirit then led the United States to resist the mother country on principle—yes, on principle; because Virginia was not oppressed or affected; but the Old Dominion came in and joined the North in its revolutionary struggle, regarding the strife as one of a general character. Her sons came forward to rescue the city of Boston, which was not even completely invested until the Virginians arrived. Yes, sir, I state it as a historical fact, that Boston had to wait for Virginia to come, before she could be rescued from the red-coats and the lion of Old England.

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SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA, IN REPLY TO HON. J. R. GIDDINGS, OF OHIO.

The following is the speech delivered by Mr. Smith in the House of Representatives, in reply to a bitter and vindictive attack made by the celebrated Mr. Giddings, of Ohio, in the alleged defense of John Quincy Adams, ex-President of the United States, and recently a Member of the House of Representatives.

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It created great sensation in Congress and generated throughout the country, at the time, intense excitement. It was one of those memorable Congressional episodes intimately connected with the Resolutions of Censure on Mr. Adams and Mr. Giddings, introduced in the House of Representatives by the distinguished Thomas F. Marshall, of Kentucky, and advocated by ex-Governor Smith, ex-Governor Wise and ex-Governor Gilmer, of Virginia, and other gentlemen of distinction in Congress, and the country.

House of Representatives, *Friday, April 28, 1884.*

Mr. Smith: Mr. Chairman, we have, indeed, had an interesting display, characterized by those manners which we should naturally expect from the *gentleman* from whom it comes. We have seen a *gentleman* here aspiring to be sarcastic. We have seen him rising here and assailing members of this House with a display of coarseness and vulgarity which he alone understands how to use; just the sort of defamation and scandal which would find no place in the association of gentlemen; nay, such only as could have been taught and learned by an association with free negroes.

Sir, it is within the recollection of this committee that, on yesterday, when I was replying to the extraordinary position which had been taken here by those who had preceded me, that the Missouri compromise, as it was called—that the act of 1820 had given peace and quiet to the country. I say, when I was replying to that most extraordinary position, and confronting it with the truth of history, I referred, by way of illustration, to a distinguished man, supreme in his eminent ability, who had previously occupied the highest official position in the country, and who descended from that high position into this arena, for the purpose of creating agitation upon the subject of slavery. I stated that as an illustration. I stated that he forgot the high dignities with which he had been honored, the distinguished offices which he had filled, the mighty part he had played as a national man; and that he came here to agitate for the wild, disorganized purposes of anti-slavery. That was an illustration; and I referred on that occasion to sentiments which he uttered on this floor, and

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which I would make good. Indeed they are substantially admitted by the *gentleman* who has just addressed the House.

I referred to him, [Mr. Giddings,] also, as an illustration. I had no occasion to misrepresent him. I alluded to him as one of those who had been continued here by constituents, no doubt worthy of him, and whose chief office, instead of being to minister peace and good will unto all men, had been to agitate the great country of which he is a most unworthy member, and to seek to distract and divide, and ruin the Union of this Republic—in the perpetuation of which the destinies of the world are at once and forever bound. Is not that true? Speaking from memory, I do not perhaps specify in exact and literal verbiage the sense which had been communicated; but I 338 am here with the record, prepared, substantially, to sustain the position which I took. The member—and according to polite parliamentary parlance the honorable member—and I suppose that we are all honorable men—the honorable member has thought fit, his own job not being sufficient, and being ambitious of that unity which he sought to establish, when the distinguished man, to whom I previously referred, had a living place on this floor—he has thought fit to get some grace and strength for his position, by a union with one who had genius and intellect to redeem the errors of his principles, and to commend him to the interest, at least, if not to the affections of the country.

He sought to acquire some distinction by that association. Not content to rest himself here on his own defense, he undertakes to vindicate that man, superseding the duty of some gentleman from the State of Massachusetts. The member—the *honorable* member—really conceded the strength of my remarks. In vindicating Mr. Adams, he actually acknowledges the ascription which I made. But I might be relieved from the duty of meeting this question, if I chose to remind the gentleman that he has been guilty of a very great defect in memory, if not of a gross misstatement.

Mr. Chairman, and gentlemen of the committee, let me call your attention to an incident which occurred the 22d of February, 1844, a day pregnant with the dearest associations,

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as connected with the name of one who was “first in war, first in peace, and first in the hearts of his countrymen.” On that day, Mr. Dillet, of Alabama, a distinguished Whig member—I say Whig member, because at that day political ligaments were stronger than local subordination or independence. I speak from the record. In referring to the remarks of Mr. Adams on the question of slavery, without going much into the quotation, and which I had hastily collected, not expecting to be called on from the source which I have, to justify my remarks, Mr. Dillet, in addressing this House on the 22d of February, 1844, said:

“And whence this language: ‘That slavery will be abolished in this country, and throughout the world, I firmly believe; whether it will be done peaceably or by blood, God only knows. But that it shall be accomplished, I have not a doubt; and by whatever means, I say let it come. Yes, by whatever means, I say, let it come.’ That was the prayer offered *in transitu* to the Throne of Mercy. By blood, or otherwise, let it come.

“ Mr. Adams. Let it come.

“ Mr. Dillet. Yes, sir, these were the prayers of this man, [Mr. Adams,] who, if he had retired from the Presidency to the shades of private life, which he would so much have dignified and adorned, would have gone down to the tomb with the united admiration and applause of a mighty nation. This man comes here upon this floor, and says: ‘Let it come; let it come, by blood or otherwise; let it come.’”

Mr. Adams here threw in the words: “Let it come.”

“ Mr. Dillet. Yes, let it come, no matter what havoc shall ensue amongst the five millions of men, women and children of the South; let them all be served up to satiate the Moloch of those assailants of the Constitution; and for the purpose of offering up sweet incense to the holy, thrice holy Abolitionists,” etc.

Well, sir, Mr. Dillet went on a good deal in that strain, and then Mr. Adams proclaims, not let it come even at the expense of the blood of five millions, as I stated and as my memory

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enabled me to speak of it after the lapse of years, but, he even goes further and says, without restrictions as to numbers: "Let it come." Yes, sir, even if it cause the blood of the entire slaveholding section of this union to flow.

But, sir, Mr. Dillet goes on to say:

"He was one among those who, in 1824, preferred the civil qualifications of the gentleman to those of a military character, in the selection of a Chief Magistrate of the Union. He need not ask to be pardoned by the gentleman, but he did ask the forgiveness of his country."

Yes, sir, so shocking, so horrid to every humane and gentle affection were the sentiments of this man—this Mr. Adams, who had come here to agitate upon this question that he had proclaimed: "Let it come, though at the peril of the entire South." And Mr. Dillet, a political and personal friend, in the agony of his heart, said "I was one of those who, in 1824, preferred the civil qualifications of the gentleman to a military chieftain, and gave him my support. I now say here, in the face of this House, in the face of the assembled country, that I ask pardon of my countrymen for so doing." And yet this act, this sacrilege, this outrage upon every sentiment of humanity, this treason—I use the word—this moral treason to the Constitution of our Republic, finds vindication upon this floor. But no other man has dared to vindicate it but *such* a man as that from Ohio. Sir, have I not made good my reference? Can I not stand up here proudly and say that my case is made out? Sir, 339 although the member wishes to be tacked to the illustrious name of Adams, let me tell him that he is but the tail; and long, long must *it* be, if there is any connection between the two. [Laughter.]

But, sir, I come now to the honorable member himself. That *honorable* member gives us to understand that his ancestors rendered important services in the war of the Revolution, but his modesty will not permit him to speak of the services which he himself rendered in the war of 1812. I wish he had delighted us by recounting them here, for I believe his military achievements have not yet been sung in song or told in story. But the *gentleman*,

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on account of his capital good nature, forbears to say what otherwise he might say, in reference to myself; but what can we think of the supreme gentleness of disposition of the man who can get up here and perform such a part as he has done to-day?

The display which the *gentleman* made upon this floor was the malignity of a fiend—a coward fiend. I was a member of this House when the particular incident took place which has brought out this difficulty. After the *honorable* member from Ohio resigned his seat, he went around the Hall bidding good-bye to his friends. I was sitting very near the place where I am now standing; and when he came to me, offering his hand, I did not pretend to be very busy, as some Southern members did, who turned their backs upon him, but I said to him, “I do not shake hands with you” “Just as you please,” replied the gentleman from Ohio; and that is the way in which I treated his conduct, and that is the way he deserved to be treated by all.

The gentleman has been pleased to refer to my political history, and my retirement from these Halls. I will state to this House that, for eighteen years I was an active party man, before I ever sought a seat in legislative hall. My time, money, and such humble talents as God has blessed me with, were freely dedicated to the propagation of the great principles of the Democratic party, in season and out of season. Until 1836, when the muttering thunder which was heard in the distance was about to burst upon the country, I did not attempt to go into public life; but at that time, being called upon to be a candidate for the State Senate, I, under protest, yielded to the call, after having once declined a nomination. I then ran for Congress, and had the honor of succeeding against a Democrat and a Whig, with only about six hundred majority, and the Democrat, the then incumbent in office, which is, with us, almost conclusive in favor of re-election. When I retired from these Halls, I was a candidate for re-election, under a peculiar state of things—for it so happened that the district was reorganized, and a Federal district was formed, I allowed my name to be used, and I reduced a Whig majority of twelve hundred to some two hundred and sixty-five. I then resumed the duties of private life, but not in retirement, as the mendacious speaker says—for I was elected Governor of the Commonwealth of Virginia, without ever

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having written a letter or expressed a wish for the office. I ask if any man can furnish a prouder and higher memorial of the estimation of his fellow-citizens than that—elected to the Chief Magistracy of the Old Dominion without an expressed wish for the proud distinction?

When I returned from California, where I had gone to mend my fortunes, I had scarcely reached home before my friends began to talk of returning me to Congress. Circumstances, not my wishes, made me a candidate, and I was elected without ever organizing a county; without ever treating a voter; without ever holding a private conversation but with two worthy, but plain and unambitious persons, to affect their votes before my election. I proudly stood up and relied upon my character and principles, and upon the liberal sentiments of the noble people whose suffrage I expected; and I am here.

Well, Mr. Chairman, the member from Ohio has read the resolutions for which the House condemned him. I shall not pause to comment upon them, but I will bring you to the result. The first item—for there is a good deal here on the subject—the first item to which I call the attention of the committee, is the remark of Mr. Everett—Mr. Everett, of Vermont; from the green hills; a cold, hard man—I hope that no one will pitch into me for this. But yet I shall beg the attention of the committee to the remarks of Mr. Everett on the subject, because I am one of those who never speak lightly, and when I take a position, I am proud to believe that I can maintain it. I read from the Journal—

Mr. Everett rose and begged to be excused from voting. He assigned his reasons:

“And he wished also on this occasion to express his utter abhorrence of the firebrand course of the gentleman from Ohio [Mr. Giddings].”

Yes, sir, Mr. Everett asked to be excused from voting; and he did it because he wanted an opportunity of expressing his deep abhorrence—I repeat—his deep abhorrence of the firebrand course of the gentleman from Ohio. Well, now, when that man could act in such a way in these Halls as to provoke such a fierce denunciation from a party associate, from a

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man who was engaged in a common cause, and animated by a common feeling, what, sir, what must have been the deep damnation of the act?

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There are various other references on this subject. I shall not dwell upon them. But such was the howling storm of indignation in this entire Hall, such was the deep abhorrence of the vile and atrocious conduct of that member, that he, in view of that storm, and shrinking from it, asked if he had the power to withdraw his resolutions. The Chair pronounced that he had, against the positions taken to the contrary. But I will read a line or two from the record:

“Mr. Giddings said, that when he had risen to offer his resolutions, he had stated that they were important, and that he merely laid them before the House.

“Cries of ‘Order!’ ‘Order!’

“The Speaker. The gentleman will either withdraw his resolutions or not.

“Mr. Giddings. I was merely saying that I was about to reply—

“The Speaker. Do you withdraw the resolutions or not?

“Mr. Giddings withdrew his resolutions.”

Yes, sir, that man who boasts that he has uttered nothing in the world but proper and correct sentiments; who said that his resolutions were important, and that he merely laid them on the table for consideration, when he saw the howling blast of indignation against him which raged around the Hall, skulked from its fury, and, in the face of such a howling tempest, sought to shelter himself by withdrawing his resolutions.

Well, Mr. Chairman, the member from Ohio resigned. He resigned to go home, to get the rebuke of his people upon this House, it may be: perhaps to pocket his mileage, for

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the question was raised whether he intended to charge double mileage or not; and that question was not answered. So, I suppose, he got it. Of course he got it—of course. No moral sentiment could have restrained him, no feeling of personal honor.

Well, sir, I say he resigned. I cannot undertake to give you chapter and verse for the common talk of this Hall. But it was said that he resigned and went home, to get the rebuke of his people upon the action of this Hall.

I stated yesterday, and I repeat it now, that it was bruited around this Hall that it was the common understanding that he went home, relying upon that people whom he represents, of whom he appears so proud, and with whom he so cordially sympathizes. Yes, sir, I say it was so understood, and I am going to give some sort of proof of it. It was understood that he would come back here and renew his resolutions, until those resolutions of censure were repealed.

But here is the record, and I ought not to omit it. The resolution of censure brought out by the *honorable* member's atrocious resolutions, denounced him for offering resolutions which embodied rapine and murder. Yes, sir, that embodied rapine and murder! After the resolutions were withdrawn, the House was not satisfied with his retreat—with his cowardly retreat—with his skulking from the storm which he had raised. I say the House was not satisfied, and a resolution of the character of which I have spoken was offered. He had offended the House and the country, and though his resolutions were withdrawn, it was felt in this Hall that they still left an offense which must be avenged, and Mr. Botts, of Virginia, offered resolutions which, not being in order, were offered by his noble colleague, Mr. Weller, in which the resolutions of the gentleman were denounced for justifying rapine and murder. This House passed them by a vote of nearly two to one, after nearly every parliamentary effort had been resorted to to prevent their adoption. The judgment of this House, not upon party grounds, the judgment of the American Congress, by nearly two-thirds out of nearly two hundred votes, solemnly pronounced that the resolutions of the

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gentleman legalized and justified rapine and murder, and that he deserved not only the censure of the country, but of this House in particular.

For that he resigned and went home; and I say now that during his absence, the understanding was that he was to come back here by the election of his people, and that he was to renew those resolutions, and was to press them until the resolutions of censure were revoked. Did he ever renew them? Never! never!

I find, in the resolutions offered by Mr. Goode, of Ohio, the following:

“ *Resolved*, That the Hon. J. R. Giddings, on his return to Congress, be, and is hereby, instructed, at the first moment after it shall be in order, to offer the identical resolutions over again which he had before offered, and insist that the House of Representatives act upon them by a direct vote.”

Instructed by his beloved constituents! Did he obey that instruction? No, sir; his white-livered heart skulked from it. He even disregarded the instructions of his dear and much loved people, who sent him here, with instructions to carry out his original purpose. Big, sir, with pride and consequence, and offended feeling, he left this Hall with a determination to do or die. He was backed up by his people at home—better men than himself, I have no doubt; yet when he came into the presence of the majesty of the Representatives of the American people, he quailed; yes, sir, he 341 quailed before it, and did not obey his instructions, or carry out his original purpose.

But, sir, having adverted to the facts connected with this period sufficiently, and having vindicated, from the record, the truth of my former assertions, I pass on. The *gentleman* from Ohio came back to this House on the 5th of May, I think it was, and was qualified by being sworn. But what are oaths to those who believe not in their value? But I was proceeding to say, he came back here, and on the 5th of May was sworn to observe the Constitution, and to respect all its compromises. He took his seat.

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Well, sir, I said this member from Ohio offered a resolution to rescind the former vote of censure. Now, Mr. Chairman, I am one of those who never disregard or refuse to recognize the act of an agent. I am one of those who regard what is done by my agent as having been done by myself; and if it is necessary I could give you law and Latin to show that it is an established legal principle. I am not here to draw nice distinctions. I do not split hairs—not I. But the member from Ohio says he did not offer this resolution. Well, sir, he did not, but his colleague did; and I suppose his colleague would not have done anything of the sort without his concurrence. I appeal to this committee to decide whether it is likely that he would have permitted one of his colleagues—one who sympathized with him in his original determination, who prevented him from undertaking to defend himself on that occasion, although the opportunity was again and again tendered to him; who seemed to be his friend, associate and counselor—does the member himself suppose he shall be able to make this House believe that this colleague of his would have taken this step without his knowledge and consent? And, therefore, it is that I say the member from Ohio draws nice distinctions, and disproves at most the letter, but not the spirit of my charge.

Well, sir, I have shown what was the resolution which was offered by the counselor and advisor of the member from Ohio, and I leave it to the intelligent judgment of every member of this House to decide whether he is responsible for the resolution—that is all.

Mr. Giddings. Will the gentleman read the resolution?

Mr. Smith. You may read it if you wish.

Mr. Giddings. Either read it or back out.

Mr. Smith. I have the resolution before me, and I will not back out.

Mr. Giddings. There is no such resolution.

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Mr. Smith. No, sir; there is no such resolution in express terms, but it was designed indirectly to accomplish the purpose I have stated; for if received by the House, that would revoke the censure, and that will explain what follows hereafter.

Mr. Giddings. Read it.

Mr. Smith. I will not read it. Mr. Chairman, how did it get in here? I recollect the circumstances distinctly; and I have no doubt the committee understand them, I have refused to read the resolution because the whole debate to which it gave rise would have to be read, to make it intelligible. I would not be guilty of such a foul transaction as to refuse to read a resolution for the purpose of misrepresenting it. I have the resolution before me, and the whole proceedings in connection with it. Every member has them in his possession. I wish the member from Ohio to understand that I do not consider it necessary to resort to any such means to strengthen my exposition of such a case as his.

And how did it come into the House. I recollect when the gentleman from Ohio [Mr. Goode], against whose character I know nothing, other than is found on this record, and I am happy to so express myself—I recollect when he got up and offered the resolutions, there was one general laugh throughout the House; and I believe, and it was the general belief, as the records show, that that was the end of them. But no. He took the laugh; said not a word; but marched up to the Clerk's desk, and under pretense of their being of the character of a petition, filed them with the Clerk for the purpose of entry on the Journal. There is honesty and fair dealing for you! And the member knew nothing about it! Of course he did not! He was as innocent of the matter as the unborn child. He was perfectly good-natured, and could not inquire into anything of the sort.

When the Journal was read next morning a statement of the facts was made. It appeared, from the Journal, that the resolutions were presented and received. Mr. Botts immediately rose in his place, and moved that they be stricken out. He did not like to say expunged; but he moved that the entire paragraph—and I have the whole of it here—that the paragraph

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in reference to the resolutions, one of which I have read, and one of which led the member to repeat his own resolutions, be stricken out. Considerable debate resulted. A great deal of excuse was offered. A strong impression of a fraudulent movement was declared. Mr. Goode obtained the floor, and announced to the House that he had had no fraudulent purpose whatsoever. Such was the loathsome, vile, miserable, contemptible character of the proceeding, that the House struck out the paragraph with the implied imputation of fraud. Yes, 342 sir, these resolutions, which had for their end the redeeming of the member from Ohio from the deep damnation of his conduct in advocating mutiny and murder, were expunged from the record. They were stricken from the Journal, and now they have no place except in the papers of the day.

This, then, being the condition of things, I would ask wherein I have misstated? The gentleman says that I stated that he was elected by a diminished majority. I will advert to that now, though a little out of the regular course. Of course, I spoke on the subject from memory, and I really ask the member for information. When facts are involved, however, I do not rest satisfied until I am fully convinced. Had not the gentleman Whig and Democratic opposition? Was he not elected by a plurality and not a majority? This I distinctly know: that the impression was, that the operation of another resignation was considered too dangerous for another trial by the member. I know the understanding was, that if the Democrats had not been so foolish in that district—where Democracy, perhaps, cannot live for lack of necessary congeniality of elements and respiration—had it not been that they brought out a candidate, it is believed that the gentleman would have gone to the tomb of all the capulets. His race would have terminated against his will. Why, sir, it was believed that a genteel Whig—such was the language of the day—would have filled the place which the member has so much dishonored.

These are my views. I have presented the record. I have shown the course of Mr. Adams. I have shown the course of the member from Ohio; and to show that he is still in character, he is compelled to misrepresent the laws of a Southern State to this committee. He has directly, and in the face of the explanation of the distinguished gentleman from Louisiana

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[Mr. Perkins], distorted and misstated them; that decision being, that when a slave went into territory where freedom was established—God save the mark!—he was free. He partakes of the character of the country in which he is placed. That is the effect of the decision which the member has chosen to mistify and distort.

But, sir, Othello's occupation is not gone so long as the member has a place here. Even during the present session of Congress he has uttered the same damnable and abhorrent sentiments. Sir, look at the records of a previous debate during the present session. He says:

“Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when the thunder shall roll and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondmen, the Southern slaves of the South shall feel that they are *men*; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are *men*, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble when their dwellings shall smoke, and dismay sit on each countenance, then, sir, I do not say ‘we will laugh at your calamity, and mock when your fear cometh,’ but I do say, when that time shall come, the lovers of our race will stand forth, and exert the legitimate powers of this government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slave. That will be a period when this government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will come upon the world.”

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Yes, sir, that period when our slaves shall rise; that period when our houses shall smoke; that period when “fear cometh upon the hearts of the masters;” that period when rapine, and bloodshed, and desolation shall stalk o'er the land, the member will hail as the dawning day preceding the approach of the millennium! “Oh shame, where is thy blush!” Yes, he gets up here, in the presence of this assembly of American freemen, the representatives of millions, a large portion of them from the Southern States, and he tells them here to their faces, that he hails this day which is to desolate the whole South with fire and bloodshed, as he would the dawn antecedent to the millennium. Sir, I ask you if it is not fully made out by what I have previously read, and by this very speech itself, that he would rejoice, as he would rejoice at the dawning of that day preceding the millennium, to see our slaves rise, and sacrifice the wives and daughters of their masters?

I would remark that this question of slavery is one in which I am deeply interested. Gentlemen will be held to a strict accountability by their constituents for sitting quietly here, day after day, and submit to insults, such as have been inflicted upon them in days past.

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The *gentleman* from Ohio says that I did not answer him on certain occasions. Does he imagine for a single moment, that when he speaks, and there is no response, it is because he is unanswerable? From whence, in the name of God, did there spring such conceit! When he speaks—as never man spake before, for he is really without a parallel—and gentlemen are silent, has he never imagined it was because of their pity and contempt for him and his sentiments?

I know I am wearying the House, but I plead as my excuse the deep interest I feel in this subject. I believe that the institution of slavery is a noble one; that it is necessary for the good, the well-being of the negro race. Looking to history, I go further, and I say, in the presence of this assembly, and under all the imposing circumstances surrounding me, that I believe it is God's institution. Yes, sir, if there is anything in the action of the great Author of us all; if there is anything in the conduct of His chosen people; if there is anything in the

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conduct of Christ himself, who came upon this earth and yielded up his life as a sacrifice, that all through his death might live; if there is anything in the conduct of his Apostles, who inculcated obedience upon the part of slaves towards their masters as a Christian duty, then we must believe that the institution is from God.

Has there ever been a nation that so pre-eminently distinguished itself as a nation of masters? Go to Judea. Go to Greece, where there was 400 slaves to 90 freemen. Go to Rome, where, in the pride of her imperial power, you found some thirty to forty millions of slaves; and come to our own favored land, and what do you see? Where is any evidence of inferiority between the North and South? We see in the South those "first in war, first in peace, and first in the hearts of their countrymen;" not one alone, but many, always distinguishing themselves upon every crisis, and in every place where their services were needed in behalf of their country. Go into your halls of legislation; go into the battle-fields, and, I ask, where is the evidence of that inferiority which gentlemen attempt to establish between those who own and those who do not own slaves? The owners of slaves are no better than their fellows, it is true; but they will not suffer in the comparison.

I ask, then, how does the institution of slavery operate upon the black race? It operates like a charm. We have slaves among us eminently worthy of respect and confidence. We have female servants that, in point of manners, morals and principles, far surpass many white servants. But free them, and they are valueless; they are valueless the moment you knock their shackles off. I appeal to those around me in support of the position I take. I contrast the slave of the South, the genteel, well raised, obedient slave of the South, with the free negro of the North. It is a principle universally understood, known and conceded as a fact, that if you take the best raised, best cultivated slave, break off his shackles and send him a freeman, to the North especially, or even if you free him at home, the chances are nine out of ten that he becomes a degraded man and a worthless vagabond.

I advert to these things now, sir, not in reproach or anger. I can only say to the House, in the name of God, spare us from the polished and elegant language of the member from

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Ohio. [Laughter.] Let this Hall be no longer desecrated or degraded by such unbecoming unworthy, unfraternal displays as we have had here today. Let us cultivate a refined and delicate form of speech, so that we may utter no word of unkindness or reproach calculated to disturb the relations which should animate us. Let us alone, gentlemen of the North. I repeat, in the name of God and the country, let us alone. Give us our equal rights. Convert us, if you can but give us our equal rights; and we will never utter a word to compromise harmony and amity.

I thank the committee, and I thank you, Mr. Chairman, for the patience with which my remarks have been listened to. I have, I trust, "Nothing extenuated, nor ought set down in malice."

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MR. CLAY'S OPINIONS OF THE MISSOURI COMPROMISE.

SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA,

In the House of Representatives, May, 1854.

The House being in Committee of the Whole on the state of the Union—

Mr. Smith, of Virginia, said:

Mr. Chairman: When I had the honor of addressing this committee on the 27th of April last, a question of fact was raised between the honorable gentleman from Tennessee [Mr. Cullom] and myself as to the position of Mr. Clay on the act of 1820, commonly but erroneously termed the Missouri Compromise. The issue will be best presented by the following extract from my speech on that occasion:

"Mr. Smith. Well, sir, let it pass. I now propose to read from the *National Intelligencer*.

"Mr. Cullom. Of what date?

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“Mr. Smith February, 1820. It says:

“The House then again went into the Committee of the Whole, [Mr. Baldwin in the chair,] the restrictive amendment being still under consideration. Mr. Speaker Clay rose and addressed the Committee nearly four hours, against the right and expediency of the proposed restriction.

“So that he not only went against the *right*, but he went against the *expediency* of the proposed restriction.

“Mr. Cullom. That was the restriction upon the State, and not the line of 36° 30#.

“Mr. Smith. The restriction was general.

“Mr. Cullom. But I insist that it was the restriction upon the State.

“Mr. Smith. No, sir, the restriction was general. It was not Mr. Clay who introduced that measure, as it has been sometimes supposed. It was well known that it was introduced by a member from one of the free States. But here is what the *Intelligencer* says upon the occasion: ‘Mr. Speaker Clay rose and addressed the Committee nearly four hours against the right and expediency of the proposed restriction.’ There was, then, a restriction, and what was that restriction then under consideration? It was not only to prevent Missouri from coming into the Union as a State, without the abolition of slavery within its limits, but it was also a restriction upon all the territory in the Louisiana purchase, even through to the Pacific ocean, that was under discussion.”

I have watched sedulously up to the present hour for a fitting opportunity to make good my position that Mr. Clay, in his elaborate speech of four hours, was dealing with the subject in general, and in no respect in a limited sense; and now, in this closing hour of debate on this Kansas-Nebraska bill, owe this opportunity of vindicating my position before the country to the indulgence of the committee.

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Mr. Chairman, in consequence of the non-publication of Mr. Clay's speech, on the occasion referred to, it is necessary to look into the records of the day, which are happily of a character so complete as to leave *the fact* at issue without a cloud to cast the slightest shade upon it.

On the 8th of December, 1819, the subject of admitting Missouri into the Union as a State was referred to a select committee. On the next day a bill in the usual form, without restriction as to slavery, was reported, and committed to the Committee of the Whole. On the 15th the order of the day for the consideration of said bill was postponed to the second Monday in January next. The discussion of the bill, however, did not take place until the 25th of January, when "the House resolved itself into a Committee of the Whole on the bill," "and on sundry petitions and memorials relating to the subject." The debate continued until the 28th of February, "and after some time spent therein, the Speaker resumed the chair, and Mr. Cobb reported the said bill with amendments." These facts are taken from the Journal of the House.

On the day the subject was referred to the special committee, Mr. Strong gave notice of a purpose to bring in "*A bill to prohibit the further extension of slavery within the United States.*" On the 14th of December, Mr. Taylor, of New York, offered the following resolution:

"*Resolved*, That a committee be appointed to inquire into the expediency of prohibiting the introduction of slaves into the Territories of the United States west of the Mississippi; with leave to report by bill or otherwise."

This resolution was on the next day agreed to by the House. On the 28th the committee was discharged from the further consideration of said resolution; and on 345 the same day Mr. Taylor offered a similar resolution, which was referred to the Committee of the Whole for consideration on the same day upon which the Missouri bill was to be considered.

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Several other resolutions of similar character were offered; but those given are sufficient for illustration.

The memorials referred to the Committee of the Whole were substantially of the same character. They remonstrated “against the further introduction of slavery into the Territories of the United State, and against the admission of slavery into any State to be admitted into the Union west of the Mississippi.”

The resolves of States went to the same extent; some of them are here given. The Legislature of New Jersey reported and passed the following resolution, among others, prior to January 22, 1820:

“They do resolve and declare, that the further admission of Territories into the Union, without restriction of slavery, would, in their opinion, essentially impair the right of this and other existing States to equal representation in Congress (a right at the foundation of political compact), inasmuch as such newly admitted slaveholding States would be represented on the basis of their slave population, a concession made at the formation of the Constitution in favor of the then existing States, but never stipulated for new States, nor to be inferred from any article or clause in that instrument.”

The Legislature of Delaware reported and passed, prior to January 22, 1820, among others, the following resolution:

“ Resolved, by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That, in the opinion of the General Assembly, the future introduction of slaves into the Territories of the United States, and into such new States as may be hereafter admitted into the Union, ought to be prohibited by Congress.”

Prior to February 5, 1820, the following resolves passed the General Assembly of Ohio:

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“ Whereas, The existence of slavery in our country has ever been deemed a great moral and political evil, and its tendency directly calculated to impair our national character, and materially affecting our national happiness; and, inasmuch as the extension of a slave population in the United States is fraught with the most fearful consequences to the permanency and durability of our republican institutions; and whereas, the subject of the admission of slavery in the new State of Missouri is, at this time, before the Congress of the United States; therefore,

“ *Resolved, by the General Assembly of Ohio*, That our Senators and Representatives in Congress be requested to use their zealous endeavors to prevent the adoption of so odious and dangerous a measure.”

Prior to February 5, 1820, the following resolution passed the House of Assembly of New York, nearly unanimously:

“ Whereas, The inhibiting the further extension of slavery in these United States is a subject of deep concern among the people of this State; and, whereas, we consider slavery as an evil to be deplored, and that every constitutional barrier should be imposed to prevent its further extension, and that the Constitution of the United States clearly gives Congress the right to require of new States, not comprised within the original boundaries of these United States, the prohibition of slavery as a condition of their admission into the Union; therefore,

“ *Resolved* (if the honorable Senate concur herein), That our Senators in Congress be instructed, and our Representatives be requested, to oppose the admission, as a State, into the Union, of any Territory not comprised as aforesaid, without making the prohibition of slavery therein an indispensable condition.”

In Legislature of Pennsylvania, Harrisburg, December 21, 1819.

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“ Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to vote against the admission of any Territory, as a State, into the Union, unless ‘the further introduction of slavery, or involuntary servitude, except for the punishment of crimes, whereof the party shall have been duly convicted, shall be prohibited;’ and all children born within the said Territory, after its admission into the Union as a State, shall be free, but may be held to service until the age of twenty-five years.”

I give these as a few, only, of the evidences out of Congress, of what was the real question in the public mind on the admission of Missouri.

I will now give two only, out of many of those at hand, of the real question in Congress, in the shape of resolves, bills, etc.:

In the Senate, January 18, 1820.—Aggreeably to notice given, Mr. Thomas asked and obtained leave to bring in the following bill, which was read and passed to a 346 second reading: A bill to prohibit the introduction of slavery into the Territories of the United States north and west of the contemplated State of Missouri.

In the House of Representatives, January 27, 1820.—Mr. Foot, of Connecticut, moved the postponement of the order of the day to this day week. His object was, in the meantime, to consider, in the hope of its adoption, a proposition for the prohibition of the further introduction of slavery west of the Mississippi. Should such a measure be adopted, the Territories in that quarter would be placed on the same footing as the ordinance of 1787 had placed the Northwestern Territory.

The following resolution, among others, was reported and passed by the Legislature of Kentucky prior to January 22, 1820:

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“In passing the following resolutions, the General Assembly refrains from expressing any opinion either in favor or against the principles of slavery, but to support and maintain State rights, which it conceives necessary to be supported and maintained to preserve the liberties of the free people of these United States. It avows its solemn conviction that the States already confederated under one common Constitution have not a right to deprive new States of equal privileges with themselves, and from a contest of this nature awful consequences to the Union may be apprehended; therefore,

“ *Resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this State be instructed, and the Representatives be requested to use their efforts to procure the passage of a law to admit the people of Missouri into the Union as a State, whether those people will sanction slavery by their Constitution or not.*”

In the face of this condition of the slave question on the Missouri debate, Mr. Clay obtained the floor, and on the 8th of February, 1820, as the *National Intelligencer* “informs us,” rose and addressed the committee nearly four hours, against the *right* and *expediency* of the proposed restriction. To that restriction, it is, however, insisted, Mr. Clay confined himself; and it is necessary to see what amendment was pending when he addressed the committee. The amendment was as follows:

“And shall ordain and establish that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid: *And provided also,* That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory.”

Now, this amendment embodied the principle of excluding slavery from all territory where it did not at that time exist, excluded the further immigration of slavery into Missouri, and

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declared the freedom of all born of slave mothers, after the passage of the act. So that it necessarily involved the whole question of slavery, and the distinction attempted by the gentleman from Tennessee [Mr. Cullom], and the plausible article of three columns in length, of the *National Intelligencer*, is not perceived. That the whole question of slavery was discussed on both sides, under this particular amendment, by all who spoke upon the subject, whose speeches have been published, does not admit a doubt, and it would be most remarkable that Mr. Clay, *of all men*, should, in a four hours' speech, have treated this great and exciting subject in a limited and restricted sense.

But Mr. Clay's speech has never been published (although full notes of it, as I have heard, are in the hands of the editors of the *National Intelligencer*), and we cannot, from such authentic source, state the grounds he actually occupied; yet we can refer to the gentleman [Mr. Sergeant], who followed him in reply, not only as to the grounds taken by Mr. Clay, but also the general grounds taken in the debate. I refer to the conclusive evidence of Mr. Sergeant with the greater satisfaction, because of his high standing and consummate ability, and because, for those reasons, this speech was selected for publication by the *Intelligencer* and "Niles's Register," where it can now be found. I shall be excused for making copious extracts from it; and it will be borne in mind that the speech is headed by the amendment referred to.

On the 9th of February, 1820, Mr. Sergeant, in a most elaborate speech, delivered the following sentiments, statements, etc.:

"Another member, the gentleman to whom the committee had lately listened with so much attention [Mr. Clay], after depicting, forcibly and eloquently, what he deemed the probable consequences of the proposed amendment, appealed emphatically to Pennsylvania, 'the unambitious Pennsylvania, the Keystone of the Federal Arch,' whether *she* would concur in a measure calculated to disturb the peace of the Union."

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After sundry remarks, Mr. Sergeant proceeded:

“Steadfastly as Pennsylvania holds the position here taken, she will not officiously obtrude her opinions upon her sister States. One of the grounds of her rejoicing, and one of the causes of her gratitude was, that ‘she had it in her power to abolish slavery.’ She will not, in this respect, presume to judge for others, though she will rejoice if they, too, should have the power, and feel the inclination. But whenever the question presents itself, in a case where she has a right to judge, I trust she will be true to her own principles, and do her duty. Such I take to be the case now before the committee.”

That is, according to Mr. Sergeant, “the case now before the committee,” was the “power to abolish slavery.” He proceeds:

“I. We are about to lay the foundation of a new State beyond the Mississippi, and to admit that State into the Union. The proposition contained in the amendment is, in substance, to enter into a compact with the new State, at her formation, which shall establish a fundamental principle of her government not to be changed without the consent of both parties; and this principle is *that every human being born, or hereafter brought within the State shall be free.* ”

“To come nearer to the question, I beg leave to ask, is it essential, by the principles of our Constitution, to the character of a *State*, that it should have the power of originating, establishing, or perpetuating the condition of slavery within its limits?”

“But when I am told that there is a silent, dormant principle in the Constitution—a sullen power that forbids us to check the extension of slavery—I confess to you that I involuntarily shrink from the process of reasoning by which it is deduced, and revolt involuntarily from the conclusion.”

“Most of those who have opposed the amendment have agreed with us in characterizing slavery as an evil and a curse, in language stronger than we should, perhaps, be at liberty

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to use. *One of them, only*, the member from Kentucky who last addressed the committee [Mr. Clay], rather reproves his friends for this unqualified admission. He says *it is a very great evil, indeed, to the slave; but it is not an evil to the master*; and he challenges us to deny that our fellow-citizens are as hospitable, as generous, as patriotic, as public-spirited, as their brethren of the North or East. Sir, they are all this and even more.”

Did Mr. Clay discuss the general question?

“I beg leave further to say that I do not consider this a question of humanity, or a question of policy, or interest, or profit, or ease; it is—disguise or argue it as you will—a question of the *extension of slavery*. It is a question, too, not for the present only, but for future ages; and the glorious example of our ancestors admonishes us to make the sacrifice, if sacrifice it be, as we would have the blessings or curses of posterity. Why should we spread an acknowledged evil?”

“Has any one really considered the scope of this doctrine? It leads directly to *the establishment of slavery throughout the world*. The same reasoning that will justify the extension of slavery into one region or country, will equally justify its extension to another.”

“We are told, however, that it is not *extension*, it is only *diffusion* that is to be the effect.”

“I confess that I do not well understand the distinction. The *diffusion of slaves is an extension of the system of slavery*, with all its odious features; and if it were true (as it certainly is not) that their numbers would not be increased by it, still it would be at least impolitic. But for what purpose is this diffusion to be encouraged?”

“By enlarging the limits for slavery you are thus preparing the means for its indefinite increase and extension, and the result will be to keep the present slaveholding States supplied to their wishes with this description of population, and to enable them to throw off the surplus, *with all its productive power, on the West, as long as the country shall be able and willing to receive them*. To what extent you will in this way increase the slave

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population it is impossible to calculate; but that you will increase it there can be no doubt; and it is equally certain that the increase will be at the expense of the free population. *The same gentleman, to whom I have several times referred before* [Mr. Clay] *insists that this will not be the case.* ”

“And now, let me ask, gentlemen, where this diffusion is to end?”

“ *In this long, view of remote and distant consequences, the gentleman from Kentucky* [Mr. Clay] *thinks he sees how slavery, when thus spread, is at last to find its end.* ”

“The question is, indeed, an important one, but its importance is derived altogether from its connection with the extension, indefinitely, of negro slavery over a land which, I trust, Providence has destined for the labor and support of freemen.”

“Admit the State without restriction, the power is gone forever, and with it are 348 forever gone all the efforts that have been made by the non-slaveholding States to repress and limit the sphere of slavery and enlarge and extend the blessings of freedom.”

“It will be remembered that this is the first step beyond the Mississippi—the State of Louisiana is no exception, for there slavery existed to an extent which left no alternative; it is the *last step*, too, for this is the last stand that can be made. *Compromise is forbidden by the principles contended for on both sides*; any compromise that would give slavery to Missouri is out of the question. It is, therefore, the final, irretrievable step, that can never be recalled, and *must lead to an immeasurable spread of slavery over the country beyond the Mississippi*. If any one falter, if he be tempted by insinuations, or terrified by the apprehension of losing something desirable—if he finds himself drawn aside by views to the little interests that are immediately about him—let him reflect upon the magnitude of the question, and he will be elevated above all such considerations. The eyes of the country are upon him—the interests of posterity are committed to his care—let him beware how he barter, not his own, but his children's birth-right for a mess of pottage.”

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“But if beyond this smiling region, they should descry another dark spot upon the face of the new creation—another scene of negro slavery established by ourselves, and spreading continually towards the further ocean, what shall we say then? No, sir, let us follow up the work our ancestors have begun. Let us give to the world a new pledge of our sincerity. Let the standard of freedom be planted in Missouri by the hands of the Constitution, and let its banner wave over the heads of none but freemen, men retaining the image impressed upon them by their Creator, and dependent upon none but God and the laws.”

These extracts are full and positive evidence not only as to the broad and general character of the Missouri debate, but as to the character of Mr. Clay's position in it.

However, during this debate, the *National Intelligencer*, then a leading journal, took a deep interest in the question, and *then battled on the side of the South*. On the 5th of February, 1820, that paper, only three days before Mr. Clay addressed the committee, took the ground, that was the great question. That paper reaffirms its former position that *diffusion* is not an *extension* of the principle of slavery. I ask attention to the editorial, which I now give in full. It puts that paper at that time in strong contrast with its present obnoxious course:

“An unexpected debate, short but pithy, took place in the House of Representatives yesterday, on the proposition to authorize the publication of the ‘Secret Journal’ of the Congress of the old Confederation, from the treaty of 1783, up to the formation of the present Constitution. [By an act of the last Congress, it may be recollected, the publication of that Journal was authorized, up to the treaty of peace.] Some hints were thrown out in the course of the debate, which show the feelings of the times. It is enough to say, that the Missouri question was visible through the whole texture of this debate on a totally different matter.

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“The excitement occasioned by the Missouri question continues to be spoken of, but it appears to us is less seriously felt in Congress, than it is earnestly deprecated. And, what is wonderful, and to us, inexplicable, is, that the excitement at a distance appears to be greater than in Congress; still more, that it should be more violent in the States east of us, than in those who believe their political rights and domestic tranquility to be endangered.”

“Are we asked for proof of this? We produce the following *outrageous* assault on the character and feelings of the honorable—we do not call them *honorable* in a titular sense—the honorable members of the Senate who voted for the union of Maine and Missouri in one bill:

“Let that day be darkness; let not the sun shine upon it with its usual splendor, in which it shall be said that a member from Maine shall have so defiled his reputation and outraged humanity, and so abused and disgraced his constituents, as to have lifted up his hands as expressive of their sentiments for the admission of Maine on this most unprecedented, unjust and diabolical condition, [of the simultaneous admission of Missouri.]”— *Portland Gazette*.

“How detestable,” the *Intelligencer* continues, “is this vindictive spirit of persecution, let loose upon individuals for a conscientious discharge of their duty. The same furious spirit would drive a dagger to the heart, or apply a torch to the dwelling of a political opponent. Few instances, thank Heaven, of such a spirit are to be found in our country. Once, only, have we seen something like it, when the late war raged most hotly, and when desperate politicians talked of bringing *to the block* the heads of the administrators of the government.

“We are sorry to find a paper sustaining the general fair character to which the New York *Evening Post* has a just claim, exhibiting symptoms of having caught the infection from his neighbor, the editor of the New York *Daily Advertiser*. The latter, we apprehend, is incurable. The afflicted being laboring under the hydrophobial 349 disease, has not a

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greater antipathy to the liquid element, than he to Southern men and Southern principles. It is innate, and all attempts to counteract it appear but to aggravate the unfortunate prejudice. In this manner has operated our intimation that the *diffusion* of slaves over a greater extent of territory, or among free population, is not an *extension* of the principle of slavery. This intimation we now re-assert, with an additional remark on the following observation of the editor of the *Gazette*: ‘Has it [the Missouri question] no relation to the millions yet unborn, whose destiny will be fixed in perpetual bondage by the decree that permits the curse to be planted in the new soil of Missouri?’ It has, it has a relation to the *amelioration* of the condition of slaves; it opens the only practical path to a gradual improvement of their condition, and to the accomplishment of that object which the warmest advocates of it are, in our opinion, doing all in their power to circumvent.

“But what shall we say of the following quotation from the *Evening Post*:

“The *Virginians* talk of dividing from us, and breaking up the Union, sooner than yield the point. Let them first consider who could *then defend them from this black population*.

“We hope this is the language of inadvertence. We will for the present regard it as such. Considered in any other view, it could not be reprobated with too much severity. One word more. Let the *friends of the Union* read the debates on the question before they commit themselves too far.”

It is also known to the country, that previous to the great contest between Mr. Clay and Mr. Van Buren, in 1836, and with especial reference to that contest, a Northern gentleman wrote, at *Lexington, Kentucky*, a biography of Mr. Clay, in which he gives Mr. Clay’s course on the Missouri question, he says:

“From the first introduction of this unhappy topic into the House of Representatives, Mr. Clay, who, at one rapid glance, foresaw all its fearful consequences, took a decided and active part against the proposed condition.”

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On the 16th of January, 1821, Mr. Clay arrived in Washington, took an active part, and submitted the proposal which was adopted. This biographer says:

“It is obvious that this proposal did not involve a sacrifice of any of the principles *for which Mr. Clay and all those who were in favor of the unqualified admission of the State, had contended.*”

He says that Mr. Clay “saw the necessity of giving them (the Missouri restrictionists) some opportunity for a decent retreat; and this was done by the requirement of the solemn act from the Legislature of Missouri.”

During the agitation of the Missouri subject in the session of 1819–'20, Mr. Clay as Speaker of the House, and the record nowhere shows any vote of his, but it does show that he was active against the anti-slavery party of the House. On two occasions the line of 36° 30' embodied in the Senate bill was rejected by the House—at one time on the 23d of February, 1820, by one hundred and fifty-nine yeas to eighteen nays; and again on the 28th of same month by a vote of one hundred and sixty yeas to fourteen nays. With the facts before us, of instructions from Kentucky and the votes of her delegation, can it be doubted how Mr. Clay stood upon this question?

Mr. Clay subsequently resigned the Speakership, and did not appear at the next session of Congress until January, 1821, when he found the question of admitting Missouri again under fierce debate. He took an active part—introduced that *compromise* of terms, not of principles, which excited his contempt, and which, in the language of his biographer, “did not involve a sacrifice of any of the principles” for which he had contended, and were only designed to allow the restrictionists “ *some opportunity for a decent retreat.* ”

I maintain, then, that I am fully warranted in my original position, to wit: that Mr. Clay was against the *right* and the *expediency* of the proposed restriction, not as confined to Missouri; but as involving the general policy of extending slavery into the vast region

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beyond the Mississippi. I go further, and say that throughout that exciting question no record is to be found showing that Mr. Clay took ground against the most extreme Southern views. Indeed, according to Mr. Sergeant, he upbraided Southern men for admitting slavery to be a moral evil. And I say that Southern gentlemen, in the unnatural and unbecoming position which they have taken, as I most respectfully think, can find no shelter or support in the brilliant history of Henry Clay.

I confess, Mr. Chairman, I am attempting to uproot a long-established prejudice, in which I largely participated. Often, often, I have held Mr. Clay responsible to the people of Virginia for the foul outrage upon the Constitution, perpetrated by the line of 36° 30#. I deeply regret my unintentional error, and cheerfully, *here*, contribute my effort to *vindicate the truth of history*, comforted with the reflection that if, even in this I am in error, it is in the power of the *National Intelligencer* to make all clear, by publishing Mr. Clay's speech against the *right and expediency* of the Missouri restriction, full notes of which, as I have heard, are alone in the possession of its editors. 1

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SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA, ON THE BILL FOR THE ADMISSION OF MINNESOTA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 6, 1858.

The Constitution has conferred on Congress the right to establish a uniform rule of naturalization, and this is evidently exclusive, and has always been held by this court to be so.— *Dred Scott vs. Sanford*; *Federalist*, Nos. 32 and 42, etc.

Naturalization is the means by which an alien is introduced into the body-politic and clothed with all the rights and privileges of one born in the country.— *Vattel*.

Can a State by any provision of her constitution or law in conformity thereto, annul in effect the naturalization law of our Union without violating the Federal Constitution?

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“I should be exceedingly sorry, sir, that our rule of naturalization excluded a single person of good fame that really meant to incorporate himself into our society; on the other hand, I do not wish that any man should acquire the privilege but such as would be a real addition to the wealth or strength of the United States.”

Here is the doctrine, as laid down by Mr. Madison, that I maintain. This is the position that I occupy. This is the ground upon which I can stand before the country.— *William Smith, of Virginia.*

ADMISSION OF MINNESOTA.

The House having under consideration the bill for the admission of MinnesOta as a State into the Union—

Mr. Smith, of Virginia, said:

Mr. Speaker: Various views have ‘been presented on this important question, the importance of which I myself feel, and which I am disposed to consider; and I now ask the attention of the House, while I present the results of this consideration. I hold that it is very clear that we ought not lightly, and without due and proper consideration, to add to the number of States in our Federal Union. We ought, at least, to see that they come in, in strict conformity with our Constitution. In the consideration of this subject I shall beg leave to state a few general principles, and to make some considerable references to authorities. I shall not indulge in many speculations of my own; but I shall seek, from the establishment of principles, to demonstrate the propriety of the conclusion to which I think this House ought to come.

It becomes interesting to inquire—and the House will readily see that this question is involved—what constitutes a country or a nation? I should suppose it to be clear and undoubted, that in the creation of our Federal system and in the adoption of our Constitution, it was designed to cover the citizens or the people of the United 351 States,

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and them only. Is it possible, can it be seriously considered, that in the formation of the Constitution of the United States, it was the purpose and intention of our fathers to provide a Constitution for persons who were not citizens of the United States? I beg gentlemen to pause here, and to look at the question in this single light. In the formation of our Federal Constitution was it designed for any others than the people of the United States, being citizens thereof? I maintain sir—I have frequently maintained, and am prepared, if I can gain the attention of the House, to maintain now—that in the action of our system, in all of its ramifications and parts, we must look to this great fundamental principle, that our Constitution was framed for the people of the Union, being citizens of the United States, and for no others. will refer to Vattel—in sections 122, 212, 213, and 214—for the purpose of showing that the term “country” signifies “the State of which one is a member;” and is “thus understood in the law of nations.”

This doctrine is fully maintained in the Dred Scott decision. Chief Justice Taney, in delivering the opinion of the court, said:

“The words ‘people of the United States’ and ‘citizens,’ are synonymous terms, and mean the same thing.”

He also said:

“It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body, but none other. It was formed by them, and for them and their posterity; but for no one else. And the personal rights and privileges guaranteed to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members, according to the provisions of the Constitution, and the principles on which it was founded. It was the Union of those who were at that time members of distinct and separate political communities, into one political family, whose

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power, for certain specified purposes, was to extend over the whole territory of the United States.”

This is the true doctrine; and, if remembered and respected, will furnish an easy solution of many of the questions involved in this discussion.

The distinction between citizens and aliens will be found laid down in Vattel, sections 212 and 213. The distinction between citizens and foreigners is clearly marked there. In the 214th section it is laid down that naturalization is one means, and the only means by which a foreigner can be declared a citizen of a country.

This being the doctrine, I propose now to read from various authorities on the subject, to show not only the policy, but the true doctrine which bears on this subject. It is known to us all that, in the Constitution of the United States, there is a clause designed to secure uniformity throughout the Union in the naturalization of foreign born. But it is a subject so clearly demonstrated that it was absolutely necessary that the power should be confined to the Federal Government, that it did not produce the briefest discussion. It is a curious fact that, in the convention which framed the Constitution, there was not one word of discussion on that subject. Mr. Randolph, who was the chairman of the committee to whom the subject of drafting the Constitution was first referred, says:

“But as the convention had originated from Virginia, and his colleagues supposed that some proposition was expected from them, they had imposed this task upon him.”

Mr. Randolph also said:

“A provision for *harmony* among the States, as in trade, *naturalization*, etc., *must be made*.
”

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Mark you, sir, that Mr. Randolph, in making his report, said that there were certain great subjects in which there should be no division of opinion, in which there should be harmony between all the States. One of these is naturalization.

That is not all. In May, 1787, Mr. C. Pinckney submitted a draft of a constitution, in which is found the power “to establish uniform rules of naturalization.” June 15, 1787, Mr. Patterson, of New Jersey, submitted a draft of a constitution, in which he found a power “that the rule of naturalization ought to be the same in every State.”

Sir, as I said before on this specific grant of power, there appears to have been no discussion. Its necessity, its propriety, its fitness, seem to have been universally conceded; and I desire to call attention to the fact for the purpose of enabling the House to follow me, I trust satisfactorily, to the conclusions which I shall draw.

But, sir, that is not all. Judge Story, in his essay on the Constitution of the United States, treats this subject. He depicts the evils to be avoided; and, although 352 I may weary the House, yet I will read from that book. In sections 1098 and 1099, volume three, of the edition in my possession, Judge Story says:

“1098. The propriety of confiding the power to establish a uniform rule of naturalization to the National Government seems not to have occasioned any doubt or controversy in the convention. For ought that appears in the journals, it was conceded without objection. Under the Confederation, the States possessed the sole authority to exercise the power; and the dissimilarity of the system in different States was generally admitted, as a prominent defect, and laid the foundation of many delicate and intricate questions. As the free inhabitants of each State were entitled to all the privileges and immunities of citizens in all the other States, it followed that a single State possessed the power of forcing into every other State, with the enjoyment of every immunity and privilege, any alien whom it might choose to incorporate into its own society, however repugnant such admission might be to their polity, convenience, and even prejudices. In effect, every State

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possessed the power of naturalizing aliens in every other State—a power as michievous in its nature as it was indiscreet in its actual exercise. In one State, residence for a short time might, and did, confer the rights of citizenship. In others, qualifications of greater importance were required. An alien, therefore, incapaciated for the possession of certain rights by the laws of the latter, might, by a previous residence and naturalization in the former, elude at pleasure all their salutary regulations for self-protection. Thus, the laws of a single State were preposterously rendered paramount to the laws of all others, even within their own jurisdiction. And it has been remarked, with equal truth and justice, that it was owing to mere casualty that the exercise of this power, under the Confederation, did not involve the Union in the most serious embarrassments. There is great wisdom, therefore, in confiding to the National Government the power to establish a uniform rule of naturalization throughout the United States. It is of the deepest interest to the whole Union to know who are entitled to enjoy the rights of citizens in each State, since they thereby, in effect, become entitled to the rights of citizens in all the States. If aliens might be admitted indiscriminately to enjoy all the rights of citizens at the will of a single State, the Union itself might be endangered by an influx of foreigners, hostile to its institutions, ignorant of its powers, and incapable of a due estimate of its privileges.

“1099. It follows, from the very nature of the power, that to be useful, it must be exclusive; for a concurrent power in the States would bring back all the evils and embarrassments which the uniform rule of the Constitution was designed to remedy. And, accordingly, though there was a momentary hesitation, when the Constitution first went into operation, whether the power might not still be exercised by the States, subject only to the control of Congress, so far as the legislation of the latter extended, as the supreme law, yet the power is now firmly established to be exclusive. (See the Federalist, No. 32, 42; *Chirac v. Chirac*, 2 Wheat. R. 259, 269; *Rawle on the Const.* ch. 9, p. 84, 85, to 88; *Housten v. Moore*, 5 Wheat. R. 48, 49; *Golden v. Prince*, 3 Wash. Cir. Ct. R. 313, 322; 1 Kent's Comm. Lect. 19, p. 397; 1 Tuck. Black. Comm. App. 255 to 259.) The Federalist, indeed, introduced this very case, as entirely clear, to illustrate the doctrine of an exclusive power

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by implication, arising from the repugnancy of a similar power in the States. 'This power must necessarily be exclusive,' say the authors; because, if each State had power to prescribe a distinct rule, there could be no uniform rule.'"

Mr. Speaker, I have called attention to these clauses in this standard authority upon the Constitution, for the purpose of marking what I deem important in reference to the ultimate conclusion at which I propose to arrive. It is a doctrine which will not be questioned by anyone; but it will be contended that it does not present the real question involved in the bill before us. I propose to show that it does.

I desire now to call attention to what is said in the Federalist upon the subject, because it was a cotemporaneous exposition of the Constitution; it was designed to present the Constitution in such a light to the American people as to secure its adoption; it was the exposition, too, of great and impartial minds, and I propose to read from two of the numbers, one by Mr. Hamilton, and the other by Mr. Madison. In the one by Mr. Hamilton, he goes on to classify the circumstances under which powers are denied to the States. He says they are of three descriptions or classes. One is where exclusive power is granted in terms to the General Government; another is where powers are denied to the States; and the third is where the power is totally contradictory and repugnant if exercised by the States; and I take this occasion here to read his emphatic and delightful doctrine upon the subject of the true construction of the Constitution. He says:

"But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, *exclusively* delegated to the United States."

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Again:

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“And where it granted an authority to the Union to which a similar authority in the States would be absolutely and totally contradictory and repugnant.”

Further on he says:

“The third will be found in that clause which declares that Congress shall have power to establish a UNIFORM RULE of naturalization throughout the United States. This must necessarily be exclusive; because if each State had power to prescribe a DISTINCT RULE, there could be no UNIFORM RULE!”

But Mr. Madison wrote upon this subject also, and I desire to call particular attention to his views upon it. Mr. Madison, in treating the same question, for it was one, I beg you to remember, that interested deeply the American people, goes over the same ground with his characteristic power and clearness.

In the forty-second number of the *Federalist*, Mr. Madison says:

“The dissimilarity in the rules of naturalization has long been remarked as a fault in our system, and as laying a foundation for intricate and delicate questions. In the fourth article of the Confederation it is declared ‘that the *free inhabitants* each of the States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of *free citizens* in the several States; and *the people* of each State shall, in every other, enjoy all the privileges of trade and commerce, etc.’ There is a confusion of language here, which is remarkable. Why the terms *free inhabitants* are used in one part of the article, *free citizens* in another, and *people* in another; or what was meant by superadding to ‘all privileges and immunities of free citizens,’ ‘all the privileges of trade and commerce,’ cannot easily be determined. It seems to be a construction scarcely avoidable, however, that those who come under the denomination of *free inhabitants* of a State, although not citizens of such State, are entitled, in every other State, to all of the privileges of *free citizens* of the latter; that is, to greater privileges than they may be entitled to in

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their own State; so that it may be in the power of a particular State, or rather every State is laid under a necessity, not only to confer the rights of citizenship in other States upon any whom it may admit to such rights within itself, but upon any whom it may allow to become inhabitants within its jurisdiction. But were an exposition of the term 'inhabitants' to be admitted, which would confine the stipulated privileges to citizens alone, the difficulty is diminished only, not removed. The very improper power would still be retained by each State, of naturalizing aliens in every other State. In one State, residence for a short term confers all the rights of citizenship; in another, qualifications of greater importance are required. An alien, therefore, legally incapacitated for certain rights in the latter, may, by previous residence only in the former, elude his incapacity; and thus the law of one State be preposterously rendered paramount to the law of another, within the jurisdiction of the other.

“We owe it to mere casualty that very serious embarrassments on this subject have been hitherto escaped. By the laws of several States, certain descriptions of aliens, who had rendered themselves obnoxious, were laid under interdicts inconsistent, not only with the rights of citizenship, but with the privileges of residence. What would have been the consequence if such persons, by residence or otherwise, had acquired the character of citizens under the laws of another State, and then asserted their rights as such, both to residence and citizenship, within the State proscribing them? Whatever the legal consequences might have been, other consequences would probably have resulted, of too serious a nature not to be provided against. The new Constitution has, accordingly, with great propriety, made provision against them, and all others, proceeding from the defect of the Confederation on this head, by authorizing the General Government to establish a uniform rule of naturalization throughout the United States.”

In the Dred Scott decision, before referred to, the same doctrine is maintained:

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“The Constitution has conferred upon Congress the right to establish a uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be so.”

I advert to these important authorities for the purpose of letting this House see that every evil depicted there, and every evil designed to be averted by the power thus exclusively conferred upon the Federal Government, is to be revived and restored under the system which now seems likely to be adopted. If, then, this power be exclusive, I ask how the States can concern with it? I maintain that until naturalization is completed, the power of Congress over the foreigner remains. I repeat, and I desire it to be understood, that Federal authority does not relinquish its control over the foreigner until his right to naturalization is perfected.

What is requisite to give a foreigner the right of suffrage? He must make his 354 declaration; he must be five years in the country, and that must be proved by two citizens of the United States; he must show himself to be a man of probity and good demeanor, and to have borne an unquestionable character; he must show that he is acquainted with our institutions, and attached to the principles of our government. Suppose that the foreigner should ask to be naturalized, and should fail in any of these requisites; can he acquire the right of citizenship? Suppose that he turns out to be a man of bad character; suppose it is notorious that he is anything but friendly to our free institutions; suppose, instead of showing he is attached to the principles of our government, that it is shown that he is still a monarchist; he cannot acquire the rights of naturalization; and thus it is, sir, he may be rejected in the very last moment, after having been five years in the country, and when he appears in court to perfect his right to citizenship. Congress, then, does not lose its hold of him until the last hour; and, until he becomes an American citizen, the State has no power to confer upon him the rights of suffrage in any Federal election. I think that this is one of those propositions which cannot be controverted; and I think that, as Congress controls him until all the conditions required by the naturalization laws are fully complied

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with, it is conclusive evidence that the State has no power to confer upon him any political right under the Federal Constitution whatever.

It is said, in this connection, that the States have always exercised this power. That was said by some gentlemen who have preceded me in this debate. Allow me to say, that I think that is a great mistake. You know that this subject anxiously engaged the attention of those who preceded us; and without dwelling upon it, I beg leave to call the attention of the House to what, in debating the naturalization laws in 1795, Mr. Gallatin said. The question came up in connection with the right of suffrage in his own State. There were many persons naturalized under the State law who were excluded from all the rights of United States citizenship. I get what I extract from Gales & Seaton's Annals:

“Mr. Gallatin wished to know whether the provisions of this act are intended to extend to persons who were in the country previous to the passing of the law of January, 1795, which requires a residence of five years before an alien can become a citizen, but who have neglected to become citizens, as well as to all those aliens who have come to this country since January, 1795?

“Again, he said, one reason which led him to mention this circumstance was, that there are a great number of persons in the State of Pennsylvania, and many in the district from whence he came, who, though they are not citizens of the United States, really believe they are. This mistake has arisen from (an error common to most of the districts of the United States) a belief that an alien's being naturalized by the laws of a State government, since the act of 1790, made him a citizen of the United States. He always thought that construction to be wrong, Congress having the power to pass, and having passed, a uniform naturalization law, which, in his opinion, excluded the idea of admission to citizenship on different terms by the individual States. But he knew the contrary opinion, till lately, generally prevailed. Indeed, he knew that at the late election in that city, the votes of respectable merchants, who had obtained American registers for their vessels, on a

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presumption of their being citizens, were refused on this ground. The same mistake had extended to other parts of the Union.

“Mr. Gallatin supposed that since the year 1790, from ten to fifteen thousand emigrants had come into the State of Pennsylvania, two-thirds of whom believed, till lately, that they were citizens of the United States, from their having been naturalized by the laws of that State. It has now been discovered that they are not citizens; but since that discovery was made, they have not had an opportunity of being admitted according to the law of the United States.”

Here you see, in reference to naturalization under State laws, Mr. Gallatin concedes that those thus naturalized were not citizens, and that consequently the right of suffrage should be denied them. He himself was of foreign birth, and of course interested in the question, and would not hastily have decided as he did.

Mr. Bliss. Will the gentleman yield to me for a moment?

Mr. Smith, of Virginia. Certainly.

Mr. Bliss. I rise simply for the purpose of asking the gentleman from Virginia to give us, if he has the act before him, the language of the Pennsylvania statute upon that subject.

Mr. Smith, of Virginia. I have it not. I have read from the debate of 1795.

Mr. Bliss. I asked the question because I did not know exactly what that statute was.

Mr. Smith, of Virginia. The debate was upon the subject of naturalization.

Mr. Bliss. The question is this; whether the Pennsylvania statute, to which the 355 gentleman refers, conferred the elective franchise, or undertook to naturalize generally?

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Mr. Reagan. I desire to say a word upon the point on which the gentleman from Ohio has interrupted the gentleman from Virginia. I will call the attention of the gentleman from Virginia to the fact that, by an early decision of the courts of Pennsylvania, it was held that a State had concurrent jurisdiction with the Federal Government in the matter of the naturalization of foreigners; and to the debate growing out of that matter, I apprehend that the clause which the gentleman read referred. It did not relate to the question of the right of a citizen to vote, but related alone to the power to naturalize.

Mr. Smith, of Virginia. What is naturalization? It is the giving to foreigners rights which they did not previously possess, and among them the right to vote. Did the Pennsylvania law confer that right? If it be the decision of a statute, I care not; but did the Pennsylvania law give that right? The answer is at hand. Says Gallatin:

“Indeed, we knew that, in the late election in this city, the votes of respectable merchants, who had obtained American registers for their vessels on a presumption of their being citizens, were refused on this ground. The same mistake had extended to other parts of the Union.”

On what ground were they refused the right of suffrage? Gentlemen talk about this Pennsylvania law not conferring the right of suffrage; and yet here it is expressly said that it did confer the right of suffrage, and these men sought to exercise that right under the Pennsylvania naturalization law. I may not understand it; but here it is, and “he who runs may read.” If a man who came forward to vote under the provisions of that law was excluded, he was excluded upon the ground that he was not a citizen of the United States; and if he was permitted to vote, it would be upon the presumption that he was a citizen of the United States; and I undertake to say, and I have no doubt such will be the fact, that this Pennsylvania law was passed prior to the adoption of the Constitution. It was, no doubt, the old Pennsylvania constitution regulating this question, which was superseded, as was decided in a case in the State of Maryland, by the adoption of the Federal Constitution. That will no doubt be found to be the state of things, and those

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respectable merchants were denied the right of suffrage, though located permanently in the country, because they were not citizens of the United States, and not because of any other provision, citizenship being the fundamental condition to the exercise of this high attribute of popular sovereignty. I think it will be found that this is the clew to the subject.

But without dwelling at large upon this subject, let me proceed. In a case which came directly before the Supreme Court of the United States, as reported in second Wheaton, the court went into a discussion of the question of property, and they superseded the law of the State of Maryland, and gave the property a different direction from what it would have taken if the party claiming it had been a citizen of the United States. And why? Because it was the purpose of the founders of the Republic to confine the right of suffrage, that great fundamental political right of popular liberty, to those who were citizens of the United States, whether native or foreign-born.

I will now proceed to call the attention of the House to the sentiments of our fathers. Gentlemen have extraordinary notions upon this subject. They have the notion that anybody who comes here is at once entitled to participate in the right of suffrage. Every year adds some three hundred thousand foreigners to our population, and they are not required to wait the period of time specified by the act of Congress, prescribing the rule of naturalization, but they are precipitated in hot haste upon the ballot-box, and introduced into the political struggles of the day. Is that right?

I beg, in this connection, to call the attention of the House to what passed in the Federal convention. I know it is thought that there was a policy in that day which required us to encourage emigration. Yes, sir, there was a policy which required it to a limited extent. But how? To that matter I now call your attention. Colonel Mason, of Virginia, then one of the leading members of Congress, who was for opening a wide door for emigrants, but did not choose to let foreigners make laws for us, said:

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“Were it not that many, not natives of this country, had acquired great credit during the Revolution, he should be for restraining the eligibility into the Senate to natives.”

Mr. Butler, a very distinguished man of that day, said that he—

“Was decidedly opposed to the admission of foreigners without a long residence in the country. They bring with them, not only attachments to other countries, but ideas of government so distinct from ours that in every point of view they are dangerous. 356 He acknowledged that, if he himself had been called into public life within a short time after his coming to America, his foreign habits, opinions and attachments would have rendered him an improper agent in public affairs.”

“Mr. Randolph did not know but it might be problematical whether emigrants to this country were, on the whole, useful or not.”

“Mr. Gerry wished that, in future, the eligibility might be confined to natives.”

“Mr. Williamson moved to insert nine years instead of seven. He wished this country to acquire, as fast as possible, national habits. Wealthy emigrants do more harm, by their luxurious habits, than good by the money they bring with them.”

“Mr. Butler was strenuous against admitting foreigners into our public councils.”

“Mr. Sherman. The United States have not invited foreigners, nor pledged their faith that they should enjoy equal privileges with native citizens. The individual States alone have done this. The former, therefore, are at liberty to make any discriminations they may judge requisite.”

“Mr. Madison animadverted on the peculiarity of the doctrine of Mr. Sherman. It was a subtilty by which every national engagement might be evaded.”

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“Colonel Mason was struck, not like Mr. Madison, with the *peculiarity*, but the *propriety* of the doctrine of Mr. Sherman. The States have formed different qualifications themselves for enjoying different rights of citizenship.”

I read these remarks for the purpose of letting the House see and understand what was the temper and tone and sentiment of those who framed our organic law. I want the House to understand that even at that day, when we were in a state of almost political dissolution—a weak and feeble people, threatened with the anger of the British lion—even then the rights of American citizens were highly appreciated, and the privilege of foreigners sharing in them was guarded with jealousy and care. Nor is that all. I propose to read, for the information of the House, the debate on the first bill passed on the subject of naturalization, in which the healthy tone of public sentiment, on the part of our fathers, cannot fail to be highly refreshing to us, their sons.

On the first bill establishing a uniform rule of naturalization, a protracted debate sprang up, in which the following sentiments were expressed, in which it was assumed that naturalization was necessary to give the right of suffrage. The debate commenced February 3, 1790. Mr. Hartley said:

“The policy of the old nations of Europe has drawn a line between citizens and aliens; that policy has existed, to our knowledge, ever since the foundation of the Roman Empire. Experience has proved its propriety, or we should have found some nation deviating from a regulation inimical to its welfare. From this it may be inferred that we ought not to grant this privilege on terms so easy as is moved by the gentleman from South Carolina. If he had gone no further in his motion than to give aliens a right to purchase and hold lands, the objection would not have been so great; but if the words are stricken out that he has moved for, an alien will be entitled to join in the election of your officers at the first moment he puts his foot on shore in America, when it is impossible, from the nature of things, that he can be qualified to exercise such a talent.”

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Mr. Madison said:

“I should be exceedingly sorry, sir, that our rule of naturalization excluded a single person of good fame that really meant to incorporate himself into our society; on the other hand, I do not wish that any man should acquire the privilege, but such as would be a real addition to the wealth or strength of the United States.”

Here is the doctrine, as laid down by Mr. Madison, that I maintain. This is the position I occupy. This is the ground upon which I can stand before the country. But to proceed:

“Mr. Smith, of South Carolina, thought some restraint proper, and that they would tend to raise the Government in the opinion of good men, who are desirous of emigrating; as for the privilege of electing or being elected, he conceived a man ought to be some time in the country before he could pretend to exercise it.

“He said, the intention of the present motion is, to enable foreigners to come here, purchase and hold lands; but this will go beyond what the mover has required; and, therefore, it will be better to draft a separate clause, admitting them to purchase and hold lands upon a qualified tenure and pre-emption right, than thus admit them at once to interfere, in our politics. The quality of being a freeholder is requisite, in some States, to give a man a title to vote for corporation and parish officers. Now, if every emigrant who purchases a small lot, but perhaps for which he has not paid, becomes in a moment qualified to mingle in their parish or corporation politics, it is possible it may create great uneasiness in neighborhoods which have been long accustomed to live in peace and unity.”

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“Mr. Hartley said, an alien has no right to hold lands in any country; and, if they are admitted to do it in this, we are authorized to annex to it such conditions as we think proper.

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“He also said, with respect to the policy of striking out the words altogether from the clause, and requiring no residence before a man is admitted to the rights of election, the objections are obvious. If, at any time, a number of people emigrate into a seaport town—for example, from a neighboring colony into the State of New York will they not by taking the oath of allegiance, be able to decide an election contrary to the wishes and inclinations of the real citizens.”

“Mr. Madison, said, whether residence is, or is not, a proper quality to be attached to the citizen, is the question?” In his own mind, he had no doubt but residence was a proper prerequisite, and he was prepared to decide in favor of it.”

“Mr. Sedgwick said, some kind of probation, as it has been termed, is absolutely requisite, to enable them to feel and be sensible of the blessing. Without that probation, he should be sorry to see them exercise a right which we have gloriously struggled to attain.”

“Mr. Smith, of South Carolina, said, for his part, he was of opinion, that a uniform rule of naturalization would tend to make a uniform rule of citizenship pervade the whole continent, and decide the right of a foreigner to be admitted to elect, or be elected, in any of the States.”

“Mr. Tucker said, he was otherwise satisfied with the clause, so far as to make residence a term of admission to the privilege of election.”

Mr. Bishop. Do I understand the gentleman to take the ground that no person is entitled to vote in any State except he be a citizen of the United States?

Mr. Smith, of Virginia. Yes, sir, in all Federal elections.

Mr. Bishop. And that a person born out of the country must be in the United States a certain number of years before he is a citizen, according to the laws of the country?

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Mr. Smith, of Virginia. Yes, sir; he must be naturalized.

Mr. Bishop. I would now like to inquire how, on that ground, when Texas was admitted into the Union, the persons living in Texas could be entitled to vote in that State until Texas had been in the Union for a period of five years?

Mr. Smith, of Virginia. That was under a separate clause, and a power altogether different in its character, providing for such a case.

Mr. Stevenson. I would like to propound this question to the gentleman from Virginia. I find, by the Constitution of the United States, that there is a limitation on the qualifications of electors for President and Vice-President of the United States; but I find, by the same clause, that under the Constitution of the United States the whole number of the electors may be aliens; that there is no restriction of citizenship in any part of the Constitution. Although there is a limitation as to offices, there is none as to citizenship as a qualification of electors for President and Vice-President; and I should like to hear from the gentleman on that point.

Mr. Smith, of Virginia. I am very much obliged to the gentleman for bringing me to that point. He is an American citizen. He has a country which extends its wings over him. He has a country's flag to stand by, and sustain him; and will he ever forget that that country is composed of those who are the people of the United States, and the citizens thereof? The Constitution had no more idea of providing against the man in France, or the man in Turkey, being an elector, than against any other absurdity. In speaking of electors, and declaring, in the preamble and elsewhere, that the people of the United States have formed this Constitution, its framers, *ex vi termini*, restricted its character, and confined it in all its relations to the people for whom it was formed. Will the gentleman remember that the rights of foreigners are grants—that even the right to gentle treatment is strictly social, and particularly that political rights are never his except by express grant, and that presumptions are always against and never for him?

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Why, sir, I am amazed—perfectly amazed, that here, in this Government of ours, under our Constitution, in this glorious land, there should be an idea that, because a Constitution framed for the people or citizens of the United States does not exclude foreigners from the highest functions of Government, therefore that foreigners have a right to them. Foreigners have no rights except what are granted to them. They have no right even to hold land in the United States, or in the States thereof, without the power is conferred. They are aliens outside of our system, and are as utterly destitute of power as the man in the moon. Instead of showing that there is nothing against it, you have to show that the power exists and is granted. I lay it down that the Federal Constitution gives to this Government the exclusive power of saying who of the foreign-born shall be citizens, and having exercised that authority and said who shall be citizens, the exclusive power is in the State government to say who of her citizens shall exercise the right of suffrage. I might produce authorities if I had time. I might refer to Chancellor Kent, who assumes, as a matter of course, that nobody but a citizen has a right to exercise the right of suffrage. It is a political postulate which he does not consider it worth while to argue.

Having stated the principles—all that I can do in the present exigency, my time being nearly exhausted—I now apply them. Let us look at the evils which this system is to inaugurate. A majority of foreigners settle one of the States of the American Republic. They give form to the fundamental organization of that State. That is not all; they say who shall vote. Here is the section of this Minnesota Constitution upon the subject of suffrage:

“ Sec. 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in this State for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are, or hereafter may be, elective by the people:

“1. White citizens of the United States.

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“2. White persons of foreign birth, who shall have declared their intentions to become citizens, conformably to the laws of the United States upon the subject of naturalization.

“3. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

“4. Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.”

Now, for whom are they to vote? They are to vote for a member of the House of Representatives. He comes here, and we have a right to look into the qualifications of the voters who sent him here, and we have a direct right to ascertain whether he has been duly elected by citizens of the United States. That is not all, sir. By their votes the Legislature of the State is elected, which elects United States Senators, and we have a right to ascertain whether those Senators have been elected by proper persons. But that is not all. These same persons have a right, it is contended, to cast their suffrages for electors of the President of the United States. They may decide a presidential election. And that is not all. The election of President may come into this House, and may turn upon the vote of a single State, and the election in that State may have depended on the vote of one individual, and that an unnaturalized foreigner just landed. Will any gentleman say that the introduction of such a system, affecting, as it does, the House of Representatives, the Senate and the Presidency of the United States, would not lead to a frightful mass of evils to the Federal organization? If such an idea could have been thought of, dreamed of, or imagined by those who framed the Federal Constitution, when they were seeking to secure uniformity in social intercourse among the States, is it to be supposed for an instant that they would not have provided against it? But no man ever dreamed that voters were to be made out of any but citizens of the United States; that the law for the naturalization

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of foreigners was itself to be practically repealed, and that foreigners, before they had remained here five years, and had acquired the moral and intellectual qualifications required, were to be put into full fellowship with our native-born citizens, and allowed to wield as large a mass of political power.

Look at the consequences of such a condition of things. From three to five hundred thousand foreigners—many of them, I admit, very meritorious and unexceptionable persons—come into this country every year, and settle in our new States and Territories; and under this system they are to be permitted at once to organize themselves into States, to send representatives to this House and to the Senate, and to participate in the election of the President of the United States, without ever having conformed to the requisition of the naturalization laws. In the name of God! is it not necessary to put a stop to this state of things? We are running downward with hot haste. We are disregarding our ancestors and their wise and patriotic example. A new element of progress has been introduced, but all progress is not improvement— *facilis descensus Avernii, sed revocare gradum*, etc. I insist upon it, then, that in view of the principles and doctrines of the Constitution, we ought not to tolerate the introduction of a system of franchise that must be productive of such consequences, and which admits to the ballot-box men who, it may be, are unable to speak our language, unacquainted with our institutions, and unfriendly to the principles of our government. My time will not allow me to expand this subject, and give other views which I would be glad to lay before the country.

SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA, ON THE ORGANIZATION OF THE HOUSE, DELIVERED IN THE HOUSE OF REPRESENTATIVES, DEC. 24, 26, and 27, 1859.

Mr. Smith, of Virginia, said:

Mr. Clerk: It was not my purpose to engage in the general debate which has been indulged in by the House for the last two or three weeks. The only part that I have taken heretofore

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in debate has been in reference to the personal position of two members, as is well known; one of the gentlemen from Pennsylvania [Mr. Hickman], and the other the gentleman from New York [Mr. Haskin]. But, sir, in consequence of the course of remark which has been indulged in, and especially in consequence of the course of remark which the gentleman from Pennsylvania [Mr. Grow] indulged in a few days ago, I felt impelled, under the impulse of the moment, to take my part in the drama which is being enacted here and before the country.

A question has been raised in the course of our proceedings involving the real position of the House in regard to the proper, legitimate mission before it; and it is right that I should call attention to it in the view that I have, and that I should present that view to the country.

When this House assembled, it was upon the heels of a remarkable incident in the history of the American country. A sovereignty had been invaded. It had awakened, aroused, and excited the public mind throughout the country. That occurrence caused revelations which startled the country. It was revealed that some sixty, eight members of the last Congress, besides numerous other gentlemen of the highest position in the land, both socially and politically, had endorsed a pamphlet, known as the Helper pamphlet, inaugurating a crusade of blood, murder, treason, and insurrection against one large section of the Union. When we assembled here with this revelation before us—this revelation that had gone the length and breadth of the country, and, perhaps, throughout the world, what was the first development? An effort to put in nomination and elect one of these very gentlemen who had indorsed these atrocious doctrines as the Presiding Officer of the House. Sir, the Presiding Officer of this House, it is known, holds, necessarily, the most intimate, personal and social relations with the members over whose deliberations he presides. It is of the very highest consequence, therefore, that in principle, social conduct, and elevated character, he should be of that stamp which will enable members to approach him in all the frankness which should characterize the relations that should exist between them. But, as I have said, the effort was made by the largest party in the House to put in that position a man who, as far as we could know, was obnoxious to the most serious objections; who

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had, in advance, proclaimed that he could hold no fellowship whatever with one class of the Representatives of this Union. He stood indorsed before the country as having proclaimed non-fellowship with slaveholders; as having proclaimed that slavery was to end, and end in blood, if necessary.

Now, I ask it of this House, and I pause for a reply; I ask it of any gentleman upon the other side of the House, if they love this Union and are disposed to cultivate the friendly social relations upon which so much public utility depends; I ask them, and I ask the country, if they could rightfully and truly approve, as a great social and political duty, the election of a man to preside over the deliberations of this body who is obnoxious to these objections? I put it here, and I desire the country to understand it; I desire gentlemen on the other side to look at it in its social aspect. They may by power, they may by force of numbers, elect a man who is a murderer, a robber, a thief; a man who proclaims his undying hostility to one-half this Union, but I ask them is it right that they should do it? I ask them if they could stand vindicated to themselves as gentlemen of heart and honor, as the representatives of constitutional liberty in this country, if the election of a man under these circumstances—

Mr. Sherman. I desire to inquire of the gentleman from Virginia if he applies those words to me?

Mr. Smith, of Virginia. I am illustrating what I was saying, and he will hear me if he is quiet. I did not say that the gentleman is a murderer; I had no such thought, and I was about to say so; and it would have come with more grace than after an interruption.

Mr. Sherman. I will say to the Clerk that I misunderstood the gentleman.

Mr. Smith, of Virginia. I was saying, would you vote for a murderer to go into that chair?

Several voices on the Republican side. You know none of us would.

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Mr. Curtis. I call the gentleman to order. I consider the gentleman's language a reflection upon members in this Hall—unworthy of being uttered by any gentleman in this Hall—and I cannot but infer that he impeaches the honor of every man upon this side of the House. I ask the gentleman to recall it.

Mr. Smith, of Virginia. When I have anything to recall, I will do it without being asked. [Applause in the galleries.] And if gentlemen will keep cool and easy, they will perhaps fare better by it.

I charge nobody upon this floor with being murderers; I charge nobody with being robbers. But I was going on to remark and to charge that, when we came here, we found that sixty-eight members—not on this floor to be sure; but sixty-eight members of the last Congress, many of whom are now here—did indorse that which, as we had the right to believe and suppose, was just as bad, just as damnable, and just as offensive. Will gentlemen on the other side deny it? [Applause in the galleries.]

The Clerk. The Clerk gave notice yesterday, if the order of the House was further violated by this indecorum in the galleries, he should call upon the officers of the House to suppress it. In accordance with that notice, he now calls upon the Sergeant-at-Arms and the Doorkeeper of the House to perform that duty.

Mr. Smith, of Virginia. I hope that will be forborne at present, and that the galleries will refrain from any further interruption, as it is certainly a violation of the rules of the House and of proper decorum.

Mr. Grow. I hope the Clerk will merely order the officer to preserve order in the galleries. [A voice in the gallery, "I will leave the galleries, for one."]

The Clerk. It is not the purpose of the Clerk to order the galleries to be cleared. He is aware that there are a great many orderly persons in the galleries; and he has only requested the officers of the House to preserve order, nothing more. The Clerk has not

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ordered the galleries to be cleared, because he knows there are a great many persons there who have come here to look upon these proceedings, who do not desire to see the decorum of the House violated. If there are persons in the galleries who continue to be disorderly, the Clerk hopes the officers of the House will suppress it. It is for the benefit of members of the House that the Clerk makes this request.

Mr. Smith, of Virginia. I was proceeding to illustrate the position which had been taken by the Democracy, and with that view I was using strong figures of speech. I did so for the purpose of marking it in a way from which there could be no escape, and for the purpose of vindicating this side of the House against the aspersion which has been cast upon the Democrats from day to day, of trifling with the business of the country by the non-organization of this body. I now repeat in consequence of this interruption—and a repetition will not be amiss, I am sure—that when we came here, under the circumstances to which I have adverted, it was our duty to raise the question which was raised by the gentleman from Missouri; and I am glad to see that the honorable gentleman from Iowa [Mr. Curtis] shows a becoming sensitiveness. I know how he feels upon that subject, nor did I mean, in any sense, to intimate that that gentleman had done anything dishonorable or exceptionable. But I put the question to him, not whether he would vote to put in that chair a man who would rob his neighbor, or filch money from his pocket, for I am sure he would not; but I ask that gentleman, and I ask all who think as he does, if he believes that the nominee of the Republican party upon this floor for the Speakership of this House, did indorse the doctrine of this Helper pamphlet, which I will read to the gentleman if he desires it; if he did adopt the doctrine therein contained, of nonintercourse of non-slaveholders with slaveholders; if he did adopt the doctrine that abolition should go on, and go on with a strong hand, without hesitating as to the means—I say if they believed that, would he, would they vote for such a man as that?

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Mr. Curtis. The gentleman knows that I would not, and I believe he knows that the honorable member we have nominated for Speaker, would not sanction any assault upon the rights of the people of Virginia, or any other State.

I misunderstood the gentleman when he was putting his proposition; but I still think that, by asking the question, whether he, we, or I, or any other man, would put a murderer or a villain in the chair, was in the nature of an imputation upon members on this floor. The question itself is horrible. I cannot suppose that the gentleman sincerely believes that any Republican member on this floor is so insensible to Justice, so insensible to honor, as to dare to bring before this House, and sustain for the Speakership, a man who would knowingly indorse any book, the sentiments of which would lead to an outrage such as that of John Brown into Virginia, or which would tend to excite an insurrection in Virginia, or anywhere else. I would consider it one of the greatest of crimes. Such a crime includes all crimes on the catalogue. I know the gentleman did not intend to do that. I do not blame him or anybody else for making inquiry and drawing out explanations. I think that honorable gentlemen on that side should, themselves, vindicate us against the imputation.

Mr. Smith, of Virginia. The gentleman is like certain Senators and other gentlemen—(the gentleman from Illinois among them)—who do not hear the world pass as it goes along. Every sort of atrocity is recommended in this Helper book against the slaveholder. Every foul epithet has been habitually applied to Southern men for half a century. Does not the gentleman know it?

Mr. Curtis. I am told that that book contains infamous matter—matter which denounce and disclaim; and I say that every honorable man in the House has disclaimed or will disclaim it.

Mr. Smith, of Virginia. Well, sir, your candidate has not done it. I have got here what he said. And I may be permitted to express my surprise that the gentleman from Tennessee

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[Mr. Nelson] should have fallen yesterday into the error of stating that Mr. Sherman had disclaimed the atrocities of the Helper pamphlet. Where did that honorable gentleman get his information?

Mr. Nelson. My recollection is that Mr. Sherman rose, and, in reply to some question, said, in substance, that he did not recollect, to a certainty, whether he had subscribed to that publication or not. But I think Mr. Sherman said that he did not approve its ultra doctrines.

Several Democratic Members. No; he did not.

Mr. Smith, of Virginia. Oh, no, sir; I have got his remarks here, and I was surprised—

Mr. Nelson. I do not wish to misrepresent Mr. Sherman, or anybody else; but that is the way that I understood it.

Mr. Smith, of Virginia. I say I was surprised that the honorable gentleman from Tennessee should have made such a statement. He is a clear-headed gentleman, as he has shown to this House, a man of talent, a man of critical observation. Now, I will read what Mr. Sherman did say:

“Mr. Clerk, I have, until this moment, disregarded this debate, because I presumed it was simply thrown at the House at this time for the purpose of preventing an organization. But the manner of the gentleman from Virginia [Mr. Millson]—my respect for his long experience in this House; my respect for his character, and the serious impression which this matter seems to have made on his mind—induce me to say now what I have to say. I ask that the letter which I send up may be read.

“The following letter was thereupon read from the Clerk's desk:

Washington City, December 6, 1859.

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“ Dear Sir: I perceive that a debate has arisen in Congress in which Mr. Helper's book, the ‘Impending Crisis,’ is brought up as an exponent of Republican principles. As the names of many leading Republicans are presented as recommending a compendium of the volume, it is proper that I should explain how those names were obtained in advance of the publication. Mr. Helper brought this book to me at Silver Spring to examine and recommend, if I thought well of it, as a work to be encouraged by Republicans. I had never seen it before. After its perusal, I either wrote to Mr. Helper, or told him that it was objectionable in many particulars, to which I adverted; and he promised me, in writing, that he would obviate the objections omitting entirely or altering the matter objected to.

“I understand that it was in consequence of his assurance to me that the obnoxious matter in the original publication would be expurgated, that members of Congress and other influential men among the Republicans were induced to give their countenance to the circulation of the edition so to be expurgated.

F. P. BLAIR, Silver Spring.

“Hon. John Sherman.

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“Mr. Sherman. I do not recollect signing the paper referred to; but I presume, from my name appearing in the printed list, that I did sign it. I therefore make no excuse of that kind. I never have read Mr. Helper's book, or the compendium founded upon it. I have never seen a copy of either. And here, Mr. Clerk, I might leave the matter; but as many harsh things have been said about me, I desire to say that since I have been a member of this House I have always endeavored to cultivate the courtesies and kind relations that are due from one gentleman to another. never addressed to any member such language as I have heard to day. I never desire such language be addressed to me, if I can avoid it. I appeal to my public record, during a period of four years, in this body; and I say now that there is not a single question agitating the public mind, not a single topic, on which

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there can be sectional jealousy or sectional controversy, unless gentlemen on the other side of the House thrust such subjects upon us. I repeat, not a single question. We have pursued a course of studied silence. It is our intention to organize the House quietly, decently, in order, without vituperation; and we trust to show to members on all sides of the House, that the party with which I have the honor to act can administer this House and administer this Government [applause from the galleries and the Republican benches] without trespassing on the rights of any.”

Mr. Grow. Is that all that was said?

Mr. Smith, Of Virginia. That is all I have got here.

Mr. Grow. There is more.

Mr. Smith, of Virginia. Yes; I find this:

“Mr. Keitt, (in his seat). Only one-half of it.

“Mr. Sherman. I say then that I, for one, would not trespass on a right of a single Southern citizen; and I defy any man to show, anywhere, a word that I have uttered that would lead to a different conclusion. The signing of that paper, and the book, every member of the House can appreciate without my saying a word about it.

“I have said more than I designed, and I trust that hereafter gentlemen on the other side of the House will observe the courtesies due from one gentleman to another. I have always observed such courtesies to them. While newspapers may call names, let me say, that this is not the place for epithets; it is the place for reason and argument.”

Mr. Grow. In answer to some inquiry, the gentleman from Ohio also said that he distinctly stated five times on this floor, that he would not interfere with the relations of master and slave.

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Mr. Smith, of Virginia. Yes, sir; he would not march into the slave States, he would not legislate in regard to that subject. We know what that means. But I ask now, does he disclaim the doctrines of the Helper book? Every gentleman knows that there are different ways of operating on slavery; and I shall take occasion to show, before I take my seat, many of these ways. I ask here, in the presence of the candidate on that side of the House, does that gentleman disclaim the doctrines of the Helper book? In fifteen years, said Helper, pursue my advice, and, my life upon it, there will not be a slave on the ground of free America. There are many means other than those which John Brown resorted to. Does the gentleman disclaim the doctrines of that book, as they have been read here? The gentleman is dumb, he is silent. I desire to get the gentleman to speak. He is silent—dumb as an oyster [laughter]; and the gentleman from Pennsylvania wants to speak for him.

Mr. Grow. No, sir; I only want you to represent the record right.

Mr. Smith, of Virginia. No, sir; but let the party most interested correct me, if I do him injustice. I do not want the gentleman from Pennsylvania to do it, as the gentleman from Ohio [Mr. Stanton] cut in yesterday to save the gentleman from Illinois. No doubt, he was afraid he would commit some blunder, perhaps indorse the Helper book, and therefore he cut in to disclaim it.

Mr. Nelson. My remarks, in regard to Mr. Sherman, were as follows;

“I cannot consistently cast my vote for Mr. Sherman, as Speaker, because think his election, at this time, would produce an unhappy alienation of feeling on the part of the South. While I say this, in perfect respect to him, I am free to declare that, when a man, who is technically my peer, arises upon this floor and says, *in substance*, that, if he indorsed the Helper book, he did it *through inadvertence, and does approve its extreme doctrines*, I am constrained to accept his statements as true until the contrary appears. This assertion of his is strengthened by the fact that, in the discussions of 1856, Mr.

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Sherman drew, broadly and distinctly, the line of demarkation between the Republicans and Abolitionists, and showed that the former, in that day, at least, did not sympathize with the extreme views of the latter.”

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In speaking of Mr. Sherman, it is proper for me to say that I am not his organ, and am not in his confidence. I do not think I misunderstood him, and certainly have no desire to misrepresent him. My object has been to do an act of simple justice. Some of the most obnoxious doctrines of the Helper book, as published in the papers, are, “through organization and independent political action on the part of the non-slaveholding whites of the South;” “no co-operation with pro-slavery politicians; no fellowship with them in religion; no affiliation with them in society; no patronage to pro-slavery merchants,” “lawyers, waiters or physicians; and no audience to pro-slavery persons.” When Mr. Sherman said, during the debate of the 6th instant, on this floor, that he had said it five times on this floor that “he was opposed to any interference, whatever, by the people of the free States with the relations of master and slave in the slave States,” I considered him as saying, *in substance*, that he did not approve the extreme doctrines of Helper's book. And, when I referred, on yesterday, to the discussions of 1856, I alluded especially to Mr. Sherman's answer to Mr. Smith, of Tennessee, in the *Congressional Globe*, volume thirty-four, pages 55 and 56, where he said:

“I never had any affiliation with what is known as the Abolition party. I was attached to the Whig party.”

And again, when he said:

“If I had my voice, I would not have one single political Abolitionist in the Northern States. I am opposed to any interference, by the Northern people, with slavery in the slave States. I act with the Republican party, with hundreds of thousands of others, because the Republican party resists the extension, but does not seek the abolition of slavery.”

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This, as I suppose, is one of the five utterances on this floor, to which Mr. Sherman referred.

Mr. Smith, of Virginia. I will not go into this thing now, but we all know that the Helper book proclaims that nine negroes out of ten would cheerfully cut their masters' throats; and that the white non-slaveholders of the slave States would be one of the greatest agents of abolition. I was calling the attention of the House and of the country to the circumstances under which this debate sprung up. My object was to show that it was not consistent with the patriotism of a majority of the House to place in the Speaker's chair a gentleman who would not disclaim, broadly and unequivocally, as the gentleman from Iowa, [Mr. Curtis,] the gentleman from Ohio, [Mr. Stanton,] and the gentleman from Illinois [Mr. Kellogg,] have done, the atrocious doctrines of this book. How, then, I ask, should we deal with this question? How, I ask, under these circumstances, was this house to deal with it? The gentleman himself says—let us go on quietly and organize the House.

Mr. Morris, of Pennsylvania. Will the gentleman from Virginia allow me to interrupt him? He used the word "all," in speaking of the supporters of Mr. Sherman, supposing them *all* to be implicated—so far as the implication goes for anything—in the indorsement of the Helper book. As I said, when I had the honor of addressing the House, I have in no way indorsed it. Nevertheless, I am a supporter of Mr. Sherman; but I am his supporter knowing what he thinks on these matters-knowing that he is free from all fair charge of implication in anything of a treasonable character, or anything in this book that recommends murder and arson, and also because I know Mr. Sherman to be eminently conservative. If the gentleman will allow me, I will send to the Clerk's desk an extract from a speech of Mr. Sherman, which may be read to show, among other reasons, why I support Mr. Sherman as a conservative member of the House, and not as a member of the pure Republican party.

The Clerk read, as follows:

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“I say this charge [interference with slavery in the Southern States] is unfounded. The people of Ohio, the State which I have the honor, in part, to represent on this floor, do not wish or design to interfere with slavery in any Southern State. We do not wish or design to interfere with the relations existing between the white and black races in the slave States. I have observed that the relations existing between these classes in the South are often more kindly in their character than those existing between the same classes in the Northern States. We do not, and never did, claim the power to interfere.

“Our claim is this: that, in violation of the pledges of the President, made at the outset of his Administration, and in violation of the pledges and platforms of the two great parties of the country, four years ago, the party acting with the President and his advisers repealed the Missouri compromise, and perpetrated what our sense of justice and honor tells us was an infamous wrong. That is all, That is me long and short of it, and it is the only cause which called the Republican party into being.” * *

“If I had my voice I would not have one single political Abolitionist in Northern States. I am opposed to any interference by the Northern people 364 slavery in the slave States. I act with the Republican party, with hundreds of thousands of others, simply because the Republican party resists the extension, but does not seek the abolition, of slavery.”

Mr. Morris, of Pennsylvania. I will add, by the leave of the gentleman from Virginia, that it is because I know Mr. Sherman to hold those sentiments now, that I, as one not bound to the Republican party, support him. I thank the gentleman for his courtesy.

Mr. Smith, of Virginia. I give notice that I will not allow, whilst I am upon the floor, the gentleman from Ohio to speak by proxy. He is no Speaker yet. I demand that when he wants to be vindicted before the country, he shall speak for himself. We have come really to a pretty pass. A gentleman here in nomination for the Speakership is not allowed to speak. Why, sir, it is the case with the whole Republican party. Some of them, however,

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have broken loose and spoken once, and some of them twice; and I suppose as Balaam's ass spoke three times, we shall hear from them again. [Laughter.]

Sir, I say, let the gentleman speak for himself. We are dealing with the present; and I now ask the gentleman from Ohio to say what are his sentiments at this time? Does he indorse the Helper book? Speak, or forever after hold your peace! [Great laughter.]

Mr. Clerk, I have mentioned these things because I wish the country distinctly to understand that it was under these circumstances that the House assembled; and that, having assembled under these circumstances, and with the revelations to which I have adverted, we on this side of the House deemed it right and proper to offer the resolution which I hold in my hand, and which was offered by the gentleman from Missouri. What is it, sir?

“ *Resolved*, That the doctrines and sentiments of a certain book called the ‘Impending Crisis of the South,’ purporting to have been written by one Hinton R. Helper, are insurrectionary and hostile to the peace and tranquility of the country; and no member of this House who has indorsed or recommended the doctrines and sentiments therein affirmed, is fit to be Speaker of this House.”

I submit this question cheerfully to the judgment of the country; and I ask the country, and I ask the Representatives of the country, when could we make that objection, if that objection existed? There is the question. I know gentlemen will want to hold us responsible for the consequences of the failure to organize this House, as illustrated by the extraordinary manner and conduct of the gentleman from Pennsylvania [Mr. Grow] the other day. But I ask the country—I ask those gentlemen upon the other side who represent it in part, when we could make the objection except precisely at the time, under the circumstances and in the manner that was adopted by the gentleman from Missouri? So much for that then, and so much for the clamor that may be raised upon this question elsewhere. We raised the objection; we have sustained the objection; and the objection

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stands good, because the gentleman from Ohio, though he has spoken, has refused to disclaim the doctrines of the Helper book. Sir, it would have been just as easy—and he could have said it in much fewer words—it would have been just as easy for him to have said, in a few remarks, that he disapproved of the doctrines of that book, as he then understood them, as it was to go into the lawyer-like exposition of his position with which he indulged the House. I repeat the question, sir, are you down upon Helper's book? Are you against the doctrines therein contained? He will not say it; and I say then, before God and the country and before this goodly assembly, that it is our duty to our institutions and our high duty to ourselves to protest against his election as Presiding Officer of this House.

Having disposed of that question—and I might add other things in this connection—I proceed now to indulge in some few other remarks. The gentleman from Pennsylvania, [Mr. Grow,] who spoke the other day, indulged in most extraordinary bravado of manner. Sir, one might have thought that our Jupiter was thundering; that we had a Jupiter Tonans in this body; and that when he spoke all minor gods must tremble. [Laughter.] He graciously told us that the New York *Herald* had supplied this side of the House with brains. I would like to know who has supplied him with that essential commodity. [Laughter.] Sir, he is not even entitled to originality for inventing that phrase himself, for he got it from Mr. Greeley; at least from the New York *Tribune*. But that is not the whole or the worst of it. He proclaimed that by this discussion we were engaged in disseminating Helper's book. I will take occasion to say here that we care not about its circulation. Let them circulate it as much as they can. But we care for its doctrines, and for the indorsement that has been given to them upon this floor. He says that we have given it the best of advertising, and that we have done what the Republican committee tried for a year or two to effect, but in vain.

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Mr. Grow. The gentleman will allow me. I would not interrupt him except to correct the record. If I used the word "Republican," it was a slip of the tongue; I meant the publishing committee. It was published by gentlemen whose names the gentleman will find in the

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book; and a gentleman of the name of Anthon is the only man I know of who is connected with the publication.

Mr. Smith, of Virginia. I am only dealing with what the gentleman said.

Mr. Grow. But the gentleman will find in the *Globe* that I said the publishing committee. If I used the word "Republican," it was a slip of the tongue.

Mr. Smith, of Virginia. I presume the gentleman put it so in the *Globe*; but, by the *Herald*, we see that "Republican committee" was the phrase he used. I suppose the gentleman corrected it in the *Globe*; but this New York *Herald* seems to have a reporter here who catches things as they fall from our lips, and he has got it as I said it—"Republican committee." Then I understand the gentleman to say that it is not "Republican," but "publishing committee." Well, now, sir, upon that subject I should like to hear what difference the gentleman finds between them. I believe that Horace Greely is the chief head of the Republican committee.

Mr. Grow. All I want is a correct record. If the gentleman will quote correctly what I did say, he is at liberty to argue from it as much as he pleases; I shall not interrupt him in his argument.

Mr. Smith, of Virginia. Well, sir, I suppose the gentleman from Pennsylvania feels gratified at what we are now doing. He says as I have got him down here. He thanks us for doing what the Republican (or publishing, if he will have it so,) committee have attempted and failed to do.

Mr. Grow. Will the gentleman allow me? I do not think I ever used any such language. If the gentleman will take the *Globe* he will find exactly what I did say. He will find it precisely as I uttered it, with the exception of the word "Republican," which is changed to "publishing," which was a mistake, as I uttered it. The gentleman, I understand, is reading

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from a telegraphic report. That is just what I have been complaining of, that gentlemen read newspapers instead of using arguments.

Mr. Smith, of Virginia. It is very well known that gentlemen reform themselves very much on what they say in this House, when their revised remarks get into the *Globe*. Here is what the gentleman said, according to the stenographer of the New York *Herald*:

“And yet, gentlemen, we have sat here for almost three weeks, and listened to nothing in the world—with three or four exceptions—but the editorials of the New York *Herald* for the last month, rehashed and given to us piecemeal in the form of speeches. (Applause.) The *Herald* has furnished brains for the whole discussion, which has only lacked its terseness of style. I must say that the editorials of the *Herald* are usually spicy, and we read them with a good deal of interest; but I am forced to say that this discussion, and the speeches of members opposite, have lacked the terseness of style and spiciness of diction which is such a feature in the *Herald*, from whose columns they have extracted their ideas, such as they are. (Loud laughter.) Now, if gentlemen are satisfied with advertising broadcast through the land this pamphlet, which they say is so destructive to their peace and tranquillity—if you are satisfied to give a circulation to that pamphlet of thousands where it had scarcely a solitary one before—then you have performed a work that the Black Republican Committee of New York would thank you, and did, indeed, thank you for. That committee had tried for more than a year to get up a circulation for that pamphlet, and they failed to do so; but you, gentlemen, on that side, have advertised and circulated it throughout the length and breadth of the land.”

Mr. Grow. What is that? Black Republican! Is that in the gentleman's report?

Mr. Smith, of Virginia. Yes, sir.

Mr. Grow. I used the word “Republican.” I did not use the phrase “Black Republican.” I leave such phrases where they belong.

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Mr. Smith, of Virginia. The gentleman has got so accustomed to it that I suppose he knows his name by this time.

Mr. Grow. I know my name better than you do on the other side.

Mr. Smith, of Virginia. I suppose so. Be it so. But let us proceed. I leave this subject for the present and go to another. The gentleman talks most earnestly and most anxiously of the importance of organizing the House, with the view of providing for the public creditors; and he has especial reference to the mail contractors. Sir, I am anxious, sincerely anxious, that we should organize this House for the purpose of providing for them. They are a very meritorious class of the creditors of this Government. We ought to meet our engagements with them. We ought to organize the House. And let me tell the gentleman from Pennsylvania that he ought to come over and help put a good Democrat or a good American into the chair, as an atonement for the deep transgressions he perpetrated against those contractors in the last Congress. I say here to them, if there are any who hear me, that the man who wronged them, and wronged them for a purpose which he knows, is the man who now affects to be their friend, but is unwilling to make any sacrifices to repair the mischief he has created. And, sir, I have got the book here and choose to call attention to it. I mean to put what passed in the last Congress before the country. I mean to put it in my speech, and publish it, that it may go abroad, and that the country may understand how it is that that gentleman can have the cool assurance to get up here and talk about want of faith upon the part of the Government to the public creditors, and mouth out his words as though he would enlist their sympathies in support of his side of the House. When the Post Office appropriation bill was under consideration, on the 3d of March last, which was only one day from adjournment; when this important bill for moving on the wheels of Government, and in transmitting intelligence in every direction, was in a condition to admit of no delay, at that time Mr. Grow introduced a resolution, which I will ask the Clerk to read, in connection with the proceedings which followed.

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The Clerk read, as follows:

“Mr. Grow. I rise to what seems to me a privileged question. I do not propose to discuss this question, but I want to state it, and have the House act upon it. Section seven, article one of the Constitution, provides that all bills for raising revenue shall originate in the House of Representatives. I propose now to offer the following resolution:

Resolved, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill.

“I want to state the reason for this resolution.

* * * * *

“Mr. Grow. I hold the course I propose is the proper one, when one House thinks its privileges have been invaded by the other. The thirteenth section of the amendments of the Senate, referred to in my resolution, provides for raising the postages. The postages are collected and paid into the Treasury, and we appropriate them, the same as any other revenue, for defraying the expenses of the Department. The postages for ocean mail service are collected in the same way, and paid into the Treasury. So that this kind of revenue, I take it, comes within that clause of the Constitution which prohibits the Senate from originating revenue bills. I can see no difference between collecting ten cents on a letter and collecting ten cents on broadcloth. In the one case the duty is collected from the citizens who consume the imported goods. But suppose a citizen does not consume any imported goods: then he is not taxed; and so the person who sends no letters through the mails is not taxed.”

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“Mr. Houston. I desire to ask the gentleman whether it is not competent for the Senate to originate a bill proposing to bring unsold lands into market, and direct their sale? And I desire to ask him if it is not competent for the Senate to originate a bill increasing the minimum price of the public lands from \$1.25 per acre to any greater sum they may see fit?

“Mr. Grow. The first part of the gentleman's question I answer in the affirmative; but the last part of it in the negative. The Senate cannot originate a bill increasing the price of the public lands, for that is a source of revenue to the Government. If they can do that, they can originate a bill to raise revenue in any other way.

“But, sir, I did not rise to argue the question, but merely to state my point. This thirteenth section proposes to increase the present rates of postage to five cents, and in some cases, to ten cents; which would increase the taxation on those who use the mails. Now, I take it that that is just exactly the same as if they were to attempt to raise the tariff on imported goods, and increase the taxes on those who consume them. I can see no distinction between the two cases. Without further remarks, I ask for a vote on my resolution.

“Mr. Ritchie. I desire to say that I never will consent to see the Speaker of this House decide questions of the constitutional power of the House as points of order, and say whether we shall receive bills from the Senate, or not. It is putting the whole constitutional power of this House in the hands of the Speaker. It is a question for the House to decide, what is its own constitutional power; and I would trust no Speaker with any such power.

“Mr. Grow. I thought the understanding was, that we were to have a vote on my resolution, as a question of the privileges of the House.

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“Mr. Phelps, of Missouri. I think the point of order has been well answered by the gentleman from Pennsylvania, [Mr. Ritchie.] The section of the Constitution to which the gentleman refers is not applicable to any case of this kind. That section of the Constitution is in these words:

“All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.’

“That section undoubtedly prescribes that bills for raising revenue, such as are enumerated in the first clause of the eighth section of the Constitution, must originate in the House of Representatives. That section reads as follows:

“The Congress shall have power to lay and collect taxes, duties, imposts, and excises.’

“The amendment of the Senate provides for no taxes upon the people, as contemplated by the section of the Constitution conferring upon Congress the power of raising taxes. But we look to the public lands as a source of revenue; and we look to the deduction from the pay of mariners for the purpose of supporting marine hospitals, as a portion of the revenue, as well as to the postages. If the point made by the gentleman from Pennsylvania be correct, then the Senate has no power to provide for the sale of the public lands, because they are a source of revenue; the Senate have no right to provide for imposing light dues or tonnage dues, and has no right to provide for a deduction from the wages of seamen for the support of marine hospitals, because, in his opinion, they would be bills raising revenue.

“Mr. Grow. I propose this as a question of the privileges of the House under the Constitution, and not as a point of order, as gentlemen say.”

* * * * *

“Mr. Phelps, of Missouri. I move, then, to lay the resolution on the table.”

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“Mr. Grow. I demand the yeas and nays upon that motion.

“The yeas and nays were ordered.

“The question was taken; and it was decided in the negative—yeas 80, nays 106.”

* * * * *

“So the House refused to lay the resolution on the table.”

* * * * *

“The question was taken; and it was decided in the affirmative—yeas 117, nays 76.”

* * * * *

“So the resolution was adopted.”

* * * * *

“Mr. Grow moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

“The latter motion was agreed to.”

Mr. Vallandigham. I rise to suggest to the gentleman that we proceed to a ballot, and then adjourn. The gentleman can finish his speech on the next day the House is in session.

Mr. Smith, of Virginia. I will finish this particular subject before I yield. Mr. Clerk, when I was speaking on the subject of the speech of the gentleman from Pennsylvania the other day, I was not appraised as I have been since of the fact, and, I confess, I am very much astonished that it should be so, when the gentleman scouted my reading of the telegraphic report of his speech, that the reporters of this House had it down *totidem verbis*, as 1

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have read it from the telegraphic reports, and that the changes made were made by the gentleman himself.

Mr. Grow. I state to the gentleman again, that in the paragraph he has read, I made no change, except to substitute the word "publishing" for "Republican. So far as the report in the *Herald* is concerned, I know nothing about it. I will say that I never used the words "Black Republican" upon this floor.

Mr. Smith, of Virginia. Well, let it go at that. I am very glad the gentleman disclaims the word, though it may have been improperly implied. But to proceed: I stated that on the third of March, a few hours before the adjournment, the gentleman from Pennsylvania introduced the amendment which has been read; at that very time raising a constitutional question between the two Houses. I charge that the gentleman expected that his so doing would involve a loss of the bill, and that he desired that it should be lost. And here I say, and let the mail service of the country remember it, that on the last day of the session this important bill was embarrassed by the gentleman from Pennsylvania, by raising a constitutional question with the Senate. I said upon this floor that it was an insult to the coordinate branch of this Congress, which had as much right to judge of its constitutional powers as we had to judge of ours; that it was no time to raise a question of that sort; and that it would be the loss of the bill. The gentleman from Pennsylvania, after a brief argument, still persisted in holding on to his amendment, and the question was finally taken by yeas and nays; and it was decided in the manner I have stated—yeas 80, nays 106; the result of which was, as nearly as I recollect, to lay the resolution upon the table. I call the attention of the House to the matter, because I wish to present the whole subject.

Well, Mr. Clerk, the bill went to the Senate with that amendment on it. The resolution went back to the Senate. It was lecturing them upon their duty; it was arranging them for exceeding their constitutional powers; and the Senate, very properly, in reply, said what I will now proceed to read, in connection with the proceedings in the house.

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Mr Phelps was then chairman of the Committee of Ways and Means:

“Mr. Phelps, of Missouri. There is a message which has been sent from the Senate, in relation to the Post Office appropriation bill. I desire to have it read.

Mr. Grow. I desire to understand, first, whether the reading of the message will bring up the bill to be acted on. I want to understand that, for I thought I had an understanding with the House on the vote on this question this morning; but there seemed to be a disposition not to carry it out very well. I only want to understand now the effect of the motion.

“Mr. Phelps, of Missouri. I only ask that the message may be read.

The Clerk read the message, as follows:

In the Senate of the United States, March 3, 1859.

“The House of Representatives having communicated to the Senate a resolution, in the following words, to wit:

“*Resolved*, That the House bill (No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill.’

“*Resolved by the Senate of the United States*, That the Senate and the House being of right, equally competent each to judge of the propriety and constitutionality of its own action, the Senate has exercised said right in its action on the amendments sent to the House, leaving to the House its right to adopt or reject each of said amendments at its pleasure.

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“ *Resolved*, That this resolution be communicated to the House of Representatives, and that the bill and amendments aforesaid be communicated therewith.

Mr. Phelps, of Missouri. I move to suspend the rules, to take up that message and the bill and amendments.

“Mr. Harris. I desire to ask the chairman of the Committee of Ways and Means, whether he is not prepared to report a new bill making appropriations for the Post Office Department?”

“Mr. Greenwood. If he is, I hope he will not do it.

“Mr. Harris. Very well, I desire to ask the question.”

* * * * *

“The question recurred on the motion of Mr. Phelps, of Missouri, to suspend the rules.”

“Mr. Dean demanded the yeas and nays.

“The yeas and nays were ordered.

“Mr. Harris. I should be glad if the chairman of the Committee of Ways and Means would answer my question.

“Mr. Phelps, of Missouri. I will answer it.

“Mr. Houston. I object.

“Mr. Harris. Then I hope the bill will not be taken from the table.

“The question was taken; and it was decided in the negative—yeas 94, nays 85.”

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“So (two thirds not voting in favor thereof) the rules were not suspended.

Mr. Phelps, of Missouri. I now call up the message from the Senate, relative to the resolution adopted by the House, returning the Post Office appropriation bill.

“The message was read, as follows:

“ In the Senate of the United States, March 3, 1859.

“The House of Representatives having, in the opinion of the Senate, departed from the proper parliamentary usages and method of transacting business between the two Houses by its action in regard to the bill of the House (No. 872) making appropriations for the expense of the Post Office Department for the year ending June, 1860: Therefore

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“ *Resolved*, That the Senate appoint a committee of conference, to meet a like committee on the part of the House of Representatives, for the purpose of consulting as to what action ought to be had by the respective Houses in respect to the said bill.

“ *Ordered*, That Mr. Stuart, Mr. Pearce, and Mr. Foot, be appointed managers of the said conference on the part of the Senate.

“Mr. Phelps, of Missouri. I move that a committee of conference, on the part of the House, be appointed to meet the committee which has been appointed on the part of the Senate.

“Mr. Grow. Does this message bring up the bill itself? If it does, I shall object to its being taken up.

“Mr. Phelps, of Missouri. It is merely a request on the part of the Senate for a committee of conference as to the propriety of the action on the part of the two Houses of Congress.

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“Mr. Grow. I object to the bill being taken up at all. I have no objection to this request for the appointment of a committee of conference being granted, if it will not be construed to bring up the bill.

“The Speaker. The Chair supposes, if the motion of the gentleman from Missouri should be agreed to, it would be necessary for the committee of conference to have the bill in their possession.

“Mr. Grow. I do not see why that should be necessary. We sent to the Senate a bill making appropriations for the support of the Post Office Department for the year ending 30th June, 1860. They returned the bill with a provision on it for raising revenue. We sent a resolution returning the bill, with our reasons therefor. They have returned us this answer. Now, if the effect of the motion of the gentleman from Missouri is simply to appoint a committee of conference on the resolution, I have no objection. If it is to take up the bill, then I object.

“The Speaker. The Chair supposes it will be necessary for them to have the bill before them, in order to determine the character of the amendments objected to, by the House.

“Mr. Grow. The preamble of the resolution sent to the House sets forth the ground of their request for a committee of conference; that we have not complied with the parliamentary usage in the method of transacting business between the two Houses. I suppose that is what the committee of conference would have to act upon. If that is the understanding, I have no objection to it.”

* * * * *

“Mr. Phelps, of Missouri. I have this to say to the House: there has been a deliberate expression of opinion on the part of the House in reference to the action of the Senate, and it is probable that, if a committee is appointed, a majority of that committee will be composed of gentlemen whose opinions correspond with the action of the House. I have

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had no conference with the Speaker as to whom he would appoint; but that would be the proper parliamentary course.”

* * * * *

“Mr. Grow. I wish to say a word upon the subject of the action of the House. The proceedings we have instituted here in respect to this bill are in accordance with parliamentary usage; and for the purpose of showing the House that it is, I propose to read a paragraph from Ferral's Law of Parliament, page 103. He says:

“On the 24th July, 1661, the Lords sent down a bill for paving the streets and highways of Westminster, to which they desire the concurrence of the Commons. As soon as the bill is read the first time, ‘the House observing that said bill was to alter the course of the law in part, and to lay a charge upon the people; and conceiving that it is a privilege inherent to this House, that bills of that nature ought to be first considered here,’ the bill is laid aside, and it is ordered ‘that the Lords be acquainted therewith, and with the reasons inducing the House thereto; and the Lords are to be desired, for that cause, not to suffer any mention of the said bill to remain on the journals of their House; and that the Commons, approving the purport, have ordered in a bill of the same nature.’

“On the 15th February, 1664, a bill somewhat similar was laid aside on the same grounds.’

“Now, that is what we have done. We have not approved of the revenue portion of the bill of the Senate.

“Here is another case:

“On the 27th of April, 1640, upon the report of a conference, in which the Lords had proposed that the subject of supply should have precedence before any other matters, the Commons resolved that their Lordships voting, propounding, touching matters of supply of

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such sort as is contained in this report before it arrived from this House, is a breach of the privileges of this House.'

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"Now, we have kept within the parliamentary usage. The Senate, by this resolution, simply say that they have the right to judge of their powers under the Constitution, and they ask us to confer with them on this question of power. I am willing to confer with them on that question, but I am not willing to take up the bill, which we have once laid aside.

"Mr. Washburn, of Maine. This bill is upon the Speaker's table, and the House has refused to take it up. Now, I want to know if, by the legerdemain of a conference, the bill can be taken up without a two-thirds vote?

"Mr. Grow. I want the Chair to understand that, if the taking up of the message involves the taking up of the bill, I object.

"The Speaker. The Chair, in the hope of being able to effect something that will lead to a result that will be satisfactory to the House, will retain possession of the bill if the message of the Senate is concurred in, so that the question before the committee of conference will be one of form rather than of substance.

"Mr. Grow. I demand the previous question.

"Mr. Walbridge. I would inquire if the bill still remains upon the Speaker's table?

"The Speaker. It does.

"Mr. Walbridge. And it will require a two-thirds vote to take it up?

"The Speaker. It will.

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“The previous question was seconded, and the main question ordered; and under the operation thereof the motion of Mr. Phelps, of Missouri, that a committee of conference be appointed to meet the committee on the part of the Senate, was agreed to.”

Here, you see, that the gentleman from Pennsylvania fought this question to the last. Deeply interested as he professes to be, in this important arm of the public service, you see him still quarreling with the Senate, and hanging on to this bill in the last expiring hours of the session. I will not dwell further upon this point. Suffice it to say the bill failed in the manner I have stated:

“Mr. Letcher. I rise to a question of privilege. I am instructed by the committee of conference on the disagreement of the two Houses relative to rife action of the Senate on the Post Office appropriation bill, to make a report.

“The report was read as follows:

“The committee of conference on the disagreement between the two Houses on the resolutions adopted by them, respectively, in relation to the action of the House on the Senate's amendments to the bill (H. R. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, having met, after full and free conference have agreed as follows: That while neither House is understood to waive any constitutional right which they may respectively consider to belong to them, it be recommended to the House to pass the accompanying bill, and that the Senate concur in the same when it shall be sent to them.

Managers on the part of the Senate.

Charles E. Stuart,

J. A. Pearce,

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Solomon Foot,

Managers on the part of the House.”

J. Letcher,

L. O'B. Branch,

Galusha A. Grow,

Mr. Grow. The gentleman will allow me to say that a bill passed the House before that, and was sent to the Senate.

Mr. Smith, of Virginia. I know.

Mr. Grow. I only wanted the whole record to be produced.

Mr. Smith, of Virginia. The bill reported by the committee of conference here follows, but it is unnecessary that I should read it.

The following proceedings were had upon that report:

“The bill was read a first and second time.

“Mr. Letcher demanded the previous question upon its engrossment and third reading.

“The previous question was seconded, and the main question ordered to be put.

“Mr. Mason. I call for the yeas and nays upon the engrossment.

“Mr. Letcher. It is now eleven o'clock. There is but one hour of the session left, and the Senate has yet to act upon the bill. I hope the yeas and nays will not be ordered.

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“Mr. Mason. I see there is an appropriation of about two million dollars for building houses all over the country. I insist on my call for the yeas and nays.

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“The yeas and nays were not ordered.

“Mr. Mason. I call for tellers on the yeas and nays.

“Tellers were not ordered.

“Mr. Mason. I call for tellers on the question.

“Tellers were not ordered.

“The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

“Mr. Letcher moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

“The latter motion was agreed to.”

So you see that the proposition of the gentleman delayed action upon this bill until within one hour of the adjournment, and we passed the bill within that hour. The Senate, incumbered already with the load of business before it, had also to act upon it. The result was that the bill failed—failed by the opposition of Mr. Toombs, it is said. But it failed, as it was expected to fail by the gentleman from Pennsylvania, i have no sort of doubt. Its failure was the act of that gentleman; and if he expects to make capital out of it for the benefit of himself and his party, I hope this exposition will render the hope futile, and place the responsibility where it properly belongs.

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I have had occasion to refer to this subject on several occasions before; and I now repeat, that there was a bill, upon the last day of the session, providing for carrying on this very meritorious branch of the public service; and the gentleman from Pennsylvania, at that hour, undertook to raise a constitutional question. A second “Daniel come to judgment” undertakes to set up his voice against the judgment of the United States Senate. He said the Senate had not the power which it had asserted and exercised, and he introduced a proposition, the effect of which was to leave this branch of the public service in its present embarrassed condition. I say, then, that he is responsible to the country, as well as to those persons immediately interested, for the grand catastrophe or result that has occurred.

Mr. Branch. It was my fortune, during the last session of Congress, to be on the committee of conference that had charge of the disagreeing votes of the two Houses on the Post Office bill. The committee, on the part of the House, was composed of the gentleman from Virginia—the Governor-elect of that State—(Mr. Letcher) the honorable gentleman from Pennsylvania (Mr. Grow), and myself; and I may say to the House that nothing could have surprised me more than to hear, the day before yesterday, the loud lamentation that was made by the gentleman from Pennsylvania over the loss of that bill, and the present unhappy fate of the mail contractors of the country.

My friend from Virginia has stated very well a large part of the history of that bill. I had an opportunity of having some peculiar knowledge on the subject; and I say here, in the presence of the House, in the presence of the gentleman from Pennsylvania himself, and where it may be known and heard by the mail contractors of the country, that that gentleman, and he alone, is responsible for the defeat of the bill making appropriations for the support of the Post Office Department for the present year. The gentleman from Virginia has caused to be read a resolution offered by the gentleman from Pennsylvania, by which, when we received that appropriation bill from the Senate, he proposed to send it

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back, and he and his party succeeded in sending it back into the teeth of the Senate. The pretense on which that resolution was passed—

Mr. Grow. I suppose the gentleman does not mean exactly to say that the Senate sent us any bill? It was our own bill that was returned.

Mr. Branch. Yes. We passed a bill making appropriations for the support of the Post Office Department. That bill went to the Senate. The Senate, in the exercise of its constitutional powers and rights, amended that bill in many particulars; and, among other things, inserted a proviso for the increase of the rates of postage. When the bill and amendments came before the House, the honorable gentleman from Pennsylvania offered the resolution that has been read. The ground on which it was proposed to return the bill was, that the Senate had transcended its constitutional powers in inserting a proviso which the gentleman from Pennsylvania construed to be a provision for raising revenue.

Now, Mr. Clerk, without intending to impeach the motives of the gentleman from Pennsylvania, I say, and I think I can show, that that was not the real motive which the honorable gentleman had in offering that resolution. I undertake to say, and I think I can show, that the object which he had in view was to defeat the bill, in order to compel the President of the United States to call Congress together in extra session, so that he and his friends might, at an earlier day than they otherwise could, get control of the organization of the House.

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Mr. Grow. Mr. Clerk—

Mr. Branch. Let me complete my statement.

Mr. Smith, of Virginia. I wish it understood that I would rather hear the gentleman from Pennsylvania speak in his own time. I do not want to publish his remarks. It is enough for me to publish my own. Let the gentleman from North Carolina go on.

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Mr. Branch. I think I can show that the real object of the gentleman from Pennsylvania, and of his friends on this floor, was to defeat the Post Office appropriation bill, in order that the President of the United States might be obliged to call Congress together, and that they might thereby, at an early day, get control of the organization of the House. And why do I think so? Why do I say that the charge of the Senate's having transcended its constitutional power was a pretense? I say so because the resolution, passed by the Senate of the United States, and sent to this House in response to that which has been read, indicated clearly that the Senate would not insist on its amendment increasing the postage. Here is the resolution. It was offered by a Senator, whose name and fame are as intimately connected with the Senate, as the name and fame of any other member of that body. Mr. Crittenden, of Kentucky, offered the following resolution; which was passed:

“The House of Representatives having communicated to the Senate a resolution in the following words, to wit:

“ *Resolved*, That House bill (No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill.’

“ *Resolved by the Senate of the United States*, That the Senate and House being, of right, equally competent each to judge of the propriety and constitutionality of its own action, the Senate has exercised said right in its action on the amendments sent to the House, leaving to the House its right to adopt or reject each of said amendments at its pleasure.

“ *Resolved*, That this resolution be communicated to the House of Representatives, and that the bill and amendments aforesaid be transmitted therewith.”

Now, I say that this resolution, on the face of it, conveyed the information to the House that all the Senate asked of it was that the House should not cast an insult on the Senate;

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should not throw this bill back into their teeth, but should relieve them of the parliamentary discourtesy which, as every man knows, was implied in the resolution which the honorable gentleman from Pennsylvania had offered, and which the House had adopted. If the gentleman from Pennsylvania had been anxious to pass the bill for the support of the Post Office Department, and to save the mail contractors from ruin, he had notice in the very terms of the resolution that all he had to do was to take up the amendments and let the House disagree to that which proposed to increase the rates of postage. The Senate would have receded from it, and the bill would have been passed.

Mr. Grow. Did not the House afterwards, by a unanimous vote, pass a new bill making appropriations for the Post Office Department, and send it to the Senate?

Mr. Branch. I repeat that the honorable gentleman from Pennsylvania had notice in that resolution of the Senate that all that the Senate objected to was the insult implied in the action of the House. If the House had taken up the amendments and disagreed to the one increasing the rates of postage, the Senate would have receded, and would have passed the bill in the form acceptable to the House.

I do not intend to divulge anything that occurred in the committee of conference; but I assert here, that the honorable gentleman from Pennsylvania knew then, and knows now, that if the House had taken up the bill and disagreed to that amendment, the Senate would have receded from it unanimously. I assert that, with a knowledge of that fact; with the knowledge that if we would only pursue that course, the bill would become a law; the gentleman from Pennsylvania persisted in refusing to adopt that course, and insisted on compelling the Senate to swallow an insult or to reject the bill. I assert it here, in the presence of the gentleman, and I challenge contradiction, that the gentleman knew that all the Senate asked was that the House would take up the bill and disagree to the Senate's amendment, and then the Senate was ready to recede from that amendment.

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Moreover, Mr. Clerk, I have another proof. The gentleman asserted that his reason for refusing to take the bill from the table was because the Senate had transcended its constitutional authority in inserting that amendment. I ask the gentleman why it was that he voted against the bill before it went to the Senate, and before the Senate had ever put that amendment on it? That is a point that I want understood by the House, and by the mail contractors of the country—that when the bill making appropriations for the support of the Post Office Department was pending before the 373 House, on the 26th of February, before it had ever been to the Senate, or had any unconstitutional amendment upon it, the gentleman from Pennsylvania, and the whole body of his friends, with two exceptions, voted against the bill and rejected it. But two members on that side of the House voted for its passage. Where was all their sympathy for the mail contractors then? How was it that some of this tenderness of conscience that they feel now, some of this ardent sensibility that seems to be actuating the gentleman from Pennsylvania now, was not felt then? There was no Senate amendment on the bill then; and yet a clean bill, perfected in Committee of the Whole of this House, and with no provisions in it but such as had been inserted by a majority of the House, was rejected by that gentleman and his friends, but two members of the Republican party voting in favor of it, and the gentleman from Pennsylvania, and the present candidate of the other side for Speaker, voting against it! The bill then stood rejected. The Democratic side of the House, anxious to make provision for the support of the Government, and for the relief of the mail contractors of the country, moved a reconsideration of the bill; it was brought before the House by a reconsideration, and the House again voted on it. And, sir, upon that second vote—the bill being still without any amendment from the Senate, for it had never been to the Senate—the gentleman from Pennsylvania, the Republican candidate for Speaker at this time, and the whole body of the Republican party, with but seven exceptions, again voted against the passage of the bill! They voted against it the second time after it had been announced that, having been once reconsidered, another motion to reconsider would not be in order, and that, if rejected, then, it would have to stand rejected altogether. All this, Mr. Clerk, occurred before the bill had been to the Senate. If the object of the gentleman

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from Pennsylvania was to prevent the Senate from encroaching upon the prerogatives of the House—if that was his sole object in having his resolution passed—what reason can he give to the mail contractors of the country for having voted against the bill twice before the Senate amendment had been put upon it.

Now, I think I am justifiable, in the face of these facts, in saying that the design which the gentleman had in view was to kill the bill, and that the motive and the object that he had was to compel the President to call Congress together shortly after the 4th of March. Why, who of those of us who were here in the last Congress, and were in this Hall on the last night of the session, has forgotten with what frantic vehemence, when a conference committee was applied for by the Senate and was about to be appointed, the gentleman from Pennsylvania got up and resisted it, until he had an assurance that the bill itself could not go to the committee? So much was he afraid that the committee of conference would agree upon some bill that could pass and become a law, and that the cherished object of himself and his friends to have an extra session would thus be defeated, that he stood here just before daybreak on the 4th of March last, and resisted to the very uttermost allowing the committee of conference to have possession of the bill.

Now, I say—and I think I am justifiable in saying—that the most surprising thing I have witnessed on this floor is the attempt of the gentleman from Pennsylvania to hold this side of the House responsible for the defeat of that bill, when the records of the country show that he himself is responsible for its defeat; and that he and his party are alone responsible now to the country and to the mail contractors for the failure of the Government to meet its obligations.

Nor is this, sir, all the proof. We all remember that when they had succeeded in defeating the bill, and they knew full well that their course would defeat it, and the President undertook to carry on the Department without calling Congress together—has any gentleman in this House forgotten how they denounced the Postmaster General, the President, and the whole Administration, for issuing certificates, that method having been

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resorted to as a means of relieving the mail contractors from the consequences of the act of the gentleman from Pennsylvania and his friends? They denounced the President and everybody connected with the Administration as being guilty of usurpation of power, and a violation of law, because in their anxiety to relieve the mail contractors from the danger and embarrassment which the gentleman from Pennsylvania had brought upon them, they were endeavoring to issue certificates under which the mail contractors might raise money.

I conclude, Mr. Clerk, with a repetition of my question to the gentleman from Pennsylvania; and I hope he will answer it before the House, and to the satisfaction of the country; if his motive in defeating that bill was to prevent the Senate from usurping a part of the prerogatives of this House, why was it that he voted against the bill twice before the amendment of the Senate had ever been put upon it?

I return my thanks to the gentleman from Virginia for his courtesy in affording me an opportunity of submitting these remarks.

Monday, December 26, 1859.

Mr. Smith, of Virginia, continued:

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In looking over the field before us, as I said on Saturday, I see an effort made to put into the chair of the Presiding Officer of the House, a gentleman who does not stand, according to our view of the subject, fair before the country; who was understood, at least, as not denying the indorsement of sentiments highly obnoxious and offensive to the last degree to a portion of this House. Upon that subject I have not, at this time, anything further to say. I shall advert to it again before I close my remarks.

It is known to this House, and also to the country, that it has been the fashion in the agitation of the question of slavery, from the very highest men in the country down to the lowest "slang-whangers" in the land, to quote a single sentence in the Declaration of

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Independence, to justify them in their efforts to inflame the public mind of the country upon that question, and also for the purpose of carrying out a certain political policy inconsistent, according to my view, with their duties to the Constitution.

I am here, Mr. Clerk, and gentlemen of the House of Representatives, a sincere and loyal friend to the Constitution and the Union. I am here the advocate of no new or inflammatory doctrine. I am here the advocate of no modern innovations; but I am here the advocate of the Constitution as it was penned by our fathers, and handed down to us, to hand it down unsullied and untouched to the latest posterity. I wish I could say that such was the purpose and policy of many of those who are in the habit of frequently charging disunion sentiments upon the people in that section of the Union in which I reside.

I will beg leave to run over these subjects with as much rapidity as possible, and only claim the attention of the House in order to show the particular ground which is taken not only by the distinguished champion of the "irrepressible conflict," which is so much talked about, but also that which is held by Senators and members of this House upon this provision which furnishes the staple of almost every inflammatory appeal to the country. Upon referring to the Declaration of Independence, I find this clause, upon which gentlemen on the other side so much rest:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

Here is the quotation that is bandied about in the non-slaveholding States as authority for the violation of the sacred obligations imposed by the Constitution, and which, in my view, no man can conscientiously disregard. I am, for one, willing to concede this doctrine, as I understand it. I am willing to concede it, sir, because I am one of those who believe in the improvement of our race, and of their gradual elevation in the scale of intellectuality and civilization. But I ask, here, what race of people was referred to in that instrument? Did it

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have reference to the negro? I ask again, and I ask confidently, if the slaves of those—for at that time all were slaveholders—who were parties to the declaration of that great truth, were parties comprehended within its provisions?

Upon this subject, Mr. Clerk, I will read another paragraph:

“When in the course of human events”—

It is the first clause of the Declaration of Independence— “it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

I ask gentlemen—I ask those who speak of this declaration of equal rights—whether or not our slaves were parties to this declaration?

“When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another.”

Do gentlemen, in that language, find any warrant for the idea that the negro slave of the masters, who were parties to this declaration, was included in that great movement of separating the political bands which bound the American colonies to their mother country? I put the question with confidence. I appeal, without hesitation, to all the members of this House. I ask if, in this declaration, a slave was a party to the movement which was designed to sever the political bands between the colonies and the mother country?

But that is not all; the declaration proceeds:

“That, to secure these rights, Governments are instituted amongst men, deriving their just powers from the consent of the governed; that, whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and

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to institute a new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.”

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Yes, sir; that declaration is contained in this great instrument: that, if a people are dissatisfied with their form of government, they have the right to change and alter it, and to lay it down upon such foundation as to them may seem fit. I agree with that doctrine fully; and I ask again, in speaking of the people who have the right to do this thing, were the slaves of the masters who promulgated this great political truth parties included in this declaration?

I choose to press this point:

“Prudence, indeed, will dictate, that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” * * * Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government.”

Who were these colonies? Who were the people embraced in that provision? Who were they, sir, who were proposing to alter their former systems of government? Were they the slaves? Will any man pretend that they were included? I mention this view of the subject, because I wish gentlemen to remember when they are dealing with this instrument, that that instrument itself says that the people of the country may change their form of government, and plant it upon such principles, and construct it in such form, as to their judgment may seem proper. The Declaration goes on:

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“The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.”

In respect to those usurpations and that tyranny, were negroes referred to? I put the question, sir, without fear or hesitation, whether the very terms of the Declaration of Independence do not exclude the ascription given to it in the politics of the day.

But again, sir. Here is the conclusion of that instrument:

“We, therefore, the Representatives of the United States of America in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare”—

You see that it is the good people. Were they the slaves, or the masters of the slaves? Was it not the latter who were thus declaring? The slaves were not the good people of these colonies. In thus declaring, of course, they meant none but those who were parties to this Declaration of Independence: —“that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.”

Can anything be clearer? Yet, sir, the prominent Republicans of this country are eternally dwelling upon this Declaration, in the face of the clear and irrefragible testimony embodied in this instrument, as a justification for the agitation which disturbs our peace and threatens our Union.

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But, sir, let us go on. Two years after the enunciation of independence I have read from, the Articles of Confederation, the bond between the colonies, then in a state of war, was made. Article fourth is as follows:

“The better to secure and perpetuate mutual friendship and intercourse among the people of the different States of this Union, the *free* inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of *free citizens* in the several States; and the *people* of each State shall have *free ingress and egress* to and from any other State,” &c.

Here, you see, then, that two years after the Declaration of Independence, in conformity with the great principle of that instrument, these States agreed to a compact of perpetual Union, confining the Government thus formed, expressly to “the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted.”

Shall not that contemporaneous exposition utterly exclude forever the argument dwelt upon so much by the people of the Northern States, and with so much effect, no doubt, so far as it was designed to produce an effect?

“And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual union, Know 376 ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall

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be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.”

Here you see that the concluding stipulation of the Articles of Confederation declares that the Government was for the free people of the colonies, and not for the slaves. I have mentioned these things in order that the country, so far as they may see fit to examine into the subject, may understand that this argument about all people being born free and equal is mere clap-trap, and intended to mislead, and that the stipulation of the Articles of Confederation, which the parties framing the instrument agreed upon, was the true measure of obligation by which we were then bound.

But, sir, this Article of Confederation and perpetual union was found not to answer its purpose. Under the pressure of the revolutionary war, common interests and common necessities bound the people together in such a way as to make their efforts effective. But when the war terminated, the Government, as it were, fell to pieces. The Articles of Confederation were found totally ineffective, and it became absolutely necessary, in order to a preservation of the Union, that a new bond of union should be formed by the people. Accordingly we have that new bond of union in the present Constitution of the United States. It says:

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for a common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Who are the parties to that contract? The slaves? The free negroes even? No, sir; but the white people of the United States, as we all know, who entered into this compact, and who framed it in the manner I shall proceed to mention. It is well known that at the time of the adoption of this Constitution there were very many conflicting interests. There was the slavery question itself to be adjusted; there was the great interest of commerce

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and navigation to be regulated. The whole Constitution itself was full of difficulties and compromises. But finally, by the blessing of God and the wisdom of our forefathers, this instrument was the offspring of the joint intelligence and patriotism of its framers. What are its stipulations? Are they entitled to be respected and observed? I ask gentlemen upon the other side is it a bond to which their forefathers became parties, and do they recognize the obligation faithfully to redeem it? That is the question. I beg leave to send to the Clerk to be read a letter from a man who is described by a very distinguished citizen of Virginia (Mr. Rives) as a *clarum el venerabile nomen* —I refer to Mr. Madison. It was published only two or three years ago, and its publication was designed to let the country know the views of that distinguished man upon the questions touched upon by it. The letter refers to two or three very exciting subjects, and I desire to have the letter read, so far as it was published in the *National Intelligencer*:

The Clerk read the letter as follows:

Montpelier, November 27, 1819.

“ Dear Sir: —Your letter of the 11th was duly received, and I should have given it a less tardy answer but for a succession of particular demands on my attention, and a wish to assist my recollections by consulting both manuscript and printed sources of information on the subjects of your inquiry. Of these, however, I have not been able to avail myself but very partially.

“As to the intention of the framers of the Constitution in the clause relating to the ‘migration and importation of persons,’ &c., the best key may perhaps be found in the case which produced it. The African trade in slaves had long been odious to most of the States, and the importation of slaves into them had been prohibited. Particular States, however, continued the importation, and were extremely averse to any restriction on their power to do so. In the convention the former States were anxious, in framing a new Constitution, to insert a provision for an immediate and absolute stop to the trade. The latter were not only

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averse to any interference on the subject, but solemnly declared that their constituents would never accede to a Constitution containing such an article. Out of this conflict grew the middle measure, providing that Congress should not interfere until the year 1808; with an implication that after that date they might prohibit the importation of slaves into the States then existing, and previous thereto into the States not then existing. Such was the tone of opposition in the States of South Carolina and Georgia, and such the desire to gain 377 their acquiescence in a prohibitory power, that on a question between the epochs of 1800 and 1808, the States of New Hampshire, Massachusetts and Connecticut (all the Eastern States in convention) joined in the vote for the latter—influenced, however, by the collateral motive of reconciling those particular States to the power over commerce and navigation, against which they felt, as did some other States, a very strong repugnance. The earnestness of South Carolina and Georgia was further manifested by their insisting on the security in the fifth article against any amendment to the Constitution affecting the right reserved to them, and their uniting with the small States, who insisted on a like security for their equality in the Senate.

“But some of the States were not only anxious for a constitutional provision against the introduction of slaves; they had scruples against admitting the term ‘slaves’ into the instrument. Hence the descriptive phrase, ‘migration or importation of persons;’ the term migration allowing those who were scrupulous of acknowledging expressly a property in human beings to view *imported* persons as a species of emigrants, while others might apply the term to foreign malefactors, sent or coming into the country. It is possible, though not recollected, that some might have had an eye to the case of freed blacks as well as malefactors.

“But, whatever may have been intended by the term ‘migration’ or the term ‘persons,’ it is most certain that they referred exclusively to a migration or importation from other countries into the United States, and not to a removal, voluntary or involuntary, of slaves or freemen from one to another part of the United States. Nothing appears, or is recollected, that warrants this latter intention. Nothing in the proceedings of the State

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conventions indicates such a construction there. Had such been the construction, it is easy to imagine the figure it would have made, in many of the States, among the objections to the Constitution and among the numerous amendments to it, proposed by the State conventions, not one of which amendments refers to the clause in question. Neither is there any indication that Congress have heretofore considered themselves as deriving from this clause a power over the migration or removal of individuals, whether freemen or slaves, from one State to another, whether new or old; for it must be kept in view that if the power was given at all, it has been in force eleven years, over all the State existing in 1808, and at all times over the States not then existing. Every indication is against such a construction by Congress of their constitutional powers. Their alacrity in exercising their powers relating to slaves is a proof that they did not claim what they did not exercise. They punctually and unanimously exercised the power accruing in 1808, against the further importation of slaves from abroad. They had previously directed their power over American vessels, on the high seas, against the African trade. They lost no time in applying the prohibitory power to Louisiana, which, having maritime ports, might be an inlet for slaves from abroad. But they forbore to extend the prohibition to the introduction of slaves from other parts of the Union. They had even prohibited the importation of slaves into the Mississippi Territory, from *without the limits of the United States*, in the year 1798, without extending the prohibition to the introduction of slaves from *within those limits*; although, at the time, the ports of Georgia and South Carolina were open for the importation of slaves from abroad, and increasing the mass of slavery within the United States.

“If these views of the subject be just, a power in Congress to control, the interior migration or removal of persons must be derived from some other source than section nine, article first; either from the clause giving power ‘to make all needful rules and regulations respecting the territory or other property belonging to the United States,’ or from that providing for the admission of new States into the Union.

“The terms in which the first of these powers is expressed, though of a ductile character, cannot well be extended beyond a power over the territory as property, and a power to

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make the provisions really needful or necessary for the government of settlers until ripe for admission as States into the Union. It may be inferred that Congress did not regard the interdict of slavery among the needful regulations contemplated by the Constitution. since in none of the territorial governments created by them is such an interdict to be found. The power, however, be its import what it may, is obviously limited to a Territory while remaining in that character, as distinct from that of a State.

“As to the power of admitting new States into the Federal compact, the questions offering themselves are: Whether Congress can attach conditions or the new State concur in conditions which, after admission, would abridge or *enlarge* the constitutional rights of legislation common to other States; whether Congress can, by a compact with a new member, take power either to or from itself, or place the new member above or below the equal rank and rights possessed by the others; whether all such stipulations, expressed or implied, would not be nullities, and so pronounced when brought to a practical test? It falls within the scope of your inquiry to state the fact that there was a proposition in the convention to discriminate between the old 378 and the new States, by an article in the Constitution declaring that the aggregate number of Representatives from the States thereafter to be admitted should never exceed that of the States originally adopting the Constitution. The proposition, happily, was rejected. The effect of such a discrimination is sufficiently evident.” * *

“With respect to what has taken place in the Northwest Territory, it may be observed that the ordinance giving its distinctive character on the subject of slave-holding proceeded from the old Congress, acting with the best intentions, but under a charter which contains no shadow of the authority exercised; and it remains to be decided how far the States formed within that Territory and admitted into the Union are on a different footing from its other members as to their legislative sovereignty.” * *

“Whether the convention could have looked to the existence of slavery at all in the new States is a point on which I can add little to what has been already stated. The great object

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of the convention seemed to be to prohibit the increase by the *importation* of slaves. A power to emancipate slaves was disclaimed; nor is anything recollected that denoted a view to control the distribution of those within the country. The case of the Northwestern Territory was probably superseded by the provision against the importation of slaves by South Carolina and Georgia, which had not then passed laws prohibiting it. When the existence of slavery in that Territory was precluded the importation of slaves was rapidly going on, and the only mode of checking it was by narrowing the space open to them. It is not an unfair inference that the expedient would not have been undertaken if the power afterwards given to terminate the importation everywhere had existed or been anticipated. It has appeared that the present Congress never followed the example during the twenty years preceding the prohibitory epoch.” * * * * *

“Under one aspect of the general subject I cannot avoid saying that, apart from its merits under others, the tendency of what has passed and is passing fills me with no slight anxiety. Parties, under some denomination or other, must always be expected in a Government as free as ours. When the individuals belonging, to them are intermingled in every part of the whole country, they strengthen the union of the whole while they divide every part. Should a state of parties arise founded on geographical boundaries and other physical and permanent distinctions which happen to coincide with them, what is to control those great repulsive masses from awful shocks against each other?”

Mr. Smith, of Virginia. The House will see that this letter of Mr. Madison, written in 1819, is a review of the slavery features of the Constitution. It is a very interesting document, and one which will address itself, I have no doubt, with great force, to the understanding of every fair-minded man. It was written when the Missouri question was under agitation. It was called out in reply to a letter of Mr. Walsh, of Philadelphia, and it made its first appearance in print in 1856. I trust the House will not fail to remember that, upon Mr. Madison's testimony it appears that this slavery question was one of the deepest excitement in the convention; that it exercised the most anxious consideration of the fathers of the Republic; that its adjustment was deemed of the first and most vital

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consequence; that, so far from its being a common sentiment of that body or of the country, that slavery was to end, there was an earnest and determined purpose that it should be protected and preserved. In the final settlement of the question, what do we see? Massachusetts, Connecticut, New Hampshire, the only non-slaveholding States now which were then represented in that convention, voting for the extension of the time for the importation of African slaves, while Virginia voted against it.

Now, this being the state of the case, gentlemen, let me call your attention to the provisions of the Constitution. The consideration on the part of the Northern States, for yielding this protection to the institution of slavery, was the power over commerce and navigation—a power fraught with the greatest mischief to the country, as many of us believe, and one which has been the source of innumerable woes to one portion of the Union. But that was the consideration, if this high testimony is to be believed. Accordingly, when this Constitution was formed; when it was submitted to the people; when the various conventions of the different States passed upon it; they had all these views upon the subject of slavery before them, and they knew that the adoption of this feature in the Constitution was essential to the adoption of other provisions to which the other States were averse; indeed, to the adoption of the Constitution itself. Hear how the clauses designed for the protection of slavery read;

“Representatives (says the Constitution) and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.”

I pray gentlemen to pause here a moment, while I consider this feature. The solemn declaration which the Declaration of Independence contains, that the people 379 have a right to establish their form of government on such principles and in such forms as to them may seem fit, is here again illustrated. They confined this Federal Government, in

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express terms, to the people therein described. They recognized the existence of slavery; and, instead of giving to the South the full benefit of her laboring population, they cut her down to three-fifths. They thus recognized the principle that they were not parties to the compact. They created a form of government by which these people are excluded, and gave a representation, according to the usual conception of it, of three-fifths of their property, in order that there might be a guarantee for its protection—a guarantee against the invasion that has been seduously attempted from the first year of the Constitution. Is that compact an obligation upon you, gentlemen? When you take your oaths at that desk, to support the Constitution of the United States, do you or do you not take an oath to stand by and hold sacred this provision?

But that is not all. Here is another provision to which I desire to call your attention. The ninth section provides that—

“The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808.”

There is another express stipulation that until 1808, the preëxisting right of importation of African slaves should not be prohibited. Did you, or did you not, agree to that obligation? Did the people of the free states agree to it? Mr. Madison tells you that every one of the States now free, then represented in the convention, agreed unanimously to extend the privilege of importation up to the year 1808. Why was that privilege accorded? That slaves might be imported; that they might be preserved as such; that they might be used as such. Were they imported for the purpose of manumission? Were they imported to be set free, in accordance with the views now spread over the country, that our forefathers expected slavery to end shortly? Were they brought into the country, at the expense of the purchaser, under an obligation to set them free? I put the question to you, gentlemen, and to every person. Is not the argument violative of all the principles of probability, and is it not directly in the teeth of the plainest obligations? I say, then, that the power to import, which

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was recognized and continued up to the year 1808, imposed, *ex vi termini*, an obligation to protect and preserve, and not destroy and annul, that institution.

But that is not all. The next clause to which I invite the attention of the House is this:

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

Again, article five provides:

“The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of the Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided, that no amendment which may be made prior to the year 1808 shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.*”

Here, sir, is the privilege to import up to the year 1808, broadly conceded—and for a consideration, as Mr. Madison tells you. The Constitution itself, *quo ad hoc*, should not be disturbed till after that period. Does this look like our forefathers expected that slavery would speedily end?

I ask gentlemen how it is possible that they can be within the pale of their constitutional duties when they undertake to agitate and nullify these provisions. You had not only no power to prevent importation up to 1808, but you had no power to amend the Constitution on that point, or in regard to the suffrages of States in the Senate. ask you, gentlemen,

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if this is not one of the clearest obligations? I ask you if, as parties to that compact, you do not see that good faith, honorable sentiment, and manly bearing, demand your hearty coöperation in the preservation of that institution, and not in its destruction?

Now, in regard to this fugitive slave feature of the Constitution. I shall, even at the expense of boring the House, trouble them to hear the sentiments of those who have preceded them. This feature was put into the Constitution, and was perhaps, the only one that made a perfect nationality of the whole American Union.

That clause was inserted in the Constitution for the purpose of giving to the 380 slaveholder the same power for the reclamation of his slave in all the States that he possessed within his own State. I repeat, and I wish gentlemen to remember it, that when a slave escapes—in Virginia, for instance—his owner has a right to claim him in any county within the broad limits of the Old Dominion. This clause of the Constitution was designed to give the master whose servant had escaped the same power within the limits of the Union that he had within the limits of his own State. I ask the Representatives from New Hampshire, from Massachusetts, from Connecticut, whether their States did not give their sanction to these slavery features? I ask them, whether their States did not agree by their solemn bond, which they entered into with their sister States, faithfully to observe the compacts contained therein? I ask them, if they admit that—and they cannot deny it—how they can unite in a policy which repudiates the obligation to which I have referred, and seek to defeat the sanctity of the protection which was bought from their representatives by the representatives of other States? Have you not received in full the enormous advantage of power over commerce and navigation? But, apart from all that, here is an obligation, here is a solemn stipulation, gentlemen, which you solemnly entered into, or your ancestors did, against which all the representatives of the State I in part represent voted, and will you faithfully, honestly, uprightly respect and maintain it?

Well, after the Constitution went into operation, the Congress of the United States were called upon to pass the act of 1793, the object of which was to provide by law for the

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enforcement of that clause of the Constitution which secures to the master the right to reclaim his slave. And, sir, why was it passed? To redeem the obligations of the Constitution. And it is a little remarkable, I state it as a fact, mentioned a few days ago by the gentleman from Iowa, (Mr. Curtis,) that the very first case that ever occurred under the fugitive slave act of 1793, was that of General Washington himself. It is a curious fact that General Washington, in 1796, had a slave woman who left the service of his wife and went into New England. He, in a letter to Mr. Whipple, of one of the New England States, I do not know which, asked for her restoration under the law of 1793. Was his woman restored to him? Did he, the Father of his Country, the man who approved this act, obtain its benefit? He wrote to Mr. Whipple, stating the fact of the escape, and claiming the benefit of the law; but at the same time, while he asked for the return of the woman, said if there was to be a fuss about it, let them keep her. And what think you, gentlemen of the House of Representatives, was the result? Her restoration was refused, and General Washington lost her.

This, sir, was the way in which New England, even at this early day, vindicated her plighted faith, and fulfilled her obligations. Yes, she denied to the Father of his Country his constitutional rights.

But, sir, the first case that came up judicially connected with the exposition of this subject, occurred in the case of *Prigg vs. the Commonwealth of Pennsylvania*; and I shall be pardoned, I am sure, for calling attention to some features of that case. It was in 1842. It was a case of the first impression. It happened that two distinguished gentlemen were on the bench from the non-slaveholding States, and the opinion of the court was unanimous. Mr. Justice Story, one of the most able and distinguished lawyers of that day, was the gentleman selected to deliver the opinion of the court. On that occasion Mr. Justice McLean was also upon the bench, and although he differed in some particulars, yet he concurred, in the main, in the general doctrines. We have a striking illustration of the estimate in which Mr. Justice Story was held by one of his colleagues, equally if not more conspicuous. It is represented that Chief Justice Marshall, who was for so long a

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time the president of the court, was in the habit of taking up the record of the case under consideration, and, looking closely into its merits, make up his opinion. Submitting his views to his associates, if approved by them, it is said his habit was to say, "Well, brother Story, be good enough to hunt up the authorities." Such was the high estimate in which he was held for his learning. Mr. Justice Story, on this occasion, delivered the opinion of the court, in the case of *Prigg vs. the State of Pennsylvania*. In the consideration of the case, the constitutionality of the act of 1793 was involved. I ask the Clerk to read from the opinion of the court, the passages I have marked.

The Clerk read as follows:

"Few questions which have ever come before this court involve more delicate and important considerations; and few upon which the public at large may be presumed to feel a more profound and pervading interest. We have accordingly given them our most deliberate examination; and it has become my duty to state the result to which we have arrived, and the reasoning by which it is supported."

* * * * *

"The last clause is that the true interpretation whereof is directly in judgment before us. Historically, it is well known, that the object of this clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State in the Union into which they might escape 381 from the State where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slave-holding States; and, indeed, was so vital to the preservation of their domestic interests and institutions that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding States, by preventing them from intermeddling with or obstructing or abolishing the rights of the owners of slaves.

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“By the general law of nations, no nation is bound to recognize the state of slavery, as to foreign slaves found within its territorial dominions, when it is in opposition to its own policy and institutions, in favor of the subjects of other nations where slavery is recognized. If it does it, it is as a matter of comity, and not as a matter of international right. The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws. This was fully recognized in Somerset's case, Lofft's Rep. I; S. C. II; State Trials by Harg. 340; S. C., 20 Howell's State Trials, 79; which was decided before the American Revolution. It is manifest from this consideration that, if the Constitution had not contained this clause, every non-slaveholding State in the Union would have been at liberty to have declared free all runaway slaves coming within its limits, and to have given them entire immunity and protection against the claims of their masters; a course which would have created the most bitter animosities and engendered perpetual strife between the different States. The clause was, therefore, of the last importance to the safety and security of the Southern States; and could not have been surrendered by them without endangering their whole property in slaves. The clause was accordingly adopted into the Constitution by the unanimous consent of the framers of it; a proof at once of its intrinsic and practical necessity?”

“How, then, are we to interpret the language of the clause? The true answer is, in such a manner as, consistently with the words, shall fully and completely effectuate the whole objects of it. If by one mode of interpretation the right must become shadowy and unsubstantial, and without any remedial power adequate to the end; and by another mode it will attain its just end and secure its manifest purpose; it would seem, upon principles of reasoning, absolutely irresistible, that the latter ought to prevail. No court of justice can be authorized so to construe any clause of the Constitution as to defeat its obvious ends, when another construction, equally accordant with the words and sense thereof, will enforce and protect them.

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“The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law, or regulation can in any way qualify, regulate, control, or restrain. The slave is not to be discharged from service or labor in consequence of any State law or regulation. Now, certainly, without indulging in any nicety of criticism upon words, it may fairly and reasonably be said that any State law or State regulation which interrupts, limits, delays, or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates, *pro tanto*, a discharge of the slave therefrom. The question can never be, how much the slave is discharged from; but whether he is discharged from any, by the natural or necessary operation of State laws or State regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive and absolute right.

“We have said that the clause contains a positive and unqualified recognition of the right of the owner in the slave, unaffected by any State law or regulation whatsoever, because there is no qualification or restriction of it to be found therein; and we have no right to insert any which is not expressed and cannot be fairly implied; especially are we estopped from so doing when the clause puts the right to the service or labor upon the same ground and to the same extent in every other State as in the State from which the slave escaped and in which he was held to the service or labor. If this be so, then all the incidents to that right attach also; the owner must, therefore, have the right to seize and repossess the slave, which the local laws of his own State confer upon him as property; and we all know that this right of seizure and recaption is universally acknowledged in all the slaveholding States. Indeed, this is no more than a mere affirmation of the principles of the common law applicable to this very subject. Mr. Justice Blackstone (3 Bl. Com., 4) lays it down as unquestionable doctrine. ‘Recaption or reprisal (says he) is another species of remedy by me mere act of the party injured. This happens when any one hath deprived another of his property in goods or chattels personal, or wrongfully detains one's wife, child, or servant; in which case the owner of the goods, and the husband, parent, or master may lawfully claim

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and retake them, wherever he happens to find them, so it be not in a riotous manner, or attended with a breach of the peace.' Upon this ground we have not the slightest hesitation in holding that, under and in virtue of the Constitution, the owner of a slave is clothed with entire authority, in every State in the Union, to seize and recapture his slave, whenever he can do it without a breach of the peace 382 or any illegal violence. In this sense and to this extent this clause of the Constitution may properly be said to execute itself, and to require no aid from legislation, State or national."

Mr. Smith, of Virginia. I now ask the Clerk to read, as marked, from the opinion of Mr. Justice McLean in the same case.

The Clerk read, as follows:

"That the Constitution was adopted in a spirit of compromise, is matter of history. And all experience shows that to attain the great objects of this fundamental law, it must be construed and enforced in a spirit of enlightened forbearance and justice. Without adverting to other conflicting views and interests of the State represented in the general convention, the subject of slavery was then, as it is now, a most delicate and absorbing consideration. In some of the States it was considered an evil, and a strong opposition to it, in all its forms, was felt and expressed. In others it was viewed as a cherished right, incorporated into the social compact, and sacredly guarded by law.

"Opinions so conflicting, and which so deeply pervaded the elements of society, could be brought to a reconciled action only by an exercise of exalted patriotism. Fortunately for the country, this patriotism was not wanting in the convention and in the States. The danger of discord and ruin was seen and felt and acknowledged; and this led to the formation of the Confederacy. The Constitution, as it is, cannot be said to have embodied, in all its parts, the peculiar views of any great section of the Union; but it was adopted by a wise and far-reaching conviction that it was the best which, under the circumstances, could be devised;

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and that its imperfections would be lost sight of, if not forgotten, in the national prosperity and glory which it would secure.

“A law is better understood by a knowledge of the evils which led to its adoption. And this applies most strongly to a fundamental law.

“At an early period of our history, slavery existed in all the colonies; and fugitives from labor were claimed and delivered up under a spirit of comity or conventional law among the colonies. The Articles of Confederation contained no provision on the subject, and there can be no doubt that the provision introduced into the Constitution was the result of experience and manifest necessity. A matter so delicate, important, and exciting, was very properly introduced into the organic law.”

“It was designed to protect the rights of the master, and against whom? Not against the State, nor the people of the State, in which he resides; but against the people and the legislative action of other States where the fugitive from labor might be found. Under the Confederation, the master had no legal means of enforcing his rights in a State opposed to slavery. A disregard of rights thus asserted was deeply felt in the South. It produced great excitement, and would have led to results destructive of the Union. To avoid this, the constitutional guarantee was essential.”

Mr. Smith, of Virginia. I have adverted to that authority for the reason that it was the first elaborate judicial construction of this constitutional provision. On that occasion, gentlemen, this important case engaged the most solemn consideration of the highest judicial tribunal of the country—a tribunal at that time enjoying the reverence of all the people of the land; it will be seen that the northern and western judges equally concurred. As this stipulation was the result of a compromise upon which turned the possibility of union, it will be seen that they recognized and laid down the doctrine, in the fullest sense, that the slave owner had the same right to pursue his property into each and all of the States of the Confederacy that he had within the State in which he resided. And, sir, I ask

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gentlemen, when they look at this grave question in this view, when they remember Mr. Madison's exposition of the history of that day, whether they could have obtained some of the provisions which inure to their advantage without the amplest protection of this particular interest? I ask them how they have proceeded to execute this law within their limits? It is a little remarkable, and I desire to call attention to it, that, although this interest was thus protected by a compact to which all the States of the Union were parties, and after full and careful consideration, yet, sir, a year had not passed after the Constitution went into operation, before slavery agitation began.

I beg gentlemen also to remember that this agitation did not come from the South; no, sir, let it be known to gentlemen of this House and to the country that that agitation came from the North. In the first volume of the Annals of Congress, 1789–90–91, gentlemen will find, under date of 11th February, 1790, that an elaborate memorial was presented by Mr. Fitzsimmons, addressed to the Senate and the House of Representatives. That memorial gave rise to a lively and animated debate which covers a number of pages. I advert to it here, so that those who are curious may consult it. That debate, sir, is interesting, as it illustrates a dawning disregard, at that early day, of solemn constitutional obligations. It exhibits the source, the fountain of those bitter waters that have spread gradually over the whole country, 383 poisoning not only the political but even the social relations. This agitation began to strengthen. The excitement increased. Memorials were offered in large and larger numbers. The policy of antagonism to Southern property at that time, although in its infancy, yet, sir, was fully developed. It was agitate, agitate, agitate; render insecure and unsafe the property of the slaveholder; that property, sir, which ought, under solemn constitutional obligations, to have been protected and secured; that property which, for the stipulations in the Constitution securing its safety, full and ample price had been paid.

They went on agitating year after year, until finally, sir, what do we see? It is not necessary for me to call attention to the acquisition of Louisiana; it is not necessary for me to speak of the fact that it was a Territory in which the institution of slavery had already been planted; that it existed and had been planted by force of the civil law throughout its vast limits.

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Missouri asked to come into the Union; then, sir, we saw an effort made to keep her out, which shook this Union to its foundation. Mr. King, of New York, proclaimed upon that occasion that the subject was one not of humanity but of power. He said that no interest ought to be put in competition with political power. If it was, as one of the original parties to the compact, he said that he felt himself in honor bound not to submit. He said, moreover, that the admission of Louisiana itself created a new confederacy, a compact, and that if an attempt to extend slavery beyond the Mississippi succeeded the people of the North ought not to submit for any interest whatsoever. I call attention to these declarations of that man, not only because of his ability and distinction in the country at that time, but because it proclaims the real motive which has disturbed this Union. It was a question of political power, a question which overrode all other interests, obligations of sacred compacts and all. All, all, sir, were as nothing compared with the question of political power.

It has been the fashion, Mr. Clerk, to charge upon the Democratic party the responsibility of agitating the slavery question for the sake of its own advantage. Sir, this question was brought forward by Mr. Taylor, and was sustained by Mr. King. As I want to hurry over this point, I think I cannot do better than call the attention of the House to a letter from Henry Clay to Mr Woods, of Albemarle, Virginia. I trust that there are still some here who were old Whigs that have not lost all affection and veneration for the memory of that distinguished statesman. The Clerk will read what I send to him.

The Clerk read, as follows:

Albemarle, Virginia, September 2, 1856.

Dear Sirs: —In a conversation, a few days since, with a Representative in Congress from this State, allusion being made to a letter from Mr. Clay to my late brother, William S. Woods, giving the part which he had taken in bringing about the Missouri compromise, considerable anxiety was expressed that the letter might be published; and I herewith

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inclose to you, his ever constant and devoted friends, the original, that you may do with it as you think proper.

Yours most truly, JOHN R. WOODS.

Messrs. Gales & Seaton, Washington.

Ashland, July 16, 1835.

Dear Sir: —I have duly received your favor of the 8th instant, and feel greatly obliged by the friendly sentiments and the constancy with which you have adhered to me. I regret extremely that I can supply you with no copy of any speech that I ever made on the Missouri question. The debate was long, arduous, and, during the last agitation of the question, I spoke almost every day for two or three weeks on the main or collateral questions. The set or prepared speech which I made of three or four hours' duration was never published. Of my share in the debate there is, therefore, only a meager account to be gleaned from the papers of the day.

The question first arose in the session of 1819–20. When the bill for admitting Missouri into the Union was on its passage, Mr. Taylor, of New York, proposed to insert in it, as a condition on which the State was to become a member of the Confederacy, that it should never tolerate slavery or involuntary servitude. The argument by which that proposition was maintained by himself and others was, that slavery was contrary to divine law and to the acknowledged rights of man; that it ought not to exist; that it is an admitted evil; that, if the General Government cannot extirpate it in the old States, it can prevent its extension to the new; that, being contracted within a limited sphere, it will be less pernicious and more controllable; that Congress, having the power to admit new States, may prescribe the conditions of their admission; and that in all preceding instances of the admission of new States some conditions were annexed.

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To all this we replied that the General Government had nothing to do with the subject of slavery, which belonged exclusively to the several States; that they alone 384 were to judge of the evil and the remedy; that every State had such entire control over the matter that those which tolerated slavery might abolish it, and those which never had it or had abolished it might now admit it without any interference from the General Government; that although Congress had the power to admit new States, when admitted, by the express terms of the Constitution, they were on the same footing in every respect whatever, with the senior States, and consequently had a right to judge for themselves on the question of slavery; that, if Congress could exercise the power of annexing a condition respecting slavery, they might annex any other condition, and thus it might come to pass that, instead of a confederacy of States of equal power, we should exhibit a mongrel association; that, in the case of other new States, they were not conditions upon their sovereignty, but voluntary compacts, relating chiefly to the public lands, and mutually beneficial; that the extension of slavery was favorable to the comfort of the slave and to the security of the white race, &c.

The proposition by Mr. Taylor (which I think had been made at the previous session) was defeated by a small majority, and the bill passed without the obnoxious condition.

Missouri assembled her convention, formed a constitution and transmitted it to Congress. In that constitution she unfortunately inserted a clause against free blacks, and when, at the session of 1820–21, it was proposed to admit her into the Union, the same party who had supported the condition, taking advantage of that exceptionable clause, now opposed her admission.

I did not reach Washington until in January, and when I got there I found the members from the slave States, and some from others, in despair. All efforts had been tried, and failed, to reconcile the parties. Mr. Lowndes had exhausted all his great resources in vain. Both parties appealed to me, and, after surveying their condition, I went to work. I saw that each was so committed and so wedded to its opinion that nothing could be effected

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without a compromise; and the point with me was to propose some compromise which should involve no sacrifice of principle. I got a committee of thirteen appointed by the House, and furnished to the Speaker (Mr. Taylor) a list of such members as I wished, embracing enough of the Restrictionists to carry any measure, if they would agree with us. In that committee I proposed, and, with its assent, reported to the House a clause, by way of condition, to be annexed to the act admitting her, substantially like that which was finally adopted. It was defeated in the House by Mr. Randolph and Messrs. Edwards and Burton, of North Carolina, voting against it.

My next movement was to get a joint committee of twenty-four appointed by the two Houses. That on the part of the House was chosen by ballot, and a list which I made out were appointed, with a few exceptions. They reported the resolution, now to be found on the statute-book, which was finally passed 2d of March, 1821, and settled the question.

Never did a party put so much at hazard as the Restrictionists did on so small a question as that was which arose on the second occasion, growing out of the constitution of Missouri. Never have I seen the Union in such danger. Mr. King, of New York, was understood to concur in all the measures of the Restrictionists. He was a member of the Senate, spoke largely on the subject, and was most triumphantly refuted in one of the ablest speeches of Mr. Pinkney, of Maryland, that I ever heard.

Besides the topics employed in the first instance, on this second occasion the main effort of our opponents was procrastination; they urging that the matter should be put off until the new Congress. We believed that their real purpose was to consolidate their party and to influence the presidential election then approaching. I never was in better health and spirits, and never worried my opponents more. I coaxed, soothed, scorned, defied them by turns, as I thought the best effect was to be produced. Towards those, of whom there were many from the free States, anxious for the settlement of the controversy, I employed all the persuasion and conciliation in my power.

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At the conclusion of the business I was exhausted; and I am perfectly satisfied that I could not have borne three weeks more of such excitement and exertion.

This account of that memorable question is written for your own satisfaction, and not for publication. It is the first draft, and I retain no copy.

Your letter has brought on you a great infliction in this long epistle. You must ascribe it to the friendly feelings excited by yours. I rarely commit this sort of offense. With great respect, I am yours, faithfully,

H. CLAY.

William S. Woods, Esq.

Mr. Smith, of Virginia. I have read, Mr. Clerk, and gentlemen of the House, that letter of Mr. Clay, as containing a sort of review of the great struggle upon that occasion, a struggle of power, before which the obligations due to the Constitution had to go down. There, sir, was the first introduction of the principle, assuming the exercise of an unconstitutional power, but which the South, for the sake of the Union, reluctantly consented to submit to.

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But, sir, I have not done with this subject; I choose to be full upon the subject, and I now ask the Clerk to read a letter from Mr. Jefferson to Mr. Holmes, and one also to Mr. John Adams.

The Clerk read the letters, as follows:

“ Monticello, April 22, 1820.

“I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident

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they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire-bell in the night, awakened and filled me with terror, I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle, which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected; and, gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation by dividing the burden on a greater number of coadjutors. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for example, say that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

“I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately, weigh the blessings they will throw away, against an abstract principle more likely to be effected

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by union than by secession, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself, as the faithful advocate of the Union, I tender the offering of my high esteem and respect.”

“ Monticello, January 22, 1821.

* * * * *

“Our anxieties in this quarter are all concentrated in the question, what does the Holy Alliance in and out of Congress mean to do with us on the Missouri question? And this, by-the-by, is but the name of the case, if it is only the John Doe or Richard Roe of the ejection. The real question, as seen in the States afflicted with this unfortunate population, is, are our slaves to be presented with freedom and a dagger? For if Congress has the power to regulate the conditions of the inhabitants of the States within the States, it will be but another exercise of that power to declare that all shall be free. Are we then to see again Athenian and Lacedemonian confederacies? To wage another Peloponnesian war to settle the ascendancy between them? Or is this the tocsin of merely a servile war? That remains to be seen; but not, I hope, by you or me. Surely, they will parley awhile and give us time to get out of the way. What a Bedlamite is man? But let us turn from our own uneasiness to the miseries of our southern friends. Bolivar and Morillo, it seems, have come to the parley, with dispositions at length to stop the useless effusion of human blood in that quarter, I feared from the beginning, that these people were not yet sufficiently enlightened for self-government; and that after wading through, blood and slaughter, they would end in military tyrannies, more or less numerous. Yet as they wished to try the experiment, I wished them success in it; they have now tried it, and, will possibly find that their safest road will be an accommodation with the mother country, which shall hold them together by the single link of the same chief magistrate, leaving to him power enough to keep them in peace with one another, and to themselves the essential power of self-government and self-improvement, until they shall be sufficiently trained by education and habits of freedom, to walk safely by themselves. Representative government, native

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functionaries, a qualified negative on 386 their laws, with a previous security by compact for freedom of commerce, freedom of the press, *habeas corpus*, and trial by jury, would make a good beginning. This last would be the school in which their people might begin to learn the exercise of civic duties as well as rights. For freedom of religion they are not yet prepared. The scales of bigotry have not sufficiently fallen from their eyes to accept it for themselves individually, much less to trust others with it. But that will come in time, as well as a general ripeness to break entirely from the parent stem. You see, my dear sir, how easily we prescribe for others a cure for their difficulties, while we cannot cure our own. We must leave both, I believe, to Heaven, and wrap ourselves up in the mantle of resignation, and of that friendship of which I tender to you the most sincere assurances.”

Mr. Smith, of Virginia. I ask the Clerk also to read, in this connection, an article in reference to the same subject.

The Clerk read, as follows:

“President Monroe drew up a draft of a veto message which he intended to send into Congress, in 1820, upon its passing a law prohibiting slavery in the territory north of 36° 30#, as a condition precedent upon which Missouri was to be admitted into the Union as a slave State. From that message, which yet exists in Mr. Monroe's handwriting, the following extract is made:

“The purposed restriction of Territories which are to be admitted into the Union, if not in direct violation of the Constitution, is repugnant to its principles, since it is intended to produce an effect on the future policy of the new States, operating equally upon, and in regard to, the original States, injuring those affected by it in an interest protected from such injury by the Constitution, without benefitting any State in the Union.’

“As a matter of policy, which was afterward proved to be mistaken, Mr. Monroe waived his constitutional objections, and signed the bill. His message above quoted shows his opinion

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of the Republican creed. The following letter from Mr. Madison shows why the celebrated ordinance of 1787, in regard to slavery in the Northwest Territory, was passed:

“I have observed, as yet, in none of the views taken of the ordinance of 1787, interdicting slavery northwest of the Ohio, an allusion to the circumstance that when it passed the Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were, in the full exercise of the right to import them; and, consequently, that there was no mode in which Congress could check the evil but the indirect one of narrowing the space open for the reception of slaves.

“Had a Federal authority then existed to prohibit, directly and totally, the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or, perhaps, thought of.

“I find the idea is fast spreading that the zeal with which the extension [so called] of slavery is opposed, has, with the coalesced leaders, an object very different from the welfare of slaves, or a check to their increase, and that the real object is, as you intimated, to form a new state of parties founded on local instead of political distinctions.’— *Letter of James Madison to President Monroe, dated Montpelier, February 20, 1820.* ”

Mr. Smith, of Virginia. I wish you, gentlemen, the House, and the country, to bear in mind distinctly, that here are authorities of the fullest and amplest character against the constitutionality of the Missouri line. It is from men of the very highest character—men personally acquainted with the earliest days of the Constitution; and they all testify to the same conclusion. Nor is that all. Mr. Jefferson's name is used; Mr. Madison's name is used; Mr. Clay's name is used, everywhere, in certain sections of the Union, as evidence of a deep-seated hostility to slavery; and here are those distinguished men recognizing the solemn obligation of the compact, and looking upon the Missouri question

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with apprehension and alarm. Mr. Jefferson says that when the Missouri question broke out, it struck upon his ear like a fire-bell in the night, and that it filled him with terror and alarm; Mr. Madison says nothing, in his reminiscences of that day, justifying that action; Mr. Monroe himself had prepared a message vetoing the bill; and Mr. Clay resisted the Missouri restriction with all his great resources.

And be it remembered, furthermore, that the starting, and the agitation of this question, was from the North; not in a spirit of urbanity and affection, but as a question of power, pushed to the very extreme, almost to the dissolution of the Union itself. Hear Mr. Clay upon the subject. When he returned here in January, 1821, he found Congress in deep apprehension and alarm, and the most patriotic men full of fear and horror. Even the great Lowndes himself, with a heart full of love for his 387 country, had surrendered the struggle in despair. It was at such a time as that, and under such circumstances, that Mr. Clay interfered for the adjustment of this matter, and ultimately succeeded, at the expense of the Constitution, in preserving peace. I say at the expense of the Constitution; for, according to the clearest and highest evidence, not only of these men whom I have quoted, but of the Supreme Court of the United States in the Dred Scott decision, the act was an usurpation of power, unwarranted by the Constitution, and destructive to the equal rights of the country.

Mr. Kilgore. Will the gentleman permit me to ask him, if Congress has power, under the Constitution, to restrict or limit the introduction of slavery into the Territories, would not that necessarily include a power to prohibit it? Then, what disposition will the gentleman make of the act of 1804, organizing the Territory of Orleans, approved by Mr. Jefferson?

Mr. Smith, of Virginia. I understand that. Mr. Madison explains it. He says, moreover, that the ordinance of 1787, which had not the slightest warrant in the Articles of Confederation, was introduced for the purpose of restricting or narrowing the space to which slaves could be carried, and thus to diminish the inducements to import them. It was the intention of the Constitution to confine the foreign importation of slaves to the States then existing.

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Mr. Kilgore. The gentleman has not answered my question. I asked the gentleman to reconcile the approval of Mr. Jefferson of that bill to the position which he now represents Mr. Jefferson to have held upon the question.

Mr. Smith, of Virginia. I have no doubt it is reconcilable. Louisiana was acquired by purchase; and the right to import slaves was confined to the States existing at the adoption of the Constitution, and, by necessary implication, the power of restraining importations into other States or Territories was yielded to the Federal Government.

I will not undertake to deal with that question now; when it comes up properly, I will be prepared to meet the gentleman. Suffice it to say, here is the authority you so frequently invoke—Madison, Jefferson, and Monroe—and they were against this invasion of the Constitution in the adoption of the Missouri line.

But, sir, that is not all. What I want the country to understand, what I want their attention particularly called to, is the fact that this great question which shook the Union to its foundation, originated at the North—originated there in no patriotic or humane purpose, but from a lust of power. Mr. King, the great leader in this question, broadly stated that to be the doctrine. It was a question of power, which should override all other interests and all other considerations. It is that point I wish the country to understand. The encroachments of the slave power have been so often and so unjustly denounced, that I want the country to remember that this great first movement, disturbing the equipose of the Constitution, was from the North, and was a question of power; that it was pressed almost to a disruption of the Union. Proclaim it, then, in all the highways and byways of the country, that the first great agitation of this question arose from a lust of power by the North, and was pressed to the last extreme, and, at last, the Union was only rescued from the impending peril by the extraordinary exertions of Henry Clay.

Well, the question passed; and having passed, let me now call your attention, if you please, to the great sacrifices made by the South on that occasion, It was one of the

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highest evidences of love of the Union that is furnished in the history of the Government. While the South strongly resisted this Missouri line, so long as they could; while they had firm and profound convictions of its injustice, as well as of its unconstitutionality, yet, in the last extremity, when all seemed to be lost, the South, in that spirit of fraternal love which laid the foundations of the Constitution, yielded their objections to this demand of power, surrendered their views of interest, agreed to the demolition of the Constitution, in that particular, and assented that the line of 36° 30# might be regarded as one of the compromises of the Union.

Sir, the history of that transaction proves, in the southern heart, the highest veneration and devotion to the Union. The North cared not. They meant to have their pound of flesh. They meant to have a limitation placed on the expansion of slavery, at whatever peril. At last, in the exigency of the moment, the South permitted this violation of their rights.

I say, then, that instead of assailing the South as being hostile to the Union, the history of that transaction presents the South in a high moral light of glorious and beautiful devotion to the finest fabric of government that was ever raised by the inspiration of mortal man. I stand up here before the country and say that the history of that transaction is the highest compliment to our patriotic devotion to the Union that is furnished in our immortal and eventful history. We went for the measure for the sake of peace. We went for it against our convictions. We went for it against our interests. We did it all for the sake of the Union. Even Mr. Monroe, that good and just man, after he had prepared his veto, when the measure passed both Houses, 388 under the inspiring exertions of Henry Clay, yielded his convictions, and laid down his sense of duty and of right on the altar of his country. And, great God! is the South to be arraigned at the bar of public opinion on the charge that it is incendiary in its character and hostile to this holy ark of our covenant? But, fellow-citizens was the anti-slavery power satisfied with that invasion of the Constitution? No, sir the work was not yet finished; the power was not yet completely theirs. Agitation continued;

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memorials poured in on Congress day after day and year after year. Finally, in 1835, a profound agitation again shook the Union to its center.

I mention this fact, because it is very common for gentlemen to say that this measure gave us peace and settled the controversies of the country. Sir, it is not so. It was but the beginning of aggression. It was one of the steps of successful outrage upon the South and upon the Constitution, and it inspired to renewed exertion. I could go minutely into the history of that day, and establish beyond a peradventure what I have stated, but I will refer to one single matter, as illustrative of the general accuracy of the position that I take.

In 1835, notwithstanding the great concession which had been made by the South she again became the theme of every species of northern vituperation and detraction. Though the South had conceded so much, she gained no favor. The thing was agitated still; and the cry still was, there shall be agitation, until the Union again became profoundly agitated "From turret to foundation-stone."

I refer to but one single piece of testimony, and that is pregnant and full; and it will establish beyond a question the fact that I maintain.

Such was the intensity of agitation, such the profound excitement in the public mind, that old Faneuil Hall again echoed with the voices of patriotic devotion to the Union. In 1835, fifteen years after the Missouri agitation, Harrison Gray Otis, a *clarum et venerabile nomen*, (I will say also,) appeared in Faneuil Hall, and there addressed an assembly of his fellow-citizens on the subject. I ask attention to the extract which I send to the Clerk's desk.

The following was read from the Clerk's desk:

"The meeting of 1835 was at the dawning of the modern fearful abolition movement, and just as adroit politicians began to use it for political purposes. In his speech at this meeting, Harrison Gray Otis pointed out the evident direction of this abolition movement towards a

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political association, and its tendency to bear directly on the ballot-box and influence the elections. His words are striking:

“Already we know that the member of Congress elect for this district was interrogated upon his intended course respecting slavery in the District of Columbia, and with an independence which, apart from his other merit, evinces his qualifications for his place, he refused to pledge himself, and reserved the right to act as his judgment might dictate when obliged to act. And can you doubt, fellow-citizens, that these associations will act together for political purposes? Is it in human nature for such combinations to forbear? If, then, their numbers should be augmented, and the success they anticipate realized in making proselytes, how soon might you see a majority in Congress returned under the influence of the associations? And how long afterwards would this Union last?”

“The veteran speaker went on to deprecate the tendency of these associations. ‘Some,’ he remarked, ‘already maintain that the duties of religion and morality transcend those which result from constitutions and treaties;’ and in exposing and denouncing the very doctrine now known as the higher law, he declared that ‘no man can vindicate a breach of the Constitution by setting up the standard of a different law for his own government.’ In support of this, he brought to bear that eloquence which was heard, by political friend and opponent, with such delight. His plea was for the maintenance of the Federal compact; for a manifestation of the spirit in which it was made; and as violations of this spirit, he held up the words then freely used against slaveholders. Almost all the epithets of vituperation which the language affords, he said, ‘have been applied to the slaveholders and their principles—to the principles of Washington and Jefferson and Madison and the Rutledges and Pinckneys, and the thousands of other great and estimable persons who have held or yet hold slaves.’ He pointed to the portraits of Hancock and Washington, which hung in the hall, and said:

“Let us imagine an interview between them, in the company of friends, just after one had signed the commission for the other—and in ruminating on the lights and shadows

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of futurity, Hancock should have said, "I congratulate my country on the choice she has made, and I foresee that the laurels you gained in the field of Braddock's defeat will be twined by those which will be earned by you in the war of Independence; yet such are the prejudices in my part of the Union against slavery, that although your name and services may screen you from opprobrium during your life, your countrymen, when the willows weep over your tomb, will be branded by mine 389 as men-stealers and murderers, and the stain of it consequently annexed to your memory." Would not such a prophecy have been imputed to a brain disturbed by public cares, and its accomplishment regarded as a mere chimera?'

"Such was the patriotic sentiment which the Boston of 1835 applauded. Mr. Otis accurately delineated the poisonous cast of the seed which the Abolitionists were then sowing, and which, to-day, has sprung up into a fruitful crop of treason and murder. Shame that public meetings held here should justify a slave revolt! Shame that clergymen should so far forget what is due to fidelity to the Constitution and the laws, under which they enjoy the priceless boon of security, as to pronounce from their desks with respect the name of a criminal who wantonly violated them, and who, if he could, would have desolated Virginia with fire and sword!"

Mr. Smith, of Virginia. Is it not a shame that such should be the fact? I have had this extract read for the purpose of letting the House understand that at that day, fifteen years after the Missouri compromise, the country, instead of having peace, was deeply agitated; and Faneuil Hall had again to speak out in favor of the Union and the country. It was on that occasion, at a time when we are told all over the country that this great measure brought healing on its wings, that the people of Boston again assembled in the name of patriotism, and that their great man of that day addressed them in the language I have had read. And yet, my countrymen, yet, Mr. Clerk, and gentlemen of the House, even after the sacrifice that had been exacted from us by the Missouri compromise, we were, at that early day, the common theme of vituperation. And the memory of Washington himself was

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not even spared. Every epithet that could be invented was then applied to us, according to this unmistakable testimony.

Well, sir, this was in the year 1835. Boston then spoke. Boston poured out her strains of patriotic eloquence in behalf of the Union and the country. Did it bring us peace? Did it allay the heart-burnings that existed? No, no, the agitation—I want gentlemen to understand—continued still, notwithstanding this attempt to allay it. It continued until the Twenty-Sixth Congress, when the Halls of Congress, in both Houses, were overwhelmed with petitions on the subject of slavery.

I say that a petition was presented by John Quincy Adams, ex-President of the United States, and a member of Congress from the State of Massachusetts, asking for a dissolution of the Union. You all know, at least all of us who are familiar with the history of that day, know the deep and profound excitement which immediately occurred. A motion was made bearing directly upon him, and one of the most remarkable political controversies upon the floor of the House of Representatives that perhaps ever existed in any legislative body was the consequence and the result. Sir, there was a strong disposition to deal harshly with the old gentleman—to impeach him, to drive him from the Hall; but he made a glorious fight of it; he stood here and battled before the assembled wisdom of the country, with a perseverance and power that I, at least, have never seen surpassed.

I was here then, not as a member, but as “a looker on in Vienna;” and, sir, his successful vindication of himself, so far as it was a success, was founded upon his eminent ability and in that respect which we all insensibly feel for distinguished services and venerable age. I will not go into the peculiar circumstances of that day. Suffice it to say that there was an adjustment of the question and it passed quietly from the consideration of the House it being understood—at least, I so understood at the time, and perhaps there may be some evidence of it—that he would not longer offend the feelings of the South by the presentation of offensive memorials. I mention this because I desire to have it understood

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that it was in consequence of the agitation and of the multiplication of these memorials at that day that the celebrated 21st rule was established. That rule was established for the purpose of securing repose and giving us peace. Every day a memorial was presented, and every day an inflammatory speech was made; and the 21st rule was introduced for the purpose of putting down this agitation. Who resisted it? Not the South. No, the South desired to end the agitation and to have peace and repose; but it interfered with the antislavery sentiment of the country. The North wanted memorial after memorial to be poured in here, and every memorial to be followed by an inflammatory speech at the expense of the repose, the peace, and the quiet of the country.

That was the origin, that the history of the 21st rule; but instead of bringing us peace, it was a new “apple of discord” to the country. The sacred right of petition was said to be invaded. It was in vain that gentlemen upon this side of the House said, “Why, gentlemen, your memorials bearing upon a subject not within the scope of our constitutional powers, ought not, of course, to be received. What is the use of our Constitution, what the use of the limitation on our powers if the time of the House is to be occupied, and its business and duties are to be interfered with by the introduction of matters foreign to our functions?” It was in vain that Mr. Wise, then a member of the House, introduced this precedent to which I call attention, and which I will ask the Clerk to read:

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The Clerk read, as follows:

“Mr. Wise said he wished to read from the Journals of 1800 an authority which he thought would settle the minds of the members of this House, and stop the debate. He would call the particular attention of gentlemen representing the non-slaveholding States to the action of the fathers of the Constitution on this very question. He would read from the Journals of the Fifth and Sixth Congresses, from 1797 to 1801:

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“Upon the 2d of January, 1800, Mr. Wall, of Pennsylvania, presented a petition from Absalom Jones and others, people of color and freemen, within the city and suburbs of Philadelphia, “complaining that the slave trade to the coast of Guinea is carried on in a clandestine manner from the United States; that freemen of color are seized, fettered, and sold as slaves, in various parts of the country; that the law not long since enacted by Congress, called the fugitive bill, is, in its execution, attended with circumstances peculiarly hard and distressing; and stating further, that, although they do not ask for the immediate emancipation of all who are now in unconditional bondage in these States, they humbly desire that Congress may exert every mean in their power to undo the heavy burden,” &c.

“Mark (said Mr. W.) the humility of this petition; it is far less objectionable than the abolition petitions of the present day. ‘They humbly desire that Congress may exert every mean in their power to undo the heavy burdens, and prepare the way for the oppressed to go free, that every yoke may be broken.’

“I ask attention (continued Mr. W.) to the proceeding on this petition:

“A motion was made and seconded that the House do come to the following resolution, to wit:

“ *Resolved*, That so much of the petition as relates to the laws of the United States respecting the slave trade from the United States to any foreign place or country, and the laws respecting fugitives from justice and persons escaping from the service of their masters, be referred to the committee appointed, on the 12th day of December last, to inquire whether any, and if any, what alterations ought to be made in the law entitled “An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.”

“And, debate arising thereupon, an adjournment was called for.’

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“Thus far (continued Mr. W.) on the 2d of January, 1800. Then they adjourned. On the next day ‘the House resumed the consideration of the motion, depending yesterday, for the reference of certain parts of the petition of Absalom Jones and others; whereupon, a motion was made (by a gentleman of the North, although that does not appear on the Journals, yet I have a history of the whole matter) to amend the same by adding, “and that parts of the said petition which invite Congress to legislate upon a subject from which the General Government is precluded by the Constitution, have a tendency to create disquiet and jealousy, and ought therefore to receive no encouragement of countenance from this House.”””

Mr. Smith, of Virginia. Mr. Clerk, I have read this authority for the purpose of showing that the position I have stated was vindicated by a precedent. The whole House of Representatives, in the year 1800, with a single exception, voted to exclude that memorial, upon the ground that it embraced subjects not within the constitutional scope of the powers of this House. That single exception was George Thatcher. I know not where he was from, but I have no doubt he was from “down East.” There were eighty-five affirmative votes to one negative. And how did Mr. Adams, that grave, venerable, intellectual gentleman, meet it?

“Mr. Adams. And the mountain was delivered of his mouse.”

That is the way in which that able man met a precedent in 1800, covering the very point in discussion between these gentlemen. I want the House to understand the ground upon which we sustained the propriety of the 21st rule, and also the ground upon which that rule was opposed. The Opposition sought to introduce into the consideration of the subject matter outside of the Constitution, whilst we adhered to the matter and obligations of the Constitution. We showed that our position was right by the deliberate action of the House of Representatives, by an almost unanimous vote in the year 1800. I hold that that vindication of our position is such a one as cannot be met by an answer. But, sir, agitation continued, and it brought forth some of the most extraordinary doctrines ever enunciated in

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this Hall. I call attention to these doctrines because it will be perceived that in them we find a key to much of the subsequent agitation in which the country has been involved.

Mr. Adams himself, in that celebrated debate, enunciated the doctrine that, if a servile insurrection should be gotten up in the slave States, that if by any possibility a servile war could be engendered, then the Federal Constitution could give power to the Federal Government over the subject of slavery; that then the Federal Government would have the right to put an end to the institution of slavery. I want the country to understand this extraordinary doctrine, because it is the unhesitating avowal, by an eminent man, of the most dangerous doctrine, which has been observed and respected by others, and of which the foray of John Brown is but an illustration. I want the country to know that the object of many in this country is to excite a servile insurrection, in order that they may call upon the Federal Government to suppress it, and in that way to acquire a constitutional power over the existence of the institution of slavery. Such was the doctrine of Mr. Adams. On the 9th of June, 1841, Mr. Ingersoll, commenting on what Mr. Adams had said, said:

“Mr. I. went on to express his astonishment and horror at what had fallen from the gentleman from Massachusetts [Mr. Adams] the other day when speaking on this subject. He understood the gentleman as saying that, in the event of a servile war breaking out in the South, there would be an end of the Constitution. He would be glad to know whether he (Mr. I.) had understood him.

“Mr. Adams rose and said: If the gentleman wished him to repeat what he had said, he had no hesitation in saying that he had said no such thing as that, in that event, there would be an end of the Constitution of the United States. What he had said was, that in the event of a servile war, his own opinion would be that if the free portion of the people of this Union were called upon to support the institutions of the South by suppressing the slaves, and a servile war in consequence of it, in that case he would not say that Congress had no right to interfere with the institutions of the South; that the very fact, perhaps, of the free portions of this Union being called to sacrifice their blood and their treasure for

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the purpose of suppressing war in a case in which a most distinguished southern man, the author of the Declaration of Independence, had declared that in that event the Almighty had no attribute that sided with the master—he would say that if the free portion of this Union were called upon to expend their blood and their treasure to support that cause which had the curse and the displeasure of the Almighty upon it, he would say that this same Congress would sanction an expenditure of blood and treasure, for that cause itself would come within the constitutional action of Congress, and that there would be no longer any pretension that Congress had not the right to interfere with the institutions of the South, inasmuch as the very fact of the people of a free portion of the Union marching to the support of the masters would be an interference with those institutions; and that, in the event of a war the result of which no man could tell, the treaty-making power would become to be equivalent to universal emancipation. This was what he had then said, and he would add to it now, that, in his opinion, if the decision of this House, taken two days ago, should be reversed, and a rule established that the House would receive no petition on this subject, the people of the North would be *ipso facto* absolved from all obligation to obey any call from Congress. If the petitions were refused, then no call could be made upon them. If the free people of the North have nothing to do with the South, then they should not be called upon to support the South.”

Mr. Ingersoll interrupted Mr. Adams with the expression of the deep indignation of his soul at the utterance of such a doctrine; that in case of a servile insurrection the Federal Government would have the constitutional right, under the treaty-making power, to abolish slavery if called upon to comply with the obligations of the Constitution, which required it to exercise its giant strength for the repression of invasion, and the suppression of domestic violence. Mr. Adams reiterated that doctrine, so that it was not a hurried opinion, but a deliberate judgment. He repeated his adherence to that doctrine, which every man, it seems to me, ought to pronounce atrocious.

I repeat that Mr. Adams restated his doctrine. He again affirmed that in case of a servile war the Federal Government would have jurisdiction over the subject of slavery within the

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States, that it would have the right, under the treaty-making power, to put an end to the institution of slavery. Sir, that doctrine of course cannot fall like water upon the sands. It fructified. It was repeatedly adverted to by a distinguished member from the State of Ohio. One of the members from Ohio [Mr. Cox] the other day referred to the language of one of the former members from that State to whom I refer. I allude to the extract of a speech made in this House by Mr. Giddings. Said Mr. Giddings:

“Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when the thunder shall roll and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondmen, the southern slaves of the South shall feel that they are men; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are men, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble, when their dwellings shall smoke, and dismay sit on each countenance, 392 then, sir, I do not say ‘we will laugh at your calamity, and mock when your fear cometh;’ but I do say, when that time shall come, the lovers of our race will stand forth and exert the legitimate powers of this Government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slaves. That will be a period when this Government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will dawn upon the world.”

Here, then, you see that in the Thirty-Third or Thirty-Fourth Congress, a member upon this floor dared to utter this atrocious sentiment. Yes, sir, the period is hastening on when

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the horrors of civil war will be abroad upon the face of the land. The incendiary torch is to illumine our land; murder and rapine are to run in riot over the sunny, glorious South.

But, sir, though this 21st rule was repealed, under the lead of John Minor Botts and Kenneth Raynor, of North Carolina, yet it brought no peace; gave us no quiet. Agitation still continued; and again I must introduce to the attention of this House, Henry Clay, of Ashland, Kentucky.

The Clerk read the following letter to Mr. Colton:

Ashland, September 2, 1843.

My Dear Sir: Allow me to suggest a subject for one of your tracts, which, treated in your popular and condensed way, I think would be attended with great and good effect. I mean Abolition.

It is manifest that the ultras of that party are extremely mischievous, and are hurrying on the country to fearful consequences. They are not to be conciliated by the Whigs. Engrossed with a single idea, they care for nothing else. They would see the administration of the Government precipitate the nation into absolute ruin before they would lend a helping hand to arrest its career. They treat worst, and denounce most, those who treat them best, who so far agree with them as to admit slavery to be an evil. Witness their conduct towards Mr. Briggs and Mr. Adams in Massachusetts, and towards me.

I will give you an outline of the manner in which I would handle it: Show the origin of slavery. Trace its introduction to the British Government. Show how it is disposed of by the Federal Constitution; that it is left exclusively to the States, except in regard to fugitives, direct taxes, and representation. Show that the agitation of the question in the free States will first destroy all harmony, and finally lead to disunion—perpetual war—the extinction of the African race—ultimate military despotism.

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But the great aim and object of your tract should be to arouse the laboring classes in the free States against abolition. Depict the consequences to them of immediate abolition. The slaves, being free, would be dispersed throughout the Union; they would enter into competition with the free laborer—with the American, the Irish, the German—reduce his wages, be confounded with him, and affect his moral and social standing. And, as the ultras go both for abolition and amalgamation, show that their object is to unite in marriage the laboring white man and the laboring black woman, to reduce the white laboring man to the despised and degraded condition of the black man.

I would show their opposition to colonization, Show its humane, religious and patriotic aim. That they are to separate those whom God has separated. Why do the Abolitionists oppose colonization? To keep and amalgamate together the two races, in violation of God's will, and to keep the blacks here. that they may interfere with, degrade, and debase the laboring whites. Showy that the British Government is so coöperating with the Abolitionists for the purpose of dissolving the Union, &c. You can make a powerful article, that will be felt in every extremity of the Union. I am perfectly satisfied it will do great good. Let me hear from you on this subject.

HENRY CLAY.

Mr. Burnett. I ask the gentleman from Virginia to yield me the floor.

Mr. Smith of Virginia. I do, sir.

[Cries of "Object!" from the Republican benches.]

Mr. Burnett. Gentlemen cannot object. The gentleman from Virginia has the right to yield for a motion to adjourn; which motion I now make.

The motion was agreed to; and thereupon (at twenty minutes past three o'clock, p. m.,) the House adjourned.

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Tuesday, December 27, 1859.

Mr. Smith. of Virginia. Mr. Clerk, daring my remarks on yesterday, I undertook 393 took to show that the whole slavery question was solemnly and deliberately adjusted in the convention that framed the Federal Constitution. I undertook then to demonstrate that the fathers of the Republic, impressed with a full sense of the high responsibility of the position they occupied, sought to give peace to this Confederacy of sovereign and independent States by adjusting all possible points of collision between them. I undertook to show that, so far from this being a Constitution which looked to the speedy termination of the institution of slavery, it expressly provided for its continuance; that, in the sternest and most exacting manner, it sought to give perpetuation to that institution so long as it was the pleasure of those interested in it. I undertook to show that, so far as the Constitution itself and the common sense of the country were expressed by it, there was no doubt it was the clear, explicit, and manifest purpose of those who framed that instrument, to fence round the institution of slavery with the highest and most acceptable guarantees. Having, as I trust, sufficiently demonstrated that position upon yesterday, I then proceeded to show that, notwithstanding this solemn purpose, indicated in the official history of the country, as well as in the provisions of the Constitution itself, agitation commenced upon this subject the very first year of the new Constitution. That agitation is shown in the debates which took place then; and those debates show that the agitation was the fountain from which flowed all the troubles to the country. I then went on to show, sir, that this subject continued to excite the attention of the country time after time, until at last, in 1820, upon the application of Missouri for admission into the Union, violent opposition was made against the acknowledged rights, as I conceive, not only of Missouri herself, but of the institution of slavery as it exists in the country—a violent opposition, sir, for the purpose of power, as proclaimed by the chief mover of that struggle. I explained to you the fearful crisis which then presented the experiment of man's fitness for self-government. I showed you that when the hearts of the stoutest sunk in despair, Mr. Clay stepped in to the rescue, and, by his extraordinary activity, succeeded in compromising and adjusting the difficulty

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for the time. I also showed that Mr. Jefferson, with prophetic warning, said that it was only a suspension, only a lulling, for the time being, of the storm which would shake the country to its base. I then, sir, went on to show that, notwithstanding this adjustment—an adjustment created under the most solemn and imposing circumstances—agitation still continued against the rights of the South. Aggression, successful once, always engenders a disposition for another; and I showed that agitation was again resumed, and continued, with much fierceness, up to 1835; that old Faneuil Hall, called the cradle of liberty, was again roused, with the thunder-tones of patriotic eloquence, by Otis, one of the most renowned and eloquent of Massachusetts' sons. I showed that, notwithstanding this appeal, the agitation still continued, and continued with such increasing and multiplying volume that at last this House established what is called the 21st rule, the object of which was to repress the agitation of the slavery question. I showed, also, that that rule failed in its object. On the contrary, I showed that it furnished a new theater of agitation and discussion. I showed that in the Twenty-Seventh Congress Mr. Adams boldly proclaimed upon the floor of this House, and before the country, that in case of a servile insurrection and the Federal authorities were called upon to suppress it, the Constitution gave the Federal Government jurisdiction over the subject, and that under the treaty-making power, it would have the right to provide for the emancipation of slaves. I showed that this sentiment had been pressed forward, and that Mr. Giddings, of Ohio, in the Thirty-Fourth Congress, boldly announced the same doctrine. I then showed that, in 1843, Mr. Clay wrote a letter to his biographer, Mr. Colton, requesting him to write an article upon the subject of the existing agitation, pointing out how the question was to be dealt with. I asked members of this House to look particularly to that letter, fraught as it is with the most solemn suggestions. Just at that time I gave way for the purpose of adjournment. I was in the midst of a subject upon which I was dwelling. I now proceed with the argument I was submitting, and the collation of authorities supporting the opinions I express. I do so with the hope that they may not fall without profit upon the country. I can assure the House and the country that by my age and experience alike I am unwilling to trifle with

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the important duties before us. I feel it to be my duty to review the past with a view to conclusions bearing upon the present.

Now, sir, if I get the attention of the House, I will proceed, in the same spirit which governed me yesterday, to collate the authorities upon the various points I wish to make, and so to make clear certain important and essential conclusions. Whilst Mr. Clay was urging upon Mr. Colton to press upon the country, in his happy manner, the views suggested in his letter of 1843, a distinguished gentleman from Massachusetts, then occupying a position upon this floor, was stirring up, by his eloquence and intellect, the bitter waters of sectional strife. I have here taken from the interview, to which I believe I once referred upon this subject, what passed on the 21st of February, 1843. Gentlemen, I pray you not to close your ears against it, but to look upon this, with the other evidence I have introduced, as calculated to arouse an apprehension, on the part of the South, that the equilibrium of the Union was to be disturbed for the purpose of sacrificing the dearest and cherished interests of one of the most important portions of the Union. And I also pray gentlemen of the other side, when they come to contemplate the review to which I have adverted, to make some allowance for the excitability sometimes manifested by the South, under the deep provocations to which they are continually subject. I beg leave, now, to read an extract in reference to a memorable debate between John Quincy Adams, and Mr. Dellet, of Alabama, on the 21st of February, 1843:

“Mr. Dellet, of Alabama, reviewed in succession all the speeches against the 21st rule, and finally coming to Mr. Adams's remarks in favor of the abolition of slavery, concluding with the prayer that in God's good time it would come, and let it come.

“Mr. Dellet asked Mr. Adams if he understood him!

“Mr. Adams nodded assent, and said, with great earnestness, ‘Let it come.’

“Mr. Dellet. Yes, let it come. No matter what the consequences, let it come, said the gentleman. Let it come, though women and children should be slain, though blood should

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flow like water, though the Union should be destroyed, though the Government be broken up, no matter though five millions of the people of the South perish!

“Mr. Adams, (in his seat.) Five hundred millions! Yes, let it come.”

Mr. Cobb. Was that the sentiment of an Alabamian?

Mr. Smith, of Virginia. No, sir; it was the reply of Mr. Adams to Mr. Dellet.

Mr. Cobb. I was going to say that if an Alabamian held such doctrines we would hang him up.

Mr. Smith, of Virginia. Yes, sir, upon this floor and in the face of the American Union, Mr. Adams boldly proclaimed “let it come, though five hundred millions perish; let it come.” The extract continues:

“The remark of Mr. Adams here excited considerable sensation in the House, and Mr. Dellet proceeded: ‘I am,’ said he, ‘one of the few who, in 1824, believed that it was better to have a civilian elected to the highest office in the gift of the people than a military chieftain. It was then I voted for the gentleman from Massachusetts; I cannot ask my country to forgive me for this offense, but I do ask pardon of my God for it.’”

Mr. Smith, of Virginia. I will now, Mr. Clerk, proceed historically with the subject I have been treating. I will call the attention of the House to a declaration of Mr. Seward, in 1848. I do that for two purposes. I do it, first, for the purpose of illustrating unmistakably the progress of this agitation, by showing that there was a persistent agitation on the question from the first year of the Constitution. I wish to show the sentiments uttered by the most important, and perhaps the most distinguished man of the present day; because I hold that these are not the mere sentiments of a man, for he is the type of a great party, whose sentiments he speaks. I therefore, call the attention of the House and of the country to an

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extract from the speech of Mr. Seward, delivered at Cleveland, in 1848. On that occasion he said:

“Slavery can be limited to its present bounds; it can be ameliorated; it can be and it must be, abolished; and you and I can and must do it. The task is as simple and easy as its consummation will be beneficent and its rewards glorious. It requires to follow only this simple rule of action: to do everywhere, and on every occasion, what we can, and not to neglect or refuse to do what we can, at any time, because, at that precise time, and on that particular occasion, we cannot do more. Circumstances determine possibilities.” * * * * *

* * * *

“Correct your own error that slavery has constitutional guarantees which may not be released, and ought not to be relinquished.” * * * “You will soon bring the parties of the country into an effective *aggression upon slavery*. ”

Here, then, you see that it is proclaimed by this gentleman in the midst of an exciting slavery agitation in the free States, that abolition can be effected, and that “you and I (in his own language) can and *must* do it.” The programme is to agitate, to do everything you can, whether it seems to involve an important consequence or not; to do everything you can, although, for the time being, it may not be valuable or important. You may soon, (said he,) by this course, bring back the parties of the country to “ *an effective aggression upon slavery*. ”

How pregnant were these words; how full of warning; and how fruitful of trying results! Having brought this subject to the year 1848, I propose now to read another extract from the speech of the same gentleman, delivered last year. I do it for two reasons: first, to show the continuation of the agitation during the intervening period from that time, and to show that Mr. Seward was adhering to the policy indicated in 1848. In this speech delivered on the 25th of October, 1858, in the city of Rochester, which was deliberately prepared, and on which I may have occasion to comment, he 395 designed to arouse and

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awake public feeling, and to lead these people on to their work of death on the Constitution and the Union. Says Mr. Seward:

“Martin Van Buren—the first non-slaveholding citizen of a free State to whose election the Democratic party ever consented—signalized his inauguration into the Presidency by a gratuitous announcement that under no circumstances would he ever approve a bill for abolishing slavery in the District of Columbia. From 1838 to 1844, the subject of abolishing slavery in the District of Columbia and in the national dock-yards and arsenals was brought before Congress by repeated popular appeals. The Democratic party thereupon promptly denied the right of petition, and effectually suppressed the freedom of speech in Congress, as far as the institution of slavery was concerned.”

In 1848, Mr. Douglas, acting on the idea that the Missouri compromise was an adjustment; that it was to remain the law of the land, offered in the Senate of the United States a proposition to extend the line of 36° 30# to the Pacific ocean:

“Mr. Badger. Now, Mr. President, I propose to come to the inquiry whether the principle of the legislation of 1820 has not been in fact departed from, overturned, and repudiated. First, sir, I call your attention to an amendment moved in the Senate to the bill to establish the territorial government of Oregon. By reference to the Journal of August 10, 1848, it will be seen:

“On motion by Mr. Douglas to amend the bill, section fourteen, line one, by inserting after the word “enacted”—

“That the line of 36° 30# of north latitude, known as the Missouri compromise line, as defined by the eighth section of an act entitled, ‘An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, approved March 6, 1820, be, and the same is hereby, declared to extend to the Pacific ocean; and the said eighth section, together with the

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compromise therein effected, is hereby revived and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted.”

Now, here was a distinct proposition, made by a Democratic Senator at the head of the Territorial Committee in the Senate of the United States, to extend the Missouri compromise line to the Pacific Ocean. Can any man doubt that if that proposition had prevailed, it would not have prevented any disturbance of the question? But, no; those who now cry out in favor of the Missouri line, and denounce the bad faith involved (as they charge) in its repeal, opposed this proposition with all their power. What says Mr. Badger? After speaking of the proposition of the honorable Senator from Illinois, he proceeds:

“Well, sir, it was carried in the Senate. I must pause here and say that right things are very apt to be carried in the Senate. The vote was: yeas 33, nays 21. I believe that every gentleman representing a southern constituency here voted for that provision. I final the yeas were:

“Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Mississippi, Dickinson, Douglas, Downs, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalf, Pierce, Sebastian, Spruance, Sturgeon, Turney, and Underwood—33.’

“The nays were:

“Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clarke, Corwin, Davis of Massachusetts, Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Walker, and Webster—21.”

Here, then, you see the South manifesting a willingness to permit the Missouri line to remain as the fixed law of the land. Here you see the spirit of peace and brotherhood

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to which I alluded yesterday. They were willing to allow that line to extend to the Pacific ocean. But, sir, it was defeated; not by the Senate, for they passed it; it was defeated in this House. It came here, and was defeated; and, would you believe it? the very men who are now talking so much of the sanctity of the Missouri compromise; who have mouthed it through the country for the purpose of misleading the public mind, as I must insist; the very men who are clamoring fast and furious upon this subject, were the men who themselves defeated this measure. Look to the history of this subject since the measure received its quietus, you will find the same men and the same party voting against the principle and the extension of the Missouri line to the Pacific ocean, now clamoring and denouncing the repeal of the Missouri line as a breach of faith of the most glaring character.

But, sir, that is not all. Mr. Hale, himself, made a speech, as I will show you presently, in which his views were fairly indicated. I have no hesitation in saying 396 that if the proposition were now pending to reestablish the Missouri compromise line, and extend it to the Pacific, the Black Republican party would promptly vote it down. Well, sir, I now pass on to 1850. All recollect that the measures, commonly known as the compromise measures of 1850, excited the country to the profoundest depths. The patriotic heart of the country was again stirred up. Faneuil Hall again spoke out and endeavored to lull the storm. The settlement then made by the compromise measures of 1850, I insist, and I shall endeavor to show you, was an adjustment of the whole territorial question before the country. I beg leave to read an extract from Mr. Clay's famous speech of March, 1850. I put it in here, because I desire to have it published and go to the country.

In answer to the allegation that the compromise measures repealed the Missouri restriction, a prominent man said:

“But they tell you also that the compromise measures of 1850 repealed the compromise measures of 1820. In the first place, I would like to ask—who said so? then, next, I would like to ask—who thought so? Nobody!—nobody thought so, and nobody said so; and

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the man who would have said so would have been regarded as a fit subject for a lunatic asylum.”

Now, sir, I answer that Mr. Clay, Mr. Toombs, and Mr. Foote said so. These citations are from Mr. Clay's famous speech of March 6, 1850:

“Sir, while I was engaged in anxious consideration upon this subject, the idea of the Missouri compromise, as it has been termed, came under my review, was considered by me, and finally rejected, as in my judgment less worthy of the common acceptance of both parties of this Union than the project which I offer to your consideration.

“But I wish to contrast the plan of accommodation which is proposed by me with that which is offered by the Missouri line, to be extended to the Pacific ocean, and to ask gentlemen from the South and from the North too, which is most proper, most just, to which is there the least cause of objection? What was done, sir, by the Missouri line? Slavery was positively interdicted north of that line. The question of admission or exclusion of slavery south of that line was not settled. There was no provision that slavery should be admitted south of that line. In point of fact, it existed there. In all the territory south of 36° 30#, embraced in Arkansas and Louisiana, slavery was then existing. It was not necessary, it is true, to insert a clause admitting slavery at that time. But, if there is a power to interdict, there is a power to admit; and I put it to gentlemen from the South, are they prepared to be satisfied with the line of 36° 30#, interdicting slavery north of that line, and giving them no security, for the admission of slavery south of that line?

“When I came to consider the subject, and to compare the provisions of the line 36° 30#—the Missouri compromise line—with the plan which I have proposed for the accommodation of this question, said I to myself, if I offer the line of 36° 30#, to interdict the question of slavery north of it, and to leave it unsettled and open south of it, I offer that which is illusory to the South—I offer that which will deceive them, if they suppose that slavery will be secured south of that line. It is better for them—I said to myself—it is better

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for the South that there should be non-action as to slavery both north and south of the line—far better that there should be non-action both sides of the line, than that there should be action by the interdiction on the one side, without action for admission upon the other side of the line. Is it not so? What is there gained by the South, if the Missouri line is extended to the Pacific, with the interdiction of slavery north of it?" &c.

"I hope, then, to keep the whole of these matters untouched by any legislation of Congress upon the subject of slavery, leaving it open and undecided. Non-action by Congress is best for the South, and best for all the views which the South have disclosed to us from time to time, as corresponding to their wishes. I know it has been said with regard to the Territories, and especially has it been said with regard to California, that non-legislation upon the part of Congress implies the same thing as the exclusion of slavery. That we cannot help. That Congress is not responsible for. If nature has pronounced the doom of slavery in these Territories—if she has declared, by her immutable laws, that slavery cannot and shall not be introduced there—who can you reproach but nature and nature's God? Congress you cannot. Congress abstains. Congress is passive. Congress is non-acting, south and north of the line; or rather, if Congress agrees to the plan which I propose—extending no line—it leaves the entire theater of the whole cession of these Territories untouched by legislative enactments, either to exclude or enact slavery."

Again Mr. Clay said:

"The field has been left open for both (sections) to be occupied," &c.— *Appendix Congressional Globe, first session Thirty-First Congress, page 614.*

Again:

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"Senators may go home and say that these vast territories are left open."

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Mr. Foote said, in a speech on the compromise measures, (*Congressional Globe*, 1st session, Thirty-First Congress, page 1273:)

“This bill opens the whole territory to both sections of the Union alike.”

Mr. Toombs declared with still more distinctness, in a letter addressed to his constituents, in 1850 that—

“This great principle of State equality and Federal non-intervention thus compromised away in 1820, has been rescued, reestablished, and firmly planted in our political system by the recent action of Congress,”

Again, Mr. Clay said:

“It was high time that the wounds which the Wilmot proviso had inflicted (this anti-slavery restriction was the same in effect to the territory where it applied with the Wilmot proviso) should be healed up and closed; and that to avoid, in all future time, the agitation which must be produced by the conflict of opinion on the slavery question, the true principle which ought to regulate the action of Congress, in forming territorial governments for each newly acquired domain, is to refrain from all legislation on the subject in the territory acquired, so long as it retains the territorial form of government.”

During the reading of the above extract,

Mr. Potter asked if it was the President's message which was being read.

Mr. Smith, of Virginia. Certainly, if the gentleman desires to have the President's message read, I will cheerfully give way for a motion to that effect. Do I understand the gentleman from Wisconsin to make that motion?

Mr. Potter. I will merely state, in reply to the gentleman from Virginia, that I understood him on Saturday to say he was unwilling to have the speeches of other gentlemen incorporated

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in his speech and published at his expense, and I did not know but the President's message was now getting in the same way. [Laughter.]

Mr. Smith, of Virginia. I did not know whether the gentleman wanted to give us an exhibition of his smartness or not. If so, I hope he has been gratified at the result. I presume, and I have no doubt, the country will be greatly edified. [Laughter.]

Mr. Clerk, the House cannot fail to perceive that I have here furnished distinguished evidence that all the Territories of the United States were henceforth to be considered as free for every class of labor. All the restrictions which had been placed upon any of these Territories were to be removed. The effect of the compromise measures of 1850 was to repeal the Missouri and all other restrictions upon the Territories. It was to lay the whole country open. The argument of Mr. Clay, addressed mainly to the South, was conclusive in this respect. The Missouri line placed a positive restriction upon all the territory north of 36° 30#. South of that line there was no such prohibition, but there was no distinct declaration that slavery should be seated there. He went on and undertook to prove that it was better for the South that this whole country should be laid open; that all the restrictions resulting from past legislation should be removed. That was the declaration of Mr. Clay; and I mention these things to show what ground there is for the clamor which gentlemen are in the habit of indulging against the repeal of the Missouri compromise. These compromise measures, however, were passed, and they brought no peace to the country. I propose to show that it is an entire mistake that it produced repose. The evidence upon the subject is full and ample. It was early proclaimed, I think, on the floor of the Senate, that slavery agitation should never cease until the fugitive slave law was repealed; that there should be no peace; that agitation was the word until that measure was repealed. It was under the influence of this profound agitation that Mr. Clay and his friends got up the paper which was signed, and which I now propose to have read. I allude to the paper signed by Mr. Clay and others, and which was referred to in the resolution of the gentleman from North Carolina, (Mr. Gilmer), on the first day of the session.

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“Whereas, the circumstances and condition of the country require that the asperities and animosities which, for the last few years, have been rapidly alienating one section of the country from another, and destroying those fraternal sentiments which are the strongest supports of the Constitution, should be allayed: whereas, inasmuch as the history of the Government furnishes instances of success in giving quiet to the country by the united exertions of conservative national men, irrespective of party, there is reason to hope for a like result from similar labors: whereas, in 1851, when the minds of the people of the North and of the South were inflamed on the subject of slavery, national men appealed to the country as follows, to wit:

“The undersigned, members of the Thirty-First Congress of the United States, 398 believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive of its objects, and seeing no mode by which such controversy can be avoided, except by a strict adherence to the settlement thereof effected by the compromise acts passed at the last session of Congress, do hereby declare their intention to maintain the said settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the friends of the measure, and to remedy such evils, if any, as time and experience may develop.

“And for the purpose of making this resolution effective, they further declare, that they will not support for office of President or Vice President, or of Senator or of Representative in Congress or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal, in any form, of agitation upon the subject of slavery.

“Henry Clay,

Howell Cobb,

C. S. Morehead,

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William Duer,

Robert L. Rose,

H. S. Foote,

William C. Dawson,

James Brooks,

Thomas J. Rusk,

Alex. H. Stephens,

Jeremiah Clemens,

Robert Toombs,

James Cooper,

M. P. Gentry,

Thomas G. Pratt,

Henry W. Hilliard,

William M. Gwin,

F. E. McLean,

Samuel Eliot,

A. G. Watkins,

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David Outlaw,

Alexander Evans,

H. A. Bullard,

C. H. Williams,

T. S. Haymond,

J. Phillips Phoenix,

A. H. Sheppard,

A. M. Schermerhorn,

David Breck,

John R. Thurman,

James L. Johnson,

D. A. Bokee,

J. B. Thompson,

Geo. R. Andrews,

J. M. Anderson,

W. P. Mangum,

John B. Kerr,

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Jeremiah Morton,

L. P. Caldwell,

R. I. Bowie,

Edmund Deberry,

E. C. Cabell

Humphrey Marshall

Allen F. Owen.’

“The effects of which on the popular mind were to induce the Democratic party in their National Convention at Baltimore, in 1852, to resolve and pledge themselves to the nation, as follows, to wit:

“That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

“That the foregoing proposition covers, and was intended to embrace, the whole subject of the slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing upon the national platform, will abide by and adhere to the faithful execution of the acts known as the compromise measures settled by the last Congress, the act for the reclaiming of fugitives from service included, which act being designed to carry out

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an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

“ *Resolved*, That we will resist all attempts at renewing, in Congress or out of it, the slavery agitation, under whatever shape and color the attempt may be made.’

“And the Whig party in the same year, at the same place, resolved and pledged themselves, as follows, to wit:

“That the series of measures commonly known as the compromise, including the fugitive slave law, are acquiesced in by the Whig party of the United States, as a settlement, in principle and substance, a final settlement of the dangerous and exciting questions which they embrace; and so far as the fugitive slave law is concerned, we will maintain the same, and insist on its strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse, not impairing its present efficiency; and we deprecate all further agitation of slavery questions as dangerous to our peace, and will discountenance all efforts at the renewal or continuance of such agitation, in Congress or out of it, whatever, wherever, or however the attempt may be made; and we will maintain this system as essential to the nationality of the Whig party, and the integrity of the Union..”

Why was it necessary to come out with such an extraordinary paper as that signed by Mr. Clay, and others? The laws had passed; and why, sir, was it necessary for these distinguished and prominent men to come out with such a solemn pledge? It was because of the profound agitation and excitement created by the compromise measures of 1850. Gentlemen have been in the habit of saying that they brought healing to the country; and I advert to this paper for the purpose of showing that it did no such thing; that, on the contrary, agitation and excitement were still the order of the day. Even the coöperation of the two great party conventions availed nothing.

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I go on now further to illustrate. I read from a speech of Mr. Wilson, of Massachusetts, now a Senator from that State, which was delivered in 1851, and immediately after the adoption of the compromise measures. I do this because there is no question, perhaps, which has been more unfairly dealt with than the adjustment measures of 1850. Here, sir, are the deliberate sentiments of a member of the Senate of the United States. True, he was not a Senator when they were delivered.

Hon. Henry Wilson, at an anti-slavery festival, held in Cochituate Hall, Boston, on the evening of January 21, 1851, to celebrate the completion of the twentieth year of the existence of the *Liberator*, said:

“Sir, allusion has been made, to-night, to the small beginning of the great antislavery movement, twenty years ago, when the *Liberator* was launched upon the tide. These years have been years of devotion and of struggle unsurpassed in any age or in any cause. But, notwithstanding the treachery of public men, notwithstanding the apostacy for which the year 1850 was distinguished, I venture to say that the cause of liberty is spreading throughout the whole land, and that the day is not far distant when brilliant victories for freedom will be won. We shall arrest the extension of slavery, and rescue the Government from the grasp of the slave power. We shall blot out slavery in the national capital. We shall surround the slave States with a cordon of free States. We shall then appeal to the hearts and consciences of men, and, in a few years, notwithstanding the immense interests combined in the cause of oppression, we shall give liberty to the millions in bondage. [Hear, hear.] I trust that many of us will live to see the chain stricken from the limbs of the last bondman in the Republic! But, sir, whenever that day shall come, living or dead, no name connected with the anti-slavery movement will be dearer to the enfranchised millions than the name of your guest, William Lloyd Garrison. [Prolonged applause.]”

He proclaims hostility to these measures, and speaks of the defection and treachery of public men. He avows the most undoubted abolition sentiments, and he winds up with

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a eulogy of William Lloyd Garrison. Sir, if I understand who that man Garrison is, he is a British subject. I understand that William Lloyd Garrison never became a naturalized citizen of this country; and I understand that he refuses ever to become a citizen. If I do him injustice I will be glad to be corrected. I understand that Garrison is a British subject; that he has never been naturalized, and is now a British subject. If I am wrong, I will be glad to be corrected. I am acting upon information that commands my confidence. I speak thus deliberately upon this point, because I desire gentlemen, his confreres, to speak if I do him wrong. He is then a British subject. He refuses to become a party to our Constitution, which he calls a league with death and a covenant with hell. He exercises no right of suffrage, but in the midst of a great community he preaches treason, and does his best to sever the bonds which bind this Union together. That, sir, is his avocation, and that the man that Senator Wilson eulogizes.

Now, sir, to show that there is hostility—fixed, determined hostility—in the northern pulpit to the compromise measures of 1850, I will call attention to the following extract from a treasonable discourse recently pronounced in the Unitarian church of Dover, New Hampshire, by the Rev. Edwin M. Wheelock, to a large and approving congregation:

“It is a great mistake to term this act (Brown's) the beginning of bloodshed and civil war. Never could there be a greater error. We have had bloodshed and civil war for the last ten years; yes, for the last ten years. The campaign began on the 7th of March, 1850. *The dissolution of the Union dates from that day, and we have had no Constitution since.* On that day Daniel Webster was put to death; ah, and such a death! And from that time to this, there has not been a month that has not seen the soil of freedom invaded and attacked, our citizens kidnapped, imprisoned, or shot, or driven by thousands into Canada.”

I have read this extract for the purpose of letting the House see that there was no pacification under the compromise measures of 1850; that even the pulpit has made war against it. Mr. Seward himself, instead of leading the sanction of his great name to this

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contemplated pacification, in his Rochester speech denounced the compromise measures in strong and bitter terms. He said:

“When, in 1850, governments were to be instituted in the Territories of California and New Mexico, the fruits of that wars the Democratic party refused to admit New Mexico as a free State, and only consented to admit California as a free State on the condition, as it has since explained the transaction, of leaving all of New Mexico and Utah open to slavery; to which was also added the concern of perpetual slavery in the District of Columbia, and the passage of an unconstitutional, cruel, and humiliating law for the recapture of fugitive slaves, with a further stipulation that the subject of slavery should never again be agitated in either Chamber of Congress.”

Sir, the fact that there was a stipulation that there should be no further agitation upon this subject of slavery is, by Mr. Seward himself, seized upon as a ground of objection to the adjustment measures of 1850. He said, that the repressing of the agitation was attempted in that day, was a crime. It interfered with his policy. Agitation was the order of the day. That was one of the great means by which the slavery institution was to be effected.

Well, sir, this being the adjustment, and this being the manner in which it was received by the country, I take another step forward. I go a step forward chronologically, at least, and I hope a step further in effective illustration. A great deal has been said, we all know, in reference to the Kansas-Nebraska bill. The country has been profoundly agitated upon it, but after the history I have given of the subject, will it be pretended that if Kansas had never appeared there would have been any the less agitation than has existed? Would not other pretexts have furnished the materials for that agitation which was proclaimed to be the policy of the anti-slavery party of the country?

I now ask the attention of the gentlemen upon the other side, and especially that of the gentleman from Tennessee, [Mr. Nelson,] for a brief period, to that branch of the

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exposition which I am now about to present, for, if I remember the remarks of that honorable gentleman some days ago, he held the Democratic party responsible for all this slavery agitation. The fourteenth section of the Kansas-Nebraska bill, as originally reported by Mr. Douglas, is as follows:

“That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States.”

Why was it thus reported? It was so reported because, as I have shown you in reference to the compromise measures of 1850, there was no further necessity of having geographical lines. But Mr. Dixon, a Senator from Kentucky, a Whig, a gentleman of intelligence and character, thought there might be possibly some question made upon the subject, and he saw no occasion for allowing it. Accordingly, Mr. Dixon—Mr. Dixon, a Whig, a patriotic, high-toned gentleman however, for I had the happiness of knowing him—proposed an amendment which, after various modifications, was afterwards reported in this form, following immediately after the original clause already read:

“Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the ‘compromise measures,’ is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.”

Here, then, you see, if there is any responsibility for the repeal of the Missouri compromise, it is a responsibility for which the Whig party, as such, is mainly and immediately responsible. This provision, in words, repealing the Missouri compromise, is

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offered by Mr. Dixon, a Whig, and a Whig Senator from Kentucky. To this amendment, however, the honorable Senator from North Carolina, Mr. Badger, submitted this proviso:

“ *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery.”

Now, let us pause here a moment. There are three gentlemen leading in this movement. Mr. Douglas, a Democrat, arising in his place, reports the proposition which I have read. He says nothing about the Missouri compromise line. He does not propose to annul it. True, I suppose he considered it annulled; and so did others. But a Whig steps into the ring and proposes not to leave it as a question of inference by the public. He proposes, in explicit terms, a repeal of the Missouri compromise line. And another Whig steps in and adds a proviso to it, which gives the law as it now stands upon the statute-book. There is the responsibility which the country will understand, and apply it as they may.

But that is not all. Mr. Dixon was assailed as embarrassing the Democratic party by his amendment; whereupon he, in a speech on the 24th of January, 1854, (see *Congressional Globe*, first session Thirty-Third Congress, Part I, page 240,) said:

“I have been charged, through one of the leading journals of this city, with having proposed the amendment which I notified the Senate I intended to offer, with a view to embarrass the Democratic party. It was said that I was a Whig from Kentucky, and that the amendment proposed by me should be looked upon with suspicion by the opposite party. Sir, I merely wish to remark that, upon the question of slavery, I know no Whiggery and I know no Democracy. I am a pro-slavery man— 401 I am from a slaveholding State—I represent a slaveholding constituency—and I am here to maintain the rights of that people whenever they are presented before the Senate.

“The amendment, which I notified the Senate that I should offer at the proper time, has been incorporated by the Senator from Illinois into the bill which he has reported to the

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Senate. The bill, as now amended, meets my views, and I have no objection to it. I shall, at the proper time, as far as I am able to do so, aid and assist the Senator from Illinois, and others who are anxious to carry through this proposition, with the feeble abilities I may be able to bring to bear upon it. I think it due to myself to make this explanation, because I do not wish it to be understood that upon a question like this I have, or could have, any motive except that which should influence a man anxious to secure what he believes to be a great principle—that is, congressional non-interference in all the Territories, so far as the great question of slavery is concerned.”

So spoke the father of this amendment repealing the Missouri compromise; and that father was a Whig. But that is not all. Was that gentleman alone? Did he alone of the Whigs coöperate with the Senate in that policy? The evidence on that subject is likewise ample and conclusive. I call the attention of the House to the remarks of Mr. Badger, at that time the honorable Senator from the Old North State. Mr. Badger, in concluding the speech, said:

“Mr. President, I desire to say that, though I hold none of my Southern friends on this floor responsible for the course of argument which I have offered, or any of the intermediate views I have expressed, I think it right to say, and I think I have their authority to say, that, with regard to the results to which I come upon this measure, we all agree as one man—every Southern Whig Senator. I wish that to be understood, that the position of gentlemen may not be mistaken because they have not yet had the opportunity of speaking or voting upon this bill.”

It is true, Mr. Clerk, as the history of those days shows, that one Senator [Bell, of Tennessee] afterwards withdrew from that position—an act which gave rise, both in this House and the other, to no little excitement. But, suffice it to say, that Mr. Badger spoke by authority. He said he had the authority of every Whig Senator; and that statement was made in the presence of Senator Bell himself. How did he obtain that authority? Why, the Whig Senators, it is known, had a caucus on the question, and adopted the

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line of policy to be pursued. During the period of that agitation, it happened that the old *National Intelligencer*—a paper which, with all its errors, I respect—took ground against the action of the Whig party in the Senate. On that occasion Senators took the conduct of the *Intelligencer* under their consideration, and adopted the following resolution:

“ *Resolved*, That we disapprove the course of the *National Intelligencer* upon the Nabraska bill; and that, in our opinion, it does not truly represent the opinions of the Whig party of the South.”

Sir, I ask gentlemen now how it is that we can be charged—the Democratic party—with the sole responsibility of the repeal of the Missouri compromise? Does it lie in the mouth of our old Whig friends now to undertake to arraign the Democracy on this question anywhere, or under any circumstances? I could go on, and adduce evidence upon evidence in connection with this question, but I do not deem it necessary. The evidence here is complete. But as various statements have gone forth to the country in former days, and no doubt still go forth on this subject, I propose to give the vote on this bill in tabular form.

The vote on the passage of the bill stood:

IN THE SENATE. FOR. AGAINST. Northern Democrats 14 2 “ Whigs 6 Southern Democrats 14 1 “ Whigs: 9 1 Abolitionists 3 37 13 IN THE HOUSE. FOR. AGAINST. Northern Democrats 44 43 “ Whigs 48 Southern Democrats 55 2 “ Whigs 14 7 113 100

It is curious that if the Southern Whigs had voted as a body against the bill, it would have been lost; but they voted as a body for it, and it became a law. I hope then, that whatever responsibility there may be for this measure, the Whigs and Democrats of the South will at least be one in regard to the question. And I must be allowed to say in this connection, that I was rather surprised to hear the gentleman from North Carolina (Mr. Gilmer) say the other day that all concurred now in denunciation of what is called the Lecompton bill. The gentleman is mistaken. The gentleman voted against the bill, but he need not lay

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the flattering unction to his soul that all concur with him. I will not go into that question, although it is equally fruitful of vindication.

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In this connection, and with a view to illustrate the subject, I beg leave to read the remarks of Mr. Hale, on the proposition to adopt the line of 36° 30# in the Utah bill, and I give it as being the common sentiment of the North.

“Mr. Hale. I wish to say a word as a reason why I shall vote against the amendment. I shall vote against 36° 30# because I think there is an implication in it. [Laughter.] I will vote for 37° or 35# either, just as it is convenient; but it is idle to shut our eyes to the fact that here is an attempt in this bill—I will not say it is the intention of the mover—to pledge this Senate and Congress to the imaginary line of 36° 30#, because there are some historical recollections connected with it in regard to this controversy about slavery. I will content myself with saying that I never will, by vote or speech, admit or submit to anything that may bind the action of our legislation here to make the parallel of 36° 30# the boundary line between slave and free territory. And when I say that, I explain the reason why I go against the amendment.”

Allow me to present a few extracts from papers and a few opinions of prominent men in reference to the South and slavery, as eminently illustrative and suggestive.

The *celebrated* General James Watson Webb, of the *Courier and Enquirer*, one of the organs of the Republican party, and I believe the special organ of Senator Seward, publishes the following sentiments:

“If we [meaning the Republicans] fall there, [at the ballot box,] what then? We will drive it [slavery] back, sword in hand; and, so help me God! believing that to be right, I am with them.”

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Here is a great organ of the Republican party, a paper of extensive influence and Circulation, a paper of giant dimensions—a gentleman of traveled intelligence—this man, with great bravado, sends his papers abroad in the land, telling us that “We will drive slavery back, sword in hand.”

He do it? I will not dwell upon it, but I simply emphasize the word; and those who are familiar with that gentleman will understand the might of the threat.

But Mr. Henry Wilson, who spoke upon this subject, in a speech in Boston, in 1855, said:

“Send it abroad on the wings of the wind that I am committed, fully committed, committed to the fullest extent, in favor of immediate and unconditional abolition of slavery, wherever it exists under the authority of the Constitution of the United States.”

In a letter to Wendell Phillips, written on July 20, 1855, the same Wilson wrote:

“Let us remember that more than three million of bondsmen, groaning under nameless woes, demand that we shall reprove each other, and that we labor for their deliverance.” *

* * * * *

“I tell you here to night that the agitation of this question of human slavery will continue while the foot of a slave presses the soil of the American Republic.

In 1855, at a public meeting in Massachusetts, the following resolution was adopted:

“ *Resolved*, That we should rejoice in a successful slave insurrection in the South, and that in killing a slaveholder to obtain freedom, the slave is not guilty of any crime; that the slaveholder should be made to dream of death in his sleep, and to apprehend death in his dish and tea-pot; that fire should meet him in his bed, and poison should meet him at the table.”

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From Seward's Ohio speech:

“It [slavery] can and must be abolished, and you and I must do it.” * * * * “Correct your own error that slavery has constitutional guarantees which may not be released, and ought not to be relinquished.” * * * * You will soon bring the parties of the country into an effective aggression upon slavery.”

GOVERNOR CHASE OF OHIO.

The following incident, related by a correspondent of the Huntsville (Alabama) *Democrat*, will afford our readers an opportunity of learning something of the kind feeling with which slaveholders are regarded by that precious Ohio Abolition official:

Dear Sir: In compliance with your request, I furnish, briefly, the particulars of an interview had by myself with S. P. Chase, Governor of the State of Ohio, in regard to emancipated slaves.

Near the close of the winter of 1857, I visited Ohio at the instance of S. D. Cabiness, Esq., and Samuel C. Townsend, for the purpose of selecting a home for a number of slaves belonging to the estate of Samuel Townsend, deceased, and who, according to his last will were to be liberated and settled in some free State. Having letters to several distinguished gentlemen in Cincinnati, mainly of the clergy and the bar, and having made their acquaintance, I obtained from them letters to other intelligent and influential citizens in different portions of the State.

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Among many others, I had letters to his Excellency Governor S. P. Chase. I called on him among the first men, after my arrival in Columbus, believing, from what I had learned of him from others, who knew him well, that he would take a deep interest in the matter of my mission, and that, owing to his thorough acquaintance with the physical and moral developments of the State generally, he would be found an efficient friend of those I

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represented. I was received by the Governor with apparant cordiality, and received from him much information in regard to the various negro schools, colonies, &c., in the State. But, to my utter astonishment, Governor Chase closed his conversation on the subject by remarking, with emphasis, that “for his part, he would rather never see another free negro set his foot upon Ohio soil.” I asked his reason. “Because,” said he, “their moral influence is degrading.” I then remarked that it appeared to me a “glaring inconsistency, in him and others in Ohio, to love our Southern slaves so much as to desire their freedom and clamor for their emancipation, and yet hate them so much as to be unwilling to allow them a home in their own State; especially so since, by the existing laws in the slave States the negro cannot be liberated and remain where he is.” He replied: “I do not wish the slave emancipated because I love him, but because I hate his master—I hate slavery—I hate a man that will own a slave.”

The above statements, Mr. Editor, are at your disposal.

Yours, truly, WM. D. CHADICK.

“There is really no union now between the North and the South; and he believed no two nations upon the earth entertain feelings of more bitter rancor towards each-other than these two nations of the Republic. The only salvation of the Union, therefore, was to be found in dividing it entirely from all taint of slavery.”— *Senator Wade.—Republican (Ohio) Leader.*

Mr. Adams, in a letter written to the Abolitionists of Pittsburgh, on the subject of anti-slavery societies, said:

“On the subject of abolition, abolition societies, anti-slavery societies, or the liberty party, I have never been a member of any of them. But, in opposition to slavery, I go as far as any of these; my sentiments, I believe, very nearly accord with theirs. That slavery will be abolished in this country, and throughout the world, I firmly believe. Whether it shall be

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done peaceably or by blood, God only knows; but it will be accomplished, I have no doubt; and by whatever way, I say let it come.”

I have given you, gentlemen, the opinions of your public men. Among them will be found a statement of the opinions of Governor Chase, of Ohio, of the free negro and the slave owner, by Mr. William B. Chadick, of Huntsville, Alabama.

And, sir, if I mistake not, the present Governor, or Governor elect, of Ohio, proclaimed broadly and boldly in his canvass that the fugitive slave law should not be executed within the limits of that State if he was elected, that he would invoke the the whole power of the State authority to prevent the execution of that act of Congress. Can it be expected that we should close our ears to such insults and defamations, or shut our eyes against such aggressions?

But, sir, the most pregnant and alarming doctrine that has been deliberately put forth to the country, is to be found in the speech of Governor Seward, at Rochester, on the 25th of October, 1858. It is a speech which was carefully prepared, voluntarily and without necessity delivered to an audience assembled to hear him. He occupied a large space in the public eye. He was deemed a man of wisdom and ability. He had troops of friends. He possessed great power over the passions and conclusions of men. The public mind was greatly excited on Kansas affairs; and the opportunity was a glorious one to sooth existing excitement, and rouse up that love of union without which it is in vain to hope for its preservation. Let us see how he performed the noble and glorious duty which lay so invitingly before him. In the speech to which I have referred, he says:

“Our country is a theatre, which exhibits in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on the basis of voluntary labor of freemen.

“The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every

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society, by whomsoever performed, is necessarily unintellectual, groveling and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man whether native or foreigner, is not enslaved only because he cannot, as yet, be reduced to bondage.

“You need not be told now that the slave system is the older of the two, and that once it was universal.

“The emancipation of our own ancestors, Caucasians and Europeans, as they were, hardly dates beyond a period of five hundred years.

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“The two systems are at once perceived to be incongruous, they are incompatible. They never have permanently existed together in one country, and they never can.”

It is difficult to read the above statement, with which Mr. Seward opens his speech, with patience. He was surrounded by an audience of free laborers. It was a *devilish* conceit of his, to impress such an audience with the idea that “the white laboring man, whether native or foreigner, is not enslaved only because he cannot, as yet, be reduced to bondage.” But “the two systems are at once perceived to be incongruous, they are incompatible. They never have permanently existed together in one country, and they never can.” And why not? Cannot free labor exist in New York, and slave labor exist in Virginia? The two systems may be incongruous, but how are they incompatible? They cannot exist together—that is, slave labor in Virginia destroys free labor in New York; and free labor in New York destroys slave labor in Virginia! What absurdity! But the two systems exist in Virginia. They are not found either incongruous or incompatible, but have existed there since 1620. Not exist together! Look to Judea: there we see the master race engaged in the trades, husbandry, fisheries, &c. Did not the two systems exist there for centuries? In Greece the two systems prevailed throughout ages. And in Rome, for over twelve centuries, with some forty million of slaves, the systems prevailed, and, with the exception of ten bloody

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insurrections, in harmony and success. I think imperial Rome, on one occasion, when reduced to the greatest distress, sent some of her noblest citizens to select Cincinnatus to like command of her armies. They found him at his plow, tilling his petty farm of forty acres; and I have seen a fine painting of the noble scene, in which the messengers are represented as disclosing their mission; and Cincinnatus harkening to the call of his country, is seen unharnessing his team of oxen from the plow, as it stands in the furrow. Did the Senator never hear of this noble, inspiring incident? It is taught down South in our schools, to excite in our boys a love of noble and patriotic sentiments.

He proceeds:

“The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free system in the new States.”

I give this extract to deny it. No one was denied the right of suffrage. None. But it was well known that the Black Republican party, confident of carrying the last presidential election, did not wish to be embarrassed with Southern support, even could they have obtained it.

Speaking of our railroad improvements as approximating rapidly, he proceeds:

“Shall I tell you what this collision means? They who think that it is accidental unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, it means that the United States must and will, either sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye and wheat fields of Massachusetts and New York must again be

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surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men.”

Can any one believe, for an instant, that Mr. Seward entertains the smallest idea that an attempt ever will be made to introduce slave labor into the free States, much more that it can ever be accomplished? But, if not, then “the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana will ultimately be tilled by free labor.” Does he mean by the free negro? Then he knows it never will be done. The thriftless condition of that class of population throughout the Union and the world; the melancholy results of the experiments in St. Domingo, Jamaica, &c., leave no room for speculation or doubt. By free white labor? Alas, for our race when its necessities compel it to seek its living in the rice swamps and the cotton and sugar plantations of the South. Then, indeed, it will have become the slave of a master—without a throb, without a tear for human suffering; a master hard, inexorable, and exacting— *the money of the country*. He proceeds:

“Our forefathers regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that either the one or the other system must exclusively prevail.”

I have heretofore sufficiently exposed the disingenuous misstatements of this 405 paragraph. But yet, I will add that it is a well-known historical truth, that the Constitution never would have received the sanction of the Federal convention without the guarantees for the protection of slavery which it contains.

Again, he says:

“But the very nature of these modifications fortifies my position that the fathers knew that the two systems could not endure within the Union, and expected that within a short period slavery would disappear forever. Moreover, in order that these modifications might not

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altogether defeat their grand design of a Republic maintaining a universal equality, they provided that two-thirds of the States might amend the Constitution.”

Strange logic this. Our “fathers knew that the two systems could not endure within the Union, and expected that within a short period slavery would disappear forever.” And yet, as if to embarrass, if not to prevent such a result, the Constitution provides that its guarantees for slavery shall not be changed or expunged except by the vote of *three-fourths* of the States of the Union, not *two-thirds*, as stated by the gentleman.

He says:

“The strife and contentions concerning slavery, which gently-disposed persons do habitually deprecate, is nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.”

I have sufficiently exposed this paragraph; but will remark that, so far from our fathers having “instituted” this “conflict,” they deliberately, and by the most carefully-prepared provisions, guarded against it; and then, to prevent them from being lightly disturbed, solemnly agreed that those provisions should not be disturbed, except by the concurring vote of three-fourths of all the States.

Again:

“It is not to be denied, however, that thus far the course of that contest has not been according to their humane anticipations and wishes. In the field of Federal politics, slavery, deriving unlooked-for advantages from commercial changes, and energies unforeseen from the facilities of combination between members of the slave-holding class, and between that class and other property-classes, early rallied, and has at length made a stand, not merely to retain its original defensive position, but to extend its way throughout the whole Union. It is certain that the slaveholding class of American citizens indulge this

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high ambition, and they derive encouragement for it from the rapid and effective political successes which they have already obtained. The plan of operation is this: By continued appliances of patronage, and threats of disunion, they will keep a majority favorable to these designs in the Senate, where each State has an equal representation. Through that majority they will defeat, as they best can, the admission of free States, and secure the admission of slave States. Under the protection of the judiciary, they will, on the principle of the Dred Scott case, carry slavery into all the Territories of the United States now existing, and hereafter to be organized. By the action of the President and the Senate, using the treaty-making power, they will annex foreign slaveholding States. In a favorable conjuncture they will induce Congress to repeal the act of 1808, which prohibits the foreign slave trade, and so they will import from Africa, at the cost of only \$20 a head, slaves enough to fill up the interior of the continent. Thus relatively increasing the number of slave States, they will allow no amendment to the Constitution prejudicial to their interest; and so, having permanently established their power, they expect the Federal judiciary to nullify all State laws which shall interfere with internal or foreign commerce in slaves. When the free States shall be sufficiently demoralized to tolerate these designs, they reasonably conclude that slavery will be accepted by those States themselves. I shall not stop to show how speedy or how complete would be the ruin which the accomplishment of these schemes would bring upon the country. For one, I should not remain in the country to test the sad experiment. Having spent my manhood, though not my whole life, in a free State, no aristocracy of any kind, much less an aristocracy of slaveholders, shall ever make the laws of the land in which I shall be content to live. Having seen the society around me universally engaged in agriculture, manufacture, and trade, which were innocent and beneficent, I shall never be a denizen of a State where men and women are reared as cattle, and bought and sold as merchandise. When that evil day shall come, and all further effort at resistance shall be impossible, then, if there shall be no better hope for redemption that I can now foresee, I shall say with Franklin, while looking abroad over the whole earth for a new and more congenial home—‘Where Liberty dwells, there is my country.’”

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He here says that slavery “early rallied,” “to extend its sway throughout the whole Union,” and by various appliances he proceeds to show how slavery will extend 406 its sway over the whole Union Of all the perversions of fact, truth, history, and argumentation, this is the most remarkable. It is notorious, and to none better known than to Mr. Seward, that the slaveholding States have always been in a minority, and the majority against them is yearly becoming larger and larger. I have met nowhere an answer so complete to the charge which Mr. Seward has made, and which is repeated habitually by the Black Republicans, as that which follows:

“ Paste this in your Hat. —The following table which (says the *Journal of Commerce*) has been prepared to show the apportionment of Representatives in Congress from 1811 to 1852 among the free and slave States, should be pasted in the hat of every Democrat, so that when a ‘freedom shrieker’ talks about the ‘growing and overpowering influence of the slave power,’ as all of them do every time they talk, he can take off his hat and politely show the disciple of Giddings, Greeley, & Co., that he is slightly mistaken:

FREE STATES.

1811. 1822. 1832. 1842. 1852. New Hampshire 6 6 5 4 3 Massachusetts 20 13 12 10 10
Vermont 6 5 5 4 3 Rhode Island 2 2 2 2 2 Connecticut 7 6 6 5 5 New York 27 34 40 34
33 New Jersey 6 6 6 5 5 Pennsylvania 23 26 28 23 25 Ohio 6 14 19 21 21 Maine 7 8 7 6
Indiana 3 7 10 11 Illinois 1 3 7 9 Michigan 3 4 Wisconsin 3 Iowa 1 California 2 Total 103
123 141 135 143

SLAVE STATES.

1811. 1822. 1832. 1842. 1852. Delaware 1 1 1 1 1 Maryland 9 9 8 6 5 Virginia 23 22 21 15
13 North Carolina 18 13 13 9 8 South Carolina 9 9 9 7 6 Georgia 6 7 9 8 8 Kentucky 10 12
13 10 10 Tennessee 6 9 13 11 10 Alabama 2 5 7 7 Mississippi 1 2 4 5 Louisiana 3 3 4 4
Missouri 1 2 5 7 Arkansas 2 Texas 2 Florida 1 Total 82 89 99 87 89 Difference in favor of
the free States 21 34 42 48 54

The majority is now fifty-seven, and in the next House of Representatives the non-slaveholding States will have more than two-thirds of that body. What “appliances of

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patronage” then, are at the command of slavery? How is a minority to obtain a “majority?” How can a minority defeat “the admission of free States, and secure the admission of slave States?” &c. Never! Slavery cannot hope to succeed in “the free States” until they “shall be sufficiently demoralized to tolerate these designs.” And, full of sadness at the melancholy prospect before him, he gloomily proclaims, “For one, I should not remain in the country to test the sad experiment;” but “while looking abroad over the whole earth for a new and more congenial home,” I shall say with Franklin, “where liberty dwells, there is my country.” What wretched, shameful hypocrisy is this! How utterly beneath contempt!

In 1838, when Mr. Seward was a candidate for the office of Governor of New York, there was a law in the State protecting the rights of masters in their slaves while *in transitu*. The question was put to him, to know if he was in favor of its continuance, to which he promptly answered in the affirmative. In his reply, he said:

“But, gentlemen, being desirous to be entirely candid in this communication, it is proper to say that I am not convinced that it would be either wise, expedient, or humane to declare to our fellow-citizens of the Southern and Southwestern States that, if they travel to or from, or pass through the State of New York, they shall not bring with them the attendants whom custom or education or habit may have rendered necessary to them. I have not been able to discover any good object to be obtained by such an act of inhospitality.”

In some ten years, and perhaps less, we hear him proclaiming to the people of Ohio. “We can abolish slavery, and you and I must do it.” And now we see him speaking of the “irrepressible conflict” calmly, as if an ordinary matter, utterly falsifying the truths of history, imputing motives and charging designs never entertained, expressing opinions as to the probability of results which he knows are philosophically and physically impossible. “Oh! shame, where is thy blush?”

What do the Abolitionists say upon this subject? I know that Helper in his book draws a distinction between the Abolitionists and Republicans; that the Republican is the

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tadpole, in the infancy of development, and the Abolitionist the full-grown frog. That is the distinction which he draws; and, sir, just as certain as the shadow follows 407 the substance which creates it, so certainly will this tadpole, unless crushed out by the patriotic intelligence of the American people, grow into the Abolition frog. To show in what character the Republican party is held by the Abolitionists, those who surely must know them, let us see what the Boston *Liberator* says? That is Garrison's paper—the organ of that man so warmly eulogized by Senator Wilson, of Massachusetts. Says the *Liberator*:

“The Republican party is molding public sentiment in the right direction for the specific work the Abolitionists are striving to accomplish, namely, *the dissolution of the Union and the abolition of slavery throughout the land.*”

Yes, gentlemen, and I beg it may be remembered that the avowed object of Abolitionism is to promote the dissolution of this Union, and the abolition of slavery throughout the land. Yes, sir, “the Republican party is molding public sentiment in the right direction for the specific work the Abolitionists are striving to accomplish.” Here is the testimonial of one who knows. Here is the testimony of one who is endorsed by a Senator of the United States. Wendell Phillips, to the same purpose, says:

“There is merit in the Republican party. It is this: It is the first sectional party ever organized in this country. It is the North arrayed against the South. The first crack in the iceberg is visible; you will yet hear it go with a crack through the center.”

Here Wendell Phillips hails the action of the Republican party as leading to that consummation so much desired.

I ask this House, if these successive demonstrations of public opinion from the highest sources are not of the most unfriendly character? I ask whether they do not compel us to the conviction that we are to be the victims of a vindictive and destructive effort which, it is feared, will have no ending until this Union is dissolved?

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I have then, Mr. Clerk, followed this whole question of slavery in skeleton form, it is true, from its solemn adjustment in the Federal Constitution to the present hour. I ask, if I have not stated matters enough, with many others which my time will not allow me to enumerate, to excite the wrath of the South, and to arouse our vigilance, and indeed to make us distrustful of those with whom it was expected we would live on terms of cordiality and affection. At this time, and under such circumstances, on Sunday night, the 16th of October last, John Brown, with his confederates, stealthily moved into the little town of Harper's Ferry. He made no noise, quietly captured those persons with whom he chanced to meet, took possession of the public armory, which was wholly unprotected, and took many of the workmen of the public workshops prisoners, as they severally repaired on Monday morning to their daily toil. Under the circumstances, this achievement was only remarkable for its audacity. The news, however, soon took wings. Early on Monday morning it reached Charlestown, ten miles off. The Jefferson Guards were promptly ordered under arms, and by half past eleven o'clock on Monday, had reached Harper's Ferry, which place was completely invested by noon; between three and four o'clock, p. m., although in the midst of a severe storm, three-fourths of the invaders had been killed and wounded and taken prisoners, and Brown and the remnant of his party driven into the armory. Then it was, that Brown sent out a flag with a proposition, which was declined, but which brought night, and with night came the United States marines. Colonel Lee, in command of the marines, for the same reasons which had influenced the volunteers, postponed all further attack until the following morning, Tuesday. In truth, the work in effect was ended on Monday. Yet, see how the North recites the case:

"Mr. Phillips. For this is the testimony of every man at Charlestown and Harper's Ferry; for there was not a man in all Virginia who looked in the face of John Brown who was not melted into admiration of the man and his motives. But I was trying to trace him. In the first place he said: 'With twenty men I can take possession of a Southern town and keep it for twenty-four hours, and I shall let the slaves know it, and they can come to me if they wish.' He did it; he took possession of Harper's Ferry, and held it from Sunday night to

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Monday night, unattacked. He collected some thirty slaves there, and sixteen of them stand to-day safe from the vulture of thirty States, under the shelter of the English flag in Canada. [Prolonged applause] That is something. Well, then, he stood there unchecked. On Monday night, at ten o'clock, he was the master of the State of Virginia. On Tuesday morning two Virginia companies arrived in his vicinity, looked into the faces of these twenty-two Northern men, and what did they do? Why, according to a Maryland Colonel, who described the scene to a friend of mine, they ran until they got to the tavern, and they would have got under the beds if it had been necessary. [Applause, hisses, and groans.]

“The same stranger in the audience. That is a lie.

‘Well, now, I am going on with the account. John Brown stood there on Tuesday 408 morning until the Martinsburg company made the first assault and were repulsed. What followed? Sixteen of your agents, marines, selling their bodies to your service for eight or ten dollars a month, approached. He had conquered Virginia, and held her under his foot. [Hisses and applause.] Well, if he had not, why did not she send him away? [Applause and laughter.] There he had stood thirty-six hours. The telegraph had flashed the news over half of Virginia. Three companies had approached twenty-two men, and had been repulsed. That cannot be excepted to, for it is the fact. If they had not run away, they would have been driven away. [Hisses and applause.] The United States marines approached. Now stop a moment. Suppose they had not approached. Suppose the United States, in the shape of your agents, had not approached him. Say that as a matter of bullets his enterprise was a failure. Suppose he had stood there Tuesday morning without your interference, and fifty black men from the northern counties of Virginia and Maryland, and from Pennsylvania, where black men shoot slave hunters as in Louisiana—suppose they had joined him, and he had had seventy-five men instead of the twenty-two—my impression is that he would have gone down to Richmond and —pardoned Governor Wise. [Laughter, applause, and hisses.] Yes, my impression is, that if the Union had not faced John Brown, and he had had another twelve hours to gather about him the colored

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men of northern Virginia and southern Pennsylvania, he would have marched over the State.

“Stranger. You know better than that.”

I repeat that, in one hour after the news reached Charlestown, the Jefferson Guards were under arms, and, by half past eleven o'clock, they were at Harper's Ferry, having had to travel on foot some ten miles. In three and a half hours after that, in the midst of a storm of rain, not only had the place been thoroughly and completely invested, but three-fourths of these marauders had been killed, captured or taken. Not a slave, not a white man had joined John Brown; and the few he took embraced every opportunity to escape. Not one escaped to the free States, much less sixteen, as stated in the above extract.

After the capture of Brown and his party, they were placed in the hands of the civil authorities, and proceeded against according to law. No hasty and unusual step was taken. And, when sentenced, the day fixed for his execution was postponed over thirty days. Never were criminals treated with greater kindness. John Brown himself so testified. But that is not all. Previous to proceeding to his execution, Brown executed his will, and made his jailor and the sheriff the executors to carry out that will. I mention these things simply to vindicate Virginia against the aspersions of public opinion in the North.

The following is the true last will and testament of Old John Brown, “revoking all others,” as published in the papers, copied from the original in the Charlestown jail, with Brown's own pen, &c.;

I, John Brown, a prisoner, now in the prison of Charlestown, Jefferson County, Virginia, do hereby make and ordain this as my last will and testament.

I will and direct that all my property, being personal property, which is scattered about in the States of Virginia and Maryland, should be carefully gathered up by my executor,

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hereafter appointed, and disposed of to the best advantage, and the proceeds thereof paid over to my beloved wife, Mary A. Brown.

Many of these articles are not of a warlike character, and I trust as to such and all other property that I may be entitled to, that my rights and the rights of my family may be respected.

And lastly, I hereby appoint Sheriff John W. Campbell executor of this, my last will, hereby revoking all others.

Witness my hand and seal, this 2d day of December, 1859.

JOHN BROWN, [SEAL.]

Signed, sealed, and declared to be the true last will of John Brown, in our presence, who attested the same at his request, in his presence and in the presence of each other.

JOHN AVIS,

ANDREW HUNTER.

Codicil. —I wish my friends, James W. Campbell, sheriff, and John Avis, jailor, as a return for their kindness, each to have a Sharp's rifle of those belonging to me, or if no rifle can be had, then each a pistol.

Witness my hand and seal, this 2d day of December, 1859.

JOHN BROWN, [SEAL.]

Signed, sealed, &c., same as above.

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I here drop this subject as I know the Representative of that district will do it justice hereafter, but I deemed it right to correct the statements which were abroad in the land, thus far.

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Well, under this state of things I ask this House what were we to expect? A generous and indignant uprising of the whole land against this atrocious movement—an atrocious movement which filled us not with alarm, but with amazement. I ask if it has been received by the country in that spirit? I have abundant material which I will publish which will show that so far from the moral and patriotic sentiment of the country rising up and trampling under foot this atrocious aggression, the Northern country have united in doing the man honor, by the ringing of bells, by indulging, in lectures and sermons on the subject, by large assemblages of people, and by running a parallel between John Brown and Christ, in which he was placed higher than Christ himself.

“ The Execution and its Effects. —The manner in which popular feeling has manifested itself at the North with regard to Brown's execution, proves the wisdom of his own remark, when he said he could in no way so well serve the cause he had at heart as by hanging for it. We do not so much allude to the outward manifestations of respect for his name and memory—the devotion of the hour of his death to prayer in a great number of churches, the tolling of bells in many towns, the firing of minute-guns in others—though these have, in themselves, a marked significance—as to the pity which every one whose pity is worth having, has openly expressed for the old man's fate, the sympathy which almost every one seemed glad to avow for his simple and manly virtues, and the silence with which, for the sake of those virtues, the faults and follies of a wild and wayward life have been covered almost by the whole community.

“The death of a criminal on the gallows, of whom half the nation speaks tenderly, and whose last hours the prayers and fastings of many thousands of sincere religious men

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have sought to hallow, is certainly not an incident to be dismissed with newspaper paragraphs.

“He has been dismissed from the bar, with his judgment indeed impeached, but with no weightier condemnation of his acts than that they were marked by folly. In war all is folly which does not succeed; the rule is harsh, perhaps, but necessary. Napoleon said Leonidas was no doubt a very fine fellow, but ‘he let himself be turned at Thermopylæ.’ Virginia, to be sure, thinks Brown more a knave than fool; but in this matter the Virginians bear much the same relation to him, in the eyes of the world at large, that Francis Joseph bears to Kossuth. A large part of the civilized public will, as a large part of the world does already, lay on his tomb the honors of martyrdom, and while those honors remain there, his memory will be more terrible to slaveholders than his living presence could ever have been; because it will bring recruits to his cause who would never have served under his banner while he was wielding carnal weapons.

“If all these be facts, they are no doubt unpleasant facts for every one who has the future welfare of his country at heart to contemplate. But that is certain not a reason for trying to hide.

“It is, therefore, we think, a sign, not of national decline, but of growth in all the real elements of national greatness that sorrowing hundreds of thousands should have been found to overlook this man's errors in admiration for his heroism, for his fortitude, and for his hatred of oppression. It is to such qualities as these, and not a holy horror of mere disorder, that we owe our existence as a nation; and when the day comes in which no man will be found in America to cry bravo! when he sees them, our final extinction will not be very far distant.”— *New York Evening Post, (Republican,) December 3.*

The following are extracts from a villainous and treasonable discourse recently pronounced in the Unitarian Church, of Dover, New Hampshire, by the Rev. Edwin M. Wheelock, to a large and approving congregation:

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“No, it is not true that the conflict of Harper's Ferry is the beginning of a civil war. That would be like saying that the capture of Yorktown was the beginning of the Revolutionary struggle. The meaning of that new sign is this: Freedom, for ten years weakly standing on the defensive, and for ten years defeated, has now become the assailant, and has now gained the victory. The Bunker Hill of our second Revolution has been fought, and the second Warren has paid the glorious forfeit of his life.” * * * “If an honest expression of the wishes of the North could be taken to-morrow, John Brown would be the people's candidate for the next Presidency, and he would receive a million votes.” * * * “Editors and politicians call Brown mad—and so he is to them; for he has builded his manly life of more than three-score years upon the faith and fear of God—a thing which editors and politicians from the time of Christ till now, have always counted as full proof of insanity. One such man makes total depravity impossible, and proves that American greatness died not with Washington. The gallows from which he ascends into Heaven will be in our politics what the cross is in our religion—the sign and symbol of supreme self-devotedness; and from his sacrificial blood the temporal salvation of four millions of people shall yet spring. On the second day of December he is to be strangled in a Southern prison for obeying the sermon on the Mount. But to be hanged in Virginia is like being crucified in Jerusalem—it is the last tribute which sin pays to virtue.”

Boston, December 12, 1859.

Sir: In the *New York Herald* of the 8th instant you are reported as having spoken in the United States Senate Chamber on the preceding day, as follows:

“He [Mr. Fessenden] represented the public sentiment of his State, and he had not met the first man of any party or sect who had not denounced the act of Brown and his associates as criminal in the highest degree, and deserving of death; and this, he ventured to assert, was the almost universal sentiment of the people of the free States. He made these remarks to show he was not to be put upon the defensive about this matter”

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Now, sir, presuming that you have been correctly reported, I ask, how can you make such a statement as the above in the face and eyes of the real facts? Can you name the first individual member of your Black Republican party in New England who has ever denounced the act of John Brown as deserving death? If so, I challenge you to give it to the public. In this Commonwealth of Massachusetts, I further challenge you to name the first newspaper of your party (the *Boston Journal* excepted) which has ever reprobated his crime. That paper did, on a single occasion, declare his course to be “bad—nothing but bad;” but, after being taunted therefor by the *Boston Atlas* and *Bee*, the accredited organ of Governor Banks was compelled to take back what it had said, and now declares that the punishment of Brown will be a ‘blot upon the escutcheon of Virginia!’ Do you not, sir, take the *Journal* and read it daily as regularly as you take your breakfast. Have you not perused, in your copy of the *Boston Journal*, the report of the prayer of Rev. Rollin H. Neale, pastor of one of the largest Baptist societies in this city, at the John Brown sympathy meeting held in Tremont Temple, where some two thousand of your brother Black Republicans had assembled? Have you never read this, sir?

“We pray, oh God, that Thou wilt be with us on the present occasion; guide us in the proceedings of the present meeting. We pray especially for him who has so extensively excited the public sympathy and approbation. We render thanks to Thee for the noble spirit of generosity and of fidelity and of bravery which he has manifested, and his deep sympathy with the oppressed. We thank Thee that he is sustained in the present trying hour by a consciousness of having acted in accordance with his sense of obligation to God; and we pray that he may be sustained to the last. May he enjoy the light of Thy presence and Thy sustaining power, and a hope full of immortality, looking forward to a world where there is no sin, no suffering, no oppression of any kind.”

Again, have you never read the language used at the same meeting by Rev. J. M. Manning, assistant pastor of the “Old South,” the oldest, largest, and most influential Orthodox Congregational Society in this city? It was reported in the same paper as follows:

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“I could not have advised him (Brown) to it, and yet now that the event has taken place, I stand before it wondering and admiring, [applause,] remembering that it is something which he has been revolving in his mind for years, until his soul has become possessed with this idea. He says he is not insane. I believe he is a good man, and has been doing that which he thought was right; and the only explanation which I can give now is, that he has been the instrument of Providence in this. The distinguished speaker who is to follow me (Ralph Waldo Emerson) would call it destiny; I should prefer to call it God, my Heavenly Father, who has used this man, John Brown, as his sword to inflict a wound on the slave power. Whatever we may say of it, he has been possessed by some higher power than man's power. As I view it, he is God's finger going forth in the halls of the great modern Belshazzar, and writing over against the wall those mysterious and appalling words at which the monarch trembles and turns pale on his throne.”

To Hon. William P. Fessenden, *Senator from the State of Maine*.

As said Senator Hamlin, so said Senator Wade, of Ohio. He said:

“And here I will say before I pass from this branch of the subject, that in my intercourse with all the people who knew old John Brown, in my intercourse with all the men who have sympathized with him in his last trial, I have never yet heard of a man, woman, or child, that stood forth as a justifier of his raid upon Virginia. If the people sympathized with a felon upon the gallows, anybody would know without inquiry that it was no ordinary case. Our people do not sympathize with crime; but they do feel those emotions which are elicited by those traits of heroism that characterized this leader during the whole course of his life, and shone most conspicuously in his death.”

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One of the most alarming evidences of the demoralization of public sentiment is the higher law doctrine of Mr. Seward. The influence of his name is spreading the fatal heresy.

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Virginia is wrong for executing John Brown, because he thought he was right, although Virginia denounced his act as wrong.

“Mr. Phillips. If the audience request an answer, my answer is this: So God made him when he made him a man. Every human being is bound to judge the righteousness of a law before he obeys it. [Applause.] If his conscience tells him it is unrighteous, he has no right to obey it. [A voice. How is it with a criminal?] John Brown had a right to judge of the slave laws of Virginia on this account.

“Mr. Cheever. Two hundred years ago, after the completed action of Oliver Cromwell and the regicides, John Milton took his pen, and in his work on the Tenure of Kings and Magistrates, proved that it is lawful and right to call to account a tyrant or a wicked king, and to put him to death. On the same principle, but with still greater power of demonstration, would John Milton have approved John Brown's efforts to deliver an enslaved race in these United States from the cruelty of a tyrannical and wicked Government. [Applause and hisses for some time.]

“Under the Constitution of the United States, and by the word of God, John Brown had a perfect right to proclaim liberty to the enslaved and to labor for their deliverance. [Loud applause and hisses.] If the Constitution had forbidden him to do this, while the word of God commanded him, then he would have been bound to obey the word of God, anything in the Constitution to the contrary notwithstanding. [Renewed applause and hisses.] But there is nothing in the Constitution requiring John Brown, or any other man, to defend slavery or not to oppose it. [Applause and hisses.]

[“The police here put out a man who was disturbing the meeting.]

“Mr. Cheever continued: If God's word required him to oppose it, he could commit no treason against the Constitution or against the country by obeying God. It was John Brown's natural right to protest against slavery, and in every just and righteous way to put that protest into action; [disturbance;] and any State establishing slavery by law, though

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God has forbidden it, and forbidden such a protest by law, though God has required it, [disturbance,] instantly makes such a protest not only right, but a duty, and doubly both.

“I stand here to night to vindicate the majesty and supremacy of God's law over man's; to say that man's law, if against God's, has no authority, but on the contrary, you and I, and the whole country, are forbidden to obey it. Such obedience would be treason both against God and the Constitution, which not only does not profess to lay upon us any obligation contrary to natural and divine law and right, but recognizes such natural and divine right as the supreme law. [Hisses.] Freedom, equity, and the most perfect justice are declared to be the objects of our Constitution, and any law that contradicts and renders impossible its object and spirit is null and void, both in itself and because it is unconstitutional. [‘Amen,’ and hisses.] John Brown was indicted for treason and murder, neither of which crimes was proven against him, and of neither of which was he guilty. He did not intend, either directly or indirectly, but simply intended to give liberty to as many of the enslaved as possible, and without insurrection or the shedding of blood. The insurrection was on the part of the slaveholders and the slaveholding government in defense of the unrighteous claim of property in man.

“Mr. Phillips. I do not couple John Brown and Joseph Warren—not a bit of it. Joseph Warren sits to-day in that heaven where both live, and is not tall enough to touch the hem of the garment of John Brown, of Harper's Ferry. [Applause and hisses.] Joseph Warren was an honest man; Joseph Warren was a patriot; he was a brave soul; he was an honest citizen; but John Brown was more than that. [A voice: ‘You ain't.’] It is no matter what I am; not the least bit; I am utterly indifferent to what you may say; I say Joseph Warren died for himself; he died for the whites; he died in arms for his own country and his own law. Joseph Warren was only a soldier—nothing more. If John Brown had been shot at the door of that armory, the world never would have known that he was anything more than Joseph Warren; but God, in his providence, said to the old man, ‘Come up higher; I'll melt a million of hearts by that old Puritan soul of thine.’ [Great hissing, mingled with applause.]”

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Under such atrocious doctrines, if controlling, no Government could stand; all would be anarchy and disorder.

And who is John Brown, to whom such extraordinary ovations are paid? A murderer and a robber. It is not long since he sold, at public outcry, at Cleveland, Ohio, a number of horses, which, as I see from the papers, he announced to be those of which he had robbed the Missourians; and such was the state of public sentiment, that the announcement rather enhanced than diminished the sale. Some diversity of statement has been attempted about the atrocious murders imputed to him, but some recent revelations mark him as a cold blooded, heartless murderer, without a single doubt.

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The *Cincinnati Gazette* publishes the following extract from the Kansas correspondence of the *Indianapolis Journal*. It will attract attention as associating the late John Brown with an atrocious act in Kansas, concerning which there has recently been some controversy in a portion of the public press:

Lawrence, Kansas, December 17, 1859.

A "John Brown" anti-slavery meeting was held in Lawrence last evening, December 16.

After some of the speakers had lauded Brown as a second Jesus, and one of them alluded to the Pottawatomie massacre, which had been laid at John's door,

Mr. Stevens said he did not believe John Brown had anything to do with it; but there was a gentleman present who could testify to that fact. "Name him!" "Name him!" several cried out. "It is Captain Walker," [now sheriff of Douglas county, and one of the bravest of the free-State leaders.]"

Captain Walker rose, and said: "Gentlemen, there is no use in keeping back the truth or perverting facts. John Brown told me himself that he was present at the murder of

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those men on Pottawatomie creek.” [This startled like a thunder clap the defenders of old Brown.] He proceeded: “I am ready to take an oath that John Brown made such a statement to me. I know more about this matter than I can state, especially as it would implicate as actors in that murder some persons now in this room. John Brown had those men in his power, and he could have kept them prisoners. For himself, he never could justify taking a man prisoner, and then deliberately cutting his throat. Old Titus, whom he took prisoner, had threatened to cut his throat, had insulted his wife and threatened her life, yet he never felt justified in taking his life when his prisoner.”

Governor Charles Robinson also said that he believed John Brown had acknowledged to him he was present and approved of the killing of those men on Pottawatomie creek. He had not, and could not, justify the excesses committed by free-State men after they had the civil power in their hands.

Dr. Adair, a nephew of John Brown, was questioned in reference to John Brown's connection with the Pottawatomie massacre. He said John Brown had told him that he was present at the killing of those men. But there were palliating circumstances connected with it.

I may add that there is no question whatever, from what I have heard from persons who know the facts, that John Brown planned and carried out that massacre. The facts come to me from men who stand among the most truthful of any in Kansas. The truth is, the less Republicans lionize old Brown the better. KANSAS.

Well, Mr. Clerk and gentlemen, may I not be excused for a rapid resume of the main history to which it has been my object to invite attention.

At the breaking out of the revolutionary war, every foot of British territory, south of the great lakes, was open to slavery. But the ordinance of 1787, by express provision, excluded slavery from the Northwest Territory. It will strike every one that a preëxisting right was thus taken away. By the Constitution of the United States, by which slavery was

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recognized, regulated, and protected, the whole subject was adjusted upon terms agreed upon, and the States, by their assent to the compact, pledged their faith to maintain them. I have shown that this part of the compact was broken, in spirit at least, in the first year of the Constitution; that General Washington himself was denied, in 1796, the benefit of the fugitive slave law; and that the slavery provisions of the Constitution have been the object of ceaseless assault. I have shown, or stated, that the Louisiana purchase was open to slavery, and that the Missouri restriction was unconstitutional; and by attempting to exclude slavery from the territory to which it applied, a gross invasion of the clear rights of the slaveholding was perpetrated by the non-slaveholding States of the Union. I have shown the continued excitement on the subject, growing out of Northern agitation; the avowal of most alarming doctrines; the violent resistance to the execution of the fugitive slave law; the nullification of the acts of Congress by State legislation, and the denouncing of those acts as unconstitutional by State courts; and finally, an armed invasion of a sovereign State by a hand of Northern fanatics, with an avowed purpose of carrying out the policy I have traced, and to revolutionize the social condition of the Southern States.

Fifteen States demand to know of their sister States what this persistent hostility means? they demand to know why the common bond is thus habitually broken? why the ties of interest and of blood are no longer regarded?

Senator Wilson, of Massachusetts, in his speech, delivered in Syracuse on the 28th ultimo, said:

“The Harper's Ferry outbreak was the consequence of the teachings of Republicanism.”

Is this state of things, indeed, the consequence of Republican teachings, or is it the “irrepressible conflict” of Mr. Seward?

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Long before our amazement and indignation at the foray of John Brown had subsided, a new revelation broke upon the country. A man by the name of Hinton R. Helper, born in

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North Carolina, ambitious, it seems, of notoriety, and who “left his country for his country's good,” commences his publishing career, in 1855, by a strong pro-slavery work. In that year, it appears, he published a volume entitled *The Land of Gold: Reality versus Fiction*, with the imprint—“Baltimore, Henry Taylor, Sun Iron Building.” The following are extracts from the work:

“Nicaragua can never fulfill its destiny until it introduces negro slavery.”

“Nothing but slave labor can ever subdue its forests or cultivate its untimbered lands.”

“White men may live upon its soil with an umbrella in one hand and a fan in the other; but they can never unfold or develop its resources. May we not safely conclude that negro slavery will be introduced into this country before the lapse of many years? We think so. The tendency of events fully warrants this inference.”

There are many other passages exhibiting his then affiliation with slavery. In one place he speaks of the slaves in California as tampered with and “enticed by meddling Abolitionists.”

Finding, I presume, that this movement did not pay, he turned his attention to the other side of the question, and published *The Impending Crisis of the South: How to meet it*.

It is a great principle of international law that every people is entitled to regulate their political and social institutions in their own way. Italy has expelled her dukes, and claims this right, which will, no doubt, be conceded to her by the despotic Powers of Europe. This right or principle is conceded to the States of the Union within their respective limits, subject to the Constitution; but the South has never been permitted to exercise it in peace. The book itself is but one of a series written avowedly to disturb us in the enjoyment of this right, to unsettle our social institutions, to dissatisfy the most contented and happy laboring population under the sun, and to put a dagger and a torch in the hands of the slaves. I will give a few extracts from the work:

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“And now to the point; In our opinion, an opinion which has been formed from data obtained by assiduous researches and comparisons, from laborious investigation, logical reasoning and earnest reflection, the causes which have impeded the progress and prosperity of the South, which have dwindled our commerce and other similar pursuits, into the most contemptible insignificance; sunk a large majority of our people in galling poverty and ignorance; rendered a small minority conceited and tyrannical, and driven the rest away from their homes; entailed upon us a humiliating dependence on the free States; disgraced us in the recesses of our own souls, and brought us under reproach in the eyes of all civilized and enlightened nations, may all be traced to one common source, and there find solution in the most hateful and horrible word that was ever incorporated into the vocabulary of human economy—slavery.”

“To undeceive the people of the South, to bring them to a knowledge of the inferior and disreputable position which they occupy as a component part of the Union, and to give prominence and popularity to those plans which, if adopted, will elevate us to an equality, socially, morally, intellectually, industrially, politically and financially, with the most flourishing and refined nation in the world, and, if possible, to place us in the van of even that, is an object of this work. Slaveholders, either from ignorance or from a willful disposition to propagate error, contend that the South has nothing to be ashamed of, that slavery has proved a blessing to her, and that her superiority over the North in an agricultural point of view, makes amends for all her short-comings in other respects.

“Nature has been kind to us in all things. The strata and substrata of the South are profusely enriched with gold and silver and precious stones, and from the natural orifices and aqueducts in Virginia and North Carolina, flow the purest healing waters in the world. But of what avail is all this latent wealth? Of what avail will it ever be, so long as slavery is permitted to play the dog in the manger? To these queries there can be put one reply. Slavery must be throttled; the South, so great and so glorious by nature, must be reclaimed from her infamy and degradation; our cities, fields, and forests, must be kept

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intact from the unsparing monster; the various and ample resources of our vast domain, subterraneous as well as superficial, must be developed, and made to contribute to our pleasures and to the necessities of the world.”

“The great revolutionary movement which was set on foot in Charlotte, Mecklenburg county, North Carolina, on the 20th day of May, 1775, has not yet been terminated, nor will it be until every slave in the United States is freed from the tyranny of his master. Every victim of the vile institution, whether white or black, must be reinvested with the sacred rights and privileges of which he has been deprived by an inhuman oligarchy. What our noble sires of the Revolution left unfinished, it is our duty to complete.”

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“Hitherto, as mere free-soilers, you have approached but half way to the line of your duty; now, for your own sakes and for ours, and for the purpose of perpetuating this great Republic, which your fathers and our fathers founded in septennial streams of blood, we ask you, in all seriousness, to organize yourselves as one man under the banners of liberty, and to aid us in exterminating slavery, which is the only thing that militates against our complete aggrandizement as a nation. In this extraordinary crises of affairs, no man can be a true patriot without first becoming an Abolitionist.”

“Non-slaveholders of the South, farmers, mechanics, and working men, we take this occasion to assure you that the slaveholding politicians whom you have elected to offices of honor and profit have hoodwinked you, trifled with you, and used you as mere tools for the consummation of their wicked designs.”

“Now, as one of your own number, we appeal to you to join us in our earnest and timely efforts to rescue the generous soil of the South from the usurped and desolating control of these political vampires. Once and forever, at least so far as this country is concerned, the infernal question of slavery must be disposed of; a speedy and absolute abolishment

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of the whole system is the true policy of the South, and this is the policy which we propose to pursue. Will you aid us? will you assist us? will you be freemen, or will you be slaves?"

"You can goad us no further; you shall oppress us no longer. Heretofore, earnestly but submissively, we have asked you to redress the more atrocious outrages which you have perpetrated against us; but what has been the invariable fate of our petitions? With scarcely a perusal, with a degree of contempt that added insult to injury, you have laid them on the table, and from thence they have been swept into the furnace of oblivion. Henceforth, sirs, we are demandants, not suppliants. We demand our rights, nothing more, nothing less. It is for you to decide whether we are to have justice, peaceably or by violence, for whatever consequences may follow, we are determined to have it one way or the other."

"Slaveholders are a nuisance."

"It is our imperative business to abate nuisances."

"We propose to exterminate this catalogue from beginning to end."

"We believe that thieves are, as a general rule, less amenable to the moral laws than slaveholders."

"Slaveholders are more criminal than common murderers."

"Slaveholders and slavetraders are, as a general thing, unfit to occupy any honorable station in life."

"It is our honest conviction that all the pro-slavery slaveholders, who are alone responsible for the continuance of the baneful institution among us, deserve to be at once reduced to a parallel with the basest criminals that lie fettered within the cells of our public prisons."

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“Were it possible that the whole number (that is, of the slaveholders) could be gathered together, and transferred into four equal bands of licensed robbers, ruffians, thieves, and murderers, society, we feel assured, would suffer less from their atrocities than it does now.”

“Inscribed on the banner which we herewith unfurl to the world, with the full and fixed determination to stand by it or die by it, unless one of more virtuous efficacy shall be presented, are the mottoes which, in substance, embody the principles, as we conceive, that should govern us in our patriotic warfare against the most subtle and insidious foe that ever menaced the inalienable rights and liberties and dearest interests of America:

“1. Thorough organization and independent political action on the part of the non-slaveholding whites of the South.

“2. Ineligibility of pro-slavery slaveholders; never another vote to any one who advocates the retention and perpetuation of human slavery.

“3. No coöperation with pro-slavery politicians; no fellowship with them in religion; no affiliation with them in society.

“4. No patronage to pro-slavery merchants; no guestship in slave-waiting hotels; no fees to pro slavery lawyers; no employment of pro-slavery physicians; no audience to pro-slavery parsons.

“5. No more hiring of slaves by non-slaveholders.

“6. Abrupt discontinuance of subscription to pro-slavery newspapers,

“7. Immediate death to slavery, or if not immediate, unqualified proscription of its advocates during the period of its existence.

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“A tax of sixty dollars on every slaveholder, for each and every negro in his possession at the present time, or at any intermediate time between now and the 4th of July, 1863.

“An additional tax of forty dollars per annum, to be levied annually on every slaveholder, for each and every negro found in his possession after the 4th of July, 1863.”

“This, then, is the outline of our scheme for the abolition of slavery in the 415 Southern States. Let it be acted upon with due promptitude, and, as certain as truth is mightier than error, fifteen years will not elapse before every foot of territory from the mouth of the Delaware to the emboguing of the Rio Grande, will glitter with the jewels of freedom.”

“So it seems that the total number of actual slave owners, including their entire crew of cringing lick-spittles against whom we have to contend, is but three hundred and forty-seven thousand five hundred and twenty-five. Against this army for the defense and propagation of slavery, we think it will be an easy matter—independent of the negroes, who, in nine cases out of ten, would be delighted with an opportunity to cut their masters' throats, and without accepting a single recruit from either of the free States, England, France, or Germany—to muster one at least three times as large, and far more respectable, for its utter extinction. We are determined to abolish slavery at all hazards, in defiance of all opposition, of whatever nature, which it is possible for the slaveocrats to bring against us. Of this they may take due notice and govern themselves accordingly.”

“And now, sirs, we have thus laid down our ultimatum, What are you going to do about it? Something dreadful, of course. Perhaps you will dissolve the Union again. Do it, if you dare. Our motto, and we would have you understand it, is the abolition of slavery and the perpetuation of the American Union. If by any means you do succeed in your treasonable attempts to take the South out of the Union to-day, we will bring her back to-morrow—if she goes away with you, she will return with you.

“Do not mistake the meaning of the last clause of the last sentence.”

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On page 234 he says:

“It is, as it ought to be, the desire, the determination, and destiny of the Republican party to give the death blow to slavery.”

This book appeared some year or so ago, It produced neither excitement nor alarm in the South. But it coming to light, almost coterminously with the John Brown foray, that its atrocious doctrines were indorsed by *sixty-eight* members of Congress, upwards of forty of whom are members of this House, the South did feel a wide-spread feeling of burning indignation in consequence of the thorough conviction that a great party had assumed the place and the duty of that fanatical party which for three-quarters of a century had morally and, whenever possible, practically violated our compact and disturbed the slaveholding States in the quiet enjoyment of their acknowledged rights. And when, as if to pile up the agony, the Black Republican party nominated one of those men, without necessity and without a disclaimer of the doctrines of the Helper book, this side of the House, profoundly stirred, had no alternative but to appeal to their patriotic fellow-citizens against the insult, and outrage implied in such a nomination.

I know it is said, Mr. Clerk, that *it may be inferred* from what the gentleman [Mr. Sherman] said on the 6th instant, that he disclaimed the doctrines of the Helper book. And are these atrocious doctrines to be disclaimed *by inference*; and by one aspiring to preside over the deliberations of this body? With half the words uttered by him on the occasion referred to he could have denounced the Helper book and the John Brown foray, and then have relieved many in this House of that profound feeling of exasperation which his election cannot fail to strengthen.

A disclaimer by inference leaves a clear inference against such disclaimer. But the *Sentinel*, of December 8, published at Mount Gilead, Ohio, in its leading editorial of that day, says:

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“Captain John Brown has been ‘permitted to die for a cause,’ and his ‘last on earth’ will hereafter be the sign and symbol of supreme self-devotedness to the sublime doctrines of the Sermon on the Mount. His example of heroism, sanctified by such tenderness and faith, ‘meeting the eye and filling the heart of the civilized world, spreading its noble inspiration far and wide through a continent, quickening the pulses of heroism in millions of souls, is God's prime benefactor to our time—the immortal fire that keeps humanity's highest hope aflame.”

Mr. Seward, to whom I have so often referred, also fully indorses, not the compendium, but Helper's original book. He says, and it appears on the title page:

“I have read the *Impending Crisis of the South* with deep attention. It seems to me a work of great merit; rich, yet accurate, in statistical information, and logical in analysis.”

That note is signed “William H. Seward.”

Do not these evidences justly inspire distrust and preclude us from being satisfied with any disclaimer of the Helper book *by inference*?

Well, sir, being thus treated, the object of unremitting annoyance, our slaves run off, and our soil invaded, the South does complain, and proclaim that if not allowed to enjoy her rights in peace, she will seek her happiness and repose outside of that Union, which has become a source of annoyance and oppression. And how 416 is she treated? With sympathy and kindness? No, sir; with all the insolence of unbridled power, she is treated in the most insulting and contemptuous manner. Hear the *New York Courier and Enquirer*, an organ of the Black Republican party, and especially of Mr. Seward:

“We have all become somewhat familiar with the bullying and threatening of the South. For nearly half a century, a mere handful of ignorant, reckless, and unprincipled men at the South, have, by bullying and threatening, governed the millions of educated and intelligent men at the North; simply because they are men of peace, and busily engaged in moral and

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industrial pursuits, which do not encourage or foster restlessness and excitement. They have submitted to be thus governed, so long as no great principle was involved, and no sacrifice of honor and national character was demanded of them by their acquiescence. In 1820, however, this bullying and threatening became offensive, because it demanded the extension of slavery into the great and free Northwest; and then the men of the North roused themselves for a moment, and indignantly hurling defiance at the *bullies* who presumed upon their forbearance, demanded a guarantee of better behavior for the future. This was conceded; and the great Missouri compromise followed. Then, again, the great North, knowing alike its moral and physical strength, returned like a refreshed giant to its repose, and to the practicing of those industrial pursuits wherein consists its happiness and prosperity.

“But after thirty years of peace and quiet, and when the generation of men who had quailed before the Northern indignation in 1820 had passed away, a race of *Lilliputians* arose in the South, who foolishly imagined that because *they* had never heard the roar of the lion or seen him shake his mane, and brush away the insect tribes which occasionally annoy him, he was no longer to be feared. They saw the whole North, year after year, submitting to be bullied and governed by a mere handful of Southern adventurers; and emboldened by the repose of the people, conscious of their strength, but loth to employ it, they finally ventured to lay hands upon and violate the great compromise of 1820, accompanied with threats of a dissolution of the Union. Then the men of the North awaked from their slumbers, and hurling back defiance, and treating with scorn and contempt their cowardly threats of disunion, told these reckless and dishonored tricksters, that, not only should the principles of the Missouri compromise be restored and enforced, that, if need be, the State or States which ventured to trifle with their allegiance to the Constitution and the Union should be *whipped* into obedience, just as a sulky, or insolent, or unruly school boy is made to feel that, when necessary, the *birch* will compel a prompt, if not a willing, discharge of all his duties. That lesson has been very fairly inculcated; and the South now understand that if any portion of this great Confederacy, whether it be the East or

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the West, the North or the South, attempts to withdraw from the Union, it will be promptly *whipped*—ay, *whipped* into subjection. It is all idle to mince the matter. The fiat has gone forth and will be enforced, let Washington, Oregon, and California, at the Northwest, or Maine, New Hampshire, and Massachusetts, at the Northeast, or the agricultural States of the North and center, or the slaves States of the South and Southwest—let any of them, or any combination of them, raise the banner of rebellion against the American Union—we care not what their pretense for treason—so certainly as there is a God above, so certain is it that the offending States will be *whipped* into obedience, and the traitors who encouraged rebellion terminate their career on the gallows.

“The North, the center, and the West—the great heart and most efficient limbs of the Confederacy—are all true to the Union and the Constitution; and should disunion raise its head at the South, John Brown has taught the world how much opposition from that quarter is really worth. If seventeen fanatics, led on by a madman, could hold in subjection a town containing two thousand Virginians, and keep at bay whole regiments of Virginia militia, who, even under the eye of their Governor, dared not attack their invaders, but stood by and saw twelve United States marines make the attack and capture in ten minutes, what would these same boastful soldiers do when confronted by Northern valor, banded together under the Constitution, and bearing aloft the banner of the Union? Why, our Seventh regiment alone, in such a cause—the cause of the Union and the Constitution—aided, as it would be, by the good men of the slave States, would promptly overrun every rebellious State of the South, and compel them to return to their allegiance.

“Such are the convictions, and such the feelings, of the North.”

If that be the sentiment of the North, then, of course, there will be no difficulty in determining our future condition. We are to be whipped, as a schoolboy, into duty. We are to be trampled under foot. We are to be forced by the Seventh regiment into an observance of our constitutional duties. Sir, when the gentleman from Pennsylvania [Mr. Hickman] talked the other day about eighteen millions against eight, it was very significant;

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it was an echo of that article. Another gentleman from Pennsylvania [Mr. Stevens] also spoke of our repeated threats to dissolve the Union, and of his having heard it over fifty times. I did not expect this from him; 417 his history should surely have kept him silent. He sneered at the intimation embodied in the remarks of some of our friends on this occasion. It is true, sir, that, under the pressure of the wrongs and injustice that we have suffered, as illustrated in the history, brief and condensed, to which I have referred, we have been provoked into many a declaration of hostility to the Union. But, sir, it was Faneuil Hall meetings, and other such gatherings at the North, that soothed our irritated feelings and preserved our love for the Union still in strength and vigor. It was her appeal in 1835; it was her appeal in 1850; it was the various appeals that have been made on these irritating occasions, that we yielded to, in the absence of any actual and immediate grievance, and in the generosity and kindness of our own nature. But we are reproached for it now. A gentleman, who ought to have been hushed on this subject, dared to sneer at the repetition of similar declarations. But yet there had not been an actual invasion of a sovereign State. There had not been this development of the irrepressible conflict. There had not been such an accumulation of these insulting declarations. There had not been such embarrassments in the legislation of the States. There had not been judicial expositions of the unconstitutionality of the fugitive slave law. There had not been propagations of detestation and hate, to the same extent, at least, against the Southern people. No, sir. These accumulated evidences demand of us, at least, some consideration—more solemn, more deliberate, and more comprehensive, than they have heretofore received. I know that it is the custom—almost come to be regarded as law—to consider persons in the South as alone desirous of a dismemberment of the Union. But, sir, that is not the truth. Far from it. In 1800, Mr. Adams, the second President of the United States, absolutely refused to subscribe to the establishment of a college in Tennessee, because he did not think the Union could possibly last, and he did not deem it proper that the North should be called upon to give support to such an institution.

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I propose to read an extract from the fourth volume of Mr. Jefferson's works, an entry under the head of December 13, 1803:

“The Rev. Mr. Coffin, of New England, who is now here soliciting donations for a college in Greene county, Tennessee, tells me that when he first determined to engage in this enterprise, he wrote a letter recommendatory of the enterprise, which he meant to get signed, by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being the President of the United States, and the application going only for his name, and not for a donation. Mr. Adams, after reading the paper and considering, said he saw no possibility of continuing the Union of the States; that their dissolution must necessarily take place; that he, therefore, saw no propriety in recommending to New England men to promote a literary institution in the South; that it was, in fact, giving strength to those who were to be their enemies; and, therefore, he would have nothing to do with it.”

That is not all. In 1804, General Eaton, a Massachusetts man, returned to his State from the Tripolitan war, and had a dinner given to him by his friends. In giving a toast he rebuked the disunion sentiments of that day, and said: “Palsied be the arm and frenzied the head that seeks to sever the Union.”

Nor was that all. Josiah Quincy, a prominent and distinguished Massachusetts man, uttered, on the 14th of January, 1811, disunion sentiments as strong as ever were uttered by a Southern man.

There was, then, a proposition pending to admit the State of Louisiana into the Union; and if she were admitted, that was to be cause for disunion.

It is unnecessary for me to call attention to the history of the war of 1812. We know that it was the habitual custom of that day, in pulpit and in forum, to utter disunion sentiments in the North. You recollect the celebrated Hartford convention, the object of which was

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to bring about a disruption of the Union, and to march the Eastern States into the British Provinces. You recollect the fact that the British themselves remained in the occupation of Castine for months. That is not all. Mr. Adams, in an extract which I have already read, declared that if the 21st rule was continued as one of the rules of the House, that it would be a good cause for the North withdrawing from the Union. Sir, at that session he presented a memorial praying for a dissolution of the Union, an atrocity of which he alone enjoys the proud preeminence. But that is not all. He said furthermore that the North would have the right to revolutionize—for that would be the effect of it—the South, if the General Government were called upon to suppress a servile insurrection. Nor is that all; but the *Liberator* of New England, with an active and organized party, is this day laboring with might and main to accomplish a dissolution of the Union. And Mr. Henry Wilson, now a Senator of the United States from the State of Massachusetts, stands the indorser of that treasonable paper.

Yet these are the men and this the section that are talking about our disunion propensities in the South!

Mr. Clerk, may I be permitted to repeat once more that the slaveholding States 418 have done no wrong to their free State sisters? Virginia, in her generosity and nobleness of soul, gave five great States to freedom, as it is called, and to the Union. Her great captain gave us liberty; and her captains at the head of the armies of the Union ever led them to victory. Her sages have piloted the ship of State through every trial. We have kept your looms in motion. To us you can trace your great wealth, the luxurious embellishment of your barren country. Rear up your palatial residences; make your country to “smile and blossom as the rose;” let your halls of science be filled with your aspiring youth; let your proud navies stretch their wings to every breeze and over every sea; we are content; nay we share in the pride and the glory of your prosperity. We ask no return but to be left in peace; *to the enjoyment of our rights—to be let alone*. This is all we have ever asked; *it is all we ask now*. For seventy-five years we have made this appeal; and in the trying revelations of a

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few recent hours, we make it again here in this presence; and in the august presence of the American people, we pray *to be left to the enjoyment of our rights—to be let alone.*

I beg to call attention to the celebrated examination of Doctor Franklin before a committee of the House of Commons, in 1766:

“ *Question.* What was the temper of America towards Great Britain before the year 1763?

“ *Answer.* The best in the world.”

* * * * *

“ *Question.* And what is their temper now?

“ *Answer.* Oh, very much altered.”

* * * * *

“ *Question.* To what cause is this owing?

“ *Answer.* To a concurrence of causes; the restraints lately laid on their trade, by which the bringing of gold and silver into the colonies was prevented; the prohibition of making paper money among themselves, and then demanding a heavy tax by stamps, and taking away at the same time trials by juries, and refusing to receive and hear their humble petitions.

“ *Question.* Do you think, if the stamp act is repealed the people would be satisfied?

Answer. I believe they will.

“ *Question.* If the act is not repealed, what do you think will be the consequence?

Answer. A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection.

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“ *Question.* How can the commerce be affected?

“ *Answer.* You will find that, if the act is not repealed, they will take very little of your manufactures in a short time.

“ *Question.* What used to be the pride of the Americans?

“ *Answer.* To indulge in the fashions and manufactures of Great Britain.

“ *Question.* What is now their pride?

“ *Answer.* To wear their old clothes over again, till they can make new ones.”

In 1770, Franklin was very hopeful that the remedy adopted would prove effectual. He wrote from London, October 2, as follows:

“ The dispute between the two countries has already cost England many millions sterling, which it has lost in its commerce, and America has in this respect been a proportionable gainer. This commerce consisted principally of superfluities, objects of luxury and fashion, which we can do very well without; and the resolution we have formed of importing no more till our grievances are redressed, has enabled many of our infant manufactures to take root, even should a connection more cordial than ever succeed the present troubles. I have, indeed, no doubt that the Parliament of England will finally abandon its present pretensions, and leave us in the peaceable enjoyment of our rights and privileges.”

But, sir, we are admonished that the “irrepressible conflict” will not end. We are to have no peace. Our rights will not be respected. What then; disunion at once, or measures which may prevent, but will at the same time prepare for it. Disunion is the last resort. What other remedies then, it may be asked, am I prepared to suggest? The first and most obvious measure is legislation by the free States. Let them provide such laws in aid of the laws of Congress as will facilitate the enjoyment of all the rights and guarantees of

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the Constitution; suppress all incendiary combinations, punish all treasonable sentiments, all subscriptions, &c., in aid of invasions of our sister States. We have what is called the neutrality act of 1818, the object of which is to prevent our people from breaking the peace of friendly Powers. Surely the States will practice toward each other that friendly non-intervention which, as one of the family of nations, we have proclaimed in reference to all others. But I have no hope of such legislation now. What then? we must legislate ourselves. Our soil has been invaded, we must arm; our negroes have been tampered with and run off; the whole system of itinerants, peddlers, showmen, schoolmasters and all others, must be prohibited by law. The manufactures of unfriendly States must be refused a market among us; we must encourage our own manufactures—open a direct trade with Europe, &c.

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One would think that the North must know our value. To our industry, moire than to any other cause, they chiefly owe their great prosperity.

“The exports of the last fiscal year, embracing specie and American produce, amounted to \$335,894,385; in addition to which we also exported something over twenty millions of foreign produce, making all of our exports above three hundred and fifty-six million dollars, and exceeding our imports for the same period a fraction over eighteen million dollars.

The specie and American produce exported were \$335,894,385

Specie 57,502,305

The amount of produce consequently exported was \$278,392,080

“We propose to classify the amount furnished by each section, as far as possible by giving the amount furnished exclusively by the free States, the amount furnished by both the free and slave States (which it is impossible to separate and designate the respective amount furnished by each,) and the amount furnished exclusively by the slave States.

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FREE STATES EXCLUSIVELY:

Fisheries, embracing spermaceti and whale oils, dried and salt fish \$4,462,974

Coal 653,536

Ice 164,581

Total free States \$5,281,091

FREE AND SLAVE STATES: Products of the forest—embracing staves and headings, shingles, boards, plank, and scantling, hewn timber, other timber, oak bark and other dye, all manufactures of wood, ashes, ginseng, skins and furs \$12,099,967

PRODUCT OF AGRICULTURE: Of animals—beef, tallow, hides, horned cattle, butter, cheese, pork, hams and bacon, lard, wool, hogs, horses, mules, and sheep 15,549,817

VEGETABLE FOOD: Wheat, flour, Indian corn, Indian meal, rye meal, oats, and other small grain, and pulse, biscuit, or ship bread, potatoes, apples, and onions. 22,437,578

MANUFACTURES: Refined sugar, wax, chocolate, spirits from grain, do. molasses, do. other materials, vinegar, beer, ale, porter, and cider, in casks and bottles, linseed oil, household furniture, carriages and parts, railroad cars and parts, hats of fur and silk, do. palm leaf, saddlery, trunks and valises, adamantine and other candles, soap, snuff, tobacco manufactured, gunpowder, leather, boots and shoes, cables and cordage, salt, lead, iron, pig, bar, nails, castings, and all manufactures of copper, brass, and manufactures of, drugs and medicines, cotton piece goods, printed or colored, white other than duck, duck and all manufactures of, hemp, thread, bags, cloth, and other manufactures of, wearing apparel, earthen and stone ware, combs and buttons, brooms and brushes, of all kinds, billiard tables and apparatus, umbrellas, parasols and sunshades, morocco and other leather not sold by the pound, fire-engines, printing

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presses and type, musical instruments, books and maps, paper and stationery, paints and varnish, jewelry, other manufactures of gold and silver, glass, tin, pewter and lead, marble and stone, bricks, lime and cement, India-rubber shoes and manufactures, lard oils, oil cake, and artificial flowers 30,197,274

Articles not enumerated, manufactured 2,274,652

Raw produce 1,858,205

Total, free and slave States \$84,417,493

SLAVE STATES, EXCLUSIVELY:

Cotton \$161,434,923

Tobacco 21,074,038

Rosin and turpentine 3,554,416

Rice 2,207,148

Tar and pitch 141,058

Brown sugar 196,935

Molasses 75,699

Hemp 9,279

Total, slave States \$188,693,496

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RECAPITULATION.

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Free States, exclusively \$5,281,091

Free and slave States \$84,417,493

Slave States, exclusively \$ 188,693,496

Total \$ 278,392,080

“If any one will take the trouble to analyze the articles embraced in the amount of \$84,417,493, belonging alike to the labor of the free and slave States, he will find that at least one-third is as justly the products of slave labor. We have, therefore, the fact, that out of \$278,392,080 of exports of domestic industry, over \$200,000,000 of this sum is furnished by those States known as slave States.”

And yet our labor is thriftless, and our industry is unproductive! Where, in the whole history of labor, is there such an amount of production for the capital involved? And where such an amount of content, comfort, and, I may add, happiness? Here is the chief basis of Northern prosperity. Do they wish its destruction, to make another Jamaica or San Domingo of the Southern States? Indeed, it may be said that the negro in the South is not only a productive, but eminently a social and religious, being. I beg to read to you the testimony of the Rev. Mr. Gurley, known, by character at least, to the members of this House:

“Colored Church Members at the South. —Rev. R. R. Gurley, who, as agent of the American Colonization Society, lately made a tour through the State of Georgia, has recently addressed a long and interesting letter to Rev. W. McLain, secretary of said society, which is published in the *African Repository*. It is beautifully written, and presents many encouraging facts bearing upon the objects of his mission. We make the following extract, and we regret that we are unable to publish the letter entire.— *National Intelligencer*.

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“It has been shown, from authentic documents, that in the Southern States, in 1847, there were 139,378 colored members of the Methodist church; that 100,000 were members of the Baptist church, in 1847; of the Presbyterian church, 7,000; of other denominations, 16,000; and at this hour it is probable that the number of colored members of Christian churches in the Southern States is not less than 300,000. The great fund of humanity, treasured up for the benefit of our colored population, is in the hearts of the South. That divine law of love, which worketh no ill to its neighbor, pervading the hearts of Christian masters and Christian slaves, will dispose both to seek each others' highest good, and to impart to all men a knowledge of its Author and the happiness of His kingdom.”

And what is the state of the free negro wherever tried?

“If there is any one fact established by steadily accumulating evidence, it is that the free negro cannot find a congenial home in the United States. He is an exotic among us, and all the efforts of philanthropists to naturalize him on American soil and under American skies have failed. We know that it is common to attribute this failure to the prejudice of the whites, which defeats all the attempts made to improve radically and permanently the condition of the blacks; but after allowing to this cause all the influence which it deserves, it must be admitted that it does not explain the almost universal degradation of the colored population in the free States, and we must look beyond prejudice and social ostracism, and the unequal legislation which may be supposed to flow from these for some deeper explanation—one which we believe is to be found in the constitution of the negro himself.”

* * * *

“Now, so far as the colored population of most of the free States are concerned, there are no laws that trammel their faculties or limit the sphere of their industry. They are at liberty to pursue most callings, and to accumulate property. The laws extend protection to the person and property of the colored man as they do to the white.’ * * * * “But we see the blacks daily driven from avocations once deemed almost exclusively their own. It is long since they have flourished in any of the trades, if they ever pursued them with success.

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Within a few years they have ceased to be hackney coachmen and draymen, and they are now almost displaced as stevedores. They are rapidly losing their places as barbers and servants. Ten families employ white servants now, where one did twenty years ago. Whatever explanation may be given of these facts, the facts themselves cannot be denied; and what is to be done with our colored population, unless they can be induced to return as colonists to the native land of their race, or seek some other tropical region, baffles the wisest of us to say.”— *Philadelphia North American (Black Republican.)*

“ The Free Negroes of the, North. —The New York *Express* has the following sensible remarks on this subject. If the people of the North would interest themselves more about the condition of the free negro population they have among them, and leave the Southern people to take care of the slaves, it would be much more to 421 their own interest, and to the welfare of the country. We hope they will profit by the comments of the *Express*.

“From the Washington *Sentinel*, which has been examining the census returns, we learn that, prior to 1830, owing to the more general emancipation which prevailed then than now, (and which has been retarded by the zeal and interference of the Abolitionists,) there was a greater increase among the free negroes than among the slaves. From 1830 to 1840, the free negroes fell off fourteen per cent., the increase being but twenty per cent.—two per cent. per year—in ten years. From 1840 to 1850, there was a falling of eight per cent., and an increase of only twelve per cent., which does not exceed the number of manumitted and escaped slaves.

“ In a marked and important contrast to this, the slaves, we are told, are increasing in the ratio of twenty per cent. every ten years; and the *Sentinel* declares, that, among three million two hundred and four thousand three hundred and thirteen slaves, (the number enumerated in the census of 1850,) there was but three hundred and thirty-seven idiotic and insane and three hundred and eleven idiotic and insane free negroes in a population of four hundred and thirty-four thousand four hundred and nine-five. Thus it appears that

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there is only one insane slave in nine thousand six hundred and fifteen, while there is one idiotic or insane free negro to every thirteen hundred and ninety-seven.”

“ Condition of the Free Blacks at the North. —Of all the papers in the world, we should have expected the New York *Tribune* to be the last to represent the true condition of the free blacks at the North. And even that violent Abolition sheet portrays the character of this class of the Northern community:

“Nine-tenths of the free blacks have no idea of setting themselves to work, except as the hirelings and servitors of white men; no idea of building a church, or accomplishing any other serious enterprise, except through beggary of the whites. As a class, the blacks are indolent, improvident, servile, and licentious; and their inveterate habit of appealing to white benevolence or compassion, whenever they realize a want or encounter a difficulty, is eminently baneful and enervating. If they could never more obtain a dollar until they shall have earned it, many of them would suffer, and some, perhaps, starve; but on the whole, they would do better and improve faster than may now be reasonably expected.”

“ Free Negroes North. —The New York correspondent of the *Savannah Republican* writes as follows as to the condition of free negroes in the North:

“ Two rather important decisions on the eternal negro question have been made. The city court of Brooklyn held that a marriage between slaves in the State of North Carolina was not valid, and refused to allow a freed man of color to be prosecuted for bigamy here, the first alleged marriage having been solemnized in this State. In one of the second ward public schools of this city, a number of negroes made application for the admission of their children. A stormy debate took place among the school commissioners of the district, but finally the application was rejected by a vote of 8 to 2. The amalgamation doctrine, in all its forms, is very unpopular in this city. Negroes are not allowed in omnibuses or cars, (except on one line, where they have special cars) hotels, or places of public amusement. Indeed,

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I think the two races meet with less jealousy and more good nature and apparent familiarity in parts of the South I have visited than in New York.”

North Adams, Massachusetts, September 26, 1859.

Dear Sir: Yours of the 12th, inclosing a copy of the resolutions recently adopted by a convention of colored citizens of New England, assembled at Boston, was received here in my absence from home, or it would have been sooner acknowledged. I am greatly obliged to the convention for the complimentary notice it was pleased to take of myself in one of its resolutions.

The disabilities imposed upon free colored persons by the constitution of many of the so-called free States, have very properly found place in the deliberation of the convention. Indeed, the position which the free colored citizen shall hereafter occupy at the North has seemed to me to be a question deserving more attention from all than it has hitherto received. It lies, in my opinion, directly across the path of the emancipationist, and must be encountered and correctly settled before any permanent or healthy progress can be made. The growing disposition in the new States that are forming in the great West with such rapidity and on such a magnificent scale, to disfranchise, disable, and drive out the free negroes from their border, should be firmly met and encountered by those who make it the corner-stone of their political creed that “ALL MEN are created equal.”

That a State whose constitution imposes upon any class of men who have committed no crime the disability that they “shall never have the right of suffrage,” “shall never hold any real estate,” “shall never make any contract,” “shall never work any mine,” “shall never maintain any suit,” or “come, reside, or *be* within the State”—that such a State is called a free State passes my comprehension. It is all a false pretense and a fraud. There is no real difference between the spirit which would incorporate such provisions into the organic laws of a State and that which infamously declares that the “negro has no rights which the white man is bound to respect.” It is high time, therefore, for those who believe that men

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have *inalienable* rights to meet and grapple this monstrous heresy. It well engaged the attention of so intelligent a convention of colored citizens assembled in New England, the only portion of the Union where the rights of man, without distinction of color or race or class or condition, are secured to him by the constitutional guarantees. It must sooner or later, and better soon than late, arrest the serious attention of the statesman who hopes for the perpetuity of the principles upon which the frame-work of our Government was founded.

Respectfully yours,

H. L. DAWES.

William C. Neil, Esq.

In the above letter from Hon. Mr. Dawes, now a member of this House, you will see the general condition of the free negro in the non-slaveholding States.

I read this letter for the purpose of showing that, according to the statement of that gentleman, the free States themselves, with the single exception of Massachusetts repudiate the doctrine of equality. They are free and equal, then, in but one State in the Union. I am told that in Massachusetts, a white man can marry a black woman, and a white woman can marry a black man. I am told that in Massachusetts, black men can be lawyers, judges, and counselors; that they can be governors, and, I suppose, may be elected to Congress. What kind of equality, and what sort of freedom, is it, when no other State than Massachusetts recognizes their perfect equality?

Mr. Olin. The gentleman is mistaken. In the State of Vermont there is no disqualification of colored men. They are eligible to any office in the State.

Mr. Smith, of Virginia. The *North American*, quoted, also says:

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“ We are led to these remarks by reflecting on the great reluctance displayed by the people of the new States to have free negroes settle among them. There is something more in this than mere prejudice or jealousy. It is exhibited in places where the political sentiments of the people are as diverse as in Kansas, Oregon, and Iowa. It seems as if it were to become a rule, in framing a constitution for a new State, to prohibit the residence of free negroes.”

Then the gentleman from Massachusetts is mistaken. I supposed he was correct because he had looked into the matter, as he was weeping over the unhappy condition of the slave, for whom he has such tender commiseration. Did the gentleman ever know a negro to be elected to any office in Vermont?

Why, then, will gentlemen agitate this question? Why will they forget their obligations to the Constitution and the country? If gentlemen choose to try the experiment of mingling bloods and races, they are welcome to it. We of the South believe that the negro is of an inferior race. That is our experience, but we are perfectly willing to give to others an opportunity of showing that we are mistaken.

Mr. Dawes. I would like to ask the gentleman if there is any law in Virginia against the intermingling of the whites and blacks?

Mr. Smith, of Virginia. Certainly.

Mr. Dawes. Then what is the reason that there are so many more mulattoes than full-blooded Africans?

Mr. Smith, of Virginia. I know it is not the fact.

Mr. Houston, (in his seat.) Perhaps it is owing to the Yankees going there. [Laughter.]

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Mr. Dawes. We had a Democratic Legislature one year in Massachusetts, and it was in that year that the law was repealed prohibiting the intermarriage of blacks and whites. However, we never have found it necessary to make the intermarriage of blacks and whites a penal offense in our State; and if they have found it necessary so to do, that is the gentleman's business, and not mine.

Mr. Smith, Of Virginia. Exactly.

Mr. Dawes. We have never found it necessary to prevent, by legal or constitutional enactment, any black man from holding office in Massachusetts. If they have found it necessary in Virginia to make a black man constitutionally ineligible to office, that is their business, not ours. We have found it necessary to impose restrictions on no man. We let all men who are born free and equal judge for themselves, in Massachusetts, whom of all their number, they will select to hold the office of Governor; and we do not hesitate to compare the Governors of Massachusetts with the Governors past and present, of Virginia.

Mr. Smith, of Virginia. The gentleman is growing enlightened. In 1847, I think, a law was passed by Massachusetts repealing that which prohibited the intermarriage of blacks and whites. I presume that when the Constitution of the United States was adopted, such prohibition existed in every State and Territory of the Union. It existed in Massachusetts, and, so existing, the gentleman will readily understand there was a necessity for it. We have been governed by the same policy. We desired to preserve, as far as we could, the white race from contamination, We did not wish it defiled and depreciated. It may suit other States to remove such prohibitions, because they wish to try experiments as to the equality of races.

And how stands the grand experiment in Hayti? A perfect failure. How stands it in Jamaica, that stupendous monument of British folly? Hear the great organ of England, the London *Times*:

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“There is no blinking the truth. Years of bitter experience—years of hope deferred, of self-devotion unrequited, of poverty, of humiliation, of prayers unanswered, of sufferings derided, of insults unresented, of contumely patiently endured —have convinced us of the truth, It must be spoken out, loudly and energetically, despite the wild mockings of ‘howling cant.’ The freed West India negro slave will not till the soil for wages; the free son of the ex-slave is as obstinate as his sire. He will cultivate lands which he has not bought, for his own yams, mangoes, and plantains. These satisfy his wants; he does not care for yours. Cotton and sugar and coffee and tobacco—he cares little for them. And what matters it to him that the Englishman has sunk his thousands and tens of thousands on mills, machinery, &c., which now totter on the languishing estate that, for years, has only returned beggary and debt. He eats his yams, and sniggers at ‘Buckra.’

“We know not why this should be; but it is so. The negro has been bought with a price, the price of English taxation and English toil. He has been ‘redeemed from bondage’ by the sweat and travail of some millions of hard-working Englishmen. Twenty million pounds sterling—\$100,000,000—have been distilled from the brains and muscles of the free English laborer, of every degree, to fashion the West India negro into a ‘free and independent laborer.’ ‘Free and independent’ enough he has become, God knows; but laborer he is not, and, so far as we can see, he never will be. He will sing hymns and quote texts, but honest, steady industry he not only detests but despises. We wish to heaven that some people in England—neither Government people, nor parsons, nor clergymen—but some just-minded, honest-hearted, and clear-sighted men, would go out to some of the islands—say Jamaica, Dominica, or Antigua, not for a month or three months, but for a year—would watch the precious protégé of English philanthropy, the freed negro, in his daily habits; would watch him as he lazily plants his little squatting; would see him as he proudly rejects agricultural or domestic service, or accepts it only at wages ludicrously disproportionate to the value of his work. We wish, too, they would watch him while, with a hide thicker than that of a hippopotamus, and a body to which fervid heat is a comfort rather than an annoyance, he droningly lounges over the

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prescribed task, on which the intrepid Englishman, uninured to the burning sun, consumes his impatient energy, and too often sacrifices his life. We wish they would go out and view the negro in all the blazonry of his idleness, his pride, his ingratitude, contemptuously sneering at the industry of that race which made him free, and then come home and teach the memorable lesson of their experience to the fanatics who have perverted him into what he is.”

Again, the same paper says:

“The worthy men who extinguished slavery and *ruined* our West India possessions are very touchy, very obstinate, very incontrovertible on that tender point. It is not our business to deny them much justice and truth on their side, or to stand up for the planters who took a line which repelled all reasonable advocacy. But, confessedly, taking that grand summary view of the question which we cannot help taking after a quarter of a century, the process was a failure; it destroyed an immense property, ruined thousands of good families, degraded the negroes still lower than they were, and, after all, increased the mass of slavery in less scrupulous hands.”

And the States which are enriched by our industry refuse the admonitions of history, and labor to bring upon fifteen States of this Union the utter destruction but feebly expressed in the above truthful articles. Nor is this all. Even in Canada, the “city of refuge” for the passengers of the underground railroad, murmurs are being heard, and even her courts are beginning to the of the annoyance. Hear:

“ A Movement Against Negroes in Canada. —By the proceedings of the court of assizes of Essex county, Canada, it appears that the grand jury have made a presentment to the court, based upon a representation emanating from the authorities of the township of Anderdon, in regard to the negro population of the county. The grand jury submit the document that was presented to them to the court, and urge that some action be taken in the matter. The Anderdon authorities say: ‘We are aware that nine-tenths of the crimes

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committed in the county of Essex, according to the population, are so committed by the colored people.’ And they further urge ‘that 424 some measures may be taken by the Government to protect us and our property, or persons of capital will be driven from the country.’ The court, in alluding to this presentment, remarked that ‘he was not surprised at finding a prejudice existing against them (the negroes) among the respectable portion of the people, for they were indolent, shiftless, and dishonest, and unworthy of the sympathy that some mistaken parties extended to them; they would not work when opportunity was presented, but preferred subsisting by thieving from respectable farmers, and begging from those benevolently inclined.’”

In the face of such demonstrations, why are we thus unceasingly annoyed? Many slaves, freed by their owners, prefer to return to slavery. Not a few enticed away return to their masters. John Brown acknowledged he was deceived as to the feelings of the slaves. Not one *voluntarily* joined him, and not one would raise his hand against his master.

John E. Cook, in a letter to his mother-in-law, referring to the Harper's Ferry invasion, says:

“It had been represented to me and my comrades that when once the banner of freedom should be raised, they would flock to it by thousands; and that their echoing shout of freedom would be borne by the breeze to our most Southern shore, to tell of freedom there.

“I gave heart and hand to a work which I deemed a noble and holy cause. The result has proved that we were deceived; that the masses of the slaves did not wish for freedom. There was no rallying beneath our banner, We were left to meet the conflict all alone, to dare, and do, and die. Twelve of my companions are sleeping now with the damp mold over them, and five are inmates of these prison walls.”

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Every step taken against slavery has retarded the amelioration of the slave. The late foray will, sooner or later, end the free negroes as a class. There will be the free inhabitants of the free States, or voluntary slaves in the South. But one or the other is inevitable.

The following is taken from the *Journal of Commerce*:

“ The Cruelty of Abolitionism. —The slavery excitement, so much intensified by late events in Virginia, is reacting with crushing effect upon the free blacks of the South. Louisiana and Arkansas have already passed laws for the exclusion of this class of population from their respective limits; and, more recently, the subject has come prominently before the Legislatures of six other States; namely, South Carolina, Georgia, Mississippi, Tennessee, Virginia, and Missouri. In the State last named, and also in Georgia, a bill to compel the free colored population to leave the State or be enslaved has passed the upper branch. These are the alternatives presented in every instance, so far as we are informed, and a determination is evinced to rid the States named of a class who are now considered as dangerous, from their liability to be employed by designing men, as agents for propagating insurrections. Thus, by the insane folly of Abolitionism, the progress of emancipation is arrested through the entire South, and a large class, embracing many worthy people who have been liberated, often at a heavy pecuniary sacrifice on the part of masters, are returned to a condition of servitude, or driven from their homes. All the negroes ever spirited off by the underground railroad and sent to Canada, or dispersed over the Northern States, are few in comparison with those who are now threatened with oppressive legal enactments. The subterranean operators who have been so industrious in seeking to evade the obligations of the Constitution, and break down laws essential to the preservation of social order, find that they have been ‘saving at the spigot and losing at the bung hole.’ To show more precisely the legislation contemplated, we will here state some of the provisions of the bills under discussion:

“The Georgia bill, introduced in the Senate, is designed to compel all free colored persons to leave the State by January, 1862. Any person of this class desiring to remain can do

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so by selling himself into slavery to any citizen whom he may select; the purchase money to go into the treasury of the county, to pay the expenses of those who prefer to leave. The measure is regarded by many in the State as unnecessarily severe. The *Augusta Constitutionalist* says:

“We believe that they ought eventually to disappear as an element in our population, and that measures should be taken at once, under the operation of which the State eventually would be rid of them; but we do not believe that there is any necessity for their summary and forced expatriation.’

“The number of free negroes in Georgia is only three thousand three hundred.

“The bill which has passed the lower branch of the Mississippi Legislature, with only five dissenting votes, and is likely to become a law, is still more rigorous. By this, no free negro can remain in the State after the 1st of July next, without a special license from the Legislature. In the mean time he has an opportunity to select a master, who shall hold him for life.

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“The bill which has passed the Senate of Missouri—ayes 22, nays 10—is of the same general character. It compels all free negroes to leave the State, irrespective of age or length of residence.

“The bill pending before the Legislature of Tennessee provides that all free adult negroes shall be seized and sold if found in the State on the 1st of May next, and that the children shall be bound out. The former are allowed to emigrate to Africa, in which case some slight aid is to be furnished by the State, or they may seek a master and go into slavery.

“To such extremities as these are a naturally inoffensive people reduced, or likely to be reduced, solely through the impertinent interference of their professed friends of the North,

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whose assaults upon the social system of the South have made this species of legislation necessary, in the opinion of those most deeply interested, as a measure of self-protection.”

“Why, then, have we been so constantly annoyed? Gentlemen speak familiarly of “the aggressions of the slave power.” I should like to know how the weaker can oppress the stronger power.

It may be that gentlemen will say that we purchased Louisiana. I would like to hear a gentleman denounce that measure. It may be that they will say we were instrumental in purchasing the Floridas. I would like to hear any one denounce its acquisition. It may be that the acquisition of Texas was wrong. I would like to see any one rise up here and announce that the measure was an aggression of the slave power. It may be that the Mexican war, with its attendant consequences—the acquisition of California, and all the other territory acquired—was wrong; but I would like to hear any gentleman rise in his place and tell the American people that that was an aggression of the slave power, a measure fraught with immeasurable value, not to this Union alone, but to the world.

Mr. Clerk, I have thus adverted to these things; and now one word more. Gentlemen are trying, as did Mr. Seward in his celebrated Rochester speech, to fasten upon the South the effort to revive the system of slave importations. Sir, I tell the country here, and I say it without hesitation, that there is no party, as such, in favor of such a policy in the South. There are gentlemen here and there who would favor it; but let me tell gentlemen that, if there has been such an idea as that awakened in the South, it has been in consequence of the studied, deliberate, and constant assaults upon the South by gentlemen of the free States.

Sir, I confess I remember the solemn warnings of Jefferson and of Madison, to be found in their several letters heretofore read to the House, under the trying circumstances which surround us, with apprehension and alarm. I confess I am almost without hope when I see great parties, with their ablest men, diligently engage in inflaming section against section,

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and poisoning and embittering the relations of brethren who should be bound to each other “with hooks of steel.” Early instructed by the Father of our Country to “frown indignantly on the first dawning of every attempt to alienate any portion of our country from the rest, or enfeeble the ties which now link together the various parts,” I confess I view with but little patience the traitorous efforts of the great chief of Black Republicanism to break the Union of these States.

But, Mr. Clerk, I will “hope on, hope ever.” From the glorious meetings which are being held all over the country pour the spring-tide of patriotic feelings. The voters of the free States will stay the rush of mad fanaticism, stamp under their heels the plottings of treason, and vindicate the memories of their sires by the preservation of their great and glorious work. The Union men of Philadelphia recently presented to the Legislature of Virginia the noble flag which floated over them at their recent jubilee, which was accepted in the following beautiful terms:

“That we gratefully accept this beautiful gift as a renewed evidence of the devoted patriotism of that heroic hand of Northern conservatives who have so long maintained an unequal contest with the assailants of our rights and the enemies of our peace, and that, wherever fortune may invite or fate impel us in the future, Virginia will cherish with affectionate gratitude the memory of those who so bravely encounter the frowns of faction, and so nobly defy the fury of fanaticism.”

Yes, gentlemen, the South is willing to take the compact of these States as it was agreed upon, We are willing to stand by the Union as it was formed, we are willing to perform all our duties under it; but I say, gentlemen, if you drive us to it by your continued aggressions, we are a people sufficiently strong to be able to protect ourselves against any power, come whence it may, whether it be from foes without or foes within; and we will do it, so help us God.

**SPEECH OF HON. WILLIAM SMITH, OF VIRGINIA, ON THE ADMISSION OF KANSAS.
DELIVERED IN THE HOUSE OF REPRESENTATIVES.**

The Chairman stated that the gentleman from Virginia [Mr. Smith] was entitled to the floor.

Mr. Smith, of Virginia. Mr. Chairman, owing to the disadvantages under which I appear to address the committee on the subject of Kansas at this time—exhausted as it seems to be—I can but little hope to impart new interest and new light to the subject. Still, however, I propose to ask the attention of the committee to [those views which I shall present, trusting that, if they shall not be convincing, they will not be entirely without profit.

Mr. Chairman and gentlemen of the committee, it will be necessary, according to the view which I take, and in view of the short time now allotted to me, to avail myself of future occasions to complete that which I will not now, perhaps, be able to accomplish.

I beg leave to ask the attention of the committee to a few anterior facts—historical now, but important by way of answer to some of the objections that have been taken in connection with this matter. It is known to the committee as a historical fact that we acquired Louisiana on the 30th of April, 1803, by purchase from the French Republic, at a price of \$11,250,000. I shall not pause to comment on the then condition of that territory, nor shall I pause with any other view than simply to refer to a clause of the treaty stipulating that the people of that territory should have all the rights of American citizenship. That clause is as follows:

“The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion they profess.”

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Suffice it to say now that the condition of that territory is to be found, by common consent, in the necessity which was afterwards deemed to exist, of providing by actual legislation to change the character. It was in the year 1820 that the Congress of the United States deemed it necessary to change the character of that territory by what is called the Missouri compromise, or, more properly speaking, restriction. I say "more properly speaking" because there is nothing of compromise in the eighth section, to which such frequent reference is had, but simply a restriction.

I suppose that the committee will readily perceive that there was a necessity for that restriction. They will also readily perceive that, without that restriction, there would have been none of the present difficulties that have torn and rended the country asunder, and endangered its peace and repose. Passing on from that subject, however, and having thus briefly adverted to it in order to present a connected view, we come to the year 1853.

On the 5th of December, 1853, Senator Dodge, of Iowa, gave notice of his purpose to introduce a bill for the formation of a territorial government for the Territory of Nebraska.

On the 14th of December, on leave, Mr. Dodge introduced his bill; and it was referred to the Committee on Territories. On the 4th of January, 1854, Mr. Douglas, the chairman of that committee, reported said bill, with amendments, and five thousand copies of the bill, amendments, and report, were ordered to be printed. On the 16th of January, Mr. Dixon, a Senator from Kentucky, at that time a Whig, and for aught I know, still a Whig, stated that he should offer the following amendment when the bill came up:

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" *Sec. 22. Be it further enacted*, That so much of the eighth section of the act approved March 6, 1820, entitled 'An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' as declares 'that in all the territory ceded by France to the United States, under the

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name of Louisiana, which lies north of 36° 30# north latitude, slavery and involuntary servitude, otherwise than in punishment of crimes whereof the parties shall have been duly convicted, shall be forever prohibited,' shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; but that the citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories of the United States, or of the States to be formed therefrom, as if the said act entitled as aforesaid, approved as aforesaid, had never been passed."

On the day following, Mr. Sumner gave notice of his purpose to offer a counter proposition. On the 20th of January, Mr. Douglas proposed to divide Nebraska, so as to make an additional Territory, to be called Kansas; and the result was that the act creating territorial governments for Nebraska and Kansas passed on the 30th of May, 1854.

I mention these facts, Mr. Chairman and gentlemen of the committee, for the purpose of letting the committee see and understand the true origin of this matter, its real patrons, and the manner in which it comes before the country. In this connection, also, it is well known, a very exciting debate sprang up; and the Democratic party, at that time in strong ascendancy in the Halls of Congress, was overthrown in the country. The elections that ensued for members of the Thirty-Fourth Congress resulted in the overthrow of the Democratic party, and, as it was thought, never to rise again. But, thank God, there is vitality enough in that great party—founded on sound principles and in popular sympathies—to enable it to defy its enemies and to recover any ground it may, on particular occasions, lose. After the election of members to the Thirty-Fourth Congress the sober second thought of the people seemed to have returned; and they sent to this Hall for this, the Thirty-Fifth Congress, a large majority, as it was believed, of those who would represent their sentiments and carry out the policy that was inaugurated in 1854.

President Buchanan, in his last annual message, adverting to the condition of things in Kansas, which is the great and absorbing question now agitating the country, indicated his purposes and opinions; without, however, recommending any particular policy, as

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he could not do, of course, in consequence of not having any basis on which to justify it. That recommendation, or that intimation of a purpose and policy, was, as we all know, fiercely seized upon and denounced by gentlemen who had been heretofore acting with us on this subject. It was a matter of astonishment in the country, that in this and in the other House of Congress there should have been hostility indicated to the views of the President in connection with this subject, which was wholly inconsistent, according to the general sentiment of the country, with the past history of the party. But so it is. On the 2d of February, 1858, the Lecompton constitution—and I come to the term at once—having been received by the President, was sent to Congress with a recommendation that Kansas should be admitted under it. Previously to that, however—on the 21st of December, 1857—we had a memorial presented to us by the Delegate from that Territory, asking for the admission of Kansas under the Topeka constitution. That memorial was referred' to the Committee on Territories. As I understand it, the census-takers, under the Topeka constitution, submitted the petition to the people of each county, and collected their views. I advert to it thus particularly, because the Delegate has indorsed it as follows:

“Memorial of 4,170 citizens of Kansas, asking that Kansas may be admitted into the Union under the Topeka constitution.”

I say, without dwelling on this subject, that here is an important fact, at least in reference to strength of one party of that Territory; which fact I shall hereafter use.

What, then, is the condition of things? We have two applications before us; one to admit Kansas into the Union under the Topeka constitution, and the other to admit her under the Lecompton constitution. That is the issue before us. The President, having recommended her admission under the Lecompton constitution, and the subject having come to the attention of the State of Virginia, the Legislature of that State spoke on it. I refer to the action of that Legislature with some degree of regret, but still with pleasure. As one of her citizens and Representatives, I announce my readiness to sustain the policy which she promulges.

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The resolutions of the Legislature of Virginia to which I refer are as follows:

“1. *Resolved* That in the opinion of the General Assembly of Virginia, the conclusion to which the President of the United States has arrived, as expressed in his 428 recent message, in favor of the admission of Kansas, as a State of this Union, under the Lecompton constitution, is just and right.

“2. *Resolved*, That Congress has no right to look further into the constitution submitted by the State of Kansas, in its application to be admitted into this Union, than to see that the said constitution is Republican in its form.

“3. *Resolved*, That it is due to the peace and harmony of this Union that Congress should speedily admit Kansas as a State, under the Lecompton constitution, without further conditions.”

Thus speaks Virginia; and why did she find it necessary to speak upon this subject? Because of the words which a gentleman in high official position in our State had undertaken to speak as an individual, and not as the Governor of the State of Virginia, as the gentleman from Indiana [Mr. English] supposes. This gentleman, in response to an invitation that was given to him to join in, on the 8th of January last, the celebration which was then to be held at Tammany Hall, uttered sentiments which it was deemed right and proper for the Virginia Legislature to disclaim; and hence the resolutions. I must be allowed to say that it was astonishing, it was amazing, that a gentleman holding his high official position, in a community where there was scarcely a diversity of opinion, should have allowed himself to utter such sentiments, and particularly on that day—on the 8th of January—the anniversary of one of the most important and patriotic events in our history. It was astonishing that he should have pronounced such sentiments as are contained in that Tammany letter. I will merely quote a line from Dr. Beattie's *Minstrel*, and pass on:

“Some deemed him wondrous wise, and some believed him mad.”

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Mr. English. Will the gentleman allow me to interrupt him?

Mr. Smith, of Virginia. I shall be very happy to yield to any gentleman if I am not to be restricted in my time.

Mr. English. I merely wish to inquire of the gentleman whether he holds Governor Wise to be in or out of the Democratic organization?

Mr. Smith, of Virginia. Well, sir, I hold him to be outside the Democratic organization, and I do not hesitate to say it. All gentlemen who refuse to coöperate with the Democratic party in the great measures of the party, are necessarily outside of that party organization.

Mr. Burroughs. I hope the gentleman will not assail the Governor of Virginia.

Mr. Smith, of Virginia. I am surprised that the gentleman should have supposed that I had assailed the Governor of Virginia. I am protecting the Governor of Virginia from being assailed. I speak of Henry A. Wise, and not the Governor of Virginia, as being outside of the Democratic party. Or rather, I say he is outside the Democratic organization, it may be not outside the Democratic party. Gentlemen may tight on their own hook, if they please.

Mr. English. Will the gentleman allow me to ask him another question?

Mr. Smith, of Virginia. Is it to be understood that I am not to be restricted in my time? ["Yes," "yes."] I understand that I am not to be restricted in my time; then come one, come all, come every one.

Mr. English. The gentleman says that Governor Wise is outside the Democratic party. Now I want to know if the gentleman supported Wise for Governor; and if not, whether the gentleman, in that act, was not himself outside the Democratic party?

Mr Smith, of Virginia. I did not support Mr. Wise for Governor. But, sir, I never made war upon the Democratic party. What is party? It is a combination of individuals entertaining

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a community of sentiment. I respectfully submit to the gentleman from Indiana, that this is the only true and proper test. It is an association of individuals for carrying out the great interests of the country in a particular line of policy from a community of opinion and sentiment upon the part of a gentleman with a particular party, how can he be considered as within that party organization? Look at the condition of things at this particular time. In the two Houses of Congress it was supposed one hundred and sixty-five gentlemen entertained such sentiments. Twenty-five of them perhaps, unexpectedly, broke off from that party and assailed it as entertaining unsound sentiments. And these gentlemen turn round, as the gentleman from Indiana [Mr. Davis] last night did, and undertake to lecture the great body of their former friends. Absolutely, the gentleman from Indiana lectures the Democratic party in this House.

Mr. Davis, of Indiana. I ask the gentleman from Virginia to state in what I undertook to lecture the Democratic party, and in what I differ from the Democratic party?

Mr. Smith, of Virginia. Well, sir, any one who listened to the speech of the gentleman 429 from Indiana last night, could not fail to see in what the gentleman differed with the Democratic party. I have not time to enumerate all the points of difference.

Mr. Davis, of Indiana. I hope the gentleman will specify.

Mr. Smith, of Virginia. The gentleman certainly did this much: he said he could not vote for the Lecompton constitution. That is a measure of the Democratic party, vital in character.

Mr. Davis, of Indiana. I hope the gentleman will allow me to make one remark right here. The gentleman from Virginia has no right to read me out of the Democratic party, nor has he any right to read any other gentleman in this House out of the party. And I desire to say, further, that as far as the Democratic party of the North are concerned, I believe that nine-tenths of that party hold the same sentiments as I do upon this question; and if anybody has the right to read out, we have the right to read the gentleman out of the party.

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Mr. Smith, of Virginia. Exactly. There it is. The gentleman reminds me very much of a man on a jury case in which I was once engaged professionally. There were twelve jurors; the case was a very important one; it was elaborately discussed, and was, of course, referred to the jury for consideration after the argument had closed. It was reported to the judge that the jury could not agree, and they were at length called in, to see if their objections could not be harmonized. They came in accordingly, and one of the jurors stated to the court that he could not agree with the other jurors in their verdict; that they were eleven of the most stubborn men he had ever had anything to do with in his life. [Laughter.]

Now, that is precisely the case with the gentleman from Indiana. He and a few other gentlemen have undertaken to dissent from the great body of the Democratic party, and then they come here and lecture the Democratic party for holding unsound sentiments.

Mr. Davis, of Indiana. I will ask the gentleman whether he has not, time and again, in Virginia, run as an independent candidate against the Democratic party and the Democratic organization?

Mr. Smith, of Virginia. Never, sir.

Mr. Davis, of Indiana. That has been my understanding.

Mr. Smith, of Virginia. It is like a great deal of the gentleman's understanding —unsound. I will say that I have never run against the Democratic organization, although I have been tempted to do it.

Mr. Davis, of Indiana. Tempted!

Mr. Smith, of Virginia. Tempted, but failed not. The gentleman from Indiana will understand the virtue of the trial, because he himself has not at all times resisted temptation.

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Mr. Davis, of Indiana. The gentleman says that I have not always resisted temptation. I would like him to point to a single vote of mine during my five years' service in this Hall, that has not been with the Democratic party on all questions, including the fugitive slave law and everything else.

Mr. Smith, of Virginia. I ask the gentleman, since he brought himself into this colloquy, how he is going to vote now? Has he not told us that he was going to vote against the Lecompton constitution? And has not the Chief Magistrate, one branch of the Government, and the presumed head of the Democratic party, elected as he was by the Democratic party, recommended and urged that instrument with all his power and influence? Does he not know that if the bill is to be got through this House, it is to be got through by the Democratic party, with some few patriotic KnowNothing votes, to whom he has referred in no complimentary terms?

Mr. Davis, of Indiana. Because the President has recommended this measure, is it necessary, therefore, that every Democrat in this Hall is bound to vote for it? That the President has a right to advise me, I admit; but he has no right to command me, against the will of my constituents; and, if that be the test the gentleman wishes to apply, it is, in my opinion, a political despotism.

Mr. Smith, of Virginia. The President is the representative of the American Democracy, and was put into the executive chair for that reason. He was put into the presidential chair as the representative of the Democratic party and of the Kansas question in all its shapes and forms. He represents both now. The gentleman asks me whether I require every gentleman to conform to the President's opinions? I do not ask him to conform to the President's opinions at all. The gentlemen can do it or not. He is an American freeman, and has the right to independent thought and action. But the gentleman speaks one thing and thinks another. He professes to be a Democrat when he associates with those who are not. Do not affect to be a Democrat, I will tell the gentleman, when you refuse to

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coöperate with those who are struggling to carry out the policy on which you and others were elected.

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Mr. Chairman, what are the facts in the gentleman's case? He was here on the passage of the Nebraska bill. He was here in the Thirty-Third Congress, and upon the anxious bench. Last night he told us he was zealous in favor of the passage of that bill. At the next election he was beaten. He was one of those who went down before the combined hosts of fanaticism, but the returning wave bore him into this Hall. He came here upon the full tide of Democratic will. He came here to do what? To pursue the policy of 1854, or did he come here to pursue the policy of those who beat him in 1855, and those who are his associates now—they encircling him now, and prompting his answers?

Mr. Davis, of Indiana. I came here to carry out the principles of the Kansas-Nebraska bill, for which I voted. I came here to carry out the recommendations of the President on that subject. I intend to carry them out—those I mean, which he made up to the middle of November, when he saw proper to change front on this question.

Mr. Smith, of Virginia. Exactly; that is the language of rebellion. [Laughter.]

Mr. Davis, of Indiana. It is the language of a freeman, and not the language of a slave. [Cries of "Good!"]

Mr. Smith, of Virginia. I have accorded that the gentleman had the right to go against this bill if he chose to.

Mr. Chairman, I will resume my remarks where I left them off when I was interrupted.

Mr. Foster. Does the gentleman acknowledge the President as a good Democrat?

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Mr. Smith, of Virginia. If I wanted proof that he was, I would only have to remember that the gentleman opposed him. I know, too, that often we can tell who men are when we are away from them and are not acquainted with them, by learning the company they keep.

The Chairman. Before there is further interruption to the gentleman's remarks, the Chair would like to understand what is the nature of the understanding of the committee. At an early stage of his speech the gentleman from Virginia said that he would not object to interruption if it was not to come out of his time. Is this the understanding?

Mr. English. It is my understanding.

Mr. Jones, of Tennessee. I hope we shall have no such understanding as that.

The Chairman. The Chair wishes to know how he is to be regulated in determining when the time of the gentleman from Virginia is to expire?

Mr. Houston. At the end of his hour.

The Chairman. The Chair thinks that a contrary concession has been already made. The gentleman from Virginia in an early part of his speech asked whether these interruptions were to come out of his time, and stated that he would not yield provided that they were to be deducted from his time. No objection was made to their being so deducted.

Mr. Houston. I am willing, as he has acted under a misapprehension, that he should be allowed for the time he has been interrupted thus far, but no further.

The Chairman. The Chair thinks the gentleman has been interrupted ten minutes, and will allow that length of time.

Mr. Clemens. Say fifteen minutes.

The Chairman. Fifteen minutes will be allowed by consent of the committee.

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No objection was made.

Mr. Smith, of Virginia. I do not understand that there is any power to reclaim a grant already made. It was conceded that I should go on without having the interruptions deducted, and I desire to be interrogated. I stand here with as great purity of purpose as any man, and I desire to be interrupted if it be the pleasure of gentlemen to do so. I understand that I was to be allowed for such interruptions, and that concession having been made, it cannot be recalled except by unanimous consent.

The Chairman. The Chair would state to the gentleman from Virginia, that it is suggested that his proposition was not distinctly heard. The Chair did not make any proposition to the committee, and no proposition of the Chair was conceded to, and therefore, it was not considered as a binding proposition. Gentlemen of the committee now seem to agree that the gentleman has been interrupted fifteen minutes, and the Chair will allow that additional time.

Mr. Quitman. I beg leave to say, lest my silence be misconstrued, that I do not think that these interrogatories are of any benefit to the country or to the House, and I shall object to them hereafter; though I do not wish to be considered as an objector to extending his time fifteen minutes for interruptions already made.

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Mr. Hill. I desire to ask the gentleman from Virginia if the Kansas-Nebraska bill was not considered the true test of orthodox Democracy?

Mr. Smith, of Virginia. Yes.

Mr. Hill. Then I want to ask him which is the better Democrat—the man who voted for the Kansas bill, and now votes against the admission of Kansas under the Lecompton constitution, or the man who voted against the Kansas bill, or who, if he had been here,

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and had had an opportunity, would have voted against that bill, and now votes for the admission of Kansas under the Lecompton constitution?

Mr. Smith, of Virginia. I suppose the gentleman, as a practical politician, will have no difficulty in answering his own question. "Sufficient unto the day is the evil thereof." Here is a question in which great parties are involved, and in which it is well known that if one party prevails the other party is destroyed. That is the nature of the question; and the man that is a Democrat, a real Democrat, and who means to act with the Democratic party upon its principles in this hour of struggle, will not see it swallowed up by its enemies, and much less help devour it.

Mr. Hughes. Suppose that upon some great question of principle, such as is involved in this question of the admission of Kansas, a number of gentlemen belonging to the Democratic party should voluntarily assemble themselves together, and hold meeting after meeting among themselves, for the express purpose of devising some concert of action in order to defeat the measure, and in caucus—not a regular caucus of their party—complete an organization of their own for the purpose of—

Mr. Adrain. Is the gentleman in order?

The Chairman. Not if objection is made.

Mr. Smith, of Virginia. I have not time to answer the question, in consequence of being restricted in time. Certain it is, that upon the great measure involving the important consequences to which I have referred, those who are not of us or with us, are against us.

Mr. Foley. I wish to ask the gentleman a question,

Mr. Smith, of Virginia. I cannot be interrupted. I have not time.

Mr. Foley. I wish to ask the gentleman if Mr. Buchanan is the Democratic party?

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Mr. Smith, of Virginia. I think he is the chief head and front of the great Democratic party; and if the gentleman is a Democrat, he must have voted for him.

Mr. Foley. I only ask for information, whether he is the Democratic party?

Mr. Smith, of Virginia. I say he is the great head of the Democratic party.

Mr. Bowie. The embodiment.

Mr. Smith, of Virginia. Yes, the embodiment; and as the head is the great controlling power of the general physical system, so the President is the head of the great Democratic body, and is united to that great party to carry out a measure which they deem essential to their success.

But I was going on with the view of calling the attention of the committee to the acts of Congress for the last two or three years; but I have been so interrupted that I must do it briefly. I first invite attention to the condition of things after the Kansas-Nebraska bill was passed. Immediately after that act was passed, a combination was formed in this city, chiefly of members of Congress, of which Mr. Goodrich, of Massachusetts, was president, for the purpose of preventing slavery from going into Kansas. And here I refer to the testimony of Mr. Mace upon that point, which is clear and explicit. He says:

“Immediately after the passage of the Kansas-Nebraska act, I, together with a number of others who were members of Congress and Senators, believing that the tendency of that act would be to make Kansas a slave State, in order to prevent it, formed an association here in Washington, called, if I recollect aright, ‘the Kansas Aid Society.’ I do not remember all who became members of that society; but quite a number of members who were opposed to slavery in Kansas, of the lower House, and also of the Senate, became members of it, and subscribed various sums of money. I think I subscribed either fifty or one hundred dollars—I am not now prepared to say which.

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“We issued a circular to the people of the country, of the Northern States particularly, in which we set forth what we believed were the dangers of making Kansas a slave State, and urged that steps be taken to induce persons from the North, who were opposed to slavery, to go there, and prevent its introduction, if possible. We sent a great many circulars to various parts of the United States with that object, and also communications of various kinds. I do not now remember what they were. The object was, to have persons induced to go to Kansas, who would make that their home 432 and who would at all elections vote against the institution of slavery.” * * * * “The leading primary object of the association was to prevent the introduction of slavery into Kansas, as I stated during the short session of Congress, in answer to a question propounded to me by yourself, I believe. We believed that, unless vigorous steps of that kind were taken, Kansas would become a slave State. I do not remember the caption of the subscription paper. I think no other object was mentioned or specified, except the prevention of slavery in Kansas. I think that was the sole object of the movement.”

The purpose is clear and manifest; and it fully appears from the evidence adopted in the Kansas report that such was the universal impression in Missouri.

In this state of things, it was naturally to have been expected that a counter movement would have been made. Accordingly a society was formed in Missouri, the avowed object of which was to resist the aggressive movements of the free States, and make Kansas a slaveholding State. When was this society formed? The Kansas investigating committee says, about October, 1854. (Page 3 of Report.) It says:

“About the same time, and before any election was or could be held in the Territory, a secret political society was formed in the State of Missouri.”

What was the object? Mr. John Scott, especially referred to and relied upon by the committee, deposes as follows:

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“I was present at the election of March 30, 1855, in Burr Oak precinct, in the Territory. I saw many Missourians there. There had been a good deal of talk about the settlement of Kansas, and the interference of Eastern people in the settlement of that Territory, since the passage of the Kansas-Nebraska bill. It was but a short time after the passage of that act that we learned through the papers about the forming of a society in the East for the purpose of promoting the settlement of Kansas Territory, with the view of making it a free State. Missouri being a slave State, and believing that an effort of that kind, if successful, would injure her citizens in the enjoyment of their slave property, they were indignant, and determined to use all the means in their power to counteract the efforts of Eastern people upon that subject.”

And again:

“I do not think I would have suggested to any one in Missouri the forming of societies in Missouri, but for these Eastern societies; and they were formed as but means of self-defense, and to counteract the effect of these Eastern societies; and I think it is the general expression, and I know it is the ardent hope, of every man in Missouri, that I have heard express himself, that if the North would cease operating by these societies, Missouri would cease to use those she has established.”

Here, then, are the movements on the one side and on the other, and they speak for themselves. Is it not clear that the Missourians acted in self-defense?

But that is not all. Even before the passage of the Kansas-Nebraska bill, the Legislature of the great Commonwealth of Massachusetts incorporated a company for a like object.

Mr. Dawes. This statement has been made upon this floor so many times, and I have sought an opportunity to contradict it so many times, that the courtesy of the gentleman, I know, will permit me to say, that when the gentleman from Mississippi, [Mr. Quitman,] the

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other day, in justification of the course pursued by the Missourians, stated that before the passage of the Kansas-Nebraska bill—

Mr. Smith, of Virginia. I hope the gentleman will excuse me. My time is quite limited.

Mr. Dawes. I will be very brief.

Mr. Smith, of Virginia. But then I cannot spare time. I will yield if I get the liberty of extending my remarks. Will the Chair take the sense of the committee?

The Chairman. Does the committee agree that the gentleman from Virginia shall have his time extended to the extent of these interruptions?

Mr. Houston. I object.

Mr. Smith, of Virginia. I have here the testimony on the subject. It is to be found on page 873, of the Kansas report.

Mr. Dawes. Will the gentleman let me say—

Mr. Smith, of Virginia. I certainly would be glad, if I had the chance, to accord to the gentleman what he wishes. Let the committee give me fifteen minutes for this colloquy.

Mr. Houston. I object to any addition of time.

Mr. Clemens. I appeal to my colleague to allow the gentleman from Massachusetts to finish his sentence.

Mr. Smith, of Virginia. Very well.

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Mr. Dawes. Mr. Chairman, it has been so often declared here, in justification of the proceedings in Missouri, that *before* the passage of the Kansas-Nebraska act, the

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Legislature of Massachusetts incorporated a company with a capital of \$5,000,000 “for the purpose of sending emigrants into Kansas, with a view, not of becoming citizens, but of shaping and controlling its institutions, and defeating the law,” as was said the other day by the gentleman from Mississippi, [Mr. Barksdale,] of which company it was said by his colleague, [Mr. Singleton,] that Mr. Mace acknowledged himself to be president, and it is now repeated by the gentleman from Virginia, that I know he will permit me to set him right. It is true the gentleman has an act of the Massachusetts Legislature before him, but I want to tell him that nothing was ever done under that act. There was never an organization under it. There was never a president of the company, nor any other officer, nor a dollar raised under it. And nothing was done by Massachusetts *before* the passage of the Kansas-Nebraska act, which, by any one can be construed as has been charged.

One word more. To show the gentleman from Mississippi [Mr. Barksdale] that the object of the act, which I have said existed only on paper, could not have been that of “defeating the law,” let me tell him that several of the persons named in that act as corporators, were at the time, and have ever been, Kansas-Nebraska Democrats, and have basked in the sunshine of royal favor from that hour to this; and some of them represented the Massachusetts Democracy in the Cincinnati convention. It is but just to those men to say, however, that they are, notwithstanding all this, men of high and honorable character.

Mr. Smith, of Virginia. That is enough. That is an argument. Now, Mr. Chairman and gentlemen of the committee, the gentleman [Mr. Dawes] is a Massachusetts man; but he is not acquainted with the legislation of his own State. He is alluding to the act of April, 1854. I know that, according to the evidence of Mr. Lawrence, there was no action had under the act of April, 1854. But I speak of the act of February 21, 1855. There was a company formed on the 24th July, 1854; and it was organized and went into operation under the act of February 21, 1855. Mr. Webb, who was secretary of the Emigrant Aid Company, in forwarding information to that company on August 14, 1854, says on that subject:

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“No pledges are required from those who go; *but, as our principles are known, we trust those who differ from us will be honest enough to take some other course.*”

Nor is that all. Mr. Amos A. Lawrence, in his testimony, (page 879 of the Report) says that, while entirely disclaiming on the part of the company any improper interference in the internal affairs of the Territory of Kansas, or any design to control its political or social condition, they had always hoped and expected that the emigrants who went out under its auspices would favor the establishment of free institutions.

That is not all. He goes on and says:

“It determines in the right way the institutions of the unsettled Territories, in less time than the discussion of them has required in Congress.”

Nor is that all. This company, which did not interfere with the question of slavery, which was simply an emigrant aid society, lays it down in these broad terms:

“And further, whenever the Territory shall be organized as a free State, the trustees shall dispose of all its interests there, replace by the sales the money laid out, declare a dividend to the stockholders, and that they then select a new field, and make similar arrangements for the settlement and organization of another free State of this Union.”

In the face of these revelations, in the face of these plans and purposes, the gentleman [Mr. Dawes] dares to get up, and, in the face of God and the country, say that this emigrant aid society was organized without any reference to ulterior objects. I say to him and every man, I do not care what may be his political relations, that here was the inauguration of a movement fraught with the most fell purposes, and the necessary results of which were to work destruction on the most gloriously organized political power that the world has ever seen. I say, then, on this point, away with the frivolous objection that these were but emigrant aid associations.

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Here, then, Mr. Chairman, is the point—and I desire to impress it on the mind of every person—that this hostile and aggressive movement on the great laws of settlement and emigration; this agitation, this excitement, this war upon the peace and repose of the country, originated in this Hall, in Massachusetts, and elsewhere; in the free States, not in the slave States.

Mr. Dawes. The gentleman does not understand—

Mr. Smith, of Virginia. I cannot yield. I refer again to this celebrated Report, page 3. I do not treat this report as my Bible; for I tell you that a clear analysis of it shows that it is not entitled to any of the sacred character of that book. But here is what the report says:

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“About the same time, to wit, October, 1854, and before an election was or could be held in the Territory, a secret political society was formed in the State of Missouri.”

Not till October, 1854, did the Missourians—the much-abused and vilified border ruffians as they are scornfully called—take any action. That was subsequently to the movement here—after the movement in Massachusetts, and when the emigrants were pouring into that Territory and indulging in vituperations upon the institutions of the State of Missouri. Then it was—according to the report of the majority—that the Missourians awakened to their condition, and began an organization for their own protection and safety.

Then how stands the question at this period in regard to this subject? Who is the father of this mischief and agitation? The Missourians? No. It is those who originated the movement here to defeat the free settlement of the questions involved in the Kansas-Nebraska act.

But what says Mr. Douglas on this subject? I quote Mr. Douglas because we have indorsed him once, and he is now indorsed on the other side. [Cries of “No, no!”] He says:

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“When the emigrants sent out by the Massachusetts Emigrant Aid Company, and their affiliated societies, passed through the State of Missouri in large numbers on their way to Kansas, the violence of their language, and the unmistakable indications of their determined hostility to the domestic institutions of that State, created apprehensions that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institutions of slavery within the limits of Missouri. These apprehensions increased, and spread with the progress of events, until they became the settled conviction of the people of that portion of the State most exposed to the danger by their proximity to the Kansas border. The natural consequence was, that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize, and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects, and protecting themselves and their domestic institutions from the consequences of that company's operations.”

As far as he has spoken, he is the accredited witness of both parties.

Mr. Stanton. I beg your pardon.

Mr. Smith, of Virginia. Is it not so?

Mr. Stanton. No, sir. He is not authorized to speak for us.

Mr. Smith, of Virginia. I understand very well how the matter stands. Is he not promised by the New York *Tribune*, and by Mr. Seward, the great leader of the Republican party, that he shall have a fair participation in the honors of the party?

Under the Kansas act, A. H. Reeder, of Pennsylvania, was appointed Governor, and was confirmed by the Senate on the 29th day of June, 1854.

He did not reach the Territory until October, 1854. On the 10th day of November he issued his proclamation announcing that an election would be held on the 29th of November,

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1854, for Delegate to Congress. At that election J. W. Whitfield received 2,258 votes, and all others 575 votes. In the executive journal of the Territory will be found the following entry:

“ *December 5, 1854.*—On examining and collating the returns, J. W. Whitfield is declared by the Governor to be duly elected Delegate to the House of Representatives of the United States, and the same day the certificate of the Governor, under the seal of the Territory, issued to said J. W. Whitfield of his election.”

It nowhere appears that General Whitfield's right to a seat by virtue of that election was ever contested.

Yet, says Mr. Douglas, in his report:

“No sooner was the result of the election known, than the defeated party proclaimed throughout the length and breadth of the Republic that it had been produced by the invasion of the Territory by a Missouri mob, which had overawed, and outnumbered and outvoted, the *bona fide* settlers of the Territory.”

On the 8th March, 1855, the Governor issued his proclamation for the election of a Territorial Legislature on the 30th of March thereafter. The pro-slavery party prevailed, and instantly the cry of invasion was again raised. The Kansas committee, in their Report, page 10, say:

“The details of this invasion form the mass of the testimony taken by your committee, and is so voluminous that we can here state but the leading facts elicited.”

The testimony referred to established on the part of the free-State-men two resolves:

1. Not to be governed by the laws *to be* enacted by the Legislature just elected.

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Dr. Wood testifies as to the determination of the Lawrence association, of which he was a member, as follows:

“They said there was no law in the Territory; that the organic act was unconstitutional, made so by the repeal of the Missouri compromise; and that they intended to form an association, and make and enforce their own laws, irrespective of the laws of Congress, until there could be a change in Congress, by which the Missouri compromise could be restored, and the organic act set aside.” * * * “When the Legislature was about to be elected, they held a meeting, and brought out their candidates. After the Legislature was elected, and before they met, there were several meetings held in Lawrence, and at these meetings they passed resolutions declaring they would submit to no laws passed by the Legislature.” * * * “They resolved not to obey the laws that would be passed by the Legislature, and only obey their own provisional laws, until they could form a provisional government for the Territory.

“The first general meeting while the Legislature was in session, was held in Lawrence, in July or August, 1855. Before that time their meetings had been of the association; but this was the first general meeting; this was the first meeting at which I recollect hearing Colonel Lane take ground in opposition to the laws that the Legislature, then in session, should pass. All the public speakers that I heard there said they did not intend to obey the laws that should be passed, but intended to form a provisional government for themselves.”

2. To resist the laws that were passed. Upon this point Mr. Wood testifies as follows:

“After the Legislature adjourned, the first meeting at which I heard any declarations with regard to the resistance of the laws was held at Blanton's Bridge. Colonel Lane, Mr. Emery, and Mr. John Hutchinson addressed the meeting, urging the people to resist the laws, let the consequences be what they might.

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“In private conversation with those men, they always expressed their determination to resist the laws, and said the officers and *posse* should not enforce the laws. They said they had a new code of laws called Sharpe's Revised Statutes, and they were going to use them in preference to any others. It was a common remark, that they would use Sharpe's Revised Statutes in preference to any others.” * * * * “I often expostulated with Lane, Robinson, and others, both publicly and privately, as to their course, and addressed the meeting at Blanton's Bridge in opposition to their course. They said they would resist the laws, regardless of consequences.”

The free-State men held their first general meeting with a view to a State government on the 15th of August, 1855. The following preamble and resolution were then passed:

“Whereas, the people of Kansas have been since its settlement, and now are, without any law-making power: Therefore be it

“ *Resolved*. That we, the people of Kansas Territory, in mass meeting assembled irrespective of party distinction, influenced by common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective election districts, and, in mass convention or otherwise, elect three delegates for each representative to which said election district is entitled in the House of Representatives of the Legislative Assembly, by proclamation of Governor Reeder of date 10th of March, 1855; said delegates to assemble in convention, at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America.”

At the Topeka convention, an executive committee was appointed, of which General James Lane was appointed chairman, who issued the following proclamation:

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“ To the legal voters of Kansas:

“Whereas, the territorial government, as now constituted for Kansas, has proved a failure; squatter sovereignty, under its workings, a miserable delusion; in proof of which it is only necessary to refer to our past history and our present deplorable condition. Our ballot boxes have been taken possession of by bands or armed men from foreign States; our people forcibly driven therefrom; persons attempted to be foisted upon us as members of a so-called Legislature, unacquainted with our wants, and hostile to our best interests, some of them never residents of our Territory, misnamed *laws* passed, and now attempted to be enforced by the aid of citizens of foreign States, of the most oppressive, tyrannical, and insulting character; the right of suffrage taken from us; debarred from the privilege of a voice in the election of even the most insignificant officers; the right of free speech stifled, the muzzling of the 436 press attempted: and whereas, longer forbearance with such oppression and tyranny has ceased to be a virtue: and whereas, the people of this country have heretofore exercised the right of changing their form of government, when it became oppressive, and have at all times conceded this right to the people in this and all other Governments: and whereas, a territorial form of government is unknown to the Constitution, and is the mere creature of necessity, awaiting the action of the people: and whereas, the debasing character of the slavery which now involves us impels to action, and leaves us, as the only legal and peaceful alternative, the immediate establishment of a State government: and whereas, the organic act fails in pointing out the course to be adopted in an emergency like ours; therefore, you are requested to meet at your several precincts in said Territory hereinafter mentioned, on the second Tuesday of October next, it being the ninth day of said month, and then and there cast your ballots for members of a convention to meet at Topeka on the fourth Tuesday in October next to form a constitution, adopt a bill of rights for the people of Kansas, and take all needful measures for organizing a State government, preparatory to the admission of Kansas into the Union as a State.”

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While the Legislature was in session in July, 1855, a memorial to the Senate and House of Representatives was got up by the free-State party, from which I will submit sundry extracts:

“One of the States of our Union, strong in wealth, population, and resources, relying upon her accumulated strength of almost half a century, and taking advantage of our feeble infancy as a people, has invaded our soil, seized upon our rights, subjugated our Territory, and selected for us our rulers; intending also to dictate our laws and make us the slaves of their will. This may well seem an almost incredible thing in the nineteenth century, and in this republican Union, the peculiar and boasted land of liberty and self government; but the evidence of it is as palpable and undeniable as the fact is bitter and mortifying to us and disgraceful to the public.

“This invasion of our soil and usurpation of our rights commenced in the first moment of calling these rights into action. The first ballot-box that was opened upon our virgin soil was closed to us by overpowering numbers and impending force. It became not what Americans have been proud to designate it, the exponent of the people's will, but was converted into the sword of the oppressor to strike at civil liberty. So bold and reckless were our invaders that they cared not to conceal their attack. They came upon us, not in the guise of voters to steal away our franchise, but boldly and openly to snatch it with the strong hand. They came directly from their own homes and in compact and organized bands, with arms in hand and provisions for the expedition, marched to our polls, and when their work was done, returned whence they came. It is unnecessary to enter into the details; it is enough to say that in three districts, in which, by the most irrefragable evidence, there were one hundred and fifty voters, most of whom refused to participate in this mockery of the elective franchise, these invaders polled over a thousand votes.” * * * *

“On the 30th day of March last we were again invited to the ballot-box under the law, which we, in common with our fellow-citizens in the States, had, through your body, enacted.”

* * * * “The occasion came, and with it came our invading and self-constituted masters

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in thousands, and with all the paraphernalia of war. They came organized in bands, with officers and arms and tents and provisions and munitions of war, as though they were marching upon a foreign foe instead of their own unoffending fellow-citizens.” * * * * “In the morning they surrounded the polls, armed with guns, bowie knives, and revolvers, and declared their determination to vote at all hazards and in spite of all consequences.” * * * * “It would be mere affectation in us to attempt to disguise the fact that the question of making Kansas a free or slave State is at the bottom of this movement, and that men who thus invade our soil and rob us of our liberties, are from the pro-slavery men of Missouri, who are unwilling to submit the question to the people of the Territory, and abide the compact between the North and the South which the Kansas-Nebraska bill contains.” * * * * “With a feeble and scattered community first struggling into existence, without organization, and almost without shelter, we are powerless to resist an old, strong, and populous State, full of men and arms and resources; and we therefore appeal to you, and through you to the people of the States. Remedy we have none.”

* * * * *

“We make now this last appeal, not to the North, not to the South, not to any political party, but to the representatives of the whole Union. We beg that no men will sport with our fearful condition by endeavoring to make political capital or build up party at the expense of our civil and physical existence. We want the men of the North and the men of the South to protect us. Through yourselves, their representatives, we appeal to their honor, to their justice, to their patriotism, to their sympathies; not for favors, but for rights; not for trivial rights, but for the dearest 437 rights guaranteed to us by the Declaration of Independence, by the Constitution of the Union, by the law of our organization, by the solemn compact of the States, and which you pledged to us as the condition of our coming here.”

An election for Delegate took place on the 1st October, 1855; “but,” says the Kansas report, “the free-State men took no part in this election, having made arrangements for

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holding an election on the 9th of the same month.” (Page 44.) It is, however, alleged that the citizens of Missouri voted at this election also. But the committee adds:

“Your committee did not deem it necessary, in regard to this election, to enter into details, as it was manifest that, from there being but one candidate, (General Whitfield,) he must have received a majority of the votes cast. This election, therefore, depends, not upon the number or character of the votes received, but upon the validity of the laws under which it was held. Sufficient testimony was taken to show that the voting of citizens of Missouri was practiced at this election, as at all former elections in the Territory.”

It was on the 14th February, 1856, that A. H. Reeder presented his memorial contesting the right of J. W. Whitfield to a seat as Delegate from the Territory of Kansas.

Here then had commenced the work of rebellion and revolution. Here was a determination to defeat, by every means in their power, the will of the dominant majority. We all know the excitement which sprung out of this question, and the violent struggle which ensued here. A Democrat, or one professing to be a Democrat, on that day, did the ungrateful work of offering a resolution which was then the subject of a long and angry debate. It was on the 19th of February, 1856, that Mr. Hickman, of Pennsylvania, offered a resolution to send for persons and papers. It does seem as if there were always Democrats at hand to perform the ungrateful task. He offered that resolution, and it was openly charged on the floor of the House that that election had been carried by violence and fraud. Bear in mind that this occurred in February, 1856. The election of March, 1855, had taken place, and other elections had taken place, and grave charges of fraud at all of them were made. It was in view of these charges that Mr. Hickman made his motion and submitted, in support of his application, an elaborate report, (on the 5th March, 1856,) from which I submit the following extract:

“The relative position of the contesting parties, and the disputed questions of fact, appear in the memorial of the contestant, who denies the entire validity of the election law under

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which the sitting Delegate obtained the certificate of the Governor of the Territory. This denial is based on the alleged fact that the Legislature which passed it was imposed upon the people by a foreign invading force, who marched into the Territory at the election, and seized upon the powers of government which Congress had provided for the actual inhabitants; which powers, it is said, have been held and exercised ever since by these strangers to the soil, under no other title than that of a strong hand and superior numbers, and to the entire subjugation of the people of the Territory.”

After making a long extract from Governor Reeder's statement, the report proceeds:

“These are startling allegations; and when the contestant offers to prove their truth, your committee shrink from the deep and solemn responsibility of declining to allow him the opportunity to do so, or of casting the least obstacle in his way. When facts are proclaimed to exist, striking at the very root of our institutions, and tending to the total subversion of republicanism, it is no time to be dredging among technicalities or abstractions, for the material out of which to construct equivocal objections.”

Dunn's resolutions finally superseded that recommended by the election committee, and on the 19th of March, 1856, passed the House.

Why were certain gentlemen then so hostile to looking into frauds? Upon every vote, steady as veteran soldiers, they struggled on.

How were these charges met?

Without dwelling at length upon all the evidence that might be brought to the work of demonstration, I will call attention to Judge Douglas's celebrated report of March 12, 1856. Nearly a year had elapsed; every development that could be made touching the prior elections had taken place. In that report, the Senator reviews the whole subject with a giant's pen. I will give a few extracts as apposite to my present views. First, as to the immediate parties to the struggle in Kansas:

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“The material difference in the character of the two rival and conflicting movements consists in the fact that the one had its origin in an aggressive, and the other in a defensive policy. The one was organized in pursuance of the provisions and 438 claiming to act under the authority of a legislative enactment of a distant State, whose internal prosperity and domestic security did not depend upon the success of the movement; while the other was the spontaneous action of the people living in the immediate vicinity of the theater of operations, excited, by a sense of common danger, to the necessity of protecting their own firesides from the apprehended horrors, of servile insurrection and intestine war. Both parties, conceiving it to be essential to the success of their respective plans that they should be upon the field of operations prior to the first election in the Territory, selected principally young men—persons unincumbered by families, and whose conditions in life enabled them to leave at a moment's warning, and move with great celerity, to go at once, and select and occupy the most eligible sites and favored locations in the Territory, to be held by themselves and their associates who should follow them. For the successful prosecution of such a scheme, the Missourians, who lived in the immediate vicinity, possessed peculiar advantages over their rivals from the more remote portions of the Union. Each family could send one of its members across the line to mark out his claim, erect a cabin, and put in a small crop, sufficient to give him as valid a right to be deemed an actual settler and qualified voter as those who were being imported by an emigrant aid society.”

“In tracing,” says the Senator, “step by step, the origin and history of these Kansas difficulties,” he adds:

“Combinations in one section of the Union to stimulate an unnatural and false system of emigration, with the view of controlling the elections, and forcing the domestic institutions of the Territory to assimilate to those of the non-slaveholding States, were followed, as might have been foreseen, by the use of similar means in the slaveholding States, to produce directly the opposite result. To these causes, and to these alone, in the opinion

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of your committee, may be traced the origin and progress of all the controversies and disturbances with which Kansas is now convulsed.

“If these unfortunate troubles have resulted as natural consequences from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the Territory, it is apparent that the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions, of the organic law. In this connection your committee feel sincere satisfaction in commending the messages and proclamation of the President of the United States, in which we have the gratifying assurance that the supremacy of the laws will be maintained; that rebellion will be crushed; that insurrection will be suppressed; that aggressive intrusion for the purpose of deciding elections, or any other purpose, will be repelled; that unauthorized intermeddling in the local concerns of the Territory, both from adjoining and distant States, will be prevented; that the Federal and local laws will be vindicated against all attempts of organized resistance; and that the people of the Territory will be protected in the establishment of their own institutions, undisturbed by encroachments from without, and in the full enjoyment of the rights of self government assured to them by the Constitution and the organic law.

“In view of these assurances, given under the conviction that the existing laws confer all the authority necessary to the performance of these important duties, and that the whole available force of the United States will be exerted to the extent required for their performance, your committee repose in entire confidence that peace and security and law will prevail in Kansas. If any further evidence were necessary to prove that all the collisions and difficulties in Kansas have been produced by the schemes of foreign interference which have been developed in this report, in violation of the principles and in evasion of the provisions of the Kansas-Nebraska act, it may be found in the fact that, in Nebraska, to which the emigrant aid societies did not extend their operations, and into which the stream of emigration was permitted to flow in its usual and natural channels, nothing has occurred to disturb the peace and harmony of the Territory, while the principle of self-government,

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in obedience to the Constitution, has had fair play, and is quietly working out its legitimate results.”

Nor is this all. The Senator largely participated in the debates upon his report, from which I desire to submit several extracts.

In the 32d volume, part 1st, page 639, of the *Congressional Globe*, he says, on the day his report was submitted, in reply to Senator Sumner:

“The Senator says he wishes emphatically to repel the assaults which he thinks the report makes on the emigrant aid society. What am I to understand by his denunciation of the report? He certainly does not intend to deny the truth of any one fact which the report contains! What, then, is he going to deny? Why this emphatic denunciation, when there is not a fact stated in the report which he does not know to be true, and which I will not prove to be true by official documents signed by the officers of the aid society itself? By his emphatic denial is the country to understand that he intends to disprove the facts? He knows the time will never come when he will controvert the truth of any one fact which is stated in our report with regard to the emigrant aid society? Whether their action is laudable or treasonable is another question, but that the charter is truthfully set forth that its objects and aims are copied from its own official proceedings, and that every statement of a fact is truly made, cannot be controverted. This he knows as well as I do. I do not intend to allow denials of the truth of facts to be interposed to screen men from the consequences of their action, when that action is avowed and susceptible of proof; hence the Senator's denial cannot be interposed. It is a denial of facts which he knows to be true; it is a denial of facts which shall not be controverted. If, instead of denying, he proposed to justify them, I would willingly hear him; but he cannot be permitted to deny them. Our statements are based on the records of the legislative proceedings of the Senator's own State, and on documents attested by the signatures of the officers of the emigrant aid society. The facts shall not be denied. When he comes to offer his apologies, or his excuses, or his justification for them, I shall be glad to hear anything which he may

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bring forward in vindication of the enormity of their conduct; but let him not make broad denials unsustained by proof.

“The Senator says that we begin our game with ‘loaded dice.’ I understand that to be a gambler's phrase. He may be able to explain it; certainly it will require explanation before the majority of the Senate will be able to understand it. If he means that he is prepared to go to the country to justify treason and rebellion, let him go; and I trust he will meet the fate which the law assigns to such conduct. If he means that the hopes of his party are to produce a collision in Kansas, in which blood may be shed, that he may traffic in the blood of his own fellow-citizens for political purposes, he will soon discover how much he will make by that course. We understand that this is a movement for the purpose of producing a collision, with the hope that civil war may be the result if blood shall be shed in Kansas. Sir, we are ready to meet that issue. We stand upon the Constitution and the laws of the land. Our position is, the maintenance of the supremacy of the laws, and the putting down of violence, fraud, treason, and rebellion against the Government.

“The Senator stakes himself on the minority report. I say that report justifies foreign interference in Kansas; while the majority report denies the right of foreign interference. Taking that minority report, I can justify, under its principles, every act that has been done in regard to Kansas, either by persons from Massachusetts or from Missouri. The majority report denies the right of any man to violate the law, and to prevent the principles of the Kansas-Nebraska act, whether he comes from the North or the South. The minority report advocates foreign interference; we advocate self-government and non-interference. We are ready to meet the issue; and there will be no dodging. We intend to meet it boldly; to require submission to the laws and to the constituted authorities; to reduce to subjection those who resist them, and to punish rebellion and treason. I am glad that a defiant spirit is exhibited here; we accept the issue.

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“I will say no more now. At an early day I shall take occasion to express my opinions on the whole question, if my health and strength and voice will permit; and I shall hold myself responsible to vindicate every position assumed in the majority report.”

Mr. Harris, then and now a member of this House, on the 13th of March, 1856, made a speech on Kansas affairs, from which I propose to submit a few extracts:

“We have here presented, at the very threshold of our inquiries, a question of the gravest character. Can this House, in the exercise of its constitutional right of determining the election and qualification of its members, go behind the law of their election, and question the right by which the members of the Territorial Legislature held their seats? I deny the power of this House to do it; and were I, for the sake of argument, to admit the power, I hold that there is no reason why it should be intrusted to this Committee of Elections.”

“But, sir, I am opposed to the resolution of the committee for another reason. I have no sort of confidence in the committee that desires to make the investigation. I should have no more confidence in the report which they would make than I have in the one they have already presented. Upon the ordinary subjects of legislation I would regard the investigation of a committee of this House with much respect; but upon an exciting political question, where a committee has been formed by you with two-thirds of its members of the Black Republican stripe, who have been thrown in here themselves by the crazy current of anti-Kansasism, with the black flag of Abolitionism in their hands, I should have no more regard than for the babble of a maniac. The country would have no confidence in such a report. It is a one-sided committee, prejudiced upon one side—without, perhaps, being aware of it—and from them nothing could be expected but a one-sided report.”

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“I then say that this whole movement was instigated, and has been prosecuted, with the objects of shaping the institutions of Kansas, and ultimately those of Missouri, and in keeping up a political excitement in the country, by which certain political leaders hoped to be advanced, and also to use that excitement in turning to good advantage the ‘almighty dollar.’”

In what has been extracted, it has been my purpose to show the positions taken by both parties, and have left it to be shown on the Democratic side by gentlemen then conspicuous in the Democratic party.

Has the Black Republican party reformed? Let us see. I have not Governor Geary's correspondence at hand; but I find one extract, which I cut from Mr. Sherman's speech, delivered on the 28th January last. He says:

“Governor Geary, in his letter to the President, of November 22, 1856, says:

““When I arrived here the entire Territory was declared by the acting Governor to be in a state of insurrection; the civil authority was powerless, and so complicated by partisan affiliations, as to be without capacity to vindicate the majesty of the law, and restore the broken peace.””

On the 30th March, 1857, Robert J. Walker was appointed Governor of Kansas; and on the 31st of the same month Frederick P. Stanton was appointed Secretary of the Territory. Governor Walker did not immediately repair to his post. The Secretary of the Territory, announcing his arrival and the assumption of his duties as acting Governor, under date of the 17th April, 1857, says:

“It affords me great satisfaction to advise you that, so far as I have yet learned, the people of the Territory are entirely peaceable and quiet, and exhibit every disposition to remain so.”

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Governor Walker, having reached Kansas in May, 1857, assumed the duties of his office. In his letter of July 15th, giving an account of the state of the Territory, he says:

“Although still suffering from debility, as the result of my illness, I considered the crisis so alarming as to require my immediate presence at Lawrence, where I proceeded in company with Mr. Secretary Stanton, and after spending several hours there, ascertained to my entire satisfaction that all the facts communicated to me were true, and that this movement at Lawrence was the beginning of a plan, originating in that city, to organize insurrection throughout the Territory; and especially in all towns, cities, or counties, where the Republican party have a majority. Lawrence is the hot-bed of all the abolition movements in this Territory. It is the town established by the abolition societies of the East, and whilst there are respectable people there, it is filled by a considerable number of mercenaries, who are paid by abolition societies to perpetuate and diffuse agitation throughout Kansas, and prevent a peaceful settlement of this question. Having failed in inducing their own so-called Topeka State Legislature to organize this insurrection, Lawrence has commenced it herself, and, if not arrested, the rebellion will extend throughout the Territory.”

He then calls for troops, and a regiment being placed at his command, he proceeds:

“The regiment will be commanded by Colonel Cooke, who will act in obedience to my orders. I shall encamp in the immediate vicinage of Lawrence, and in a manner conformably to the law will put down, by military force, if necessary, this most wicked rebellion.

“In order to send this communication immediately by mail, I must close by assuring you that the spirit of rebellion pervades the great mass of the Republican party of this Territory, instigated, as I entertain no doubt they are, by Eastern societies, having in view results most disastrous to the Government and to the Union; and that the continued presence of

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General Harney here is indispensable, as originally stipulated by me, with a large body of dragoons and several batteries.”

In his proclamation of the same date, after making most earnest appeals, he says:

“A rebellion so iniquitous, and necessarily involving such awful consequences, has never before disgraced any age or country.

“Permit me to call your attention, as still claiming to be citizens of the United States, to the results of your revolutionary proceedings. You are inaugurating rebellion and revolution; you are disregarding the laws of Congress and of the territorial government, and defying their authority; you are conspiring to overthrow the government of the United States in this Territory. Your purpose, if carried into effect in the mode designated by you, by putting your laws forcibly into execution, would involve you in the guilt and crime of treason.”

Governor Walker, in his letter to the Secretary of State, of July 20, 1857, says:

“There is imminent danger, unless the territorial government is sustained by a large body of the troops of the United States, that for all practical purposes, it will be overthrown or reduced to a condition of absolute imbecility. I am constrained, therefore, to inform you that, with a view to sustain the authority of the United States in this Territory, it is indispensably necessary that we should have immediately stationed at Fort Leavenworth at least two thousand regular troops, and that General Harney should be retained in command.”

Again, in his letter of August 3d, 1857, he urges a reinforcement to the already large body of troops in the Territory:

“The spirit of insurrection, of resistance to the laws, and to the territorial government, still pervades Kansas, and manifests itself in their newspapers, in violent harangues, in the enrollment and drilling of their troops, and in open threats to the use of the insurgent

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forces at the October election. Menaces, indeed, have been made in the most public manner, to drive the constitutional convention by force in September next from Lecompton. Under these circumstances, it becomes my duty to renew my request, so often made, that two thousand regular troops, chiefly mounted men, should be sent immediately into Kansas, together with two batteries.”

I have thus elaborately shown who was to be blamed for all the troubles in Kansas. Now, sir, what was the remedy, as openly avowed by all parties? A convention, a constitution, and admission into the Union as a sovereign State. Accordingly, on the 15th August, 1855, a general meeting was held by the free. State men, which initiated the movement which became general throughout the Territory. The delegates thus elected met at Topeka on the 19th day of September, 1855, and resolved upon a convention; and fixed upon the second Tuesday of October to hold an election for delegates to a convention to be held at Topeka on the fourth Tuesday (23d) of October. The convention met, drafted a constitution, which was submitted to the people on the 15th day of December, 1855, and adopted by a vote of only seventeen hundred and thirty one, and ordered an election for State officers, to be held on the 15th January, 1856. The Legislature then elected, besides various other matters, elected United States Senators, to one of whom, General J. H. Lane, was assigned the duty of presenting the new constitution and the memorial asking for admission into the Union. It was presented to the Senate, I think, on the 7th of April, 1856. It was declared in debate there to be vitiated by fraud and forgery; and, sir, the honorable Senator who presented it requested that it should be returned to him; and when it was returned, he gave it, in disgust, back to the man from whom he had received it. This constitution was urged as the sovereign remedy for all the ills of Kansas. The minority report of Mr. Collamer declares that “they saw no earthly source of relief but in the formation of a State government by the people, and the acceptance and ratification thereof by Congress.”

Mr. Seward avowed his readiness to receive it, even though the population of the Territory might not exceed twenty-five thousand souls. And this House, on the 30th of June, 1856,

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by a vote of 107 yeas to 106 nays, passed the bill admitting Kansas into the Union under the Topeka constitution. The Senate also passed a bill, generally called the Toombs bill, authorizing the people of Kansas to form a constitution. That bill, when introduced, had a provision that the constitution should be submitted to the people; but, when it was reported back from the committee, it was reported back with that provision stricken out. President Pierce had previously, in a special message, recommended it in the following words:

“This, it seems to me, can be best accomplished by providing that, when the inhabitants of Kansas may desire it, and shall be of sufficient numbers to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus prepare, through regular and lawful means, for its admission into the Union as a State. I respectfully recommend the enactment of a law to that effect.”

About the same time, the Territorial Legislature, at its July session, 1856, passed a law submitting the question of a convention to the people; the first section of which is in the following words:

“ Sec. 1. That there shall be, at the first general election to come off in October, 1856, a poll opened at the several places of voting throughout this Territory, for taking the sense of the people of this Territory upon the expediency of calling a convention to form a State constitution.”

The election was held; and the people voted in favor of holding a convention. In accordance with this vote, the Territorial Legislature passed “An act to provide for the taking a census, and the election of delegates to a convention,” on the 19th February, 1857. The eighth section of said act provides that the delegates to the convention shall be elected “on the third Monday in June next.” And the sixteenth section provides that they shall assemble in convention “on the first Monday of September next,” (1857.) The election was held, and the delegates duly assembled. On 442 the 7th of November, 1857, the convention completed its labors, submitting only the clause in reference to slavery to

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the vote of the people, which, it was provided, should be taken on the 21st of December following.

Thus every branch of the Federal Government, and every party in the Territory, although disjointed in action, agreed in the remedy for the pacification of Kansas, to wit, *admission into the Federal Union*.

Allow me to remark that both constitutions had been formed in peace. Both parties had held their preliminary elections without interference. There was no contest; no struggle; no collision; and it may be fairly inferred, in the absence of all motive, there was no fraud.

Both constitutions are now before this House; the Topeka constitution, framed by the convention called for that purpose, and the Lecompton constitution, framed by the convention also assembled for that purpose; and both very similar in their organization.

Was the Topeka constitution the emanation of legal authority? and does it represent the voting population, as recognized by the laws of the Territory? I quote from Judge Douglas's report. He says, speaking of the Topeka movement:

“With regard to the regularity of these proceedings, your committee see no necessity for further criticism than is to be found in the fact that it was the movement of a political party, instead of the whole body of the people of Kansas, conducted without the sanction of law, and in defiance of the constituted authorities, for the avowed purpose of overthrowing the territorial government established by Congress.”

He further says, page 33:

“Your committee have made these voluminous extracts from the best authenticated reports which they have been able to obtain of the proceedings of the convention, for the purpose of showing that it was distinctly understood on all sides that the adoption of the proposition for organizing the State government before the assent of Congress for

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the admission of the State should be obtained, was a decision in favor of repudiating the laws, and overthrowing the territorial government in defiance of the authority of Congress. By this decision, as incorporated into the schedule to the constitution, the vote on the ratification of the constitution was to be held on the 15th of December, 1855, and the election for all State officers on the third Tuesday of January, 1856.”

Upon this subject I need say no more. Was the Lecompton constitution the emanation of legal authority? and does it represent, truly and fairly, the voting population, under congressional and territorial laws? It is known to us all that the Territorial Legislature of Kansas, at its session in 1856, passed an act submitting to the people, at the general election in October, 1856, “the expediency of calling a convention to form a State constitution.” That, in obedience to the will of the people, the Legislature, on the 19th February, 1857, passed a law providing for the election of delegates, to take place on the 15th June, and the convention to assemble on the 4th day of September thereafter. Great efforts were made to bring all parties to the support of those laws. On the 17th of April, 1857, Secretary Stanton issued his inaugural as the acting Governor of the Territory, in which he says:

“The Government of the United States recognizes the authority of the territorial government in all matters which are within the scope of the organic act of Congress and consistent with the Federal Constitution. I hold that there can be no other rightful authority exercised within the limits of Kansas, and I shall proceed to the faithful and impartial execution of the laws of the Territory, by the use of all the means placed in my power and which may be necessary to that end.

“The Government especially recognizes the territorial act which provides for assembling a convention to form a constitution, with a view to making application to Congress for admission as a State into the Union. That act is regarded as presenting the only test of the qualification of voters for delegates to the convention, and all preceding repugnant restrictions are thereby repealed. In this light, the act must be allowed to have provided

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for a full and fair expression of the will of the people, through the delegates who may be chosen to represent them in the constitutional convention.”

Governor Walker, in his inaugural of the 27th of May, 1857, says:

“But it is said that the convention is not legally called, and that the election will not be freely and fairly conducted. The Territorial Legislature is the power ordained for this purpose by the Congress of the United States; and in opposing it, you resist the authority of the Federal Government. That Legislature was called into being by the Congress of 1854, and is recognized in the very latest congressional legislation.” * * * * *

“I see in this act calling the convention no improper or unconstitutional restrictions 443 upon the right of suffrage. I see in it no test oath or other similar provisions objected to in relation to previous laws, but clearly repealed as repugnant to the provisions of this act, so far as regards the election of delegates to this convention. It is said that a fair and full vote wilt not be taken. Who can safely predict such a result? Nor is it just for a majority, as they allege, to throw the power into the hands of a minority, from a mere apprehension (I trust entirely unfounded) that they will not be permitted to exercise the right of suffrage.”

And adds:

“The people of Kansas, then, are invited, by the highest authority known to the Constitution, to participate freely and fairly in the election of delegates to frame a constitution and State government.”

Senator Douglas, in his celebrated Springfield speech, made within three days of the election of delegates to the Kansas convention, says:

“Kansas is about to speak for herself, through her delegates assembled in convention to form a constitution, preparatory to her admission into the Union on an equal footing with the original States. Peace and prosperity now prevail throughout her borders. The law

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under which her delegates are about to be elected is believed to be just and fair in all its objects and provisions. There is every reason to hope and believe that the law will be fairly interpreted and impartially executed, so as to insure to every *bona fide* inhabitant the free and quiet exercise of the elective franchise.”

Well, sir, the Lecompton convention met; and on the 7th of November last completed their labors. A constitution was formed and adopted, except as to the slavery clause, and that was submitted to a vote of the people, to be taken on the 21st of December, 1857. Slavery was voted in by a large majority.

A violent outcry was raised against this constitution by those who had throughout refused to share in the necessary steps to its formation, and by Mr. Douglas and his friends, who had previously and habitually denounced those thus refusing, as insurgents; a strange and ominous combination, of which we are now collecting the bitter fruits.

Mr. Chairman, every consideration that could influence a good citizen called for a speedy settlement of this territorial strife and agitation. It was an instrument of political mischief in the hands of designing demagogues, and was largely used to the disturbance of the public peace and the danger of the Union. Yet, Mr. Chairman, strange as it may be, it is a melancholy and deplorable truth, the Hon. S. A. Douglas, of the State of Illinois, to the amazement of the whole country, with the exception of that portion of it in his confidence, on the first reading of the President's message dissented from its Kansas policy; and charged the President with having committed “a fundamental error,” in two days thereafter, in an elaborate speech addressed to the Senate. Various grounds of objection are taken by him; and among them, that the whole proceeding for a convention in Kansas is illegal, and refers to the case of Arkansas as in point, and in which the Attorney General gave his opinion. He says:

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“But while the Attorney General decided, with the approbation of the Administration of General Jackson, that the Territorial Legislature had no power to call a convention, and that its action was void if it did, he went further:

“No law has yet been passed by Congress which either expressly or impliedly gives to the people of Arkansas the authority to form a State government.’

“Nor has there been any in regard to Kansas. The two cases are alike thus far. They are alike in all particulars so far as this question involving the legality and the validity of the Lecompton convention is concerned. The opinion goes on to say:

For the reasons above stated, I am, therefore, of opinion that the inhabitants of that Territory have not at present, and that they cannot acquire otherwise than by an act of Congress, the right to form such a government.”

Again:

“If you apply these principles to the Kansas convention, you find that it had no power to do any act as a convention forming a government; you find that the act calling it was null and void from the beginning; you find that the Legislature could confer no power whatever on the convention.”

In his celebrated Springfield speech he takes a different ground, and makes the following remarks:

“The organic act secures to the people of Kansas the sole and exclusive right of forming and regulating their domestic institutions to suit themselves, subject to no other limitation than that which the Constitution of the United States imposes. The Democratic party is determined to see the great fundamental principles of the organic act carried out in good faith. The present election law in Kansas is acknowledged 444 to be fair and just—the rights of the voters are clearly defined—and the exercise of those rights will be efficiently

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and scrupulously protected. Hence, if a majority of the people of Kansas desire to have it a free State (and we are told by the Republican party that nine-tenths of the people of that Territory are free-State men) there is no obstacle in the way of bringing Kansas into the Union as a free State, by the votes and voice of her own people, *and in conformity with the great principles of the Kansas-Nebraska act*; provided all the free-State men will go to the polls and vote their principles in accordance with their professions.”

Governor Walker also took similar ground in his inaugural and in public speeches. In his letter of the 15th July last to Mr. Cass, he informs him of his discussion with one Mr. Foster, in which he speaks of the Michigan case having been quoted by him as a precedent in support of the free-State party. He then adds:

“I showed them that, in the case of Michigan, the Territorial Legislature were clothed by Congress with no authority to assemble a constitutional convention and adopt a State constitution; but that, under the comprehensive language of the Kansas and Nebraska bill, the Territorial Legislature was clothed with such authority by the laws of Congress, and that the authority of such a convention to submit the constitution to the vote of the people was as clear and certain as that of Congress itself, and that opposition to such a proceeding was equivalent to opposing the laws of Congress.”

To this may be added the opinion of Governor Wise, who says:

“If the Kansas-Nebraska act did not enable the people to hold a convention, or to make laws for their own self-government, it has no virtue in it at all. The Kansas-Nebraska act organized a Territory, and the people thereof were enabled thereby to govern themselves. By their own laws they organized a convention to frame a constitution of State government. That convention was, therefore, *de jure*, legitimate. It formed a constitution, and had a right to form it.”

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And last, though not least, the views, strong and conclusive, of President Buchanan, in his special message, in which, speaking of the organic act, he says:

“That this law recognized the right of the people of the Territory, without any enabling act from Congress, to form a State constitution, is too clear for argument. For Congress ‘to leave the people of the Territory perfectly free,’ in framing their constitution, ‘to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,’ and then to say that they shall not be permitted to proceed and frame a constitution in their own way, without an express authority from Congress, appears to be almost a contradiction in terms. It would be much more plausible to contend that Congress had no power to pass such an enabling act, than to argue that the people of a Territory might be kept out of the Union for an indefinite period, and until it might please Congress to permit them to exercise the right of self-government. This would be to adopt, not ‘their own way,’ but the way which Congress might prescribe.”

But were there doubts about the necessity of an enabling act, it will be seen it was unnecessary, as there was no purpose to oust Federal authority in Kansas without the consent of Congress; and thus Mr. Douglas might have been saved a large portion of his remarks. I refer to the sixth section, and so much of the seventh as is pertinent, of the schedule of the Lecompton constitution, as follows:

“ Sec. 6. All officers, civil and military, holding their offices under authority of the Territory of Kansas, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

“ Sec. 7. This constitution shall be submitted to the Congress of the United States at its next ensuing session, and as soon as official information has been received that it is approved by the same, by the admission of the State of Kansas, as one of the sovereign States of the United States, the president of this convention shall issue his proclamation

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to convene the State Legislature at the seat of government, within thirty-one days after publication.”

Here it is expressly and solemnly provided that the State shall not supersede territorial authority without the assent of Congress.

The next ground taken was that the constitution was to be submitted to the people, by the universal understanding of all parties. The position is put in the following words:

“I understand, from the history of the transaction, that the people who voted for delegates to the Lecompton convention, and those who refused to vote—both parties—understood the territorial act to mean that they were to be elected only to frame a constitution, and submit it to the people for their ratification or rejection. I say that both parties in that Territory, at the time of the election of delegates, so understood the object of the convention. Those who voted for delegates did so with 445 the understanding that they had no power to make a government, but only to frame one for submission; and those who staid away did so with the same understanding.”

He proceeds, and says:

“It is sufficient for my purpose that the Administration of the Federal Government unanimously, that the administration of the territorial government, in all its parts, unanimously understood the territorial law under which the convention was assembled, to mean that the constitution to be formed by that convention should be submitted to the people for ratification or rejection, and, if not confirmed by a majority of the people, should be null and void, without coming to Congress for approval.”

Now the statement, *in toto cælo*, is denied.

I have before referred to that act passed in 1856, submitting to that vote of the people the question of convention or no convention. In that act of eight brief sections, not a word was

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said about the powers of the convention. That was left to the general policy which had ruled on such occasions; and yet, in that act was the place for trammeling the convention. The people having voted in favor of a convention, an act was passed on the 19th day of February, 1857, providing for the election of delegates to such convention; but it did not provide for submitting the constitution, when framed, to the people. For that reason Governor Geary vetoed the bill; and yet the two Houses passed it by a constitutional majority, the veto notwithstanding. Governor Geary argues no other question, but says:

“Passing over other objections, I desire to call your serious attention to a material omission in the bill.

“I refer to the fact that the Legislature has failed to make any provision to submit the constitution, when framed, to the consideration of the people for their ratification or rejection.”

On the 17th April, 1857, Governor Stanton, speaking of the above law, and urging the people to peace and union, says:

“I do not doubt, however, that, in order to avoid all pretext for resistance to the peaceful operation of this law, the convention itself will, in some form, provide for submitting the great distracting question regarding their social institution, which has so long agitated the people of Kansas, to a fair vote of all the actual *bona fide* residents of the Territory with every possible security against fraud and violence. If the constitution be thus framed, and the question of difference thus submitted to the decision of the people, I believe that Kansas will be admitted by Congress without delay as one of the sovereign States of the American Union, and the territorial authorities will be immediately withdrawn.”

Governor Stanton did not think the convention was expected to submit the constitution. All he expected was that the slavery clause alone should be submitted to the people. And

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such was the policy of Governor Walker, as it appears from sundry articles, which I will now submit:

“The St. Louis *Leader* contains in its issue of the 6th, an article on the subject, which we recognize as proceeding from one of the ablest minds in the State; a man who has long stood at the head of the national Democracy of Missouri.”

* * * * *

“Nearly a year ago, when Governor Walker passed through this city on his way to Kansas, he was free to unfold his plans to his political friends. In a conversation with him in the Planter's House we remember that he distinctly announced as his programme, that a constitution should be formed perfectly unexceptionable, ignoring the subject of slavery, and that a *schedule should accompany it submitting the question of slavery to the people*. We printed it in the *Leader* at the time, and it went forth to the world; it was published all over the country, both before and after that time.”

Nor is this all. Governor Walker, appealing to the people, and presenting various and earnest views why they should go into the convention, and referring directly to the question of submitting the constitution, says in his inaugural of May 27:

“You should not console yourselves, my fellow-citizens, with the reflection that you may, by a subsequent vote, defeat the ratification of the constitution. Although most anxious to secure to you the exercise of that great constitutional right, and believing that the convention is the servant, and not the master of the people, yet I have no power to dictate the proceedings of that body. I cannot doubt, however, the course they will adopt on this subject. But why incur the hazard of the preliminary formation of a constitution by a minority, as alleged by you, when a majority, by their own votes, could control the forming of that instrument?”

And so late as the 10th September, in his proclamation, he said:

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“The only remedy rests with the convention itself, by submitting, if they deem best, the constitution for ratification or rejection to the vote of the people, under such just and reasonable qualifications as they may prescribe.”

But it is argued and insisted that the Kansas and Nebraska act requires the constitution to be submitted to the people. It is difficult to perceive in what part of this act that doctrine is to be found. Mr. Walker sums up his doctrine in his letter of resignation, as follows:

“It will be perceived that this doctrine, that ‘sovereignty makes constitutions,’ that ‘sovereignty rests exclusively with the people of each State,’ that ‘sovereignty cannot be delegated,’ that ‘it is inalienable, indivisible,’ ‘a unit incapable of partition,’ are doctrines ever regarded by me as fundamental principles of public liberty and of the Federal Constitution.”

I very much incline to the opinion that the Governor expresses the true doctrine. I can cheerfully agree with him that sovereignty is “a unit incapable of partition.” But, with concurrence in this sentiment or principle, how different our conclusions. He denies to this “unit” the right to depute power; and in so doing, shows that “sovereignty” does not exist. I contend that this “unit” has all power—can do by another what it can do by itself—and so is “sovereignty.” What is sovereignty? It is uncontrollable power. And yet Governor Walker denies the right to “sovereignty” to delegate its power. In Athens, the people, thirty thousand voters, met and exercised sovereignty. It was a pure democracy; that is impossible with us. Neither in the States nor in the federation formed by them, is that possible. Representation is therefore a necessity, without which our institutions could not last a minute. Hence, the system of delegated power is as familiar to the public mind as household words. It prevails in every form of government known to the people. Nor is it true that a sovereign delegating power thereby parts with sovereignty. It is not the less his because he allows to another the privilege or the duty of using it; for the sovereign can discharge his agent and resume the power with which he had intrusted him.

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The delegates who framed the Federal Constitution were elected by the Legislatures of the several States, *not by the people*; the Constitution was adopted by conventions of the several States, *not by the people*. The fifth article of the Constitution provides for its amendment by a convention, the acts of which are to be ratified by the Legislatures or the conventions of three-fourths of the States, as Congress may prescribe, *but not by the people*; and yet the preamble to the Constitution proclaims it the work of the people. It says:

“We, the people of the United States” * * * * * “do ordain and establish this Constitution for the United States of America.”

Yet this language is used in the face of the facts stated, upon the well-known principle that what a man does by another, he does by himself— *qui facit per alium, facit per se*.

Let us look to the States, as divided by the Revolution. And first of the old States. There have been four constitutions in New York: the first two, that of 1776 and that of 1801, were adopted by the conventions; the other two, that of 1827 and that of 1848, were formed by conventions, submitted to and ratified by the people, because so required by law. In Pennsylvania, her only two constitutions were framed and adopted by conventions, and the latter is to this day in force, except in certain amendments that have been adopted by the vote of her people. The constitution of Rhode Island was the charter of a King, and it took rebellion and insurrection to induce that State to change her organic law. The Virginia Legislature resolved itself into a convention, on the 25th of June, 1776, and on the 29th of the same had framed and proclaimed, without popular intervention of any sort, her first constitution, under which, without any change whatever, her people enjoyed all the blessings of liberty for upwards of half a century.

Now to the new States; and I regard those as such which were admitted into the Union subsequent to the Revolution. The constitution of Vermont was “ordained” without submission to the people. This State is the birthplace of Senator Douglas. Illinois did not

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submit her constitution to the people. This is the State of the Senator's adoption. The constitution of Missouri was not adopted by the people. Without further enumeration, it will be sufficient to state that a majority of all the States of our Union have, at some time, lived under constitutions framed and adopted by conventions, and without any test by the suffrage of the people. And yet they are not less the government of the people.

There is, then, nothing in the law, nothing in the precedents, which requires that the Lecompton constitution should be submitted to the people; and abundance of both law and precedent which left the whole question of submission to the people in the discretion of the convention. The pledges of Calhoun and associates, when candidates for the convention, were obviously designed, like the appeals of Governor Walker, to influence the free-State men to join in the convention movement; 447 but it utterly failed. They are content. And it is no little assurance on the part of the free-State men to complain of the violated promises of those whose persons they reviled, in whose elections they did not share, and whose work they intended, if possible, to destroy. Then why submit the constitution? They did their best to enforce their own constitution; they refused to participate in the vote upon a convention; they refused to participate in the election of delegates; they proclaimed bitter hostility to the Lecompton constitution; and it became an interesting question with the law and order party how their work could be saved from the effects of factious opposition, &c.

Governor Walker, among many other similar things, says:

“The spirit of insurrection, of resistance to the laws, and to the territorial government, still pervades Kansas, and manifests itself in their newspapers, in violent harangues, in the enrollment and drilling of their troops, and in open threats for the use of the insurgent forces at the October election. Menaces, indeed, have been made in the most public manner, to drive the constitutional convention by force in September next, from Lecompton.”

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Governor Stanton says, in his message of the 8th December:

“I ascertained that designs of a most desperate character were freely discussed in their private meetings, and that violent measures had probably been agreed upon to be executed at a favorable time. It was to me certain that the mass of the people were determined not to submit to the constitution, nor to participate in the election, but probably to prevent its taking place. A large military force would have been necessary everywhere to enforce order.”

* * * * *

“It thus appears that in the election of the 15th June last, for delegates to the convention, the great mass of the people purposely refrained from voting, and left the whole proceeding, with all its important consequences, to the active minority, under whose auspices the law had been enacted, and also executed, so far as that could be done by the executive officers, without the concurrence of the majority of the people.”

Are these the people to whom to make concessions?

But, Mr. Chairman, a great outcry was raised about the manner in which the registry or census was taken. I have sufficiently shown that the law itself was unexceptionable—indeed it was a substantial copy of the Toombs bill, which Mr. Hale pronounced almost perfect. After providing in the first section that the sheriff shall proceed to take the census, the second section provides:

“In case of any vacancy in the office of sheriff, the duties imposed on such sheriff by this act shall devolve upon, and be performed by, the judge of the probate court of the county in which such vacancy may exist, who may appoint deputies, not to exceed one in each municipal township; and in case the office of both sheriff and probate judge in any county shall be or become vacant, the Governor shall appoint some competent resident of such county to perform such duty, who shall have the same right to appoint deputies, take

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and subscribe the same oath, and perform all the requirements of this act, as applied to sheriffs.

“ Sec. 4. It shall be, and is hereby, made the duty of each probate judge, upon such returns being made, without delay, to cause to be posted at three of the most public places in each election precinct in his county or district one copy of such list of qualified voters, to the end that every inhabitant may inspect the same, and apply to said probate judge to correct any error he find therein, in the manner hereafter prescribed.

Sec. 5. Said probate judge shall remain in session each day, Sundays excepted, from the time of receiving said returns until the first day of May next, at such places as shall be most convenient to the inhabitants of the county or election district, and proceed to inspection of said returns, and hear, correct, and finally determine according to the facts, without unreasonable delay, all questions concerning the omission of any person from said returns, or the improper insertion of any name on said returns, and any other questions affecting the integrity or fidelity of said returns, and for this purpose shall have power to administer oaths and examine witnesses, and compel their attendance in such manner as said judge shall deem necessary.

It is difficult to conceive anything more fair and unexceptionable.

The census being take and corrected, it is provided by the seventh section of said law as follows

“It shall be the duty of the Governor and Secretary of the Territory, so soon as the census shall be completed and returns made, to proceed to make an apportionment of the members for the convention,” &c.

I have thus shown that the law was ample and carefully framed. But it was said that the registry was imperfectly taken. Let us see whose is the fault. Mr. Stanton says, in reply to complaint upon this subject:

“It is not my purpose to reply to your statement of facts; I cannot do so from any personal knowledge enabling me either to admit or deny them. I may say, however, I have heard statements quite as authentic as your own, and in some instances from members of your own party, [Republican,] to the effect that your political friends have very generally—indeed, almost universally—refused to participate in the pending proceedings for registering the names of the legal voters. In some instances they have given fictitious names, and in numerous others they refused to give any names at all. You cannot deny that your party have heretofore resolved not to take part in the registration, and it appears to me that, without indulging ungenerous suspicious of the integrity of officers, you might well attribute any errors and omissions of the sheriffs to the existence of this well-known and controlling fact.”

In his message of the 8th December, 1857, he says:

“In consequence of this embittered feeling, and the mutual distrust naturally thereby engendered, one of the parties, constituting a large majority of the people, refrained almost entirely from any participation in the proceedings instituted under the law aforesaid. The census therein provided for was imperfectly obtained from an unwilling people in nineteen counties of the Territory; while in the remaining counties, being also nineteen in number, from various causes no attempt was made to comply with the law. In some instances, people and officers were alike averse to the proceeding; in others, the officers neglected or refused to act; and in some there was but a small population, and no efficient organization, enabling the people to secure a representation in the convention. Under the operation of all these causes combined, a census list was obtained of only nine thousand two hundred and fifty-one legal voters, confined to precisely one-half the counties of the Territory, though these, undoubtedly, contained much the larger part of the population.”

In his New York speech, he said in reply to complaints about the registry:

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“I said to them, gentlemen, you might have gone to the probate judges and had those names put on the lists. But they said it was not their duty to go; it was the duty of the officers to register their names. Now, it is useless for any of us to disguise the truth. The great mass of the free-State people did not care a fig whether their names were registered or not; they were opposed to the convention; they were opposed to all the laws and all the proceedings under it.”

But it is charged that about one-half of the counties were without a census or a registry, and that it would be a great wrong to put a constitution on a people who had no share, and could have had no share, in its formation. This is strongly put, and is, in effect, answered by what I have just said. But I will examine into the subject still further.

The territorial law laying out the Territory into counties, names three—Washington, Clay, and Dickinson—which lie in the extreme western portion of the Territory, and, being without inhabitants, were unorganized. The law, therefore, providing for the election of delegates did not name them. Of the thirty-four counties remaining, the registry and return was made, as appears by the proclamation of Governor Stanton as follows:

No. of District.	Names of Counties.	No. of legal voters.
1	Doniphan	1,086
2	Brown	206
3	Nemaha	140
4	Atchison	804
5	Leavenworth	1,837
6	Jefferson	555
7	Calhoun	291
8	Marshall	205
9	Riley	353
10	Pottawatomie	205
11	Johnson	496
12	Douglas	1,318
13	Shawnee, Richardson, and Davis	283
14	Lykings	413
15	Franklin	no return
16	Four counties	no return
17	Two counties	no return
18	Lynn	413
19	One county (Anderson)	no return
20	Bourbon, McGee, Allen, and Dorn	645
21	Five counties	no return
	Total	9,251

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By the seventh section of the election law, it is made the duty of the Governor to form these counties into election districts, and to assign to each district its share of representation. This duty was performed by Governor Stanton, as appears by his proclamation dated 20th May, 1857. From this it will be seen, that of the thirty-four organized counties in the Territory, twenty-one were represented in the convention. Of the thirteen counties left, seven counties had scarcely any population, so small that they

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did not cast a vote at the election on the 4th of January, when the free-State men had everything their own way. Of the remaining six, at the election of the 4th of January, when the free-State men reported a much larger vote than ever reported before, the following is the vote;

Madison 50 votes

Woodson 40 “

Franklin 304 “

Breckinridge 191 “

Coffee 453 “

Anderson 177 “

1,215 “

I have sufficiently shown why those counties were not registered. But I will resort to more direct and positive testimony as to part of them.

It must not be overlooked that during the whole period of time up to the 7th of November, 1857, when the constitution was completed, neither Governor Walker nor Stanton ever found fault with the registry, but acted upon it, and urged, with extraordinary zeal, the formation of a constitution predicated upon that basis, ay, scornfully repelled objections made thereto by the free-State men. When, however, that objection was made by them, and pressed by others, with effect, the exposition already made became a duty, to which I will add the positive testimony of one George Wilson. On the 5th day of February, 1858, he, among other things, deposed as follows:

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“At the time when the census was taken under the law providing for the Lecompton convention I was the acting judge of probate for Anderson county, Kansas, and am aware of the fact that the two wings of the free-State party in that county, composed of more moderate Free-Soilers and the adherents of Lane, threatened the life of any who should attempt to take the legal census; and I can say, under oath, that the life of any one making the attempt to execute the law in that particular was in danger, and the foregoing threats were the cause which prevented the taking of the census in Anderson county within the prescribed time.” * * * * “In regard to Passmore Williams, judge of probate for Alien county, members of the so-called free-State party stated to me in person that if he attempted to execute the law, and did not leave, they would kill him; and I know the fact that he did not so execute the law, and left the county, because he believed his life in danger. Mr. Williams is from Illinois, and is a free-State man, but belongs to the Democratic party.”

“In regard to Esquire Yocum, judge of probate for Franklin county, he left the county and the Territory on account of losing his negro property and having his life menaced. The office being vacant, the Legislature which passed the census law appointed a new judge of probate and ether officers, who refused to serve, alleging as a reason that they were afraid so doing would cost them their lives. Consequently, no census was taken, and no legal election held.”

Governor Stanton says:

“In the other eighteen counties there was no census and no registration. I think it very probable, although I do not know the fact, that in some of these counties the officers were deterred and discouraged by the people from the duty of taking the census.” * * * * *

“I have no doubt it is true, that the great majority of the free-State people did not wish to be represented, and did not intend to be represented at all. They determined to hold off from it.”

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Nor was there any occasion “to hold off from it” from any apprehension of Missouri hordes. Governor Walker, in his letter of the 27th May to General Cass, says:

“There is no longer any pretext for the suggestion that any portion of the people of Missouri intend to invade the ballot-box at any election in Kansas.”

Let me say here, also, that Mr. Calhoun wrote to Judge Douglas, not as a Senator, but as a friend, stating the plan that was to be pursued, and asking his advice in reference to it. No answer to that letter was ever received, but the *Chicago Times* came out and indorsed the proposed plan. I state, as a fact which will not be disputed in any quarter, that Senator Douglas, not as a Senator, but as a conspicuous friend of 450 this gentleman, was written to in the month of September, asking his advice as to the course to be pursued in the submission of the constitution, and that he never responded to that letter by dissent or affirmation. I repeat, the *Chicago Times*, understood to be under his influence, was published, containing an article indorsing the suggestions of that letter. I have not time to go into this question as I would like; but such are the facts in relation to this matter.

What then, do we see? An overwhelming majority of the voters embraced in the registry, and the omissions in every material particular occasioned by the violence of those who now complain. In the Senate debate of the 4th March, Mr. Hammond said:

“Mr. President, in the debate which occurred in the early part of the last month, I understood the Senator from Illinois [Mr. Douglas] to say that the question of the reception of the Lecompton constitution was narrowed down to a single point. That point was, whether that constitution embodied the will of the people of Kansas. Am I not correct?”

“Mr. Douglas. The Senator is correct, with this qualification: I could waive the irregularity and agree to the reception of Kansas into the Union under the Lecompton constitution, provided I was satisfied that it was the act and deed of that people, and embodied

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their will. There are other objections; but the others I could overcome, if this point were disposed of.

“Mr. Hammond. I so understood the Senator. I understood that if he could be satisfied that this constitution embodied the will of the people of Kansas, all other defects and irregularities could be cured by the act of Congress, and that he himself would be willing to permit such an act to be passed.”

Away, then, goes the enabling act. Away the necessity of submitting the constitution. Away go all questions of fraud. The only question is, is the Lecompton constitution “the act and deed of that people, and embodies their will?” This is a grave question, and presents the real and substantial point in this discussion. What fact is it necessary to know? What principle is it requisite to adopt to enable us to know that the constitution of a State “is the act and deed” of her people, and embodies “their will?” The lawful authority of the Territory, at the July session of 1856, passed a law submitting the question of a convention to the people to be voted upon at the ensuing general election in October. The vote was taken, and the people decided to have a convention. This step was taken in the midst of the presidential election. The great Democratic party knew the vote that was cast—knew that one party held off claiming for itself to be largely in the majority; and yet they said that all was right and fair and proper. These are facts—undoubted facts. In pursuance of the will of the people thus expressed, the Legislature passed a law providing for the election of delegates to the convention. It was vetoed by Governor Geary because it contained no clause submitting the constitution to the people. It became a law notwithstanding; was approved by the Federal Executive; by Senator Douglas; by Governor Walker and Secretary Stanton. These are facts. The election was held on the 15th June. The convention assembled—completed their labors on the 7th November last by adopting and ratifying the constitution in question, except the slavery clause, which was voted on by the people on the 21st December last. These are facts—every one of them; clear, undoubted, unmistakable facts. There is no controlling precedent or established principle which requires or forbids the submission of the constitution to the people for

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ratification or rejection; but, whether ratified by the convention or by the vote of the people, it is equally the act of the people, and equally authoritative and valid.

In our community of States, the people are known only when they speak at the polls. Any other mode of expression is unknown to our institutions; and any other mode of expression is sternly disregarded or rebuked. It is in this way that constitutional government is maintained, popular sovereignty preserved, and personal happiness promoted. On the 10th April, 1856, Mr. Douglas, in his place in the Senate, said:

“I know of but two ways of governing men—but two ways by which men have ever been governed—by laws, or by force. If we give countenance to these people who disregard the laws, they will, of necessity, place themselves in a condition to be subjected to force only. What sanction has popular government but obedience to law? What security have we for government, if we disregard obedience to law? What is the great merit which we claim for our Government over the other Governments of the earth? That we are a Government of laws, and of laws only.”

Was this doctrine sound in 1856? Is it otherwise now? Subsequent to this, and on the 12th June, 1857, at Springfield, Illinois, Mr. Douglas addressed a large assembly of his countrymen. Having Kansas in view, and in express reference to the steps being taken for a convention and the extraordinary condition of things in the Territory, he carefully and deliberately said:

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“If any portion of the inhabitants, acting under the advice of political leaders in distant States, shall choose to absent themselves from the polls, and withhold their votes, with a view of leaving the free-State Democrats in a minority, and thus securing a pro-slavery constitution, in opposition to the wishes of a majority of the people, living under it, let the responsibility rest on those who, for partisan purposes, will sacrifice the principles they profess to cherish and promote. Upon them and upon the political party for whose benefit

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and under the direction of whose leaders they act, let the blame be visited of fastening upon the people of a new State institutions repugnant to their feelings, and in violation of their wishes.”

Here the Senator, so recently as the past summer, recognizes the doctrine for which I am contending, and distinctly repudiates his present majority idea. Recollect that he himself states the points of this speech. He says:

“The points which I am requested to discuss are:

“1st. The present condition and prospects of Kansas.

“2d. The principles affirmed by the Supreme Court of the United States in the Dred Scott case.

“3d. The condition of things in Utah, and the appropriate remedies for existing evils.”

Governor Walker also says in his inaugural address to the people of Kansas, under date of the 27th May, 1857:

“The law has performed its entire appropriate function when it extends to the people the right of suffrage, but it cannot compel the performance of that duty. Throughout our whole Union, however, and wherever free government prevails. those who abstain from the exercise of the right of suffrage authorize those who do vote to act for them in that contingency, and the absentees are as much bound under the law and constitution, where there is no fraud or violence, by the act of the majority of those who do vote, as if all had participated in the election. Otherwise, as voting must be voluntary, self-government would be impracticable, and monarchy or despotism would remain as the only alternative.”

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It is difficult to conceive anything more explicit. This doctrine was officially avowed to the people of Kansas as a warning and a guide, and with a hope of inducing them to unite, but without avail, in the formation of a constitution.

But the Cincinnati platform embraces the same principle; and the great assembly which formed it declared as follows:

“ *Resolved*, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States,”

To show how this was understood by Mr. Douglas at the meeting held in this city, to rejoice over the nomination of Mr. Buchanan, he said:

“The platform was equally explicit in reference to the disturbances in relation to the Territory of Kansas. It declared that treason was to be punished, and resistance to the laws was to be put down. That was the whole question involved—whether the supremacy of the laws should be maintained, or whether mob violence should overcome the officer of the law. On this question, between law and violence, the Democracy had expressed their sentiments; they say that the laws shall be executed so long as they stand upon the statute-book. But the Black Republicans say that they will trample upon the law, and shoot down the officers who execute it, because they do not like the law. The whole question was, whether law and order and the constitution shall prevail, or whether lawless violence and mob law shall rule in their stead.”

* * * * *

“And the principle of the Black Republicans is to obey such laws as they like, and repudiate those they do not like. They claim protection under the constitution, and refuse

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to yield obedience to it. The difference between them and the Democracy is, that the Democracy support the Constitution in all its parts, with equal fidelity, without reference to whether they like or dislike it. It is no excuse for a man to say that he does not like a law, and therefore will not obey it. Did they ever know a criminal who liked the law. [Applause.] Law-breakers never like the punishment that follows the act. Law-abiding men have no fear of the supremacy of the law.”

Nor were such sentiments uttered by Mr. Douglas for the first time. He has often uttered them:

“The Democratic party is ever a law-abiding, Constitution loving, conservative party—a party which holds that all true liberty is to be found under the protection of the Constitution and the laws, and that the laws made in pursuance of the Constitution must be obeyed. If we dislike them, they can only be repealed in conformity 452 with the Constitution; and we must submit to them as long as they are on the statute-book, unless they are unconstitutional, and their constitutionality is a question which must be decided by the courts. It is not to be settled by mobs resisting law, by shooting down the officers of the law, by pledging candidates for the judicial bench to decide contrary to the Constitution and their oaths as the condition of their election. The courts must decide the question according to the Constitution and the law, and all must abide by that decision. Thus we are brought back to the simple point, whether the Constitution and the laws, as expounded by the highest tribunals in the land, shall prevail; or whether a town meeting or a political organization, when it finds itself in the minority, is at liberty to become a mob, to defy the law, and shoot down its officers.”

It is difficult for doctrine to be more clearly stated. Those who “choose to absent themselves from the polls,” says Mr. Douglas, and “those who abstain from the exercise of the right of suffrage,” says Governor Walker, allow to those who do go to the polls the right to govern them; “otherwise,” says Governor Walker, “monarchy or despotism would remain as the only alternative.”

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I think it not out of place, Mr. Chairman, to invite attention to the case Luther vs. Borden, &c. 7 Howard. It grew out of the Dorr rebellion, and presents a case in many respects analagous to the one now under consideration.

When the Revolution commenced, the then colony of Rhode Island had a government formed under a charter granted by Charles II., King of England. The State of Rhode Island made no change in the form of government. This charter restricted the right of suffrage to freeholders. For years strenuous efforts were made, without success, to obtain an extension of the right of suffrage.

In 1841 the people held meetings and elected delegates to a convention to form a constitution, which was formed and submitted to the people, who, as it was alleged, ratified it by a large majority of all the qualified voters, according to the new constitution, and also according to the charter of Charles.

Under this constitution elections were held for Governor, members of the Legislature, &c., who assembled together in May, 1842, and proceeded to organize the new government.

But the charter government did not acquiesce in these proceedings. On the contrary it passed stringent laws, and finally an act declaring the State under martial law.

Martin Luther brought an action of trespass, *quare clasum fregit*, against the defendants for breaking and entering the plaintiff's house, on the 29th June, 1842. Defendants replied that they necessarily broke the plaintiff's house in seeking to arrest him for aiding and abetting an insurrection of men in arms, to overthrow the lawful Government of the State, by military force—to which the plaintiff replied generally. And on the trial offered to prove that the new constitution had been adopted by a majority of those under the new constitution, and also under the old charter; find that the citizens of this State, in their original sovereign capacity, have ratified and adopted said constitution by a large majority; and the plaintiff moved the court, Judge Story presiding, to instruct the jury that, if they so

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found, then the pleas of the defendants show no justification. But the court refused such instruction, and thus the case went into the Supreme Court.

The plaintiff's counsel, Mr. Hallett, among many points, laid down the following:

“The institution of American liberty is based upon the principles that the people are capable of self government, and have an inalienable right at all times, and in any manner they please, to establish and alter or change the constitution or particular form under which that government shall be effected. This is especially true of the several States composing the Union, subject only to a limitation provided by the United States Constitution, that the State governments shall be republican.

“That the sovereignty of the people is supreme, and may act in forming government without the assent of the existing government.”

“If these questions are answered in the negative, then the theory of American free governments, for the States is unavailable in practice.”

The anti-republican doctrine that legislative action or sanction is necessary, as the mode of effecting a change of State government, was broached for the first time, under the United States Government, by one Senator, in the debate in Congress upon the admission of Michigan, December, 1846.”

The defendant's counsel, Mr. Whipple states the issue:

“Mr. Whipple, for the defendant in error, said that the question to be decided was, whether a portion of the voters of a State, either the majority or minority, whenever they choose, assembling in mass meeting without any law, or by voting where there is no opportunity of challenging votes, may overthrow the constitution and set up a new one? But he would leave the discussion of general principles to his associate, and confine himself to the more minute facts of the case.”

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Mr. Webster, on the same side, agreed with Mr. Hallett.

“Let me state what I understand these principle to be. The first is, that the people are the source of all political power. Every one believes this. Where else is there any power?”

Mr. Webster said:

“But, in 1776, the American people adopted principles more especially adapted to their condition. They can be traced through the Confederation and the present Constitution, and our principles of liberty have now become exclusively American. They are distinctly marked. We changed the government where it required change; where we found a good one we left it. Conservatism is visible throughout.”

“Another is, that the qualification which entitles man to vote must be prescribed by previous laws directing how it is to be exercised, and also that the results shall be certified to some central power, so that the vote may tell. We know no other principle.”

“Our American mode of government does not draw any power from tumultuous assemblages. If anything is established in that way, it is deceptive.”

“Always these conventions were called together by the Legislature, and no single constitution has ever been altered by means of a convention gotten up by mass meetings. There must be an authentic mode of ascertaining the public will somehow and somewhere. If not, it is a government of the strongest and most numerous. It is said that, if the-Legislature refuses to call a convention, the case then resembles the Holy Alliance of Europe, whose doctrine it was that all changes must originate with the sovereign. But there is no resemblance whatever. I say that the will of the people must prevail, but that there must be some mode of finding out that will. The people here are as sovereign as the crowned heads at Laybach, but their will is not so easily discovered.”

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“The Constitution proceeds upon the idea that each State will take care and establish its own government upon proper principles, and does not contemplate these extraneous and irregular alterations of existing governments.”

The question which the court was called upon to decide was one of sovereignty. Two Legislatures were in existence at the same time; both could not be legitimate. If legal power had not passed away from the charter government, it could not have got into Dorr's. The position taken on the other side is, that it had so passed away; and it is attempted to be proved by votes and proceedings of meetings, &c., out of doors. This court must look elsewhere: to the Constitution and laws and acts of the Government of the United States.”

The Supreme Court, in its elaborate judgment, countenanced the views of Mr. Webster, and says:

“But the courts uniformly held that the inquiry proposed to be made belonged to the political power, and not to the judicial; that it rested with the political power to decide whether the charter government had been displaced or not; and when that decision was made, the judicial department would be bound to take notice of it as the paramount law of the State, without the aid of oral evidence or the examination of witnesses; that, according to the laws and institutions of Rhode Island, no such change had been recognized by the political power; and that the charter government was the lawful and established government of the State during the period in contest, and that those who were in arms against it were insurgents, and liable to punishment. This doctrine is clearly and forcibly stated in the opinion of the supreme court of the State, in the trial of Thomas W. Dorr, who was the Governor-elected under the opposing constitution, and headed the armed force which endeavored to maintain its authority.”

It also says:

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“By this act, the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere, is given to the President. He is to act upon the application of the Legislature, or of the Executive; and consequently, he must determine what body of men constitute the Legislature, and who is the Governor, before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress.”

And in conclusion adds:

“No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every State resides in the people of the 454 State, and that they may alter and change their form of government at their own pleasure. But whether they have changed it or not by abolishing an old government and establishing a new one in its place, is a question to be settled by the political power. And when that power has decided, the courts are bound to take notice of its decision, and to follow it.”

The constitution of a State cannot be changed by domestic violence nor can the organic act of a Territory. The Constitution forbids it. (Fourth article, fourth section, and second article, third section.)

Then there is no alternative. The will of the people can alone be known by the exercise of the right of suffrage. Those who vote must govern those who do not. There is no help for it; and the only majority our institution can recognize, or we can know, is of those who appear at the polls, and cast their suffrage in the manner prescribed by law. How, then, can Senator Douglas do otherwise that support the Lecompton constitution?

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But it is said that the election ordered by the free-State Legislature for the 4th of January, discloses the fact that there was a large majority against the Lecompton constitution. Upwards of ten thousand majority against it! And shall such a startling fact be disregarded?

In the first place, this vote was taken with a knowledge that one party alone would vote—it was *ex parte*. The act too, was without precedent. It may be safely affirmed that the whole history of constitutional government and reform cannot show its like in the United States. Repeal a constitution already adopted under an act calling upon the people to vote for or against it! But the vote reported as cast on that occasion is manifestly fraudulent. Why is it so much larger than was ever cast before by the free-State men? Why is it so much larger than that cast by them for State officers on the same day? Why is it so much larger than the memorial gotten up by them through their own census, taken only a few months ago? The free-State vote on the constitution is put at about 10,178; on State officers at about 7,000; on their memorial it is 4,170.

I have heretofore shown that the presidential election was fought upon the speedy admission of Kansas, &c., as the only means of giving peace to the country. Shall we keep it open, and thus play into the hands of those who are insurgents, and regard its agitation as necessary to success? Let us see what Judge Douglas has heretofore said upon this point.

In April, 1856, Mr. Douglas, in his place in the Senate, said:

“The policy is avowed, by the pretended executive officer of that so-called State, to continue the condition of violence by inducing Congress to withhold appropriations to pay its officers, and thus enable the revolutionary movement to be successful. When I see that the same line of policy is marked out here, showing that the object is to prevent any settlement of the question, to keep up revolution, to defeat the supremacy of the law, to perpetuate the struggle, I feel bound to give it no countenance by any vote of mine.

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“Gentlemen have been kind enough to say that the object of this bill is to make a slave State in Kansas. I show them that, by the provisions of the bill, its object is to allow the people to make just such a State as they wish. The Senator from Maine [Mr. Fessenden] says he has a right to go a little behind the face of the bill, and give his opinion that the object is to make Kansas a slave State. Conceding that right, and acting upon it, I have a right to come to the conclusion that all these gentlemen want is to get up murder and bloodshed in Kansas for political effect. They do not mean that there shall be peace until after the presidential election. They sent their partisan agents to get up rebellion, to commit crime, to burn houses, and then their newspaper agents are to report these acts here, and charge them on the border-ruffians. This whole game of violence there, and the publication of it here, is done by the one and same set of men—done for political effect. It is a part of their game. They do not mean that there shall be peace. Their capital for the presidential election is blood. We may as well talk plainly. An angel from Heaven could not write a bill to restore peace in Kansas that would be acceptable to the Abolition Republican party previous to the presidential election. [Laughter and applause in the galleries.]

“Then, sir, if it be an evil to have laws in force infringing the freedom of speech in the Territory, why not join with us to pass this bill, which obliterates those laws? If it be an evil of such magnitude as to justify rebellion and bloodshed to have test oaths in the Territory, why not join us in blotting them out? If there be such evils as are portrayed in Kansas, why not join us in applying the remedy? No; you vainly hope that you can make the people believe that the Democracy are responsible for the consequences of your own acts, and thus gather political capital from the blood of your fellow-citizens, if violence can reign and excitement last until the presidential election. Hence, law must not prevail—life must not be safe—property must not be secure—peace must not be restored in Kansas, if the Abolition-Republican leaders can prevent it, until after the election. You mistake, if you suppose the people will not be able to understand this scheme.”

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Such was the opinion of Judge Douglas as late as the 12th June last, when, in his Springfield speech, he said:

“If such is not the result let the consequences be visited upon the heads of those whose policy it is to produce strife, anarchy, and bloodshed in Kansas; that their party may profit by slavery agitation in the Northern States of this Union.”

Governor Walker, in his letter of 27th May, 1857, to Mr. Cass, says:

“I am well satisfied that a large portion of the insurrection party in this Territory do not desire the peaceful settlement of this question, but wish it to remain open in order to agitate the country for years to come. Such a result I would regard as most disastrous, not only to the peace and prosperity of Kansas, but as putting in imminent jeopardy the Government itself.”

Governor Walker says, in his official letter:

“The professed object is to protect the polls at the election in August of the new insurgent Topeka State Legislature. The object of taking the names of all who refuse enrollment is to terrify the free-State conservatives into submission. This is proved by recent atrocities committed on such men by Topekaites. The speedy location of large bodies of regular troops here, with two batteries, is necessary; the Lawrence insurgents await the development of this new revolutionary military organization.”

* * * * *

“You are aware that General Lee commanded the military expedition which made an incursion into this Territory last year, and that the officers of the staff are all leading agitators for the overthrow of the territorial government. The object of this last requisition is believed to be to mark for persecution and oppression all those persons, and especially

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free-State Democrats, who refuse to unite in this military organization. The purpose is universally regarded to be to establish a reign of terror.” * *

“A few weeks since, one of these conservative Democrats, who had committed no other offense than permitting the use of his name as a candidate for the constitutional convention, was abused and injured in the most shocking manner, and the most revolting atrocities were committed upon his wife by some of the insurrectionary party.” * * * * *

* * * * “It will perceive that this military organization embraces the whole Territory—being arranged into four divisions and eight brigades.” * *

“August 18.—The insurgent military organization under General Lane is still progressing. Arms are being supplied, and his troops drilled for action. We are threatened with the seizure of the polls, at various points by these insurgent forces. When it is remembered that the Topeka party claim to outnumber their opponents at least ten to one, the pretext for assembling these forces to protect the polls is evidently most fallacious.”

To all this much more might be added of the same character. Can any man who loves order, peace, and harmony, desire such scenes to continue? Will Democrats who desire hereafter to be so regarded, help to continue such scenes?

So late as the 12th June, 1857, Senator Douglas had said:

“Of the Kansas question, but little need be said at the present time. You are familiar with the history of the question, and my connection with it. Subsequent reflection has strengthened and confirmed my convictions in the soundness of the principles and the correctness of the course I have felt it my duty to pursue upon that subject.”

What has occurred since to induce a change of this course? I fear ambition has done its work. I fear imaginary private griefs have been actively at work. I have heard of a meeting of the Illinois delegation to consider of the policy to be pursued. I give at least one gentleman from Illinois notice that I shall bring up a matter in connection with the

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movement of that delegation in reference to this defection on the Kansas question, when I have an opportunity to do so. I intended to pay my respects to the gentleman from Ohio, [Mr. Cox,] but I have not the time.

Mr. Marshall, of Illinois. Will the gentleman yield to me a moment?

Mr. Smith, of Virginia. How much time have I?

A Member. Only three minutes.

Mr. Marshall, of Illinois. I want to say this—

Mr. Smith, of Virginia. I cannot yield. How much time have I, Mr. Chairman?

The Chairman. About two minutes.

Mr. Marshall, of Illinois. I merely want to say that if the gentleman has any 456 thing to say about the Illinois delegation, I wish he would charge it, and not insinuate it.

Mr. Smith, of Virginia. I *do* charge it as distinctly as I can.

Mr. Marshall, of Illinois. What does the gentleman charge?

Mr. Smith, of Virginia. Will gentlemen give me time to go on?

The Chairman. The gentleman asks that his time may be extended?

Mr. Burnett. I object, and I prefer to make the objection upon a gentleman on my own side.

Mr. Smith, of Virginia. I will say this in conclusion, that the delegation from Illinois, or a portion of them at any rate, met together here, when Congress assembled to consider the course which a certain gentleman in the other end of the Capitol should pursue, and the means he should use to secure his reëlection to the United States Senate. I say that

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much; I will make out the case when I have the time. I say that that certainly extraordinary action has resulted in a concerted movement, having an eye alone to his re-election.

[Here the hammer fell.]

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The following Epitaph is inscribed on the Tomb of Governor Smith. located immediately on *Midvale Avenue*, in Hollywood Cemetery, Richmond, about fifty (50)steps from the *Stone Bridge*:

WM. SMITH, SON OF CALEB AND MARYWAUGH SMITH, OF THE COUNTY OF KING GEORGE, COMMONWEALTH OF VIRGINIA.

BORN, SEPT. 6, 1797, DIED, MAY 18, 1887.

REPRESENTATIVE IN THE COUNCILS OF THE STATE, AND TWICE HER GOVERNOR, TRIBUNE FOR HER IN THE CONGRESSES OF THE UNION AND OF THE CONFEDERACY, MAJ.-GEN. IN THE ARMY OF THE SOUTH.

UNCONQUERABLE IN HIS CONVICTIONS AND IN HIS FIDELITY TO PRINCIPLES, HE WAS IN FORUM AND FIELD THE INFLEXIBLE CHAMPION OF THE RIGHTS OF THE STATES.

HIS LIFE ILLUSTRATED THE SPLENDOR OF DUTY WISELY AND FEARLESSLY PERFORMED.

“ In Thee, oh! Lord, I Trust! ”

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ERRA-ADDENDA ET CORRIGENDA.

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Page 4—29th line should read: “Colonel Caleb Smith was brother of the late Colonel William R. Smith.”

Page 10—19th line should read: “he would fall to cursing like a very Drab.”

Page 10—26th line should read: “they are trusty and well beloved cousins all.”

Page 16—29th line should read: “many had no confidence in his strength.”

Page 16—38th line, “semi-colon after canvass.”

Page 19—19th line, change initial to Shelton F. Leake.

Page 19—22d line, change name to Hon. James A. Seddon.

Page 19—4th line quotation should read: “heard so oft in worst extremes.”

Page 23—2d line should read: “old Richmond and Louisa Railroad.”

Page 26—27th line should read: “two of which were brought out under a lady's dress.”

Page 29—5th line should read: “if they were all trumps.”

Page 35—11th line, “John” should be “James” McDowell.

Page 37—Last line, Chapter IX,) parenthesis at end.

Page 45—2d paragraph should read: “This was a rare instance, if not the only one in the whole army, where a man holding a high civic position, relinquished it for a military command in the field when exempt from military duty, and received only his salary as Colonel of his regiment.”

Page 48—30th line from top, change asiduous to assiduous.

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Page 49—Casualties 49th Va. Infantry change total to “88.”

Page 54—7th line of Stiles letter, change “sixty-six” to “sixty-seven.” In same letter, second paragraph of 4th line change to “so that oftentimes.”

Page 56—3d paragraph, 1st line insert word “even” so as to read “Surrounded by emergencies which, at this distant day, EVEN can be well understood and appreciated.”

Page 65—14th line from bottom, insert initial P, so as to read: Col. P. Bell Smith.

Page 66—Same change as on page 65. Col. P. Bell Smith.

Page 68—11th line from bottom change to read: “each labored with tongue and pen to pronounce,” &c.

Page 69—2d line from top add] bracket at end of sentence.

Page 69—4th paragraph, 8th line, comma after confidence.

Page 70—Last paragraph should read: “Age could not weaken nor sorrow dim the glow of his early vow; in his eyes she was always young and beautiful.”

Page 82—In 10th line from top, following the name of Judge Bell insert “Lieut. Thomas S. Bell of Washington City.”

Page 85—In letter “To the Legislature,” 10th line, change to read: “he has ever discharged the duties of his position with great fidelity, conspicuous courage, and rare ability.”

Page 99—“The writer of this article is mistaken. General Smith never, during the whole war, put foot under his own roof after the abandonment of Manassas by the Confederates in 1861. He would not have compromised himself as soldier by placing himself within easy

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capture by the Federals, even for the tenderness and attention of wife and family, though dangerously and it was believed mortally wounded.”

Page 99—The last paragraph should be read before the extract from N. Y. *Sun* to page 98.

Page 240—11th line from bottom should read: “Now is it conceivable.”

Page 288—12th line from bottom should read: “perusal” instead of “persual.”

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Richmond, Va. , April 21st, 1891.

Hon. John W. Bell, Culpeper, C. H., Va.

Dear Judge: —Owing to almost constant absences from home, I have not been before able to answer your favor of the fourth instant. However, no time has been lost, for, in view of the contradictory statements already in print, I would not have been willing again to state my recollection merely. Owing to the sickness of M. F. Pleasants, Esq., Clerk of the U. S. Circuit Court here, the original papers in the suit of “ United States vs. William Smith ” could not be found until yesterday, and the order books of the Court of that date are meagre and badly indexed.

I returned home last evening; the papers in the suit are now before me, and from them, I reply:

1 st. The declaration (*in assumpsit*) was filed March 5th, 1877.

2 d. At the 2d March, Rules 77, Atty. Gen'l R. T. Daniel, then alone for the defense, pleaded the general demurrer and general issue.

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3 d. The demurrer was argued, I distinctly remember, by Mr. Daniel and myself, at what precise date does not appear: but

4 th. On August 3d, '77, an order more particularly fixing the pleadings for trial upon the merits, was agreed upon and signed by "L. L. Lewis, U. S. Att'y," (now Judge Lewis, President of our Court of Appeals), and by "R. T. Daniel and Robert Stiles, p. of;" and this order was approved and entered by the Court the same day.

5 th. The papers do not distinctly indicate it, but my recollection is, there were two trials by Jury, in the first of which none of the witnesses below mentioned appeared, and there was a hung Jury.

6 th. On April 12th, 1879, the deposition of Ex-Auditor, J. M. Bennett was taken; the District Attorney appearing for the Government and General Bradley T. Johnson and myself for the defense. With this deposition there is filed, among other interesting documents, a clipping from the *Richmond Dispatch*, of December 12th, 1865, containing an extract from a report made by Mr. Bennett to Governor Pierpont, concerning the disposition made of the gold coin drawn from the Richmond Banks in April, '65, and for which the Government brought these suits, known as "The Gold Cases," vs. Gov. Smith and others.

7 th. On the second Jury trial, which occurred, as the papers show, May 24th, '79, Att'y Gen'l Field, who had succeeded Mr. Daniel, and I appeared for the defence, Governor Smith, and Lt. Governor Thomas, who had been Second Auditor in April, '65, testified before the Jury, and there was a verdict for the defendant.

Governor Smith's having been made the test case, the other suits shared its fate and were dismissed.

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The instructions given by the Court are full of interest. Judge Hughes, who presided, endorsing as valid the substance of the defence laid down by Gov. Smith in his testimony, viz.: that, as *de facto* Governor of Virginia in that awful crisis, he was chargeable with the duty of preserving Civil order in the debatable ground which the Confederate forces and Government had abandoned, and over which the United States had not as yet established their authority;—and that, not only his own salary as such Governor, but other disbursements by him in the discharge of this function and duty, were valid credits against the claim asserted by the United States in the suit.

There are other interesting and valuable papers on the in this suit, among others General Patrick's original authority, dated June 1st, 1865, to "Gov. William Smith" to report to him as "Provost Marshal General," without being subject to arrest.

But this communication is already too long and I forbear.

Yours truly, ROBT. STILES.

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[*From Richmond Dispatch.*] THE POSITIVE PROOF.

THE ORDER OFFERING A REWARD FOR GOVERNOR WILLIAM SMITH FOUND.

The difference between Generals Halleck and Patrick—Other Interesting Papers—The Gold Cases.

On various occasions it has been strenuously denied that the United States Government offered after the evacuation of Richmond a reward for the arrest of the late Hon. William Smith, who was Governor of Virginia when the war closed. Recently Major Robert Stiles has been looking up evidence in this and another matter associated with the immediate ante bellum history of that "old game-cock, Extra-Billy Smith," as Mr. Lincoln called the Governor, and has secured a copy of the advertisement, of Halleck offering the reward.

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That advertisement is not in the nature of a presidential proclamation, but bears the impress of the deviltry of Edwin M. Stanton, and reads as follows:

Headquarters Military Division of the James, Richmond, May 8, 1865.

\$25,000 Reward. —By order of the Secretary of War a reward of \$25,000 is hereby offered for the arrest and delivery for trial of William Smith, rebel Governor of Virginia.

H.W. HALLECK, Major-General Commanding.

This settles the question beyond dispute, but is not the only interesting paper in the case found by Major Stiles.

THE GOLD CASES.

In March, 1877, the United States Government entered suit against Governor Smith and other officials to recover certain gold taken by them out of the city when it was evacuated. The suits were brought on the ground that what belonged to the State at that time was the United States Government's by right of conquest. Governor Smith pleaded that though he was a fugitive when he left Richmond he was still *de facto* Governor of Virginia in that debatable ground over which the United States Government had not re-established authority, and as such was charged with preserving order. The money he was being sued for was expended for salaries of State officers and in the exercise of his prerogative as Governor. Judge Hughes decided that this plea was a valid one, and as a consequence all the cases fell through.

A LETTER TO GENERAL PATRICK.

Among the papers in the case was this letter to General Patrick:

Richmond, Va. , June 1, 1865.

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General:—Not having yet received any reply to Governor Smith's communication to General Halleck I have concluded to ask for a safe conduct to enable the Governor to report to you without arrest if he should so decide, the same to be promptly returned if not used or if the Governor should not be found.

I have the honor to be most respectfully your obedient servant, S. BELL SMITH,
Lieutenant-Colonel and Aide de Camp.

General M. R. Patrick, Provost Marshal-General.

Upon this letter General Patrick made the following endorsement, which pretty well illustrates the differences between the material of which Halleck and Patrick were made. It will be noticed that Halleck speaks of the Governor as William Smith, rebel Governor, while Patrick refers to him as Governor William Smith:

Office Provost-Marshal-General, Richmond, June 1, 1865.

The within application is granted and the person of the within named Governor, William Smith, will be free from arrest *en route* to this city, and neither military nor civil authorities will interfere with him; this protection is to be valid to and including the 10th instant, on or before which day he is to report in person at this office.

M. R. PATRICK, Provost-Marshal-General.