

6-1933

# Tennessee During Secession & Reconstruction

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1933

TENNESSEE DURING SECESSION AND RECONSTRUCTION

BY

EDWARD MORTON TAYLOR

A THESIS

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

WESTERN KENTUCKY STATE TEACHERS COLLEGE

JUNE, 1933

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## FOREWORD

The present work is intended as a survey of events and conditions in Tennessee during the decade from 1860 to 1870 when the entire nation was torn by sectional strife, racial antagonism, and economic and social disorder. The writer can make no pretension of having made a comprehensive or exhaustive study of the sources. That would involve a paper far beyond the scope of the present study. At best I have only scratched the surface; merely opened avenues for future study.

The greater portion of my work has been done in the Library of Western Kentucky State Teachers College where practically all the secondary material cited is available. I also had access in that library to many valuable source materials, and it was in these sources that I did my principal work. For Tennessee State documents and publications, it was necessary to go to Nashville where I also had access to the files of the Nashville daily newspapers published during the period studied. These papers proved interesting and fruitful sources of information.

For suggestions leading to the selection of my subject I am grateful to Miss Gabrielle Robertson. For many helpful suggestions and criticisms in the preparation of the paper I am indebted to Dr. A.M. Stickles, to Dr. N.O. Taff, and to Dr. Gordon Wilson. I also wish to express my appreciation for the many courtesies extended to me by the librarians at Western Kentucky State Teachers College, at the Library of the Tennessee State Historical Society at Nashville, and at the Carnegie Free Public Library in Nashville.

## SECESSION AND CONFLICT

A study of the history of Tennessee during the Civil War and the Reconstruction period is in large measure a study in sectionalism. From its early days Tennessee's history has been influenced and shaped by sectionalism. From early disputes over land policies to the bitter differences of the period which we are studying the eastern portion of the state and the western section have differed in their views on politics and economic problems. The reasons for this sectionalism within the state are manifold and sometimes difficult to comprehend. Perhaps one of the strongest factors contributing to these differences is the difference in the racial qualities of the people of the two sections.

The original settlers in Tennessee were sturdy Scotch-Irish who came with the same stream of population which peopled the Mecklenburg area in North Carolina and the Shenandoah Valley of Virginia.<sup>1</sup> Most of them were Presbyterians, and they were democratically inclined, the greater number of them being Whigs.<sup>2</sup> Mingled with them were a few Pennsylvania Germans, some French Huguenots, and a good many pure Milesian Irish.<sup>3</sup> It is this stock that settled in the hills of East Tennessee and established

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<sup>1</sup> Theodore Roosevelt, The Winning of the West, (G. P. Putnam's Sons, New York, 1889), Volume I, p. 103, ff.

<sup>2</sup> T. P. Abernethy, From Frontier to Plantation in Tennessee, (University of North Carolina Press, Chapel Hill, 1932), p. 17.

<sup>3</sup> Abernethy, op. cit., p. 17.

<sup>4</sup> Roosevelt, op. cit., p. 104.

the nucleus of the element that was later to dominate the population of the region. It was also this first wave, if it can properly be called a wave, of population which established the State of Franklin and the Watauga Settlement. It was these hardy and adventurous pioneers who pushed beyond the frontier and found the fertile lands of the Cumberland Basin, and who, with certain wealthy and aristocratic men in Virginia and North Carolina, engaged in the land speculations which were to affect so profoundly the later history of the state.<sup>1</sup>

It is characteristic of the western expansion in the United States that the first stream of hardy pioneers is usually followed by a class of much less desirable people. This element was made up largely of the poor of England who came to this country to escape hardships at home. Landing in regions already settled, they pushed through to the frontier and there settled on the poorer lands which remained. There they remained, little if any better off than they had been before, but lacking the qualities which would make them push on to better lands and opportunity.<sup>2</sup> This element went to make up the "Poor White Trash" or the "Mud-Sills" of later days. Many of these got no farther than the hills of East Tennessee on their westward trek, while those who did push farther west were crowded into the backwoods or became tenants on the plantations of the wealthy land owners.

A third element in the population of East Tennessee was

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<sup>1</sup> Abernethy, op. cit., Chapter ix, passim.

<sup>2</sup> Ibid.



the class of insurgents from North Carolina who styled themselves Regulators. With the Regulators came the class of lawless persons common on the frontier.<sup>1</sup>

From the close of the Revolution until the cession of the territory to Congress by North Carolina, Tennessee was the scene of spectacular and successful land speculations which made for many of the speculators handsome profits.<sup>2</sup> In 1784 the legislature of North Carolina granted to Congress the lands which now constitute the state of Tennessee, probably because the eastern portion of North Carolina, which had a majority in the legislature, wished to wash its hands of that expensive and troublesome frontier.<sup>3</sup> The people of Tennessee were thus the only citizens of a state to be reduced to citizens of a territory.<sup>4</sup>

This action threw the territory on the hands of the Congress, made possible the erection of a state, and led to an increased emigration to the west. By 1791 the population was estimated to be large enough, to meet the requirements for the establishment of a territorial government, and agitation had already begun for the attainment of that end. When, in 1795, the Pinckney Treaty with Spain quieted troubles between the settlers in Tennessee and the Spanish and Indians, a period of peace ensued which resulted in a sudden influx of new settlers.<sup>5</sup> This

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<sup>1</sup> Roosevelt, op. cit., p. 172.

<sup>2</sup> Abernethy, op. cit., Chapter IV.

<sup>3</sup> Ibid., pp. 56 ff.

<sup>4</sup> W. R. Garrett and A. V. Goodpasture, History of Tennessee, (Nashville, Branton Printing Co., 1900), p. 245.

<sup>5</sup> Abernethy, op. cit., p. 132.

further stimulated the movement towards statehood, and, finally, Governor Blount took the steps necessary to complete the organization required for admission as a state. Tennessee's constitution and application for admission, though opposed by the High Federalists, was finally approved by Congress on June 1, 1796, and Tennessee became a state.<sup>1</sup>

The land speculators who owned vast tracts in the Cumberland Basin and who dominated the politics of that section were largely Federalists, while the leaders in East Tennessee were Democrats. Disputes had arisen between the two sections during the preparation for admission as a state. Governor Blount, a western land speculator, and Sevier, the leading man in the east, were personally unfriendly. These factors, and others, caused Tennessee to start her existence as a state with the handicap of sectional animosities. The indifference of Congress toward the fate of the Southwest and Federalist opposition to the admission of Tennessee caused the Federalism of the Western leaders to cool considerably, while the diplomacy of Governor Blount did much to patch up the old differences. However, traces of the breach remained, and genuine political unanimity between the two sections was never attained.

Marked sectional disagreement appeared in 1806-7 as a result of the congressional act of 1806 concerning the public lands in Tennessee. The plan set forth by this act provided

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<sup>1</sup> N. Cross, "The Admission of Tennessee into the Union," American Historical Magazine, V, 241-247. Also J. G. M. Ramsey, The Annals of Tennessee, Chattanooga, 1926, pp. 669-72.

for a new survey of the lands and a pre-emption of two hundred acres to actual settlers under North Carolina grants. This eminently liberal, democratic, and just plan was favored by the leaders of West Tennessee who saw an opportunity for further profits from speculation as a result of the proposed new survey and the pre-emption of the claims they already held. Certain of the proceeds from the sale of these lands were to go for the support of public instruction, and, since East Tennessee was more interested in education than the other section, the people there were opposed to the new survey and the pre-emption rights. This dispute brought public education into politics for the first time in Tennessee and produced a sectional alignment which remained the same until 1853, when an act levying a tax for the support of public instruction was passed.<sup>1</sup>

Sectional divisions along another line appeared as a result of the panic of 1819. Eastern Tennessee, where the soil and the topography were not suitable for cotton growing and where small scale farming prevailed, had not experienced a period of inflation and suffered little from the panic.<sup>2</sup> On the other hand West Tennessee had been greatly influenced by the post-war inflation. Thirty-four cent cotton had attracted many new settlers to the region, population had increased enormously, and real estate values soared. When the panic came in 1819, the

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<sup>1</sup> Abernethy, *op. cit.*, p. 191. The leaders in the west could afford to send their children to private schools and the colleges in the East and so were little interested in Public Schools.

<sup>2</sup> T. P. Abernethy, Andrew Jackson and the Rise of Southwestern Democracy, American Historical Review, xxxiii, p. 66.

price of cotton dropped with a thud, and land values fell with it. The result was natural. Every one in the region was hard-hit, and many, merchants and farmers alike, were insolvent.<sup>1</sup> This led to attempts to relieve the situation by legislation. Felix Grundy, a former Kentuckian who was a lawyer and politician of some note in Tennessee, was elected to the state senate on a relief platform and in 1820 secured the passage of an act providing for a "state loan office" or "bank". The vote on this measure was strictly sectional, the East opposing and the West favoring.<sup>2</sup>

Another point of difference between the two sections of Tennessee during the early history as a state was the location of the state capital. Originally it was located in Knoxville, in the heart of the eastern section, but in 1812 it followed the westward movement and was located at Nashville. In 1817 the legislature returned to Knoxville, but in 1819 it convened in Murfreesboro, where it sat until 1821, when it met in Nashville, which has become the permanent capital of the state.<sup>3</sup>

These instances demonstrate the ever-evident element of sectionalism in Tennessee politics. This sectionalism is based not only on the differences in stock of the inhabitants of the two regions as before mentioned, but also on the fact that the leaders in the East were democratic Scotch-Irish Presbyterians,

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<sup>1</sup> *Ibid.*, p. 67; also James Phelan, History of Tennessee, (Boston, 1888), p. 23.

<sup>2</sup> Abernethy, Frontier to Plantation, op. cit., pp. 228 ff.

<sup>3</sup> Goodspeed Publishing Company, History of Tennessee, Nashville, 1887, p. 280.

while the leaders in Middle and West Tennessee were of aristocratic cavalier stock. In the East the leaders represented a large portion of the inhabitants, while in the West they represented a dominant minority, the majority being of the poor farmer class. Sectionalism is also based upon geographic divisions of the state. Middle Tennessee, or that Blue Grass region known as the Cumberland Basin, was very fertile, and was aligned with the southwest portion of the state which was the richest cotton growing section.<sup>1</sup> Lying between these two sections of the state was a strip of very poor country along the Tennessee River, where farms were small and their owners poor and backward.<sup>2</sup> This section was sometimes aligned with the mountainous region of East Tennessee. Another factor making for sectionalism, and closely akin to the geographic features, was the economic development of the different sections. The middle and the West were prosperous and wealthy; grain, stock, and tobacco were produced in the Cumberland Basin, while the West was "in all respects, a part of the cotton kingdom".<sup>3</sup> The population of East Tennessee was a self-sustaining, small farming class which seldom produced a wealthy man and contained a large element of the poor. Consequent upon the economic development of the sections was the social life in each. The prosperous plantation regions developed an aristocratic society that became famous for its style of

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<sup>1</sup> Abernethy, op. cit., p. 329.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., Preface, x.

living, for its ostentation, and for its liberal and elaborate hospitality. The social life in the poorer sections was limited and centered around democratic family and community activities. The church played a far more dominant role in the life of these sections than in the others, and men gave much of their attention to local politics. The wealthy aristocrat, with his broader outlook, his superior education, and his economic philosophy, would naturally look on politics from a different point of view from that of the small farmer of East Tennessee. His view was apt to be national in scope, while that of his neighbor to the east was likely to be local. He was probably a supporter of states rights, while the man of East Tennessee was apt to be a strong Union man. It is an evident fact that the people of the two sections were rarely able to see alike on matters of a political nature. This divergence of views and this sectional jealousy were to play a very important part in the division of the state upon the question of Secession.

Tennessee met the early rumors of secession with slight response and an attitude of nominal neutrality. The people were neutral because opposed to both of the extreme political parties.<sup>1</sup> This neutrality was, however, subject to conditions. As has been brought out previously, except in the hill section to the East of the state, the inhabitants were in a region dominated by a wealthy and aristocratic farmer class who were closely allied, socially and economically, with the people of the cotton-

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<sup>1</sup> J. W. Fertig, The Secession and Reconstruction of Tennessee, (University of Chicago Press, 1898), p. 15.

growing South. These planters were slave holders and felt that their social and economic life depended upon the institution of slavery.<sup>1</sup> To the east were the small farmers of the hill section, who hated the landed aristocracy and clung fervently to the Whig principle of the supremacy of the Union.

It is significant, however, that the problem of slavery assumed large proportions in Tennessee much later than it did in other southern states. Prior to the Mexican War the slavery question entered but slightly into the politics of Tennessee. The portentous question first played a part in the State in a presidential election in 1848, when it did so as an effect of the Wilmot Proviso.<sup>2</sup> From this time forward the question was never allowed to rest.

This early indifference to the slavery issue may be briefly explained. The slave-holders, while opposing the Abolitionists, probably underestimated their strength and paid slight attention to them. Further, they had no quarrel with those who opposed the extension of slavery into the territories. They were not a migratory class, and they could see that the expansion of slavery would tend both to decrease the available supply of slaves and lower the price of cotton.<sup>3</sup> On the other hand the poor white element, while opposed to slavery as an institution, had a strong hatred for the Negroes and dreaded the effects of freeing such a class to take a new place in the life

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<sup>1</sup> C. R. Hall, Andrew Johnson, Military Governor of Tennessee, (Princeton University Press, 1916), p. 1.

<sup>2</sup> Phelan, op. cit., p. 432.

<sup>3</sup> Abernethy, op. cit., pp. 330 ff.

of the state.

In the Nashville Convention of 1850 the Tennessee delegates voted against the radical resolutions favoring secession and thus demonstrated that the people of the state were in favor of the Compromise of 1850.<sup>1</sup> The election, in 1851, of a Whig, Wm. B. Campbell, as Governor voiced the sentiment of the state against radical action, and the question of slavery was to cause no further trouble in the state until the election of Lincoln as President reopened the issue.<sup>2</sup>

The neutral attitude of Tennessee was clearly shown by her action in the election year of 1860. Her delegates in the Charleston Convention of that year voted against the proposition to extend slavery into the territories and remained in the Convention after the Alabama delegates had withdrawn. Later they met with the Convention at Baltimore; but, when the delegates who had withdrawn from the Charleston Convention were denied seats, the Tennessee delegation withdrew,<sup>3</sup> met with the Southern wing of the party, and nominated Breckinridge. The electoral vote of Tennessee in 1860 went to a native son, John Bell.<sup>4</sup>

This neutral attitude of Tennessee is perhaps natural. Along with North Carolina and Arkansas, she was more in sympathy

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<sup>1</sup> Ibid., p. 334.

<sup>2</sup> Abernethy, op. cit., p. 334.

<sup>3</sup> Letter from Alexander H. Stephens to J. Henley Smith September 12, 1860, Annual Report American Historical Association, 1911, Volume II, Correspondence of A. H. Stevens, Howell Cobb, Robert Toombs, edited by Ulrich B. Phillips.

<sup>4</sup> Abernethy, op. cit., p. 335.; Fertig, op. cit., p. 15.



with the border states of Virginia, Kentucky, Maryland, and Missouri than with the feeling that was carrying everything before it in the cotton states.<sup>1</sup> The majority of Tennesseans felt they would derive the greatest profit from fealty to the Union.<sup>2</sup> The pro-slavery minority, thoroughly alarmed at the threats of abolition, now became aggressive and craved immediate action. Spurred by the excitement caused by the action of the legislatures in South Carolina and Georgia toward secession, and under the leadership of Governor Isham G. Harris, this group organized meetings to be held over the state for the promotion of the secession movement.<sup>3</sup> Governor Harris, who had been elected in 1857 and again in 1859, was the first Governor from the southwestern section of the State. Memphis was his home, and he was a rather aristocratic and well-to-do slave owner.<sup>4</sup> He was heartily in sympathy with the states of the "Cotton Kingdom," and was in constant touch with the leaders of the secession movement in those states.

One of the meetings summoned by the group of which Harris was the leader, was called to meet in Knoxville on November 26, 1860. Contrary to the expectations of the organizers of the meeting, the opposition organized and prevented the taking of a vote on the question of calling a special session of the legislature to consider secession. The meeting adjourned without

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<sup>1</sup> J. F. Rhodes, History of the U. S., 1850-1909, Vol. III, p. 103.

<sup>2</sup> Hall, op. cit., p. 2.

<sup>3</sup> Fertig, op. cit., p. 17.

<sup>4</sup> Abernethy, op. cit., p. 336.

having taken definite action, and another convention was called to meet at the same place on December 8, 1860.<sup>1</sup> At this second meeting in Knoxville, Wm. G. Brownlow, O.P. Temple, and other leading Whigs assumed the leadership and secured the adoption of a strong stand for the Union.<sup>2</sup> Temple, who was prominent in these meetings, expresses the opinion that the stand taken by them caused the defeat of the secession movement in East Tennessee.<sup>3</sup>

Although his plans had gone amiss in East Tennessee, Governor Harris issued a call to the legislature to convene in special session on January 7, 1861, "to consider the present condition of the country."<sup>4</sup> Georgia and South Carolina had indicated they would secede, and the Governor of North Carolina had taken charge of several arsenals and forts in that state before the legislature convened in Tennessee. These actions had given great headway to secession sentiment in Tennessee. Further impetus was given by news of trouble at Fort Sumter and by the withdrawal from the Union of Mississippi, Alabama, Florida, and Georgia while the legislature was assembled at Nashville. Accordingly, measures were passed January 19 calling for an election to determine if a convention should be held to decide the question of secession, and to elect delegates to that convention if it be held.<sup>5</sup>

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<sup>1</sup> O. P. Temple, Notable Men of Tennessee, (New York, Cosmopolitan Press, 1912), pp. 34 ff.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Fertig, op. cit., p. 17.

<sup>5</sup> Ibid., p. 19.

This election was held on February 9, 1861, and the results were against the proposition of a convention. The vote was 69,675 to 57,798.<sup>1</sup> East Tennessee voted five to one against the convention, Middle Tennessee opposed it by a majority of 1,382, and West Tennessee favored it by 15,118.<sup>2</sup> Even Memphis gave a majority of 400 against the plain question of secession, which was defeated by 91,803 to 24,749.<sup>3</sup> The people of the state were evidently afraid that the convention would ignore their instructions and carry the state out of the Union, as had been done in other states.<sup>4</sup> This rebuke to the Governor and the legislature seems surprising in view of the fact that seven other southern states had already seceded. This strong indication in favor of the Union may have been the result of a desire on the part of the people to await the outcome of the Peace Conference which had assembled at Washington on February 4, just five days before the election.<sup>5</sup>

The loyal people of Tennessee now thought they had successfully killed the secession movement in their state, but the news of the attack on Fort Sumter inflamed the people of Middle and West Tennessee to indignation at what they considered a violation of the rights of a sister state.<sup>6</sup> When President Lincoln

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<sup>1</sup> Wm. G. Brownlow, Parson Brownlow's Book, (Applegate & Co., New York, 1862), pp. 219 ff.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Fertig, op. cit., p. 20.

<sup>5</sup> For an account of the Peace Conference see F. E. Chadwick, Causes of the Civil War, American Nat. Series, Vol. XIX, Ch. xvi.

<sup>6</sup> Fertig, op. cit., p. 21.

sent out a call for troops, Governor Harris per-emptorily refused to "furnish a man for purposes of coercion" and threatened to supply 50,000 men to prevent such coercion.<sup>1</sup> A few days later, on April 18, a number of the prominent citizens of the state, among them John Bell, issued an address to the people of Tennessee, stating it to be the duty of the state "to preserve her independence both of the North and the South...to take sides with neither. Her position should be to maintain the sanctity of her soil from the hostile tread of any party."<sup>2</sup> Within a week, however, Bell made a speech in which he asserted that he was "for standing by the South."<sup>3</sup> Public sentiment had changed.

Governor Harris now called a second secret session of the legislature, which assembled April 25, and, on Harris's recommendation, authorized the Governor, on April 26, to organize all the troops tendered to him.<sup>4</sup> On May 6 it authorized the impressment of 50,000 volunteers.<sup>5</sup>

On April 30 the legislature was addressed by a representative of the Confederate government from its Capital, then at Montgomery, and on the next day, May 1, the Governor was authorized to enter into a military alliance with the Confederate government.<sup>6</sup> G. A. Henry, A. W. O. Totten, and Washington Barrows

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<sup>1</sup> Rhodes, op. cit., Vol. III, pp. 270-271.  
Richardson, Messages and Papers of the Presidents, Vol. VI,  
p. 13.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Hall, op. cit., p. 8.

<sup>5</sup> Ibid.

<sup>6</sup> Acts of the General Assembly of Tennessee, second extra session, 1861, p. 19; Fertig, op. cit., p. 24.

were appointed as a committee to confer with the Confederate representative for the purpose of completing the military league. This committee did its work rapidly, and on May 7, reported a league which was ratified the same day.<sup>1</sup> Tennessee was now, as a sovereign state, allied with the Confederacy.

On May 6 the legislature passed an ordinance calling for a second election on the question of secession. This second election was held on June 8, 1861, and by it Tennessee formally declared her separation from the Union and membership in the Confederacy. The vote, which totaled 152,151, gave large majorities in favor of secession and of joining the Confederacy. The vote was as follows:<sup>2</sup>

	For Separation	Against Separation
East Tennessee	14,780	32,923
Middle Tennessee	58,265	8,198
West Tennessee	29,127	6,117
Military Camps	2,741	-----
	<u>104,913</u>	<u>47,238</u>

The majority for separation was 57675. It will be noted that East Tennessee was loyal to the Union by a considerable majority.

Immediately following the ratification of the military league, Tennessee troops were placed in the service of the Confederate army, and Confederate troops moved into Tennessee. By the time of the June election, Tennessee was in actuality one of the rebel states. The election simply put upon that fact the seal of public approval.

East Tennessee had opposed the secession of the state as

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<sup>1</sup> Acts of the General Assembly of Tennessee, second extra session, 1861, p. 19; Fertig, op. cit., p. 21.

<sup>2</sup> Moore's Rebellion Record, Volume II, Document 37.

effected by the other portions and refused to align herself with the forces of the South. Instead, her people on the whole remained loyal to the Union and thus caused the Confederates great concern.<sup>1</sup> On June 18, before the results of the election of June 8 were known, a convention of loyal men assembled at Greenville. They protested against the action of the legislature and the methods used in the election and appointed a committee composed of O. P. Temple, James McDonald, and John Netherland to prepare and present a memorial to the legislature asking that East Tennessee be permitted to withdraw and form a separate state.<sup>2</sup> When this memorial was presented to the General Assembly, it was referred to a joint committee from the two houses, and there it was lost. The legislature adjourned three days later without action upon the question.<sup>3</sup> The Confederates feared that there would be an uprising against their authority, and to prevent the formation of any organizations for that purpose, they moved the troops which they had stationed there from one neighborhood to another.<sup>4</sup> On July 26 General Zollicoffer was assigned the task of subduing the section and promptly overran the region. It was thought that Zollicoffer was an ideal man for this charge since he was a native of the section, and could be expected to exert an influence which would tend to quiet the people, since he was considered a moderate and a highly respect-

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<sup>1</sup> Fertig, op. cit., p. 30.

<sup>2</sup> Rebellion Record, Ser. I. Vol. III, p. 230.

<sup>3</sup> Fertig, p. 30, (House Journal, June 29, 1861).

<sup>4</sup> Fertig, op. cit., p. 30.

ed man.<sup>1</sup> This seems to have had little effect, and Zollicoffer found it necessary to adopt measures which brought to the region a reign of terror for the loyal people there.<sup>2</sup> Throughout the war East Tennessee was to be a battle-ground, the troops of both sides crossing and recrossing it many times.<sup>3</sup>

The June election had provided for the choosing of representatives to the Confederate Congress, and the day was set for the first Thursday in August, the day on which Federal Congressmen had formerly been selected.<sup>4</sup> This election afforded the people of East Tennessee another chance to voice their disapproval of the action of the state government in seceding. In the four districts of East Tennessee the people refused to vote for the candidates for the Confederate Congress and nominated and elected men to go to the National Congress. Thomas A. R. Nelson was elected from the first district, Horace Maynard from the second by a large majority, a Mr. Bridges from the third, and Dr. Clements from the fourth.<sup>5</sup> Maynard and Nelson were elected by large majorities, but in the other two districts the vote was closer, and the two Confederate candidates claimed they were the legally elected representatives of the people and took their seats in the Confederate Congress.<sup>6</sup> Of the four men

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<sup>1</sup> Rebellion Record, Series I, Volume III, p. 375.

<sup>2</sup> Hall, op. cit., p. 14.

<sup>3</sup> Ibid., p. 15,

<sup>4</sup> Report of Contested Elections in Congress of 1861, pp. 466 ff., Report of Committees Second Session 37th Congress, V.III.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

elected to the national Congress, Maynard was the only one to take his seat when Congress opened in December; Nelson was captured by Rebel troops while on his way to Washington and was held prisoner in Richmond until he would swear to do nothing against the South when he was permitted to go home unmolested; Dr. Clements's case was referred to the Committee on Elections in Congress and was reported favorably on January 13, 1862;<sup>1</sup> Mr. Bridges was held a prisoner in his home and was unable to present his credentials to Congress until February 23, 1863, just a week before the close of the session. He was admitted to his seat without reference to the committee.<sup>2</sup>

This continued policy of stubborn opposition on the part of the people of East Tennessee greatly alarmed Governor Harris, and he requested President Davis to send 14,000 additional troops into that section.<sup>3</sup> It was this detachment of the Confederate army which Zollicoffer commanded. With the advent of these troops Union sentiment was subdued. Union men were either forced into silence or were forced to flee from the state. Many of them fled into Kentucky, where they joined the Union army.<sup>4</sup> East Tennessee was doomed to Confederate occupancy until the fall of 1863.<sup>5</sup>

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<sup>1</sup> Report of Contested Elections in Congress of 1861, p.466ff. Report of Committees, Second session, 37th Congress, Vol. III.

<sup>2</sup> Congressional Globe, 37th Congress, Feb. 25, 1863, pp.1295-6.

<sup>3</sup> Fertig, op. cit., p. 31.

<sup>4</sup> For an interesting, though partisan account of this "reign of terror" see Parson Brownlow's Book, op. cit., pp. 258-370.

<sup>5</sup> Ibid.



The subsequent history of the state under secession government was military rather than political. The second extra session of the legislature, which had met in June, had suspended all civil courts, had made it a crime to hold Federal office, and had placed the entire resources of the state in the hands of the Governor.<sup>1</sup> It further ordained that all the laws and ordinances by which Tennessee became a member of the "Federal Union of the United States of America" were abrogated and that henceforth Tennessee should be "a free, sovereign, and independent State". All state obligations to the Federal Constitution and Government were annulled.<sup>2</sup> Three short sessions were held by the secession legislature elected in August, but nothing of a political nature was accomplished.<sup>3</sup>

While East Tennessee was being occupied by Rebel troops, the mobilization of Confederate troops in Middle and West Tennessee proceeded rapidly. Acts had been passed by the legislature to raise and equip an army of 55,000 men and to appropriate \$5,000,000 for the defense of the state.<sup>4</sup> Headquarters were established at Memphis by General Gideon J. Pillow, and the Provisional Army of Tennessee, consisting of about one hundred and eight regiments, was organized.<sup>5</sup> Nashville and Memphis

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<sup>1</sup> Acts of the General Assembly of Tennessee, second extra session, 1861, p. 73.

<sup>2</sup> J. W. Caldwell, Constitutional History of Tennessee, (Cincinnati, Robert Clarke Company, 1907), pp. 277-78. Also Acts of Tennessee, Second Extra Session, 1861, p. 16.

<sup>3</sup> Acts of the General Assembly of Tennessee, loc. cit.

<sup>4</sup> W. R. Garrett and R. A. Halley, The Civil War from a Southern Standpoint, (Geo. Barrie & Sons, Philadelphia, 1905), p. 67.

<sup>5</sup> Rebellion Record, Series I, Volume III, p. 363.

became supply depots for the entire South as well as for Tennessee, and factories were established for the manufacture of munitions and military stores.<sup>1</sup> The Provisional Army of Tennessee was turned over, with all its equipment and supplies, to the Confederate Government, July 31, 1861.<sup>2</sup> On August 2, 1861, Leonidas Polk was commissioned a Major General by the Confederate Congress and, establishing headquarters at Memphis, included the Tennessee troops in his command.<sup>3</sup> The raising and equipping of an army proved a great undertaking in Tennessee. Men were plentiful, but the state was not prepared to equip and arm them. It was necessary in order to secure arms, to impress the arms of citizens with the understanding that they were to be paid for afterward.<sup>4</sup> Governor Harris was at the head of the organization forces in Tennessee and showed considerable ability in that capacity. He was in correspondence constantly with the leaders of the Confederate government and army in his efforts to secure arms for the troops he had recruited.<sup>5</sup>

While Zollicoffer was busily engaged in subduing Union sentiment in the East, General Polk was extending his lines into Kentucky. The presence of Confederate troops on the border of Kentucky greatly alarmed the people of that state, and Gov-

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<sup>1</sup> Garret and Halley, op. cit., p. 67.

<sup>2</sup> Rebellion Record, loc. cit.

<sup>3</sup> Ibid., Series I, Vol. III, p. 363. Journal of the Congress of the Confederate States of America, Senate Documents of the fifty-eighth Congress, Second Series, Volume I, p. 307.

<sup>4</sup> Rebellion Record, op. cit., Series I, Vol. VII, p. 827.

<sup>5</sup> Ibid., passim.

ernor Magoffin asked Harris of Tennessee for assurance that Kentucky would not be invaded. Harris responded with a proposed treaty between the states providing that Kentucky would be invaded by Confederate troops only at the request of the Governor of the state. This treaty was repudiated by the Confederate Congress on the grounds that Tennessee had not the "sovereign" right to make such a treaty.<sup>1</sup> The reason for this action on the part of the Confederate Congress was obvious when a few days later General Polk was ordered to occupy the Kentucky towns along the Mississippi river.<sup>2</sup> He promptly took these towns and fortified them. In September General Buckner moved into Kentucky, took Bowling Green, and established himself there on September 18. On October 28 General Albert Sidney Johnston moved to Bowling Green and made that point his headquarters. In the same month (October) General Zollicoffer was ordered to advance into Kentucky from East Tennessee, and Forts Henry and Donelson on the Tennessee and Cumberland Rivers in the west were established and garrisoned.<sup>3</sup> These two forts constituted a gateway to the territory occupied by the Confederacy in the west.<sup>4</sup>

The Confederate forces now held a line which extended from Columbus on the Mississippi, through Forts Henry and Donelson,

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<sup>1</sup> Rebellion Records, Series I, Volume I, pp. 376-78.

<sup>2</sup> Rebellion Records, Series I, Volume III, pp. 179-195.

<sup>3</sup> Ibid.

<sup>4</sup> J. F. Rhodes, History of the Civil War, 1861-1865, (The Macmillian Co., New York, 1917), p. 86.

through Bowling Green, to Mill Springs and Cumberland Gap.<sup>1</sup> General A. S. Johnston was in command of this line. In the east General Zollicoffer and General Crittenden had at their disposal a force of 5,836 men ready for duty. At Bowling Green General Hardee, in command of the Central Army of Kentucky, had 22,272 men. In the west General Polk had a force of 28,531 men.<sup>2</sup>

Meanwhile the forces for secession were active in Kentucky, and on November 18, 1861, a meeting was called at Russellville for the purpose of adopting a provisional secession government.<sup>3</sup> The government thus organized was recognized by the Confederacy on December 7, 1861, and was admitted to the Confederacy on December 10, 1861. This government continued to function until the Confederate forces were driven from the state in February, 1862.<sup>4</sup>

For the time being Tennessee seemed firmly entrenched within the Confederacy. General Zollicoffer had crushed Union support in East Tennessee. Middle and West Tennessee seemed secure behind the line of fortifications in Kentucky, and this security was increased by the apparent inability of the Union forces in Kentucky to attain an efficient organization. The military operations of the early part of 1862, however, were to change the entire aspects of the situation. General Grant had

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<sup>1</sup> Garrett and Halley, op. cit., p. 96. ; Campaigns in Kentucky and Tennessee 1862-1864, Papers of the Massachusetts Historical Society, Vol. VII, Appendix Map No. 1.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 97.

<sup>4</sup> Journal of the Confederate Congress, Vol. I, pp. 536-547.

been placed in command of the Union forces on the Mississippi and in West Kentucky. On November 7, 1861, he moved against Belmont, on the Missouri side of the river, but had been repulsed and forced to fall back to Cairo.<sup>1</sup> From then until the middle of January, 1862, there were no important movements by either army.

We have seen the situation in Kentucky as to the Confederate forces. The Union forces were not united under one command. In the west General Grant, under the command of General Halleck, commanded the Union forces. From the Cumberland River eastward General Buell was in command.<sup>2</sup> This division of command existed until March 11, 1862, when the two departments were united under General Halleck.<sup>3</sup> In January General Buell ordered General Thomas to move against the forces of Zollicoffer in East Tennessee, and on January 19 engaged the Rebel troops in battle at Mill Springs, Ky. After a sharp engagement lasting more than three hours, in which General Zollicoffer was killed, the Confederate forces under General George B. Crittenden were forced to withdraw, and during the night they retired to the south side of the Cumberland.<sup>4</sup> General Grant now received orders from Halleck to move against the Confederate lines in the West, and, co-operating with Admiral Foote, who commanded the Federal

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<sup>1</sup> Rebellion Record, Series I, Vol. VII, p. 442.

<sup>2</sup> Garrett and Halley, *op. cit.*, p. 253.

<sup>3</sup> Rebellion Records, Series I, Vol. X, p. 28.

<sup>4</sup> *Ibid.*, Series I, Vol. VII, pp. 78, 86.

fleet on the Tennessee River, attacked Fort Henry.<sup>1</sup> This point was taken February 6, 1862, and Grant planned to move immediately against Fort Donelson.<sup>2</sup> Bad weather prevented the movement of troops, and it was not until February 12 that the Union forces were able to attack Fort Donelson. The garrison, under Generals Floyd, Pillow, and Buckner, withstood a three-days' attack but were forced to surrender on February 16. When asked for terms of capitulation, Grant replied, "No terms except unconditional and immediate surrender can be accepted", a statement which became popularly connected with the name of Grant.<sup>3</sup>

The fall of Forts Henry and Donelson and the defeat of the Confederate forces at Mill Springs made the Confederate position in Bowling Green untenable, and on February 14, 1862, General Johnston evacuated that city and fell back through Nashville. The main body of the troops in that city had already withdrawn to Murfreesboro on February 17 and 18,<sup>4</sup> and on the 24th, Johnston completely evacuated the city and joined the main body of the army.<sup>5</sup> The advance line of the Confederacy had been completely broken, and the way now lay open to the Union forces for the occupation of Tennessee.

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<sup>1</sup> F. N. Thorpe, The Civil War from a Northern Standpoint, (George Barrie & Sons, Philadelphia, 1906), p. 258.

<sup>2</sup> Official Reports of Battles, Published by Order of the Congress of the Confederate States, p. 37 ff.

<sup>3</sup> Rebellion Records, Series I, Vol. VII, p. 161.; Official Reports of Battles, op. cit., pp. 50-176 passim.

<sup>4</sup> Jeff. Davis, The Rise and Fall of the Confederate Government, (D. Appelton & Co., New York, 1881), Vol. II, p. 39.

<sup>5</sup> Ibid., Rebellion Records, Ser. I, Vol. VII, p. 418.

General Grant had promptly moved into West Tennessee, and, following the evacuation of Nashville by the Rebels, he ordered Nelson's division to occupy the city, which was accomplished without opposition on the morning of February 25.<sup>1</sup> On February 22, 1862, the day that Davis was inaugurated in Richmond,<sup>2</sup> Grant issued a general order declaring martial law to exist in West Tennessee.<sup>3</sup>

East Tennessee was also open to invasion by the Northern troops at this time, and such an invasion was strongly urged by Lincoln, who felt that this section was the key to the entire Confederate territory. This invasion, however, was delayed by the dalliance of those in command of the Union troops in the section, and the opportunity was lost.

General Johnston found himself in a dangerous position in Murfreesboro, but because of the complete demoralization of his forces, he found it necessary to remain there for some time. He gradually concentrated his troops at Corinth, Mississippi, and reached that town himself on March 24, 1862.<sup>4</sup> Middle and West Tennessee were now under Federal control.

The sudden defeat of the Confederate troops and their withdrawal from the state left the secessionists of Tennessee dismayed. With the evacuation of Nashville, Governor Harris and the legislature had fled, Harris going first to Memphis and

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<sup>1</sup> Campaigns in Kentucky & Tennessee, op. cit., p. 21.

<sup>2</sup> Richardson, Messages and Papers of the Confederary, op. cit., p. 184.

<sup>3</sup> Rebellion Records, Series I, Vol. VII, p. 655.

<sup>4</sup> Thorpe, op. cit., p. 258.

later to Corinth, Mississippi.<sup>1</sup> Following the evacuation of the city by Johnston and before its occupation by the Union forces, the people of Nashville were in a state of panic. Mobs roamed about the city breaking into stores, seizing supplies, and destroying military equipment left there.<sup>2</sup> Order was restored only after the Union troops arrived. After he had reached Memphis, Governor Harris called the legislature into session in an effort to arouse the people of the state against the Union invaders.<sup>3</sup> It sat until March 20, 1862, when, because of the danger of the capture of Memphis by the Union army, it adjourned sine die and repaired with Harris to Corinth, behind the Confederate lines.<sup>4</sup> Effective secession government in Tennessee was at an end.

The withdrawal of the Confederate forces from Tennessee left an area of some 30,000 square miles open to Union occupation and left a population of approximately one million people without government and in grave danger of a slave uprising.<sup>5</sup> The military government under martial law as established by Grant was not adequate for the situation, and it devolved upon the Federal Government to make provision for these people. Lincoln recognized the necessity of speedy action and immediately took steps in that direction. Using his authority as commander-

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<sup>1</sup> Fertig, op. cit., p. 33.

<sup>2</sup> Reports of Battles, op. cit., p. 569.

<sup>3</sup> Fertig, op. cit., p. 33.

<sup>4</sup> J.W. Caldwell, Constitutional History of Tennessee, (Cincinnati, The Robert Clarke Co., 1907), p. 277.

<sup>5</sup> Fertig, op. cit., p. 34.



in-chief of the army, he decided upon a military government under the control of a specially appointed brigadier-general, who was to serve as military governor of the state. For this task he selected Senator Andrew Johnson.<sup>1</sup> So great was Lincoln's desire for haste that the Secretary of War signed Johnson's commission March 3, 1862, before the Senate had time to act upon it.<sup>2</sup>

The end of March, 1862, finds Tennessee almost completely under the control of the Union. General Grant had moved up the Tennessee River to Pittsburgh Landing, just a few miles from the Confederate Army at Corinth; General Buell had occupied Nashville and had started a march to join forces with Grant; the secession government had been routed; military government under Johnson had been established. The outlook for the Southern sympathizers in the state was indeed gloomy.

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<sup>1</sup> R. W. Winston, Andrew Johnson, Plebian and Patriot, (New York, Henry Holt and Co., 1928), p. 245.

<sup>2</sup> Report of the Joint Committee on Reconstruction, House Miscellaneous Documents, Reports of Committees, 39th Congress, Part I, Tennessee, p. 5 (Hereinafter referred to as "Report of the Joint Committee"); J. B. McMasters, History of the United States During Lincoln's Administration, (New York, D. Appelton & Co., 1927), p. 198.

## CHAPTER II

## ANDREW JOHNSON AND MILITARY GOVERNMENT

When President Lincoln was confronted with the necessity of immediately establishing some form of Union government in Tennessee, he chose to set up a provisional military government with powers to rule until the old form of civil rule could be re-established. For this difficult task he selected a Tennessean, a man formerly a political tower of strength in the state and a man whose loyalty to the Union was unquestioned. This man was Andrew Johnson, former Governor of Tennessee, a fervid Unionist and a forceful, though lonely figure in the Senate. No weakling could have faced the task confronting the Military Governor of Tennessee. Lincoln's choice of "Andy" Johnson was happy. It is said that no other name than Johnson's came to Lincoln's mind.<sup>1</sup>

Some knowledge of Johnson's background and his character will be of value in considering his actions while Military Governor of Tennessee and later while President of the United States.

Andrew Johnson, second son of Jacob Johnson and Mary McDonough, was born in Raleigh, North Carolina, on December 8, 1808.<sup>2</sup> His poverty-ridden parents were employees of Casso's Inn, his mother a maid-of-all-work, his father a porter as well

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<sup>1</sup> Robert W. Winston, Andrew Johnson Plebian and Patriot, (New York, Henry Holt & Co., 1928), p. 245.

<sup>2</sup> L. B. Stryker, Andrew Johnson-A Study in Courage, (New York, Macmillian Co., 1929 ), p. 1.

as town constable, sexton, and porter at the state bank.<sup>1</sup> In December, 1811, Jacob Johnson, after heroically saving two men from drowning, suffered so from exposure that a few days later, while tolling a funeral bell, fell from exhaustion and died.<sup>2</sup> The mother and her children were now almost entirely objects of charity; and as soon as Andrew was old enough, he was bound out as an apprentice to J. J. Selby, a tailor.<sup>3</sup> He received no schooling but picked up considerable information from the learned men who loafed in Selby's shop. In 1824, at the age of sixteen, he ran away from Raleigh, wandered about North Carolina and South Carolina for about two years, and then returned home. In August, 1826, the Johnson family left North Carolina and settled at Greeneville, Tennessee, where Andrew again engaged in the tailoring business.

On May 17, 1827, Andrew Johnson and Eliza McCradle were married by Mordicai Lincoln, a kinsman of Abraham Lincoln.<sup>4</sup> Eliza was, for the time, well educated and immediately took in hand the task of teaching her husband. He learned rapidly and eagerly and became intensely interested in politics, where he showed great aptitude. He became active in political affairs as his mental powers grew, and in 1828 was elected alderman at

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<sup>1</sup> L. B. Stryker, Andrew Johnson-A Study in Courage, (New York, Macmillian Co., 1929), p. 1. ; Winston, op. cit., p. 3.

<sup>2</sup> Stryker, op. cit., p. 1.

<sup>3</sup> Winston, loc. cit. ; Stryker, op. cit., p. 2. (Most authorities give this date as 1818, but Winston cites court records to show that it was in 1822, when Johnson was fourteen.)

<sup>4</sup> Stryker, op. cit., p. 4.

Greeneville.<sup>1</sup> He served as alderman for three terms and then was elected Mayor, in which capacity he served for three successive terms.<sup>2</sup> In 1834 he was a delegate to the convention which adopted a new constitution for Tennessee.<sup>3</sup> In 1835 he was elected to the lower house of the state legislature, where he served for six years.<sup>4</sup> In 1841 he was elected to the state Senate and in 1843 was elected Congressman.<sup>5</sup> He served as representative for ten years, was made Governor of Tennessee in 1853 and again in 1855, and was then returned to Washington as Senator in 1857.<sup>6</sup>

In the Senate he gained national recognition by his advocacy of the Homestead Act.<sup>7</sup> In 1860 he strongly favored the compromise position of the Breckinridge-Lane presidential ticket, but in 1861, when secession became a fact, he retained his seat in the Senate and stood solidly true to the Union.<sup>8</sup> His fight for the Union, for the retention of Tennessee within the Union, and for the deliverance of his beloved East Tennessee constituents fill many pages of his biographies, and his

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<sup>1</sup> Stryker, op. cit., p. 4.; Winston, op. cit., p. 23.

<sup>2</sup> Winston, loc. cit.

<sup>3</sup> Ibid., p. 24.

<sup>4</sup> Henry Waterson, Marse Henry-An Autobiography, (New York, George H. Doran Co., 1919), p. 152.

<sup>5</sup> Stryker, op. cit., p. 11.

<sup>6</sup> Watterson, op. cit., p. 152.

<sup>7</sup> Fertig, op. cit., p. 34.

<sup>8</sup> Watterson, op. cit., p. 154.

speeches in the Senate are among the most stirring to be found in the records of the sessions of which he was a member. He stood indeed a lone figure in American politics: an outcast from his home, separated from his family, hated by Southerners, distrusted by Northerners, he was a pathetic yet a dauntless figure.

Having seen something of Johnson's life prior to his appointment as Military Governor of Tennessee, let us survey briefly the character of the man. Born, as he was, in poverty and schooled in the politics of the hills of East Tennessee, where the people were largely small farmers and laborers who loved the Union and hated slavery and the landed aristocracy it supported, it is not unnatural that he should be completely plebeian in his views. He hated the aristocratic land holders with an intensity almost a passion and stood vigorously on the rights of the poor and lowly. This attitude was fostered and fed by his ambition and his fierce pride. "Born with a genius for controversy and an impulse toward expression," he soon developed into a fiery and forceful orator.<sup>1</sup> His speeches carried much weight in the political affairs of Tennessee.

In appearance he was not remarkable. Standing about five feet nine inches in height, he was compactly, almost stockily, built and gave the impression of great physical strength. His head was large, and his features, usually passive and calm, were handsome. In dress he was meticulous, wearing clothes of

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<sup>1</sup> C. G. Bowers, The Tragic Era, (Cambridge, Mass., The Literary Guild of America, 1929), p. 27.

good quality and faultless linen.<sup>1</sup> His habits of life were simple and moderate. Much has been said and written to prove Johnson a drunkard, but investigation and the testimony of those who knew him seem to leave no doubt as to the falsity of such charges.<sup>2</sup> That he was patient and kind-hearted with sufferers, but violent and vitriolic when aroused, is attested by all his biographers. Winston, in his life of Johnson, cites numerous instances to prove that beneath his severe and austere exterior there lay a sly good-humor and wit.<sup>3</sup> It is said he could never resist the plea or the smile of a beautiful woman, yet no one, even his bitterest enemy, could ever testify to any dishonorable conduct on the part of Johnson toward any woman.<sup>4</sup> Henry Watterson, the eminent Kentucky journalist, in his autobiography has this to say of Johnson.<sup>5</sup>

"There was from first to last not a little about him to baffle conjecture. I should call him a cross between Jack Cade and Aaron Burr. His sympathies were easily stirred by rags in distress. But he was uncompromising in his detestation of the rich. It was said that he hated a 'biled shirt.' He would have nothing to do with people who wore broadcloth, though he carefully dressed himself.....

"There was nothing of the tough about him, however. His language was careful and exact. I never heard him utter an oath or tell a risqué story. He passed quite

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<sup>1</sup> C. G. Bowers, The Tragic Era, (Cambridge, Massachusetts, The Literary Guild of America, 1929), p. 25.

<sup>2</sup> Watterson, op. cit., p. 153. ; H. K. Beale, The Critical Year, (New York, Harcourt Brace & Co., 1930), p. 12.

<sup>3</sup> Winston, op. cit., p. 225 ff.

<sup>4</sup> Beale, op. cit., p. 17.

<sup>5</sup> Watterson, op. cit., pp. 153-154.

fifteen years in Washington, a total abstainer from the use of intoxicants. He fell into the occasional-drink habit during the dark days of the War. But after some costly experience he dropped it and continued a total abstainer to the end of his days.

"He had, indeed, admirable self-control. I do not believe a more conscientious man ever lived. His judgments were sometimes peculiar, but they were upright and sincere, having reasons, which he could give with power and effect, behind them. Yet he was a born politician, crafty to a degree, and always successful, relying upon a popular following which never failed him."

Thus we can see the man chosen by Abraham Lincoln, also a plebeian, for the stupendous task of governing kindly a hostile people, a man who had everything to lose and little to gain by such a mission. His task was made doubly hard by the fact that East Tennessee, the region where lived the people upon whom he could depend for support, was still occupied by Confederate troops, while the region under his rule was inhabited largely by his old political enemies. He could have been inspired to the undertaking only by a great and powerful love for his principles and for the Union.

Immediately following his appointment Johnson prepared to leave Washington. Upon the confirmation of his appointment by the Senate he set out, accompanied by Horace Maynard and Emerson Etheridge.<sup>1</sup> From Cincinnati on March 10, 1862, he wired General Buell at Nashville asking for advice as to the best way to get to Nashville and requesting that he be advised as to the troops and equipment at his disposal.<sup>2</sup> Buell's reply reached him at Louisville the following day:<sup>3</sup>

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<sup>1</sup> Winston, op. cit., p. 223.

<sup>2</sup> Rebellion Records, Ser. I, Vol. X, Part II, p. 25.

<sup>3</sup> Ibid., p. 612.

"Headquarters, Nashville, March 11, 1862.

Governor Andrew Johnson, Louisville:

I have received your dispatch from Cincinnati. I have seen and conversed somewhat frequently with the most prominent Union men in and about Nashville. They are true, but the mass are either inimical or overawed by the tyranny of opinion and power that has prevailed or are waiting to see how matters turn out. They will acquiesce when they see that there is to be stability.

You must not expect to be received with enthusiasm, but rather the reverse, and I would suggest to you to enter without any display. I shall be happy to meet you when you land and escort you to my quarters until you can provide for yourself more satisfactorily. As for the route, the river will be the most comfortable; the railroad the quickest. Perhaps time is of consequence. Please let me know when to expect you.

D. C. Buell"

Undeterred by the note of discouragement in Buell's communication, Johnson proceeded at once to Nashville by rail, reaching there on March 12.<sup>1</sup> He found Nashville in a state of confusion under the martial law established in February by Grant. There was no other law or government, and martial law was entirely inadequate for the situation. Under Grant's order all civil courts had been suspended until a number of citizens strong enough to maintain law and order had returned to their allegiance to the Union.<sup>2</sup> No provision had been made for the re-establishment of civil rule. Johnson's first official act was the delivery of an address to the citizens of Nashville upon the night of his arrival. This address was published on the 18, and copies were distributed over the state. It was conciliatory in tone, invited the people of the state to come back to

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<sup>1</sup> Winston, op. cit., p. 224.

<sup>2</sup> Fertig, op. cit., p. 37.



the Union, and promised pardon and amnesty to all except "conscious leaders in treason." He further pledged himself to do his utmost toward the speedy restoration of civil government and asked the support and co-operation of the people in that effort.

A few of the leading citizens accepted this invitation, but the majority of them were still hostile to the Union. Secession sentiment was still strong in Middle and West Tennessee and stronger nowhere, perhaps, than in Nashville and the immediate vicinity. Among those who accepted Johnson's invitation and came forward to greet him were such men as ex-Governor Neill S. Brown, ex-Governor Campbell, Bailie Peyton, and W. H. Polk, brother of President Polk.<sup>1</sup> Encouraging though the support of such men must have been to Johnson, he must have been somewhat disheartened by the opposition of the local officials, the press, and the clergy. Realizing the importance of the loyalty of the city government of Nashville, Johnson required the Mayor and the City Council to take an oath of allegiance to the Union and when they refused threw them into prison.<sup>2</sup> Next came the military supervision of the press and the ministry. In March he ordered suspended the publication of the Nashville Times, a belligerent Confederate paper.<sup>3</sup> On

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<sup>1</sup> Of these men Peyton and Brown had signed the "Address to the People of Tennessee" of April 18, 1861, favoring secession. See Moore's Rebellion Record, Vol. I, p. 72, Document 61 $\frac{1}{2}$ .

<sup>2</sup> C. R. Hall, Andrew Johnson Military Governor of Tennessee (Princeton, N. J., Princeton University Press, 1916), p. 42.

<sup>3</sup> Winston, op. cit., p. 225.

June 17 six preachers who were summoned and ordered to take the oath refused to do so and were imprisoned. Shortly afterward five of them were sent south beyond the Federal lines.<sup>1</sup> One of the number was paroled because of ill health.

The military government established by Lincoln in Tennessee was unlike the military government common in international law in that it was milder and more akin to civil government. It was intended to show the state that the purpose of the war was to maintain the national supremacy, and that everything possible was being done to restore the people to their former relations to the national government.<sup>2</sup> The Federal Government attempted to treat all persons as citizens of a common country, and the character of the government was as mild as circumstances would permit.<sup>3</sup> A military government was perhaps the best means possible to carry out the purpose of the national government as expressed by Lincoln. It not only extended to the citizens of Tennessee all reasonable civil privileges, but it also afforded them much needed protection from necessary hardships. The constitutional right of the President to make such an appointment may, perhaps, be deduced from Article IV, Section 4 of the Constitution.<sup>4</sup> This provision guarantees to every state a republican form of government and protection from invasion and domestic violence.

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<sup>1</sup> Hall, op. cit., p. 43.

<sup>2</sup> Nicolay and Hay, Life and Letters of Abraham Lincoln, Vol. VI, p. 350.

<sup>3</sup> Rebellion Records, Series I, Vol. VI, p. 717.

<sup>4</sup> Fertig, op. cit., p. 35.

It was President Lincoln's idea that the Military Governor should, as far as possible, conduct the affairs of the state under its own laws and without unnecessary use of his military powers.<sup>1</sup> Johnson's character and conditions in Tennessee made such a policy difficult of execution, and many of Johnson's measures have been severely criticised. It should be remembered, however, that no man could have filled such a position without arousing the enmity of some people.

Among the most important duties of the Military Governor was the re-establishment of civil rule. Johnson considered this of paramount importance, since he felt that civil rule would be accompanied by stability, and stability would bring about a revival of sentiment favorable to the Union. One of his first official acts was the appointment of temporary state officers who were chosen from the ranks of his loyal supporters. Edward H. East was made Secretary of State; Joseph S. Fowler, Comptroller; Horace Maynard, Attorney General; and Edward Cooper, Private Secretary to the Governor.<sup>2</sup>

The feeling that Tennessee had been deserted by the Confederacy and that Federal successes would prevail greatly strengthened Union sentiment in the state. In Nashville many people prompted by this feeling and attracted by the generous terms of the amnesty oath offered by Johnson, pledged their allegiance to the Union.<sup>3</sup> This desire to take the oath was probably stim-

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<sup>1</sup> Nicolay and Hay, Loc. cit.

<sup>2</sup> Caldwell, op. cit., p. 278.

<sup>3</sup> Nashville Union, April 11, 1862.

ulated in no small measure by the treatment accorded certain influential citizens who had refused to take the oath. These were sent south of the Union lines under pain of being treated as spies if they attempted to return.<sup>1</sup>

Encouraged by the number of people who came forward to take the oath, Johnson called for an election of city officials to be held in Nashville. The call, published by the sheriff on April 23, provided for an election on May 22.<sup>2</sup> This action was taken by the Unionists in the state as a signal to begin the restoration of civil rule and the re-alignment of the state within the Union. On May 1 two hundred men met in Nashville, probably at the instigation of Johnson, and called for a convention to meet at Nashville on May 12.<sup>3</sup> The purpose of this convention was to consider means of restoring the state to pre-secession relations with the Union. It met as scheduled, appointed a "State Central Committee" to communicate with loyal Unionists over the state, and a committee to arrange for the release of Tennesseans held as prisoners of war.<sup>4</sup>

This election, the first step in Johnson's reconstruction program, proved a disappointment to him. The Union candidate for judge, M. M. Brien, was defeated by Turner S. Foster by a

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<sup>1</sup> Nashville Union, April 20, 1862.

<sup>2</sup> Ibid., April 23, 1862.

<sup>3</sup> Ibid., May 4, 1862.

<sup>4</sup> Hall, op. cit., p. 48.

vote of 1,190 to 1000.<sup>1</sup> Foster was a confirmed Confederate sympathiser. He was given his commission by Johnson, but the next day was arrested for disloyalty and thrown into prison.<sup>2</sup> The defeated candidate, Brien, was then ordered to assume the duties of the office. The results of this election were a decided setback to the administration, and for a time reconstruction measures were abandoned. The Governor's attention was now turned to matters purely military.<sup>3</sup>

At the time of Johnson's appointment he was given to understand that there would be placed at his disposal troops sufficient to enable him to carry out his policies.<sup>4</sup> He was also led to expect the co-operation of the officers in command of the troops stationed in Tennessee. To Johnson the security of Nashville was of paramount importance, since he felt that such security would lead to stability of the government he wished to establish, and the success of his reconstruction measures depended upon the stability of his government. At the time he reached Nashville the city was well garrisoned by Buell's troops, but a few days later Buell began withdrawing his troops in an effort to form a junction with Grant who was encamped at Savannah, Tennessee, a few miles from Corinth, Mississippi. The withdrawal of Buell's troops continued after the battle of Shiloh, as the

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<sup>1</sup> W. R. Garret, and A. V. Goodpasture, History of Tennessee (Nashville, Branton Printing Co., 1900), p. 214.

<sup>2</sup> Ibid.

<sup>3</sup> Hall, op. cit., p. 49.

<sup>4</sup> Rebellion Records, Series I, Vol. X, Part II, p. 47.

Union forces moved on to take Memphis and to advance to Corinth and Huntsville. In April we find Johnson writing to the War Department protesting the removal of troops from Nashville, and finally, on April 26, he sent a dispatch to Lincoln.<sup>1</sup> Lincoln, however, chose to rely upon the judgement of Buell and Halleck in the matter.<sup>2</sup> This friction between Johnson and Buell continued until finally Buell was removed.

Meanwhile Johnson was not idle but was busily helping and encouraging the Unionists of the Convention of May 12 in their vigorous campaign for the Union cause. The capture of Cumberland Gap by Union forces, June 18, 1862, the possibility of the occupation of East Tennessee by the Federal troops, and the Union successes in the southwest raised the hopes of the Loyalists and stimulated them to increased activity.<sup>3</sup> Rallies intended to intensify and crystalize Union sentiment were held in different communities, and Johnson frequently appeared in person to speak to the gatherings.<sup>4</sup> Although he faced danger to himself in making such appearances and had to be accompanied by troops to guard him, he seems to have shown no hesitancy, and his efforts were fruitful.<sup>5</sup> Union sentiment was spreading, and "if the Union Armies had continued to advance, there is little doubt that elections would have been held within a few months,

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<sup>1</sup> Rebellion Records, Series I, Vol. X, Part II, p. 129.

<sup>2</sup> Ibid., p. 131.

<sup>3</sup> Fertig, op. cit., p. 40.

<sup>4</sup> Winston, op. cit., p. 229.

<sup>5</sup> Ibid., p. 232.

and the State Government in all probability would have been restored."<sup>1</sup>

The withdrawal of troops from Nashville by Buell now produced the results Johnson had feared. The southern part of Tennessee was being overrun by guerilla bands under such leaders as Morgan and Forrest. These bands were devastating the state, seizing supplies, destroying telegraphs and railroads, killing prominent Unionists, and attacking detached sections of the Union Army.<sup>2</sup> Morgan seized several important towns on the Louisville and Nashville Railroad.<sup>3</sup> In July Murfreesboro, Clarksville, Lebanon, and Gallatin were taken, and on the 20th Morgan captured Edgefield Junction and pickets within sight of Nashville.<sup>4</sup> Thus while Johnson's authority embraced the whole of Tennessee, the warfare within the state limited his rule to the city of Nashville and the region immediately surrounding.<sup>5</sup>

Johnson was not, however, to be overawed by the depredations of the guerillas but adopted a retaliatory policy. He proclaimed:

"In every instance in which a Union man is arrested and maltreated by marauding bands five or more rebels from the most prominent in the immediate neighborhood, shall be arrested, imprisoned and otherwise dealt with as the case may require..... This order will be executed in letter and spirit and all citizens are hereby warned, under heavy penalties from entertaining, receiving or encouraging such persons banded together, or in anywise connected herewith."<sup>6</sup>

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<sup>1</sup> Fertig, op. cit., p. 40.

<sup>2</sup> Ibid., p. 41.

<sup>3</sup> Stone, Campaigns in Kentucky and Tennessee, op. cit., p. 262.

<sup>4</sup> Fertig, loc. cit.

<sup>5</sup> Campaigns in Kentucky and Tennessee, loc. cit.

<sup>6</sup> Winston, op. cit., p. 227.

Such a policy, when the Confederates almost surrounded him only a few miles away, and when General Buell threatened to evacuate Nashville, show the character and determination of the new Governor.<sup>1</sup>

Meanwhile the regular armies on both sides had been moving rapidly on campaigns of great moment. There had been constant agitation on the part of the Loyalists at Nashville and from the authorities at Washington for the occupation of East Tennessee by Union forces. Acting under this pressure, and after the Union successes in Southwestern Tennessee, General Buell was moving across the southern part of the state towards Chattanooga, which he considered the key and the vital point in a movement on East Tennessee.<sup>2</sup> By the end of June Buell was within one hundred and fifty miles of Chattanooga, where he was forced to wait a month for the building of railroad connections.<sup>3</sup> This delay enabled General Bragg to move his troops through Alabama and concentrate them at Chattanooga, from whence, eluding Buell, he moved northward toward Kentucky.<sup>4</sup> In the meantime General Kirby Smith had eluded the Union forces at Cumberland Gap, appeared in Kentucky, and defeated a Union force at Richmond, August 30.<sup>5</sup> With Bragg's advance northward, Buell began the course of action which ultimately resulted in his replacement

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<sup>1</sup> Stryker, op. cit., p. 101.

<sup>2</sup> Hosmer, op. cit., p. 221.

<sup>3</sup> Rebellion Records, Series I, Vol. XVI, Part I, p. 9.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., p. 931.



by Rosecrans. Instead of advancing eastward to intercept Bragg, he retired to Murfreesboro, where he concentrated his troops on September 5, at which time he received two divisions from Grant as reinforcements.<sup>1</sup> From Murfreesboro he fell back to Nashville and permitted Bragg to cross the Cumberland unmolested.<sup>2</sup> Buell now planned to evacuate Nashville, since he felt that it was poor military tactics to attempt to hold a position so far in advance of the main army, and he planned to move into Kentucky in pursuit of Bragg.<sup>3</sup> Johnson, hearing rumors that Nashville was to be abandoned, went to Buell and insisted that a force sufficient to defend the city be left when the main portion of Buell's army moved into Kentucky. After a third interview in which both of them became rather testy, Buell consented to leave a force under the command of General Thomas.<sup>4</sup> The following day Buell left for Bowling Green, Kentucky, to overtake his command there, and on the next day, learning that Bragg had crossed into Kentucky, he ordered General Thomas to leave a division at Nashville under General Palmer and join the main army.<sup>5</sup> Thomas's departure left Nashville inadequately defended and in great danger. From September 15 to November 14, 1862, Nashville was cut off from the outside world, in a state of

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<sup>1</sup> Rebellion Records, Ser. I, Vol. XVI, p.9 ;Hosmer,op.cit., p. 223.

<sup>2</sup> Rebellion Records, loc. cit., p. 9.

<sup>3</sup> Fertig, op. cit., p. 41.

<sup>4</sup> Rebellion Records, Ser. I, Vol. XVI, Part I, p. 698.

<sup>5</sup> Ibid. (This reference is to the testimony of Johnson before the Buell commission).

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complete siege.<sup>1</sup> Johnson abandoned his residence and moved to the capitol building, which had been fortified. There he and his staff stayed day and night.<sup>2</sup> On November 5 Morgan and Forrest made a combined attack on Nashville, and it was reported that Breckinridge with 50,000 troops was near by. The group at the capital had gone into the dome of the building to watch the engagement; and when the Union forces were seen to fall back toward the city, it was thought that all was lost, and that the city would have to be surrendered. It was then that Johnson thundered, "I am no military man but anyone who talks of surrender, I will shoot." Johnson's stubborn attitude was justified, for the falling back of the Union line had been simply a ruse, and the Confederates were repulsed.<sup>3</sup> Nashville had again been saved to the Union by Johnson's stubborn courage.

Bragg's advance into Kentucky was halted by the Battle of Perryville, October 8.<sup>4</sup> After his defeat at the hands of the Union troops he fell back to Harrodsburg, where he joined with the forces of General Smith and then retreated into Tennessee, where he concentrated his forces at Murfreesboro.<sup>5</sup> Buell did not pursue him, but after a few days for re-organization re-

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<sup>1</sup> Winston, op. cit., p. 236.

<sup>2</sup> Ibid. (I have drawn heavily on Winston and Stryker for the account of Johnson during the siege of Nashville).

<sup>3</sup> Winston, op. cit., p. 236.

<sup>4</sup> J. B. McMasters, A History of the People of the United States During Lincoln's Administration, (New York, D. Appleton & Co., 1927), p. 377.

<sup>5</sup> Otis, Campaigns in Kentucky & Tennessee, op. cit., p. 296.

tired to Nashville.<sup>1</sup> The friction between Johnson and Buell now came to a head. The Governors of Ohio, Indiana, and Illinois were dissatisfied with Buell, as was Lincoln; and when Buell's failure to defend Nashville was reviewed by a military commission in October, he was relieved of his command; and it was given to General Rosecrans, who had been active in the South during the Kentucky campaign.<sup>2</sup>

Rosecrans, like Buell, soon came into conflict with Johnson over the matter of authority in Nashville. At this time there existed in Nashville both civil and military rule, and disputes arose between Johnson and Rosecrans as to the extent of their respective jurisdictions. The War Department, through General Halleck, promptly instructed Rosecrans to keep his hands off, that Johnson was "no ordinary brigadier-general, but the Governor of a state with the full powers of that office."<sup>3</sup> Harmony was then restored and Johnson's authority confirmed.

The battle of Murfreesboro, December 31, 1862, to January 4, 1863, marks the close of the campaign inaugurated by Bragg's invasion. Thinking to surprise Bragg, who was in winter quarters at Murfreesboro, Rosecrans moved out from Nashville on the night of December 30 and attacked the following day. The engagement lasted until January 4, when Bragg retreated, and Rosecrans occupied and fortified Murfreesboro. No campaign of any

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<sup>1</sup> Otis, *Campaigns in Kentucky & Tennessee*, op. cit., p. 296.

<sup>2</sup> Rebellion Records, Series I, Vol. XVI, Part II deals almost exclusively with the Buell investigation.

<sup>3</sup> Hall, op. cit., p. 78 ff.

consequence was to take place for six months. During that time Bragg and Rosecrans faced one another south of Nashville.<sup>1</sup>

During the siege of Nashville, and the occupation of the state by the Confederate forces, Johnson was not entirely occupied with military matters. In October President Lincoln recommended that elections for Congressmen be held in certain districts in West Tennessee. In the ninth and tenth districts the people met in conventions, selected candidates, and set December 13 as the date for the election, subject to change by the Governor if he desired.<sup>2</sup> In December Johnson issued a proclamation moving the date for the election up to December 29.<sup>3</sup> This proclamation did not reach some of the districts until after the 13th, and in these districts the election was held on that date. In the other districts General Forrest made a raid on the 28th which caused the elections to be postponed.<sup>4</sup> The results of this election were a disappointment to the Unionists. The results were scanty and unofficial. From the Ninth District a Mr. Hawkins claimed he had been elected, but when he appeared at Washington, the committee on contested elections denied him his seat.<sup>5</sup> In June an election of municipal officers had been held in Memphis, but the close supervision of the polls by the

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<sup>1</sup> Campaigns in Kentucky & Tennessee, op. cit., Ch. VIII, pp. 295-370.

<sup>2</sup> Hall, op. cit., p. 88.; Fertig, op. cit., p. 42.

<sup>3</sup> Nashville Union, December 9, 1862.

<sup>4</sup> Reports of Committee on Contested Elections, 37th Congress, Second Session, Report No. 4.

<sup>5</sup> Ibid.

Union army kept many from the polls, and the vote was so light as to be little encouraging to Lincoln and Johnson.<sup>1</sup>

With the defeat of Bragg at Murfreesboro, Johnson was enabled to resume his activities toward reconstruction. On January 1, 1863, President Lincoln issued his Emancipation Proclamation.<sup>2</sup> It is to be noted that Tennessee was the only seceded state to be omitted from the provisions of the proclamation. This was probably done at the instigation of Johnson.<sup>3</sup> It had long been the theory of Johnson that the states had never been out of the Union, and that the loyal citizens of Tennessee retained their personal and property rights, and he desired that they be permitted to abolish slavery of their own accord.<sup>4</sup> In line with this theory Johnson now devoted his principal efforts toward the abolition of slavery within Tennessee. He launched a campaign of propaganda within the state, and late in February started on a speaking tour which carried him through New York, New Jersey, Pennsylvania, and Ohio.<sup>5</sup>

The state constitution of Tennessee provided for election of Congressional representatives in August of 1863. Since the Confederate forces now held only East Tennessee, it was not ex-

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<sup>1</sup> Hall, op. cit., p. 87.

<sup>2</sup> Richardson, Messages and Papers of the Presidents, op. cit., Vol. VI, p. 157 ff.

<sup>3</sup> J. G. Blaine, Twenty Years in Congress, (Norwich, Conn., Henry Bill Publishing Co., 1884-86), Vol. I, p. 446.

<sup>4</sup> Hall, op. cit., p. 91.

<sup>5</sup> Ibid., p. 92 ff. (Quotes Nashville Union March 3, 1863)

pected that the secession forces within the state would attempt to hold an election. However, Governor Harris, from his headquarters with Bragg's army, issued a call for a nominating convention to meet at Winchester on June 1.<sup>1</sup> The convention was held, and nominations were made in spite of the irregularity of the authority of the delegates. At the ensuing election the nominees were elected, though by whom it is not known.<sup>2</sup> This intended political move was turned into a farcical gesture by the success of the Union arms.<sup>3</sup> Although the congressmen went to Richmond and were seated, Governor-elect Robert L. Carruthers was never inaugurated. Before the time set for that ceremony Bragg had been forced to retreat into Georgia.<sup>4</sup>

On the other hand the radical Unionists had looked forward to the August elections as a chance to reorganize civil government in Tennessee and had hoped that Rosecrans would have military successes before that time sufficient to renew loyal sentiment. On June 20 a call was issued by the State Central Committee, composed of Brownlow, Maynard, and thirteen others, for a Union convention to meet in Nashville, July 1.<sup>5</sup> The convention met as scheduled and, in its sessions, began to develop the split of the Union party into Conservative and Radical elements. The former urged that an election be held at once to restore

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<sup>1</sup> Hall, op. cit., p. 95, (Nashville Union, May 30, June 28)

<sup>2</sup> Ibid.

<sup>3</sup> Stryker, op. cit., p. 104.

<sup>4</sup> Fertig, op. cit., p. 43.

<sup>5</sup> Nashville Press, June 20, 1863.

civil government within the state. The Radicals, most of whom were from East Tennessee, favored the continuance of military rule until the state was rid of Confederate troops. They preferred military government by one of their own number, to a civil rule which they feared would be dominated by their enemies from other sections of the state.<sup>1</sup> The Radicals prevailed, and resolutions were adopted approving Johnson's appointments and recommending the continuation of his rule.<sup>2</sup> The convention further authorized Governor Johnson to issue writs for an election to be held the first week in August or as soon after as he might deem it expedient. This met with the approval of both Lincoln and Johnson, as neither felt that the time had yet come for an election. They feared an adverse vote.<sup>3</sup>

Rosecrans had spent the time from the Battle of Murfreesboro until June drawn up facing Bragg's forces in order to prevent him from joining forces with Johnston in Mississippi.<sup>4</sup> In June it was decided to advance against Bragg's forces in an effort to drive him from the state and at the same time to effect a junction with General Burnside, who had been ordered to move into East Tennessee from Kentucky.<sup>5</sup> At the Battle of Tullahoma, June 29, Bragg was forced to retreat and withdraw to Chatta-

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<sup>1</sup> Fertig, op. cit., p. 44.

<sup>2</sup> Nashville Union and Nashville Press, July 1, and 7, 1863.

<sup>3</sup> Winston, op. cit., p. 241.

<sup>4</sup> Rebellion Records, Ser. I, Vol. XVI, pp. 785, 934.

<sup>5</sup> Rebellion Records, Ser. I, Vol. XXIII, Part I, p. 8.

nooga, which he strongly fortified.<sup>1</sup>

By the middle of August Rosecrans had established satisfactory lines of communication and began his advance through the mountains toward Chattanooga.<sup>2</sup> By the first of September his forces had reached Lookout Mountain and threatened to cut off Bragg's communications with the South. Meanwhile Burnside had made his way from Kentucky into East Tennessee, General Buckner, in command of the Confederate troops in that section, retiring before him.<sup>3</sup> Bragg found his position in Chattanooga untenable and retired from the city on September 7 and 8.<sup>4</sup> He then took position from Lee and Gordon's mills to Lafayette in Georgia.<sup>5</sup> On September 1 Burnside had occupied Knoxville, and on the 9th, General Shackelford captured the entire Rebel force at Cumberland Gap, with all their arms and equipment.<sup>6</sup> These two forces now moved toward Chattanooga to join Rosecrans. Rosecrans, assuming that Bragg's forces were completely demoralized, followed him closely through the mountains beyond Chattanooga, hoping to crush him completely.<sup>7</sup> Bragg, however, had his forces well in hand and had received Longstreet's entire corps from Lee's

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<sup>1</sup> Rebellion Records, Ser. I, Vol. XXIII, Part I, p. 577,626.

<sup>2</sup> Rebellion Records, Ser. I, Vol. XXX, Part I, p. 33.

<sup>3</sup> Ibid., p. 34.

<sup>4</sup> Ibid., p. 33.

<sup>5</sup> Confederate Military History, (Atlanta, Ga., Confederate Publishing Co., 1899) James D. Porter, Vol. VIII, p. 91.

<sup>6</sup> Rebellion Records, Ser. I, Vol. XXX, Part I, p. 38.

<sup>7</sup> Hall, op.cit., p. 107.



army as reinforcements. He suddenly turned on Rosecrans before the Union forces were out of the mountains and defeated them decisively at Chickamauga Creek on September 19, 1863.<sup>1</sup> The Union forces, badly shaken, were forced to retire to Chattanooga.<sup>2</sup> This victory enabled Bragg to send Longstreet to operate against Burnside in East Tennessee, and by the middle of November the Union forces had been driven from the southern part of East Tennessee and were shut up in Knoxville, short of supplies and in sore straits.<sup>3</sup> These sudden and unexpected reverses were a decided set-back and discouragement to the Unionists in Tennessee.

While the Union forces advanced with such success elsewhere in the country in the summer of 1863, Union sentiment received a decided impetus in Tennessee. Ardent Unionists were naturally overjoyed; moderate Unionists now began to implore the government to start an active program of reconstruction; many secessionists now felt that their cause was hopeless and their only salvation lay in making the best of an inevitable situation.<sup>4</sup> In August General Hurlburt wrote to President Lincoln from Memphis: "I am satisfied that this state is ready, by overwhelming majorities, to repeal the act of secession, establish a fair system of gradual emancipation, and tender herself back to the Union. I have discouraged any action on this

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<sup>1</sup> Rebellion Records, Ser. I, Vol. XXX, Part I, p. 38.

<sup>2</sup> Ibid.

<sup>3</sup> Hall, op. cit., p. 108.

<sup>4</sup> Ibid., p. 102.

subject here until East Tennessee is delivered."<sup>1</sup> After Rosecrans's occupation of Chattanooga President Lincoln wrote to Governor Johnson in September reminding him that the state was then cleared of Rebel troops, urging him to proceed at once with reconstruction, and granting to him additional authority to enable him to have a free hand in this work.<sup>2</sup> Johnson's reconstruction program was temporarily halted by the unexpected Union reverses in East Tennessee; but when the Union forces launched a successful winter campaign in that section, he was able to proceed rapidly. Rosecrans was relieved of his command, and General Thomas succeeded him in the Department of the Cumberland.<sup>3</sup> The three departments of the Ohio, the Tennessee, and the Cumberland were placed under the command of Grant, and a campaign was started on a grander scale than before.<sup>4</sup> This campaign was to remove the danger of a permanent Confederate occupation of Tennessee. Bragg was decisively defeated at Lookout Mountain on November 24, and at Missionary Ridge on November 25.<sup>5</sup> In December Longstreet made one last desperate effort to take Knoxville and then was forced by the combined forces of Burnside and Sherman to retreat hastily into Virginia.<sup>6</sup>

Lincoln now felt that the time had finally come for the re-

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<sup>1</sup> Nicolay and Hay, op. cit., Vol. VIII, p. 440.

<sup>2</sup> Ibid., pp. 440-442.

<sup>3</sup> Rebellion Records, Ser. I, Vol. XXXI, Part I, p. 1.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., Part II, pp. 90-92.

<sup>6</sup> Ibid., Part I, pp. 455-466.

organization of a civil government, and on December 8, 1863, issued his proclamation of Amnesty and Provisional Government.<sup>1</sup> This proclamation provided that, with certain exceptions, all persons who had in any way engaged in the rebellion were to be granted full pardon and amnesty upon their taking the oath specified in the proclamation. It further provided:

"Whenever in any one of the states of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in the presidential election of the year A.D. 1860, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election laws of the state existing immediately before the so-called act of secession, and excluding all others, shall re-establish a state government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares 'that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion... and domestic violence...'.<sup>2</sup>"

Thus was the presidential plan of reconstruction announced.

This plan received almost unanimous support from the influential men of Tennessee. It seemed the President, the people, and the Governor for once were in accord.<sup>3</sup> On December 26, 1863, a mass meeting at Memphis petitioned Lincoln for a re-establishment of civil government under the terms of the proclamation of December 8. They believed that about half the people of that section favored restoration.<sup>4</sup> The Unionists of Nash-

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<sup>1</sup> Richardson, Messages and Papers of the Presidents, Vol. VI, p. 213 ff.

<sup>2</sup> Ibid.

<sup>3</sup> Nashville Press, Jan. 8, 1864.

<sup>4</sup> Hall, op. cit., p. 112.

ville took immediate advantage of the favorable turn of affairs. A political club of that city, known as the "Union League," called a mass meeting in Nashville for January 21, 1864. At this meeting resolutions were adopted which recognized the authority and obligation of the President and his agents to carry out the provisions of his amnesty proclamation, and which recommended that Johnson call a constitutional convention as soon as he felt all parts of the state could be represented.<sup>1</sup> Meanwhile, about the middle of January, Lincoln had sent to Tennessee agents with blanks and instructions to start enrolling citizens willing to take the Amnesty Oath.<sup>2</sup>

Johnson now felt that the opportunity he had so eagerly awaited had come, and on January 26, 1864, he issued a proclamation calling for the election on March 5 of local officers wherever possible, but denying the right to vote to "enemies of the United States." On the following day he issued another proclamation regarding amnesty and pardon and instructing those who wished to take the oath.<sup>3</sup> Johnson did much to retard the work of reorganization which he had started by requiring voters to take an oath much more severe than Lincoln's. This "iron-clad" oath was required at the insistence of Johnson's friends in East Tennessee, who were Radicals and disliked the liberality of Lincoln's plan.<sup>4</sup> Dissension also arose over the ques-

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<sup>1</sup> Nashville Union, Jan. 22, 1864.

<sup>2</sup> Nicolay and Hay, op. cit., Vol. VIII, p. 443.

<sup>3</sup> Garrett and Goodpasture, op. cit., p. 245 ff.

<sup>4</sup> Nicolay and Hay, op. cit., p. 444.

tion as to just who was entitled to vote. The Governor's proclamation required that voters should have been for six months citizens of the state. Attorney General Maynard ruled that as those who had taken part in the rebellion were disfranchised, their citizenship was restored by taking the Amnesty Oath.<sup>1</sup> Such people were not eligible to vote in the March election. The result of it all was a failure of the elections.<sup>2</sup> The vote was very light, and the returns very meagre.

The loyal Unionists in East Tennessee were determined that reorganization within the state should be completed. On April 12, 1864, the old Greenville Convention of 1861 re-assembled at Knoxville for the purpose of organizing a new state, as had been done in West Virginia.<sup>3</sup> However, before the convention met, other plans were made for the governing of the whole state of Tennessee, and separation was not mentioned. There was division in the convention over the question of slavery, between those favoring the Crittenden Resolutions and those favoring emancipation at once. After several days' dispute the question was finally tabled.<sup>4</sup> The convention unanimously endorsed Lincoln and Johnson as a presidential ticket, recommended that delegates be sent to the National Convention at Baltimore, and appointed a Central Committee to manage all political affairs in

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<sup>1</sup> Nashville Dispatch, Feb. 12, 1864.

<sup>2</sup> Caldwell, op. cit., p. 281.

<sup>3</sup> Nashville Dispatch, April 20, 1864.

<sup>4</sup> Ibid., June 20, 1864.

the state.<sup>1</sup>

The appointment of the Central Committee was the most important step taken by the Knoxville convention and was "the real turning point in the history of the reorganization of the state."<sup>2</sup> On May 30,<sup>3</sup> 1864, a convention, called by this committee, met in Nashville and appointed delegates, among them Parson Brownlow, to the Baltimore Convention.<sup>3</sup> The convention further urged the renomination of Lincoln and paid tribute to Johnson and the work he had done in Tennessee.<sup>4</sup> At Baltimore the Tennessee delegates, along with those from Arkansas and Louisiana, after much discussion, were finally seated.<sup>5</sup> Lincoln was unanimously renominated for President, and, "in order to demonstrate the non-partisan character of the ticket", Andrew Johnson from seceded Tennessee was named for Vice-President.<sup>6</sup>

The action of the Baltimore convention in seating the delegates from Tennessee and in selecting Johnson as nominee for Vice-President was considered by Tennesseans as recognition of their state as a member of the Union. The Central Committee immediately began to prepare for the vote within the state in the coming Presidential election. They were, however, con-

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<sup>1</sup> Nashville Dispatch, June 20, 1864.

<sup>2</sup> Fertig, op. cit., p. 49.

<sup>3</sup> Nashville Union, June 4, 1864.

<sup>4</sup> Ibid.

<sup>5</sup> Stryker, op. cit., p. 118.

<sup>6</sup> Stuart Lewis, Party Principles and Practical Politics, (New York, Prentice-Hall, Inc., 1928), p. 85.

fronted by serious problems. First, they must secure from the Governor writs authorizing an election in which he was himself a candidate. Secondly, there was the possibility of an unfavorable vote. There was also the possibility that such an election might hinder the progress of local reorganization.<sup>1</sup> Faced by these problems, the Central Committee called a meeting of leading men from Tennessee to convene in Nashville on August 2, 1864, to consider a solution for them.<sup>2</sup> This conference in turn called for a meeting in Nashville on September 5 "to consider the general condition of the country, the means of reorganizing Civil Government in Tennessee, and the expediency of holding a Presidential election."<sup>3</sup> This convention, the first largely attended by East Tennesseans, is important for the work it accomplished and as the point where the Unionist Party in Tennessee definitely split into radical and conservative elements or parties. The radical element from the start gained control of the convention, and on the second day D. B. Thomas and many of the Conservatives withdrew. The Radicals, left in control, made provision for the registration of voters, required that they take the "iron-clad" oath, appointed a list of presidential electors, and adjourned.<sup>4</sup>

On September 15, 1864, Johnson issued a proclamation elab-

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<sup>1</sup> Fertig, op. cit., p. 49.

<sup>2</sup> Nashville Union, July 20, 1864.

<sup>3</sup> Ibid., August 4, 1864.

<sup>4</sup> The Nashville Dispatch, September 6-9, 1864 gives a good account of this convention.

orating his plan of local reorganization and calling for elections to be held wherever it was possible.<sup>1</sup> He still hesitated, however, to call for a presidential election and was prompted to do so<sup>4</sup> in the last days of September only by the action of the Conservative Party.

A number of Conservatives had convened several days after the adjournment of the Nashville Convention, appointed a list of McClellan electors, and made arrangements to hold an election regardless of the Governor's consent. Spurred by this action, and fearing that the votes of these electors would be counted for his opponent, Johnson issued his proclamation of September 30.<sup>2</sup>

This proclamation authorized a presidential election but prescribed an oath far more severe than those previously required of voters. It practically limited the right to vote to supporters of the Radical Party. That the provisions of Johnson's proclamation were the same as the recommendations of the Nashville Convention would indicate that he either prepared or endorsed the resolutions of that convention before they were adopted. The Conservatives were naturally indignant at this high-handed measure of Johnson and the Radicals, and sent a protest in the form of a signed memorial to President Lincoln. Lincoln replied that he had no authority to interfere with a presidential election within a state and left the matter en-

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<sup>1</sup> Caldwell, op. cit., p. 281.

<sup>2</sup> Nashville Union, October 3, 1864.



tirely in the hands of Johnson.<sup>1</sup> This action of Lincoln's assured victory for the Lincoln-Johnson ticket in Tennessee.

As was expected, the election, when held, went to the Unionist ticket. The McClellan electors were withdrawn, but even then a few votes were cast for that ticket. Details of the election are very meagre. When Congress met to count the electoral votes, those of Tennessee were thrown out by joint resolution.<sup>2</sup>

Shortly after the presidential election calls were issued by the Central Committees in East, West, and Central Tennessee for a convention to be assembled at Nashville on December 19, 1864.<sup>3</sup> This convention was probably called at the instigation of Governor Johnson.<sup>4</sup> It was intended only to provide for a constitutional convention to be held later.

Again Johnson's plans for the reorganization of Tennessee were to receive an unexpected check in the form of military operations. Before the day set for the convention at Nashville, General Hood had marched into the state from Alabama, defeated the advance detachments of the Union forces at Franklin, on November 30, 1864, and had established his lines before Nashville.<sup>5</sup>

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<sup>1</sup> Edward McPherson, Political History of The United States During the Great Rebellion, (Washington, Phillips & Solomon, 1865), p. 438-9.

<sup>2</sup> Congressional Globe, Jan. 30, 1865, p. 522.

<sup>3</sup> Report of the Joint Committee on Reconstruction, p. 5.

<sup>4</sup> C. P. Temple, Notable Men of Tennessee, (New York, Cosmopolitan Press, 1912), p. 409.

<sup>5</sup> Rebellion Records, Ser. I, Vol. XLV, Part I, pp. 657 ff.

With Hood's army before Nashville it was impossible for the Convention to meet in that city. On the 9th of December the committee of Middle Tennessee, hoping that the Confederate forces would soon be driven from the state, postponed the date of the convention until January 8, 1865.<sup>1</sup> Meanwhile Hood had his forces busily engaged erecting fortifications around Nashville preparing to besiege the Union forces under Thomas. On December 15 Thomas made attacks on both flanks of Hood's lines and on the following day made a general attack. Late in the afternoon of the 16th the center of the rebel lines broke, and the entire force was soon routed. Then began a steady and rapid retreat, which finally carried the rebel troops across the Tennessee River and into Alabama, on December 27.<sup>2</sup>

With the Confederate forces once more routed and driven from the state, nothing stood in the way of the convention in January, 1865. The meeting had been called for the 8th, but since that date came on Sunday, the first assembly was postponed until Monday the 9th.<sup>3</sup> At the first meeting Colonel Sam Rogers was made president. Upon taking the chair he announced the purpose of the convention to be the selection of delegates to a constitutional convention and invited to seats "all Union soldiers and all others who had not borne arms against the United States nor given aid and comfort to its

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<sup>1</sup> Nashville Press, December 10, 1864.

<sup>2</sup> Rebellion Records, Ser. I, Vol. XLV, Part I, p. 657 ff.

<sup>3</sup> Ibid., Part II, p. 471.  
Reports of Committees, 1st Session, 39th Cong., Vol. II, p. 6. (Report of the Joint Committee on Reconstruction).

enemies.<sup>1</sup> 467 delegates were enrolled, representing forty-eight counties and several regiments.<sup>2</sup>

Both radical and conservative wings of the Union party were there, resolved to do their utmost to control the convention. The question of the basis of representation was the first point of conflict between the Conservatives and Radicals. The plan advocated by the Conservatives would have given each member one vote. The Radicals favored a plan whereby each county should have one vote and one additional vote for each 150 votes cast against secession in June, 1861.<sup>3</sup> After lengthy and heated debate the Radicals carried their point and thereby gained control of a large majority of the votes in the convention. Representation under this plan was allotted as follows: East Tennessee had 250 votes; Middle Tennessee, 87; and West Tennessee 58.<sup>4</sup> The Radical Party was thus identified with East Tennessee. The only check to its complete power would be disagreement among its own people.

Using this absolute power in the convention, the Radicals next attempted a measure so high-handed as to meet opposition within their own ranks. The Business Committee, composed of Radicals, favored a plan whereby the convention would constitute itself a plenary body, competent to assume the responsi-

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<sup>1</sup> Nashville Union, January 10, 1865.

<sup>2</sup> Nicolay and Hay, op. cit., p. 447.

<sup>3</sup> Nashville Union, January 10, 1865.

<sup>4</sup> Nashville Dispatch, January 11, 1864.

bility of reorganizing the state government and amending the state constitution. The opposition to this plan maintained that the constitution of the state provided for amendment by a convention of delegates freely chosen by the people. Mr. Butler, of Johnson County, offered a substitute plan based on this idea, and the debate began. It lasted through six sessions, two days of the convention, with the Constitutional, or opposition, group having the decided advantage. The soldiers of the more radical section were unable to cope with the lawyers of the constitutional wing. Two factors probably determined the outcome of the debates. The conservative element in the convention naturally favored the opposition group; and when they came out for the constitutional plan, many radicals in that group changed their position. The final, and probably the decisive factor, was Andrew Johnson. When asked by the Radicals to speak in favor of their plan, he consented and strongly advocated the adoption of the committee report. He argued: "The people have the right to amend, alter or abolish their government as they may see fit. You are a part of the people. Any man may draw up resolutions, which when ratified by the people become law. This is constitutional and consonant with the rights of popular government."<sup>1</sup> Johnson's point was based on the same section of the Bill of Rights which was used to justify secession. His speech won over many of the Constitutionalists. Harvey Watterson, who followed him, won over many Abolitionists by attempting to show that the opposition's desire for

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<sup>1</sup> Nashville Dispatch and Nashville Press, Jan. 12 and 13, 1865.

delay was for the sake of saving a "remnant of slavery".<sup>1</sup>

At the next session the debate was resumed, but Mr. Watter-son soon moved that the question be put to a vote. The vote, when taken, was upon Butler's substitute measure, which was defeated by a vote of 161 to 113.<sup>2</sup> The committee report was then adopted as a whole after a few slight amendments had been made. The convention called to make provision for a constitutional convention had constituted itself such a body and now proceeded to work on that basis.<sup>3</sup>

Once launched upon their course, the convention speedily adopted a report which proposed two amendments to the state constitution, and a schedule of resolutions governing the conduct of an election to ratify the amendments. The first of these amendments abolished slavery, and the second forbade the legislature from ever enacting any law recognizing the right of property in man. The resolutions providing for the election required the taking of the "iron-clad" oath. The report further declared all acts of the secession state government void, suspended the Statute of Limitations, revoked the Ordinance of Secession, repudiated the secession state debt, and ratified all acts and appointments of Governor Johnson. It provided for two elections to be held: one to ratify the work of the convention, to be held on February 22, 1865, and the second,

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<sup>1</sup> Nashville Dispatch and Nashville Press, Jan. 12 and 13, 1865.

<sup>2</sup> Nashville Union, January 14, 1865.

<sup>3</sup> For accounts of the convention see Nashville dailies of the period. Also Fertig, op. cit., pp. 56-59; Hall, op. cit. p. 189 ff.

to elect a Governor and a legislature.<sup>1</sup> After the adoption of the report the convention nominated candidates for Governor and the legislature and adjourned, after having turned out an enormous amount of work in a short time.

On January 26, 1865, Governor Johnson issued his proclamation confirming the work of the convention and calling for the elections as recommended in its report.<sup>2</sup> The polls were opened on February 22, 1865, and the constitutional amendments were ratified.<sup>3</sup> Returns were received from only forty-two counties, one in West Tennessee, twenty-one in Middle Tennessee, and fifteen in East Tennessee. The total returns were 26,865 votes for the amendments and 67 against, about twenty per cent of the vote in the presidential election of 1860.<sup>4</sup> This vote more than complied with the "one-tenth" clause of Lincoln's Amnesty Proclamation of December 8, 1863, and it was felt the election was valid.

By his proclamation of February 25 Governor Johnson confirmed this opinion and declared the amendments ratified and a part of the constitution. He also, at the same time, authorized the election of a Governor and a legislature at an election to be held March 24, 1865. Furthermore, he called for

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<sup>1</sup> For accounts of the convention see Nashville dailies of the period. Also Fertig, op. cit., pp. 56-59; Hall, op. cit., p. 189 ff; Garrett and Goodpasture, op. cit., p. 243; Nicholay and Hay, op. cit., p. 448.

<sup>2</sup> Report of the Joint Committee on Reconstruction, p. 8.

<sup>3</sup> Ibid., p. 10.

<sup>4</sup> Fertig, op. cit.; p. 56, Quotes Miller's Manual of Tennessee 1865.

the officers elected at that time to assume the duties of their offices on the first Monday of April, 1865.<sup>1</sup>

The election of March 4 was duly held. The Nashville convention had nominated W. G. "Parson" Brownlow for Governor and a straight single ticket for the legislature and other offices. In the election of March 4 this ticket won by a vote of 23,352 against 35.<sup>2</sup>

This election marks the close of military government in Tennessee. The proclamation of February 25, 1865, was Johnson's last official act as military governor.<sup>3</sup> A few days later he tendered his resignation to the War Department and left Nashville for Washington.<sup>4</sup> There he was inaugurated as Vice-President on March 4, 1865, the very day that his work in Tennessee was culminated by the election of Brownlow and a legislature.

As Military Governor of Tennessee Johnson occupies a unique place in the history of the United States, just as he does as President. If there appear to be inconsistencies in his policies from time to time, we must in a measure condone them when we consider the strain under which he labored. First there was the question of the legality of his position. There was no precedent in American history upon which he could base any of his actions, and almost every major move he made was criticized and questioned by his enemies. His judgment and the advice of

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<sup>1</sup> Report of the Joint Committee on Reconstruction, p. 10.

<sup>2</sup> Nashville Union, March 14, 1865.

<sup>3</sup> Halleck, cit., p. 173.

<sup>4</sup> Rebellion Records, Ser. III, Vol. IV, pp. 1221-22.

Lincoln and his friends were his only rules of procedure. It speaks highly for his wisdom and judgment that the people and courts of Tennessee have since fully recognized his authority.<sup>1</sup> If the generous and conciliatory course which he adopted at first changed to a harsh and vindictive policy toward the end of his rule, it was caused in large measure by the pressure placed upon him by his radical friends and supporters, and by some of the secession group. We must consider too the strain under which he labored for three years and the many petty but irritating details of his office. If he seemed harsh toward his opponents, we must remember that for three years they used every means at their disposal to block his efforts. On the whole we may safely agree with Secretary of War Stanton, when in his letter to Johnson accepting his resignation as Military Governor, he says:<sup>2</sup>

"Permit me on this occasion to render to you the thanks of this Department for your patriotic and able services during the eventful period through which you have exercised the high trusts committed to your charge. In one of the darkest hours of the great struggle against rebellious foes the Government called you from the Senate and from the comparatively safe and easy duties of civil life to place you in the front of the enemy and in a position of personal toil and danger, perhaps more hazardous than was encountered by any other citizen or Military officer of the United States. With patriotic promptness you assumed the post, and maintained it under circumstances of unparalleled trials, until recent events have brought safety and deliverance to your state, and to the integrity of the Constitutional Union for which you so long and so gallantly periled all that is dear to man on earth."

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<sup>1</sup> Fertig, op. cit., p. 59. Cites court decisions to demonstrate the later recognition of Johnson's authority.

<sup>2</sup> Rebellion Records, Ser. I, Vol. IV, pp. 1221-22.



## CHAPTER III

## BROWNLOW AND THE RADICALS

Following Johnson's resignation as Military Governor there was an interregnum of several weeks during which there was no state government in Tennessee. The only rule existing was the rather doubtful authority of the Union military commanders who were still quartered within the state. On April 2, 1865, the Brownlow government took office, and once more civil rule was in effect in Tennessee.<sup>1</sup>

William Gannaway Brownlow, the Governor-elect, was born August 29, 1805, in Wythe County, Virginia. He was left an orphan in 1816, after which time he lived with his mother's relatives.<sup>2</sup> At the age of eighteen he went to Abingdon, Virginia, where he engaged in the trade of a carpenter. When he was twenty-one, he began work as a Methodist minister. He first took an active part in politics in 1828, when he supported J. Q. Adams for President against Andrew Jackson. He was active in opposition to the nullification doctrine during that controversy. In 1838 he became editor of the Knoxville Whig, a position he held until the war. In 1843 he made a race for Congress but was defeated by Andrew Johnson. He rather favored slavery but was violently opposed to secession. During the exciting days of 1861 we find him taking a decided and prominent stand for the Union. He was

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<sup>1</sup> Benj. F. Kendrick, The Journal of The Joint Committee of Fifteen on Reconstruction, (New York, Longmans-Green & Co., 1914), p. 224.

<sup>2</sup> W. G. Brownlow, Parson Brownlow's Book, (Philadelphia, Geo. W. Childs, 1862), p. 17.

one of the leaders in the movement for a separate state of East Tennessee. To the very last his house in Knoxville flew the American flag. On October 24, 1861, he published the last issue of the Whig and, fearing arrest by the Confederate troops, fled into the hills, where he secreted himself. After a time he surrendered to the rebel leaders on promise of a safe conduct, remained for some months in prison, and finally reached Nashville on March 15, 1862.<sup>1</sup>

From Nashville Brownlow went north, where he stayed until 1864. While in the north he occupied himself with writing his book, which is largely anti-secession and anti-Confederate propaganda, and in lecturing. In 1864, after the Confederate troops had been driven from Tennessee, he returned and took a prominent part in the work of reorganizing the state. He and Johnson had long been enemies, but it is said when they met in Nashville in 1864, they threw their arms about one another and wept.<sup>2</sup>

It is difficult to imagine a man as governor of a state with fewer qualifications for the place than Brownlow. He had none of the qualifications of a statesman, no experience as an executive, and no guile as a politician. His sole redeeming characteristic was his intense Unionism. He was obstinate, vindictive, partisan, and a master of the art of making thrusts at his enemies.<sup>3</sup> His election demonstrates that with the Union

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<sup>1</sup> Brownlow, op. cit., passim.

<sup>2</sup> Winston, op. cit., p. 230.

<sup>3</sup> There seems to be little difference of opinion among the authorities as to Brownlow's shortcomings.

Party in Tennessee Unionism was the sole requisite for office.

The legislature which was elected with Brownlow seems to have been no better than the Governor. Using the rosters of previous legislatures and a letter from a Mr. Kercheval to him, J. W. Fertig made a study of the composition of the two houses of the legislature of 1865. He says:

"As for the Legislature, little can be said as little is known. Of the twenty-five Senators only five had ever been members of a legislative body. Five were lawyers, two judges, one a preacher, and one a Confederate soldier. The others, eight of whom were from East Tennessee, were for the most part men of mediocrity, whom the war had brought into prominence, either in actual service in the field, or in some ministerial capacity. A few were men of ability, and all presumably honest. The inexperience of the House is still more glaring. Of the eighty members elected, three only had had experience as Legislators. Of the others, four did not take their seats. A few of the remainder were men of ability, but they had taken an active part in the war and became so radical in their views as to be carried beyond reason. The majority felt their weakness and inexperience and were just the sort of men to follow meekly the direction of the extreme leaders. It happened here as usually in such cases, the timid and inexperienced majority were drawn in the wake of the radical minority. Fully two-thirds of these men served four years and ended their terms of service unknown for anything they had done or said. Their duties were performed by voting yes, when asked to do so. In such a time only men of the ripest experience should be trusted with public affairs. But the men whom the state had honored and trusted in the past had almost to a man gone with the state in secession and were now ineligible to any position. In order to get Union men in some parts of the state the convention had been compelled to take men without experience. In this case, as in the case of the Governor, Unionism was the chief requisite."<sup>1</sup>

The newly elected legislature met in Nashville on April 2, 1865. E. H. East, Secretary of State under Johnson, called each house to order and read to them a certified membership list,

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<sup>1</sup> Fertig, op. cit., p. 62.

after which each house proceeded with its organization.<sup>1</sup> Colonel Sam R. Rodgers was chosen Speaker, and a Mr. Cone was selected as Chief Clerk in the Senate.<sup>2</sup> In the House a tie occurred between two nominees, and no choice of Speaker was made on the first day. On the second day, however, Mr. William Heiskell was selected.<sup>3</sup> On April 4 the two houses met in joint session, declared Brownlow elected Governor, and appointed a committee to arrange for his inauguration.<sup>4</sup>

Brownlow lost no time but was inaugurated on the morning of the next day. On the following day, April 6, 1865, his "Message" was delivered to the two houses. This message opens with a discussion of the evils of secession and the resulting war, speaks of the suffering undergone by loyal Unionists in the state, and recommends that the legislature immediately ratify the Thirteenth Amendment to the Constitution, a draft of which he incorporates in his address. He then goes on to make suggestions as to needed legislation on such questions as guerilla depredations, inadequate militia laws, increase of salaries of state officials, and the financial condition of the state. One of the most important sections of the message is that which deals with the election of United States Senators and the relations of the State to the

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<sup>1</sup> House Journal, Tennessee Legislature, Session of 1865, April 2. (Hereinafter referred to as House Journal)

<sup>2</sup> Ibid.

<sup>3</sup> House Journal, April 3, 1865.

<sup>4</sup> Ibid., April 4, 1865.

Federal Government.<sup>1</sup>

The radical leaders in both houses were entirely in accord with Brownlow's ideas as expressed in his message of April 6. Before they received that message, they had passed a joint resolution on April 5 to adopt the Thirteenth Amendment to the national constitution.<sup>2</sup> They next attacked the major problem of the election of Congressmen to Washington. It was felt that the election of representatives to Congress was essential to the consummation of federal reconstruction. The Congressmen selected must be men of unquestioned loyalty to the Union; else reconstruction would be delayed. The Radicals felt it would be extremely dangerous for them to permit any but confirmed Unionists to vote in an election, and to prevent others from participating it was necessary that the laws regulating suffrage in Tennessee be changed. The Nashville Convention had declared in favor of disfranchising all who had opposed the Union in the war.<sup>3</sup> In his message of April 6 Brownlow had taken a very positive stand upon the question and had urged the legislature to promptly redistrict the state, change the franchise laws, and provide for an election.<sup>4</sup>

When we consider the extremely partisan view of the Radicals in Tennessee and the power of the Radical element in Con-

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<sup>1</sup> Text of this message may be found in Report of the Joint Committee, 39th Congress, pp. 13-23.

<sup>2</sup> House Journal, April 5, 1865.

<sup>3</sup> Report of the Joint Committee on Reconstruction, p. 7.

<sup>4</sup> Ibid., p. 21.

gress, it is to be seen that the denial of the right to vote to ex-Confederates and their sympathizers was justifiable as an expedient.<sup>4</sup> On the other hand local reorganization would probably have progressed more rapidly and smoothly had that class been allowed to participate in the subsequent elections. On the whole the returning Confederates seemed to hold no hostility for the Union men but were anxious to restore their homes and provide a living for themselves and their dependents. They were little interested in politics; and while they knew the history of the reorganized state government and probably considered it high-handed, they were willing to submit to it and wait for time and the public's common sense to remedy abuses that existed.<sup>1</sup> The Radicals, however, particularly those from East Tennessee, had suffered greatly at the hands of the Rebels and could not be expected to take a generous stand. They proceeded to enact measures which treated ex-Confederates practically as conquered subjects and which served to intensify that very partisanship which they should have attempted to destroy.

On April 12, 1865, a joint resolution was passed to provide for a committee to report a bill redistricting the state.<sup>2</sup> By a joint resolution adopted April 24 the two houses were to meet in joint session on May 4, 1865, to elect Senators to the United States Congress.<sup>3</sup> A. J. Fletcher was elected Secretary of State

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<sup>1</sup> Fertig, *op. cit.*, p. 64.

<sup>2</sup> House Journal, April 12, 1865.

<sup>3</sup> *Ibid.*, April 24, 1865.

on April 27 by the two houses of the legislature.<sup>1</sup> A joint committee on the elective franchise was established by joint resolution on May 16, 1865.<sup>2</sup>

These resolutions were followed late in April and throughout the month of May by a series of acts relating to local matters in Tennessee. Of these acts only a few merit our attention. On May 17, 1865, was passed "An Act to punish all armed prowlers, guerillas, brigands, and highway robbers, and for other purposes." This act provided that any one found guilty of the offences named should be punished by hanging, and any person convicted of giving aid or comfort to such a person should be imprisoned for from five to twenty-one years.<sup>3</sup> Another act of the same date, amending the criminal laws of the state, provided the death sentence by hanging for persons convicted of horse stealing, house breaking, highway robbery, and arson, with the additional provision that the courts might commute the death sentence to imprisonment for ten to twenty-one years.<sup>4</sup> An act of May 24 amended the revenue laws of Tennessee and provided for a one dollar poll tax, a twenty-five cent property tax, a two per cent sales tax, and greatly increased license taxes.<sup>5</sup> The Nashville convention had declared suspended the Statute of Limitations. This action was confirmed by the legislature in an Act

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<sup>1</sup> House Journal, April 27, 1865.

<sup>2</sup> Ibid., May 16, 1865.

<sup>3</sup> Acts of 1865, May 17, 1865, Chapter IV.

<sup>4</sup> Ibid., Chapter V.

<sup>5</sup> Ibid., May 24, 1865, Chapter VIII.

of May 30 which declared the Statute of Limitations suspended from May 6, 1861, to January 1, 1867.<sup>1</sup> The radicals, seeking to strengthen their hold on political affairs in Tennessee, passed, on June 3, 1865, a bill which provided for the fine and imprisonment of any person found guilty of "uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the state or general government, disturbing or obstructing any lawful officer in executing his office, or of instigating others to cabal and meet together to contrive, invent, suggest, or incite rebellious conspiracies," etc.<sup>2</sup>

The most important and far-reaching act of the legislature of 1865 was that one passed on June 5 limiting the elective franchise. It extended the right of vote to any white man twenty-one years of age, for six months a citizen of the county in which he would vote, and publicly known to be of Union sentiment, and who had not voluntarily engaged in armed rebellion against the United States. It further extended the franchise to Union soldiers, to men of known Union sympathy who had been conscripted into the Confederate Army, and to men who had voted in the Presidential election of 1864 or the election of February 22, 1865, or who had taken the oath of allegiance to the United States. All who had left state or federal offices or homes within the protection of the Union Army to aid the rebellion, all officers, civil, military, and diplomatic of the Confederate government were denied the franchise for a period of fifteen years. All

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<sup>1</sup> Acts of 1865, May 24, 1865, Chapter X.

<sup>2</sup> Ibid., June 3, 1865, Chapter XV.



other persons were disfranchised for a period of five years, at the end of which time they could be enfranchised upon the oath of two legal voters that they were loyal. A registration of voters was to be kept by county court clerks, who were to issue certificates to the voters. No one who did not hold a certificate was to be allowed to vote. A person taking the oath swore that he was a friend of the United States and would support the Constitution of that government, that he would heartily support the efforts of the loyal people to establish the authority of the Federal government over all states and territories, that he would support the Constitution of Tennessee, and the acts of the legislature of that state.<sup>1</sup> These provisions, with the one giving any voter the right to challenge the vote of any person, practically limited suffrage to the radical party and its friends.

Other measures passed by the legislature in this session which are of interest to the present study were the resolution adopted May 1 offering \$5,000 reward for the apprehension of ex-Governor Harris<sup>2</sup> and the Act passed June 7 "for the protection of sheriffs and other civil officers of the State." This "protection" Act authorized the sheriffs of the several counties of the state to raise and maintain a permanent posse or patrol of twenty-five men to aid the civil officers of the counties in enforcing law and order. The sheriffs were also given the discretionary power to raise any additional force they deemed necessary to "either capture or disperse all opposing forces".

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<sup>1</sup> Acts of 1865, June 5, Ch. XVI.

<sup>2</sup> Ibid., May 1, Resolution XXXIV.

Members of the patrols were limited to loyal Union men of "good moral character."<sup>1</sup>

The redistricting of the state was effected on June 9, 1865, by "An act to apportion the representation in the Congress of the United States".<sup>2</sup> The legislature adjourned on Monday, June 12, to meet the first Monday in October, 1865.<sup>3</sup>

According to the constitution of Tennessee election of Congressmen was to take place in August, 1865. During the time from the adjournment of the legislature until the elections Brownlow busied himself trying to assure the election of men from the radical party. On July 10, 1865, he announced his policy in regard to the coming election in a proclamation to the people of the state.<sup>4</sup> The people were warned that any persons banding together to defeat the execution of the franchise law would be considered in rebellion and punished accordingly. No person who had not taken the oath specified in that law would be considered by the Governor as a candidate for any office, and votes cast in violation of the act would not be counted.<sup>5</sup> The civil authorities were requested to arrest and punish any persons who under pretence of being candidates were spreading seditious propoganda against the Government.<sup>6</sup>

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<sup>1</sup> Acts of 1865, June 7, Ch. XXIV.

<sup>2</sup> Ibid., June 9, Ch. XXXIV.

<sup>3</sup> Ibid., June 10, Resolution LXI.

<sup>4</sup> Nashville Press, July 11, 1865.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

This proclamation was followed on July 12 by an address to the citizens of the state in which Brownlow expressed regret that all the people had not welcomed the return of law and order under his administration. "The spirit of rebellion still exists, and must be destroyed," he said. In an effort to explain the character of the present government, he gave a rather lengthy history of the causes for the institution of military government and, later on, of the present administration. The address closed with the assurance that, if necessary, the military would be used to enforce the franchise act and annul any election by illegal vote.<sup>1</sup> "The purpose of the address was to inspire the people with a dread of the Federal military."<sup>2</sup> These measures on the part of Brownlow only helped intensify the excitement in the state prior to the elections.

Because of the provisions of the Franchise act, candidacy in the elections was limited to loyal Union men. This did not prevent, however, a very exciting and bitter rivalry in the campaign. The conservative element in the Union party was opposed to the franchise act, and many of them doubted its constitutionality, though most of them were staunch supporters of the re-organized state government. Brownlow did all he could to assure the election of radical candidates.

The election was held on the first Thursday in August, and though the campaign had been bitter, there was no violence at

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<sup>1</sup> Nashville Dispatch, July 13, 1865.

<sup>2</sup> Fertig, op. cit., p. 69.

the polls in any part of the state. The total vote cast was 61,783, less than half the vote cast in the election of June 8, 1861.<sup>1</sup> The vote in the various districts is shown by the following table, the districts being numbered from east to west.<sup>2</sup>

District	Vote
1 . . . . .	11,345
2 . . . . .	12,786
3 . . . . .	7,848
4 . . . . .	7,918
5 . . . . .	8,098
6 . . . . .	5,156
7 . . . . .	5,131
8 . . . . .	3,486

These figures show clearly that the majority of the franchised voters lived in East Tennessee.

In spite of the efforts of Brownlow, five of the eight men elected were Conservatives who had defeated Radical opponents. These Conservatives were Leftwich, Taylor, Thomas, Campbell, and Cooper.<sup>3</sup> The following table shows the men elected from the various districts, their homes, and occupations:<sup>4</sup>

District	Representative	Home	Occupation
1-----	N. G. Taylor	Elizabethton	Agriculturist
2-----	Horace Maynard	Knoxville	Lawyer
3-----	W. B. Stokes	Liberty	Farmer
4-----	Edmund Cooper	Shelbyville	Lawyer
5-----	W.B.Campbell	Lebanon	Lawyer
6-----	D. B. Thomas	-----	-----
7-----	I. R. Hawkins	Huntingdon	Lawyer
8-----	J. W. Leftwich	Memphis	Merchant

The election of the conservative opponents to his radical

<sup>1</sup> See above, p. 14.

<sup>2</sup> Table taken from Fertig, *op. cit.*, p. 70.

<sup>3</sup> *Ibid.*

<sup>4</sup> Roster of the 39th Congress.

candidates was a decided set-back to Governor Brownlow, and he immediately began demanding reports from county officials and loyal citizens in an effort to see if the election had been held in accordance with the franchise laws.<sup>1</sup> When he had secured these reports, he began his efforts to throw out conservative votes. Of the various methods used in admitting persons to the polls he declared only two to be legal. One of these was the admission by the county clerk when that official knew the applicant to be a person of undoubted loyalty. The other was the admission of persons upon the testimony as to their loyalty by witnesses known to the clerk as loyal.<sup>2</sup> On this basis the Governor threw out 22,274 votes, leaving a total vote of 39,509.<sup>3</sup>

Notwithstanding Brownlow's efforts and his wholesale rejection of votes, the outcome of the election was changed in only one district. In the sixth district Sam M. Arnell, author of the franchise bill, had been defeated by D. B. Thomas, by a vote of 2,806 to 2,350. By his revision of the count Brownlow had taken from Arnell only 804 votes, while from Thomas he had taken 2,284, thereby giving Arnell a majority of 1,025.<sup>4</sup> Arnell, a lawyer from Columbia, was one of Brownlow's staunchest supporters and was radical leader of the House.<sup>5</sup> Thomas will be remem-

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<sup>1</sup> Nashville Dispatch, August 12, 1865.

<sup>2</sup> Fertig, op. cit., p. 70 (Quotes American Annual Cyclo-  
pedia, 1865).

<sup>3</sup> Ibid., p. 71.

<sup>4</sup> Nashville Dispatch, Nov. 20, 1865, Governor's Message to  
the Legislature.

<sup>5</sup> Fertig, op. cit., p. 71.

bered as the leader of the group which withdrew from the convention in Nashville in September, 1864. As soon as Brownlow would issue them certificates of election, the successful candidates went to Washington to seek admission to their seats in Congress.

In accordance with the resolution for adjournment in June, the legislature re-assembled on October 2.<sup>1</sup> This session, which lasted for nearly eight months, accomplished little. Most of its time was spent in passing private bills or in simply doing nothing. A few of its acts, however, are worthy of our attention. The message sent to it by Governor Brownlow at the opening of the session "reads like a mixture of a Republican campaign speech and a Thanksgiving sermon".<sup>2</sup> When he finally got down to actual matters of business in his message, Brownlow recommended the amendment of the franchise law, and the consideration of the Negro question.<sup>3</sup>

Brownlow's high-handed measures in the counting of the votes in the Congressional election were not to go unchallenged. On November 24, 1865, both houses, by joint resolution, called upon the Governor to present the documents upon which his revision of the vote was made.<sup>4</sup> The following day Brownlow sent to the legislature a message in which he explained the basis of his actions and reported that the documents in the matter were

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<sup>1</sup> House Journal, 1865, p. 1.

<sup>2</sup> Message, Acts of 1865-6, p. 1; Fertig, *op. cit.*, p. 72.

<sup>3</sup> See Message, *op. cit.*

<sup>4</sup> House Journal, Nov. 24, 1865.

on file in the office of the Secretary of State.<sup>1</sup> The minority in both houses wished to have the matter reported in full and published, but a motion to that effect was defeated.<sup>2</sup> The only outcome of the affair was an opportunity for the minority to criticise the actions of the Governor.

Upon the recommendation of the Governor in his message, a joint resolution was passed on October 3, 1865, to establish a committee to consider the question of the amendment of the franchise act.<sup>3</sup> Before this committee could report, another matter occupied the attention of the legislature, and action on the franchise act was deferred.

The problem of what to do with the freed black men had assumed large proportions in a short time. Governor Brownlow had called the attention of the legislature to the problem, and both houses now occupied themselves with the consideration of it. Their work resulted in the passage on January 26, 1866, of a bill making negroes competent witnesses in the civil courts of the state. The bill carried an amendment which stated expressly that it was not to be construed as giving to negroes the right to vote, hold office, or serve on juries.<sup>4</sup> This act was followed in May by an act which gave to negroes full property rights, the right to sue and be sued in the courts, and provid-

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<sup>1</sup> House Journal, Nov. 25, 1865.

<sup>2</sup> Nashville Dispatch, Nov. 26, 1865.

<sup>3</sup> Acts of 1865-6, p. 24.

<sup>4</sup> Acts of 1865-6, p. 36.

ed that they were not to be punished otherwise than whites for similar offences.<sup>1</sup>

With the negro testimony act completed, the legislature was ready to consider the amendment of the franchise law. Before the committee appointed in October could report, the minority attempted to present a bill which provided that the franchise be extended to all taking the amnesty oath in Lincoln's Amnesty Proclamation. At this time, however, the legislature was occupied with the negro testimony bill and refused to consider the bill.<sup>2</sup> After the passage of that bill the committee made its report and submitted a bill which repealed the law enacted in the previous session.<sup>3</sup> The new law which was proposed was much more severe than its predecessor. It restricted suffrage to those who had constantly opposed secession and the Confederacy, and required all persons except Union soldiers to prove by two legal voters that they were entitled to vote. By its various provisions it put control of suffrage almost entirely in the hands of the Governor. The radical majority in the legislature pushed this bill rapidly through its first two readings, after which it was replaced by a substitute bill which differed from it only slightly as to details. This bill immediately passed its first and second readings and was made the special order for

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<sup>1</sup> Acts of 1865-6, op. cit.

<sup>2</sup> Nashville Dispatch, Nov. 24, 1865.

<sup>3</sup> Ibid., Jan. 30, 1866.



the following day. The summary manner in which the Radical leaders were attempting to rush this bill through the House brought protests from many members. The next day, however, after a brief debate on the bill, the question was called, and the call was sustained by the entire Radical majority. Their promise of unlimited debate on the question was ignored.<sup>1</sup>

The minority, however, was prepared for this step; and, led by a Mr. Poston, twenty-one of them resigned their seats, thus preventing a quorum.<sup>2</sup> On March 6, 1866, Governor Brownlow issued a proclamation declaring their seats vacant and calling for an election to fill them to be held March 31, 1866.<sup>3</sup> On March 13 the entire twenty-one united in an address to their constituents explaining their action and giving their objections to the bill.<sup>4</sup> In spite of Brownlow's threats of disaster to the state, most of the twenty-one were returned by the election of March 31.

For nearly two months the House was forced to adjourn from day to day for want of a quorum. By April 10 nineteen of the newly elected members had reached Nashville.<sup>5</sup> On April 12 three radicals were sworn in, and a quorum was established. The Franchise Bill then passed its third reading by a vote of forty-one to fifteen.<sup>6</sup> A quorum was reached in the Senate on April 17,

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<sup>1</sup> Nashville Dispatch, Feb. 28, 1866. Letter from Mr. Poston.

<sup>2</sup> Ibid., February 24, 1866.

<sup>3</sup> Ibid., March 6, 1866.

<sup>4</sup> Ibid., March 13, 1866.

<sup>5</sup> Ibid., April 11, 1866.

<sup>6</sup> Nashville Union and American, April 13, 1866.

and on the 18th the House bill passed its first reading. The Senate then occupied itself with a franchise bill of its own until May 1, when the bill failed to pass its third reading. On May 2, the House bill passed its second reading and on the third was adopted by a vote of thirteen to six.<sup>1</sup>

This law seems unduly harsh and unnecessary. It can only be explained in the light of the rapidly decreasing power and influence of the Radical party. The election in August, 1865, had shown them that if they were to control the political affairs of Tennessee they must prevent their opponents from voting.

After the passage of the franchise law only one measure of importance was passed by the legislature. That was the Metropolitan Police Bill, which passed on May 14, 1866.<sup>2</sup> In order to keep Unionists inflamed against ex-Confederates, a resolution was passed stating that Jefferson Davis and his colleagues had forfeited their lives.<sup>3</sup> Finally on May 28, 1866, the legislature adjourned, to meet again November 5.<sup>4</sup>

These were busy times in Tennessee. Everywhere people were trying to re-adjust themselves to conditions as they found them after the war. People were watching closely the actions of the radical legislature. The entire state was anxiously awaiting the outcome of the efforts of their representatives to gain

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<sup>1</sup> Nashville Union and American, May 5, 1866

<sup>2</sup> Acts of 1865-6, p. 52.

<sup>3</sup> Ibid., p. 74.

<sup>4</sup> Ibid., p. 97.

their seats in Washington. In the excitement of the early part of 1866 at least two occurrences stand out as worthy of mention.

In the spring of 1866 the final effort was made to create of East Tennessee a separate state. Early in April a letter by J. A. Cooper appeared in a Knoxville paper and was followed in about two weeks by a call for a convention to meet in that city on May 3.<sup>1</sup> This call was occasioned by the alarm caused by the resignation of the twenty-one members of the legislature and by the desire of the radicals to have a state in which they could wield undisputed power. The convention met on the day set, and Sam Rodgers was chosen chairman. After two days of discussion and speech making a memorial to the legislature was prepared, asking that provision be made for a vote to decide the question of separation.<sup>2</sup> This memorial was presented to the legislature on May 16 and was referred to a special committee.<sup>3</sup> On May 18 this committee reported favoring a measure providing for an election.<sup>4</sup> By that time, however, the franchise bill had passed the Senate, and as there was no longer need for separation, the resolution failed to pass.<sup>5</sup> Thus ended the last attempt to make a state of East Tennessee.

There were about 4,000 negro troops stationed at Fort Pickering, Memphis, who were a constant source of annoyance and

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<sup>1</sup> Nashville Union and American, April 4 and 19, 1866.

<sup>2</sup> Nashville Dispatch, May 6, 1866.

<sup>3</sup> House Journal, May 16, 1866.

<sup>4</sup> Ibid., May 18, 1866.

<sup>5</sup> Ibid.

irritation to the citizens of that city. They had been mustered out of service but not discharged, and their idle days were spent in obtruding themselves upon the poor white population of the city. On the first of May one of them knocked down a small white boy. A white man struck the negro, whereupon another negro killed the white man. This started a riot which ended only after the negro troops had been discharged and sent home. During the riot several hundred negroes were killed, and many negro huts were burned.<sup>1</sup> These riots resulted in the passage of the Metropolitan Police Bill mentioned above. This bill provided that the police regulations of Memphis should be in the hands of three commissioners to be appointed by the Governor. Its provisions were extended to include Nashville and Chattanooga.<sup>2</sup>

The legislature had adjourned on May 28 for a period of five months, but an occasion now arose for Brownlow to re-assemble them in special session and again demonstrate his high-handed manner of doing things. The Fourteenth Amendment to the Constitution of the United States had been passed by both houses of Congress and on June 16 was sent to the states for ratification.<sup>3</sup> In Tennessee those connected with the state government had been following closely the actions of the radicals in Congress, hoping thereby to speed the admission of Tennessee's rep-

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<sup>1</sup> W. T. Hale and D. L. Merritt, A History of Tennessee and Tennesseans, (Nashville, 1913), p. 689.

<sup>2</sup> Acts of 1865-6, p. 52.

<sup>3</sup> E. P. Oberholzer, A History of the United States Since the Civil War, (New York, The Macmillian Co., 1917), Vol. I, p. 185.

representatives to seats. These people felt that perhaps the admission of Tennessee to full federal relations depended upon the state's ratification of the Fourteenth Amendment, and, as subsequent events prove, they were probably correct.

Governor Brownlow was of this opinion and on June 19 issued a proclamation calling the legislature in special session.<sup>1</sup> Because of the fact that a number of the legislators were opposed to the amendment there was considerable delay on their part in reaching Nashville, and for several days neither house had a quorum. A quorum was reached in the Senate first, and on July 11 the amendment was ratified by a vote of fourteen to six.<sup>2</sup>

In the House things did not run so smoothly. When it became apparent that some of the members had no intention of attending the session, steps were taken to force them to do so. On July 11 the Speaker was instructed to issue warrants for the arrest of eight absent members who were staying away simply to prevent a quorum.<sup>3</sup> These warrants were issued and turned over to the sergeant-at-arms to be served. On the 14th there was still no quorum, and a resolution to change the basis of a quorum was introduced, discussed, but not put to a vote.<sup>4</sup> In the meantime Brownlow had applied to the military for aid in forcing absent members to attend. General Thomas requested instructions from the War Department and was instructed not to

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<sup>1</sup> This proclamation appears in the Acts of the Special Session 1866, p. 1.

<sup>2</sup> Nashville Dispatch, July 12, 1866.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., July 15, 1866.

interfere in any political matters.<sup>1</sup>

The sergeant-at-arms reported on July 16 that Mr. Williams had been arrested and brought to the Capital, where he was being held under guard.<sup>2</sup> On the 18th Mr. Martin was arrested and brought into the legislative hall.<sup>3</sup> The same day Williams obtained a writ of habeas corpus and received from Judge Frazier's court a decision ordering his release.<sup>3</sup> The House thereupon passed a resolution denying the jurisdiction of the court and ordered the sergeant-at-arms to bring Williams and Martin into the hall. On the next day, July 19, there were fifty-four members present, and these, with the two held prisoners, made the fifty-six required for a quorum.<sup>4</sup> Williams and Martin were in a committee room just off the hall and refused to enter. The speaker ruled no quorum, but this decision was appealed. When the vote was taken, the appeal was sustained, and a quorum was declared. The vote on the joint resolution was then taken. It carried by a vote of forty-three to eleven. Again the speaker ruled no quorum, and again the decision was appealed. The appeal was sustained by a vote of forty-two to eleven, and the speaker, amid applause from the House, announced the joint resolution adopted. In such manner was the Fourteenth Amendment ratified in Tennessee.<sup>5</sup>

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<sup>1</sup> American Annual Cyclopedic, 1866.

<sup>2</sup> Dispatch, July 17, 1866.

<sup>3</sup> Reports of the Frazier Impeachment Trial.

<sup>4</sup> Dispatch, July 20, 1866.

<sup>5</sup> Accounts of these proceedings appear in the Nashville Union and American from July 10 to 20, 1866.

Not in the least concerned about the irregularity of the proceedings, and much elated over the success of his party, Brownlow immediately wired to J. W. Forney, Secretary of the United States Senate: "We have fought the battle and won it. We have ratified the Constitutional amendment in the House... forty-three voting for it and eleven against it, two of Andrew Johnson's tools not voting. Give my regards to the dead dog in the White House."<sup>1</sup>

On July 23, 1866, the representatives from Tennessee were admitted to their seats in Congress, and political reconstruction in Tennessee was at an end. Brownlow remained as Governor in Tennessee until late in February, 1869, when he resigned to take his place in the United States Senate.<sup>2</sup>

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<sup>1</sup> David Miller Dewitt, The Impeachment and Trial of Andrew Johnson, (New York, The Macmillian Co., 1902), p. 100.

<sup>2</sup> Temple, op. cit., p. 340.

CHAPTER IV  
FEDERAL RECONSTRUCTION

A detailed study of federal reconstruction is hardly within the scope of a paper such as this. It is a subject on which many works have been written, and which is treated in any history of the United States covering that period. It is necessary, however, to review briefly the struggle at Washington between Congress and President Johnson, in order to understand the relation of Tennessee to that contest.

The two opposing ideas of reconstruction were the result of a gradual, yet steady, evolution. Early in the conflict between the Union and the seceded states both the President and Congress took the position that the war was being waged simply to "preserve the Union with all the dignity, equality and rights of the several states unimpaired." This idea was embodied in the resolutions introduced in the House on July 22, 1861, by Crittenden, and later in the Senate by Andrew Johnson.<sup>1</sup> The adoption of the Crittenden Resolutions, the popular approval of that act, the retention of his seat in the Senate by Andrew Johnson, and the admission to seats of the representatives elected from Tennessee in 1861<sup>2</sup> demonstrate that the people, the President, and Congress all felt that the seceded states were still members of the Union. Working upon this theory, reconstruction would have been simply a matter of restoring the seceded states to their

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<sup>1</sup> Congressional Globe, 36th Congress, 1861, pp. 222, 257-265.

<sup>2</sup> Globe, Dec., 1861, p. 81.



former relations. That Congress held this same theory as late as 1862 is shown by its unanimous confirmation of Lincoln's appointment of Andrew Johnson as Military Governor of Tennessee.

Both branches of the Government held to the restoration theory until late in 1863, when they both moved forward to a new stand. The duration of the war had forced them to abandon the idea of the indestructibility of the states. They now acknowledged that the states were so crippled by the overthrow of their governments that it was necessary for the federal government to re-organize them and impose upon them certain conditions. This was equivalent to re-creation of the states rather than restoration and may truly be called a theory of reconstruction. Under this theory both Congress and the President proposed plans of reconstruction. Both plans were based upon the same constitutional provision, that provision being the one by which the United States guarantees to each state a republican form of government.

With the proposal of the two plans arose the question as to which branch of the government was to be the guarantor of a republican form of government. Both claimed that privilege, or duty, and there began the breach between the executive and the legislative bodies which gradually, but steadily, widened until the extreme opposite positions of Johnson and the radical Congress were reached. Lincoln first indicated his change of policy in his Emancipation Proclamation and demonstrated his complete change by his Proclamation of Amnesty, December 8, 1863.<sup>1</sup>

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<sup>1</sup> Richardson, Messages and Papers of the Presidents, Vol. VI. pp. 213.

Already there had been developing in Congress a sentiment in favor of adopting some plan of reconstruction. Lincoln's plan seemed to many in Congress an usurpation of power which rightfully belonged to that body and greatly strengthened the sentiment favorable to a reconstruction plan. On December 15, 1863, Henry Winter Davis introduced a resolution providing for a committee with instructions to report bills necessary for such a plan.<sup>1</sup> This resolution was adopted and a committee appointed. On February 15, 1864, the chairman of the committee, Mr Davis, reported a bill which authorized the President to appoint a provisional governor in each reclaimed state to have charge of civil affairs until the people should comply with the provisions of the bill. These were, in brief, that upon reorganization of the state by the provisional governor and the consent of Congress, the President was to proclaim the state eligible to elect senators and representatives. This plan differed from the Presidential plan in one essential; it required the consent of Congress to the President's action.

Debate on this bill developed five distinct factions in Congress, each with a distinct theory of the status of the states and of the method to be used in reconstructing them. These five theories are summarized by W. A. Dunning as follows:

"The Southern theory, the Presidential theory, the theory of forfeited rights, the theory of state-suicide, and the conquered-province theory. Of these the first two were based on the idea of the indestructibility of a state in our system, the last two on the contradictory assumption, while the third was in the nature of a compro-

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<sup>1</sup> Globe, Dec. 1863, p. 212.

mise on this question."<sup>1</sup>

The Davis faction favored the forfeited rights doctrine. The state-suicide group was led by Beaman, while Thaddeus Stevens headed the small band who held to the conquered-province idea.

Debate on the bill in the House lasted until May 4, when it passed by a vote of 76 to 66.<sup>2</sup> It was then reported to the Senate, where it remained in the hands of a committee until the 27th when it was reported by Senator Wade.<sup>3</sup> The bill was delayed for a time in the Senate and did not pass until July 2, 1864.<sup>4</sup> President Lincoln neither signed nor vetoed the bill but held it until Congress adjourned. On July 8 he issued a proclamation setting forth the provisions of the bill and his reasons for not signing it.<sup>5</sup>

The action of Lincoln in not signing the Wade-Davis bill was taken by Congress as a direct challenge. "It met with almost unanimous dissent on the part of Republican members of Congress, and violent opposition from the more radical members of both Houses."<sup>6</sup> Wade and Davis prepared a bitter protest, which appeared in the New York Tribune for August 5, 1864.<sup>7</sup> The con-

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<sup>1</sup> W. A. Dunning, Essays on the Civil War and Reconstruction, (New York, Peter Smith, 1931), p. 100.

<sup>2</sup> Globe, May 1864, p. 2109.

<sup>3</sup> Ibid., p. 2510.

<sup>4</sup> Ibid., p. 3491.

<sup>5</sup> Richardson, op. cit., Vol. VI, p. 222.

<sup>6</sup> Blaine, op. cit., p. 43.

<sup>7</sup> Ibid.; Beale, The Crit. Yr., p. 53.

flict for power between the President and Congress was now open and public. The first engagement closed with the President, for the time being, victor.

The essential features of these two plans were never forsaken by their supporters. In Congress the "gaurantee clause," or, as Sumner called it, "the sleeping giant," remained the basis of all future expressions of Congressional ideas on reconstruction. The President continued to assert his right to reconstruct. In Congress the next two years find no new theories advanced, no new arguments, and no new plans. The same factions continued to figure in all debates on reconstruction, and the same differences of opinion were evident. One change, however, is noticeable; namely, there was a gradual swing toward radicalism. Stevens and his followers steadily gained recruits to their ranks.

For the rest of the year 1864 the Presidential plan of reconstruction was tried in several Southern states. State governments were re-organized under this plan in Arkansas and Louisiana.<sup>1</sup> When Congress re-assembled in December, representatives from these two states were in Washington seeking seats.<sup>2</sup> Congress had no intention of tamely submitting to the "usurpations" of the President; and when the case of Louisiana was laid before the House by the Committee on Credentials, the debates on the

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<sup>1</sup> S. S. Cox, Three Decades of Federal Legislation, (Providence, R. I., J. A. & R. A. Reid, 1885), pp. 342-343.

<sup>2</sup> Ibid.

question sharply criticised the President.<sup>1</sup> In February a resolution was adopted by both houses denying the right of the two states to representation in the Electoral College.<sup>2</sup>

In this same session another attempt was made to pass the Wade-Davis Bill. It was introduced by Mr. Ashley on December 15, 1864, but was not put to a vote until February 23, 1865, when it was laid on the table.<sup>3</sup> Many members of Congress, though opposed to the President's actions, feared that a change of plan at this time would undo all that had already been done in Arkansas and Louisiana. The radicals were forced to wait for recruits from the new members elected in 1864.

In Tennessee representatives had been elected to Congress on the first Thursday in August. These newly elected members were in Washington seeking their seats when Congress re-assembled in December.<sup>4</sup> These men could reasonably have expected to be admitted to their seats. All of them were considered loyal; their election had been under the supervision of the radical Brownlow government, and one of their number, Horace Maynard, had previously been in the House. Before the opening of Congress Speaker Colfax had assured Maynard that he favored the admission of Tennessee and would use his influence in that direction.<sup>5</sup> Public opinion and a majority of both houses seem to

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<sup>1</sup> Globe, 1865, p. 2.

<sup>2</sup> Ibid., p. 533.

<sup>3</sup> Ibid., Dec., 1864, p. 668 and Feb., 1865, p. 1002.

<sup>4</sup> See above p. 77.

<sup>5</sup> Fertig, op. cit., p. 104 cites Cincinnati Gazette, Dec. 20, 1865.

have favored admission of Tennessee at this time . On the other hand the Clerk of the House, McPherson, a month before the session announced that he would not enter upon the official roll of the House the name of any man claiming to be elected from a Southern state.<sup>1</sup>

Congress assembled on December 4, 1865. In the House Mr. McPherson proceeded with the call of the roll. When he had reached Indiana, having passed up Tennessee, Maynard attempted to get the floor. The clerk refused any interruption of the roll call, and Maynard was forced to wait until the roll was completed. McPherson then announced that there were present 176 members, and a quorum existed. Maynard again attempted to gain a hearing but was called to order by Stevens. McPherson then ruled that he could not recognize any person whose name did not appear on the official roll of the House. Mr. Brooks of New York then made an appeal for the admission of Tennessee's representatives, in which he said: "If Tennessee is not in the Union, and has not been in the Union, and is not a loyal state,... by what right does the President of the United States usurp his place in the White House . . .?"<sup>2</sup> Brooks continued his efforts to gain recognition of the members from Tennessee, but Stevens and his faction blocked every such attempt.

On the opening day of the session Stevens introduced in the House a resolution to provide for a joint-committee to

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<sup>1</sup> Fertig, *op. cit.*, p. 104. Quotes Washington Post, Oct. 23, 1865.

<sup>2</sup> Globe, 1865, p. 3.

"inquire into the condition of the states which formed the so-called Confederate States of America."<sup>1</sup> After some debate the vote was taken, and the resolution was adopted by 133 to 36.<sup>2</sup> In the Senate it was amended slightly and passed by a vote of 33 to 11 on December 12, 1865.<sup>3</sup> The two houses soon after made appointments of members of this committee, and it held its first meeting on January 6, 1866.<sup>4</sup>

Mr. Raymond, of New York, had led an attempt in the House on December 12, 1865, to have the case of Tennessee referred to the Committee on Elections instead of the Joint Committee on Reconstruction. His efforts, however, were defeated, and the matter was referred to the Reconstruction Committee when it should be appointed.<sup>5</sup>

On January 15 in a meeting of the Joint Committee on Reconstruction a sub-committee, consisting of Grimes, Bingham, and Grider of Kentucky, was appointed to investigate Tennessee.<sup>6</sup> To this committee was referred the question of the eligibility of the members-elect from Tennessee. On the 25th this sub-committee

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<sup>1</sup> Globe, 1865, p. 6.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 30

<sup>4</sup> Benj. B. Kendrick, The Journal of the Joint Committee of Fifteen on Reconstruction, (New York, Columbia University Press, 1914), p. 38.

<sup>5</sup> Globe, 1866, p. 32.

<sup>6</sup> Kendrick, op. cit., p. 48.

began taking testimony and examining witnesses on Tennessee.<sup>1</sup> Testimony of the eight members of the Tennessee delegation and eight other witnesses was taken. In each case the opinion was that Tennessee was qualified for admission, and that admission would improve relations within the state.<sup>2</sup> While the testimony was being taken, the committee received communications from several loyal Tennesseans urging the advisability of the admission of the state.<sup>3</sup> Among these communications were a memorial from the State Central Committee in Tennessee, a report from the collector of internal revenue, letters from Leftwich and Cooper, and a memorial signed by Joseph S. Fowler, W. B. Stokes, and Horace Maynard. The sub-committee completed its work on February 13 and on the 15th reported to the Joint-Committee the following bill:

"Whereas, The people of Tennessee have presented a Constitution and asked admission into the Union, and which on due examination is found to be republican in its form of Government;

"Be it enacted; by the Senate and House of Representatives of the United States of America in Congress assembled, that the State of Tennessee shall be one, and is hereby declared to be one of the United States of America, on an equal footing with the other states in all respects whatever.

"Sec. 2. And be it further enacted that until the Representatives in Congress shall be apportioned according to the actual enumeration of the inhabitants of the United States, the State of Tennessee shall be entitled to eight representatives in Congress."<sup>4</sup>

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<sup>1</sup> Kendrick, op. cit., p. 225.

<sup>2</sup> Report of the Joint Committee on Reconstruction, pp. 105-128.

<sup>3</sup> Ibid., pp. 91-104.

<sup>4</sup> Kendrick, op. cit., pp. 63, 64.



This proposed bill, after several amendments and modifications, was finally thrown out. On the 17th a new sub-committee, consisting of Williams, Conkling, and Boutwell, all radicals, was appointed.<sup>1</sup>

In spite of his zeal for re-admission, Governor Brownlow of Tennessee let his radicalism run away with him in January and committed a blunder which probably seriously hindered the chances of the representatives at Washington. In reply to an inquiry from Representative Baker, Brownlow, on January 1, had written a letter in which he stated that, in his opinion, "if the military forces were all withdrawn from Tennessee the Legislature would at once be dispersed by an angry mob"; and "as regards the negroes, they would have hard times." This letter, with a similar one from A. J. Fletcher, Secretary of State in Tennessee, was read by Baker in the House on January 27.<sup>2</sup> Naturally those who opposed admission of the state made the most of these letters.

In spite of Brownlow's and Fletcher's letters and the opposition in the House, Tennessee's chances of admission at this time looked good. At this time Tennessee occupied a peculiar position in national affairs. First, she was looked upon in much more favorable light than the other Southern states, because of the loyalty of many of her people during the war, because of the early re-organization of state-government, and because of the definitely radical policies of the Brownlow govern-

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<sup>1</sup> Kendricks, *op. cit.*, pp. 65-67.

<sup>2</sup> Globe, 1866, p. 465.

ment. Again, Andrew Johnson was a Tennessean and was particularly interested in the restoration of his state to federal relations. There could be little or no doubt as to the loyalty of the representatives chosen from the state. Most of them were aligned with the Brownlow party and were active in radical activities. Because of these reasons many conservatives and a few radicals in Congress favored admitting Tennessee at once. The radical leaders, however, were determined to use Tennessee as a club over the head of President Johnson.

Congress had been working on a bill to amend the act of the previous session creating the Freedmen's Bureau. This new bill finally passed both Houses and was sent to the President for signature on February 9, 1866.<sup>1</sup> It was felt that the President would sign the bill, since he was known to favor measures intended to help the freedmen.<sup>2</sup> Moderates, who were trying to secure the admission of Tennessee, felt there was a close relation between that cause and Johnson's signature of the Freedman's Bureau Bill and strongly urged him to sign it.<sup>3</sup> They felt that this action on his part would bring about a partial reconciliation between the Moderates and Radicals in Congress and also strengthen his influence with the Moderates who were backing the bill. Johnson, however much he desired the admission of

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<sup>1</sup> P. S. Peirce, The Freedmen's Bureau, (Iowa City, Iowa State University, 1904), p. 61.

<sup>2</sup> Ibid.; Howard K. Beale, The Critical Year, (New York, Harcourt Brace and Co., 1930), p. 80.

<sup>3</sup> Beale, op. cit., p. 80.

Tennessee, was not a man to abandon his principles for such a purpose. He objected to several features of the bill, felt that aid to the negroes should be left to the states, and considered the present bill unnecessary, since there already existed a bureau.<sup>1</sup> While Johnson had the bill under advisement, he was given to understand that the radicals would admit the representation from Tennessee if he would sign the bill.<sup>2</sup> He was not to be tempted, however, and on February 19 sent the bill back to Congress with his veto.<sup>3</sup> On the following day an attempt was made in the Senate to pass the bill over Johnson's veto, but the necessary two-thirds majority was not reached, and the bill did not become a law.<sup>4</sup>

The Freedmen's Bureau Bill explains in part the action of the joint committee in rejecting the report of the sub-committee on February 17. That action was simply a threat for Johnson's benefit. In answer to Johnson's veto the radicals attempted retaliation. On February 20 Stevens introduced in the House the following resolution:

"Be it resolved by the House of Representatives,  
( the Senate concurring), that in order to close agitation upon a question which seems likely to disturb the action of the Government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven states which have been declared to be in insurrection, no Senator or Representative shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State

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<sup>1</sup> Beale, op. cit., p. 80.

<sup>2</sup> Welles, Gideon, Diary, (Boston and New York, Houghton Mifflin Co., 1911), Vol. II, p. 434.

<sup>3</sup> Ibid., p. 435 : Globe, 1866, pp. 915-917.

<sup>4</sup> Globe, 1866, p. 943.

entitled to such representation."

This resolution clearly affirmed the intention of Congress to assume control of the reconstruction of the states, excluding the authority of the President, and placed the fate of Tennessee's Senators and Representatives in the hands of Congress.

Meanwhile the joint committee had daily been discussing the question of Tennessee.<sup>1</sup> Numerous resolutions were proposed, but none of them met with the approval of the more radical members of the Committee. Stevens, Chairman of the Committee, insisted that the resolution or its preamble state in definite terms the authority of Congress to reconstruct.<sup>2</sup> Finally on March 3, 1866, the members of the committee reached an agreement, adopted a resolution and preamble, and recommended that it be sent at once to both houses of Congress.<sup>3</sup> The resolution reads:

"Whereas, The people of Tennessee have made known to the Congress of the United States their desire that the constitutional relation heretofore existing between them and the United States may be fully established, and did, on the 22nd day of February 1865, by a large popular vote, adopt a constitution of government, republican in form and not inconsistent with the Constitution and laws of the United States, and a State government has been organized under the provisions thereof, which said provisions proclaim and denote loyalty to the Union;

"And Whereas, The people of Tennessee are found to be in a condition to exercise the functions of a state within this Union; and can only exercise the same by the consent of the law-making power of the United States; therefore,

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<sup>1</sup> Kendrick, op. cit., pp. 65-78.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 75.

"The State of Tennessee is hereby declared to be one of the United States of America, on an equal footing with the other states, upon the express condition that the people of Tennessee will maintain and enforce in good faith their existing constitution and laws, excluding those who have been engaged in rebellion against the United States from the exercise of the elective franchise for the respective periods of time therein provided for, and shall exclude the same persons for the like respective periods of time from eligibility to office; and the state of Tennessee shall never assume or pay any debt or obligation contracted or incurred in aid of the late rebellion; nor shall the said state ever in any manner claim from the United States or make any allowance or compensation for slaves emancipated or liberated in any way whatever; which conditions shall be ratified by the Legislature of Tennessee, or the people thereof, as the Legislature may direct, before this act shall take effect."

It will be noted that this resolution differs considerably from the one originally submitted by the sub-committee. The most important change lies in the preamble wherein is clearly asserted the right of Congress to reconstruct the seceded states.

The resolution thus adopted was reported in the House on March 5 by Bingham of Ohio.<sup>1</sup> It received its first and second readings immediately and was then recommitted to the joint committee to be reported the following week.<sup>2</sup> This measure, however, was not to be acted upon for some time. For the time being Tennessee was pushed into the background while the House occupied itself with the Fourteenth Amendment and the Revenue Bill. With these questions at hand, Congress was too busy to consider reconstruction problems. Tennessee was again compelled to wait until Congress saw fit to consider seating her delegates.

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<sup>1</sup> Globe, 1866, p. 1189.

<sup>2</sup> Ibid.

Meanwhile the delegation of senators and representatives from Tennessee remained in Washington, still hoping to be admitted to their seats. They were granted a concession denied to representatives from other seceded states when they were given the privilege of occupying places in the halls of both houses.<sup>1</sup>

Early in the sessions of the joint committee on reconstruction Stevens had proposed an amendment to the Constitution which should provide suffrage for negroes.<sup>2</sup> Such an amendment was finally drawn up by the committee and was reported in the House in the form of a joint resolution by Stevens on January 31, 1866.<sup>3</sup> This resolution provided: "That whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation." This was to form the nucleus of the Fourteenth Amendment. The House adopted the resolution by a vote of 120 to 46, but it was defeated in the Senate on March 9. On April 28, 1866, the joint committee adopted a proposed joint resolution providing for an amendment to the Constitution.<sup>4</sup> This proposed resolution was reported in the House by Stevens on April 30, received its first and second readings, and, on motion of Stevens, was made the special order for May 8.<sup>5</sup> On May 10 the resolution was adopted in the House, in

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<sup>1</sup> Globe, 1865, p. 33.

<sup>2</sup> Kendrick, *op. cit.*, p. 41.

<sup>3</sup> Globe, 1866, p. 535.

<sup>4</sup> Kendrick, *op. cit.*, p. 114, 115.

<sup>5</sup> Globe, 1866, p. 2226.

evening session, by a vote of 128 to 37.<sup>1</sup> The resolution was then reported to the Senate, where, after some amendments, it was adopted by a vote of 33 to 11 on June 8.<sup>2</sup> After some debate the House concurred in the Senate amendments on June 13. The vote was 120 to 32.<sup>3</sup> The proposed amendment to the Constitution as finally adopted provided in part: "...when the right to vote at any election... is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis for representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

The Fourteenth Amendment was submitted to the states for ratification on June 16.<sup>4</sup> Connecticut ratified the amendment on June 29, New Hampshire on July 6, and Tennessee on July 29.<sup>5</sup> It was then that Brownlow sent his insulting "dead-dog" telegram. The high-handed measures of Brownlow with his legislature and the illegal aspects of Tennessee's ratification of the amendment have been treated in the chapter on the Brownlow government.

The irregularity of Tennessee's ratification troubled

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<sup>1</sup> Globe, 1866, p. 2545.

<sup>2</sup> Ibid., p. 3042.

<sup>3</sup> Ibid., p. 3149.

<sup>4</sup> See above, p. 87.

<sup>5</sup> P. J. Hamilton, The Reconstruction Period, History of North America Series, (Philadelphia, Geo. Barrie & Sons, 1905), p. 180.

Congress not a whit. On the same day, July 19, Bingham called up his proposed resolution of March 5 and moved that the House reconsider it. The resolution was read. Stevens then moved that the resolution be laid upon the table, but his motion was defeated. Lynch then moved that the House adjourn, but his motion was also defeated. After several attempts to defer reconsideration of the vote which had recommitted the resolution to the committee on reconstruction, the question was put and decided in the affirmative.<sup>1</sup> Bingham then offered a substitute resolution as follows:

"Whereas, the State of Tennessee has in good faith ratified the article of amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress of the Legislatures of the several States, has shown otherwise, to the satisfaction of Congress, by a proper spirit of obedience in the body of her people, her return to her due allegiance to Government, laws, and authority of the United States: Therefore,

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Tennessee is hereby declared to be restored to her former, proper, practical relation to the Union, and again entitled to be represented by Senators and Representatives in Congress, duly elected and qualified, upon their taking the oaths of office as required by existing laws."<sup>2</sup>

On the following day this resolution was passed and reported to the Senate.<sup>3</sup> On July 21 the resolution was reported from the committee on the judiciary by Trumbull.<sup>4</sup> The Senate amended the

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<sup>1</sup> Globe, pp. 3949-3950

<sup>2</sup> Globe, 1866, p. 3950.

<sup>3</sup> Ibid., pp. 3966, 3980.

<sup>4</sup> Ibid., p. 3987.



resolution by the substitution of a longer preamble , which, after giving the history of the acts by which the state had seceded and those by which it had organized a loyal government declared explicitly that the state could only be restored to the Union by the consent of Congress.<sup>1</sup> The resolution, thus amended, was concurred in by the House on July 23 and was sent to the President for signature.<sup>2</sup>

In amending the resolution for the admission of Tennessee the Senate had plainly stated the extreme radical theory of the status of the seceded states and had prepared for Johnson a "skillfully contrived dilemma".<sup>3</sup> Admission of Tennessee was near to Johnson's heart; yet if he signed such a resolution, he would acknowledge the right of Congress to have full authority to reconstruct. If he refused to sign the resolution, he would defeat his ambition to see Tennessee restored and would further alienate from his cause the moderates who desired the seating of the Tennessee delegation. Johnson side-stepped the issue neatly. He signed the measure on July 23, 1866, in spite of the obnoxious preamble but returned with the signed bill an opinion on the preamble. This opinion ripped to pieces the "lawless doctrine" of Stevens and his Radicals.<sup>4</sup> The logic of this opinion was flawless, and Blaine says of it that "the argument in the message was regarded as an ingenuous censure of Congress, and was loudly

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<sup>1</sup> Globe, pp. 3985-4003; also Appendix p. 430.

<sup>2</sup> Ibid., p. 4056.

<sup>3</sup> Beale, op. cit., p. 93.

<sup>4</sup> Stryker, op. cit., p. 308.

applauded on the Democratic side of the House.<sup>1</sup> It was met, however, from the other side with "ironical laughter."<sup>2</sup>

Johnson denied the statements in the preamble, refused to recognize the official nature of Tennessee's ratification of the Fourteenth Amendment, and asserted that any state was entitled to admission as soon as the state government was properly re-organized and senators and representatives elected.<sup>3</sup>

Following the reading of the President's message Stevens moved that the question of the representatives from Tennessee be referred to the Committee on Elections. The motion carried.<sup>4</sup> Later in the same day, July 24, the Committee on Elections reported favorably on the Tennessee representatives, a vote was taken, and Maynard, Taylor, and Stokes were given the oath and admitted to their seats.<sup>5</sup> On the same day Mr. Sherman presented the credentials of Joseph S. Fowler, of Tennessee. The credentials were read, the oaths administered, and Fowler was admitted to his seat in the Senate.<sup>6</sup> David T. Patterson, the other Senator-elect from Tennessee, did not fare so well. When his credentials were presented on July 26 by his colleague Fowler, Sumner moved that his case be referred to the Committee of the judiciary to determine if Patterson were eligible to take

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<sup>1</sup> Blaine, op. cit., Vol. II, p. 216.

<sup>2</sup> Oberholtzer, op. cit., p. 187.

<sup>3</sup> Globe, 1866, p. 4103 for text of message.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., p. 4413.

the oath of office. After considerable debate Sumner's motion carried, and the question was referred to the committee on the judiciary.<sup>1</sup> Two things were held against Patterson, the first probably drawing the attention of the radicals to the other. Patterson was Johnson's son-in-law. The point around which the debates turned was the fact that at the time of the secession of Tennessee he had been a Circuit Judge in East Tennessee. After secession he continued to serve in that capacity until his term expired.<sup>2</sup> The Judiciary Committee reported upon this and recommended that the oath be changed slightly in Patterson's case to permit him to take it.<sup>3</sup> A joint resolution was necessary for this step, and one was passed by the two houses. Patterson was called forward and given the oath, which entitled him to his seat on July 28, 1866, the last day of that session of Congress.<sup>4</sup>

Tennessee was now restored to full federal relations. She was represented in both houses of Congress and had a regular state government, radical though it was.

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<sup>1</sup> Globe, 1866, p. 4413.

<sup>1</sup> Ibid., pp. 4162-4168.

<sup>2</sup> Ibid., pp. 4213-4214.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., p. 4293.

CHAPTER V  
POST-WAR TENNESSEE

Tennessee's reconstruction problem did not end with her admission to representation in Congress. Brownlow and his radicals were still at the wheel, and much social and economic readjustment was necessary before life could return to an even keel within the state. Tennessee still faced hard years.

The close of the war left the seceded states with a three-fold problem of readjustment. The political aspects of the problem involved the reorganization of state governments and the resumption of former relations with the federal government. From an economic standpoint the problem was one of the revival of war-torn industry under changed labor conditions. The greatest problem was sociological and concerned the adaptation of the emancipated negro to the conditions of his newly acquired freedom.

The question of post-war readjustment in the South in each of its three aspects has been treated in detail by many writers. A mere summary will here suffice. The struggle at Washington between Johnson and the radicals was reflected in the governments of most of the Southern states and carried those states through a long and painful period of uncertainty under military rule until finally they were reconstructed under congressional supervision. The problem of the freedmen is paramount in any study of reconstruction in the South, either political or economic. The activities of the Freedmen's Bureau, of the Union League, of various Northern societies, and, on the part of the

Southerners, of the Ku Klux Klan, are familiar to every student of history and need not be treated at length.

Perhaps slightly less familiar, but certainly of great interest, is the problem of the economic rehabilitation of the Southern states. The post-war period witnessed profound and far-reaching changes in the economic life of the South. While these changes were to some extent a reflection of the "Economic Revolution" which was taking place in the North, they were essentially the immediate results of the derangement caused by the war.<sup>1</sup> As the battle ground of the war, the South had suffered losses that must have appeared well-nigh irreparable-- plantations devastated, railroads torn up, bridges wrecked, towns destroyed. Plantations which had not been ravished by military movements had been neglected, cotton production had fallen away sharply, and land had depreciated to half its pre-war value. Labor was scarce. The principal casualties of the war had been among the young white men of the South under thirty-five years of age. The negroes had likewise suffered from the war through privation and disease, and with their new freedom many were reluctant to seek employment with their former masters. Finally, the wealthy class had suffered great financial losses because of the collapse of Confederate bonds and currency and the emancipation of their slave property, and were forced to resume the cultivation of their plantations on borrowed funds. They were further handicapped by the excessive taxation imposed on them in many

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<sup>1</sup> A. M. Schlesinger, Political and Social History of the United States 1822-1925, (New York, Macmillan Co., 1925), p. 256.

states by the carpetbag governments.<sup>1</sup> This shortage of capital and excessive taxation led in many cases to the breaking up of the large plantations into tracts of from forty to eighty acres, which were sold to poor whites and freed negroes. This resulted in the breaking down of the power of the "landed aristocracy" and the rise as a political power of the common people. It also resulted in more careful and scientific utilization of the land, and by 1870 the cotton crop had reached a greater yield per acre than in 1860.<sup>2</sup>

In Tennessee the political aspects of reconstruction were less to the fore than in most of the seceded states. We have noted how the state was restored to federal relations earlier than the other states and so escaped many of the evils of the struggle between Congress and the President. Her political problems were entirely local and internal and came as a result of Governor Brownlow's radicalism. From a sociological or economic standpoint Tennessee's problems were very similar to those of her southern neighbors. Few states witnessed more actual warfare than Tennessee, and the conflict within her bounds had left deep scars. One condition made Tennessee's problem unique: that was the intense feeling within the state resulting from the division of opinion between the sections of the state during the war. Throughout most of the reconstruction period Tennessee fared as well as could be expected politically but was torn by

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<sup>1</sup> Satisfactory summaries of post-war conditions in the South may be found in any comprehensive United States history. For special studies covering the period, refer to bibliography.

<sup>2</sup> Schlesinger, op. cit., p. 257.

social and economic problems.

As in other Southern states, a serious problem arose in Tennessee with the emancipation of the slaves. In 1860 there were in Tennessee only 7,300 free negroes as against 275,719 slaves.<sup>1</sup> The sudden freeing of such a large number of ignorant, untrained, and unthinking persons, constituting about one fourth of the total population of the state, was bound to have a profound effect upon the social and economic structure of the state. The former slave-holding class was naturally bitter about emancipation, since it took from them a large portion of their property, yet they seem to have had little animosity for the freed negroes. The greatest bitterness against the blacks existed among the lower-class whites - the "mud-sills." Mutual race animosity had existed between this class and the negroes for years. "The slaves had been inclined to look down upon the poor whites and look up to and respect their owners and the class which they represented. Here we find the anomaly of a class of people hated by the very element which had fought for their freedom and viewed with tolerance by the class which had fought to assure their continued bondage. Shortly after the close of the war John T. Trowbridge, author and journalist of New England, made a tour of the South and visited Tennessee. He says: the Unionists "do not like niggers, for there is more prejudice against color among the middle and poorer classes....the Union men of the South who owned few or no slaves....than among the planters who owned them

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<sup>1</sup> Census Report of the Ninth Census, 1870, Vol. I, p. 53.

by scores and hundreds."<sup>1</sup> A Freedmen's Bureau agent in Tennessee reported: "An old citizen, a Union man, said to me, said he, 'I'll tell you what, if you take away the military from Tennessee, the buzzards can't eat up the niggers as fast as we'll kill them'."<sup>2</sup>

Immediately following their emancipation many of the negroes remained on the farms of their former masters. They were helpless to earn a living anywhere else and were, in the main, well cared for where they were. The activities of the Carpetbaggers among the blacks soon caused them to become dissatisfied on their old masters' estates, and they flocked to the towns and villages, where they could loaf and carouse. "As a rule they were not disposed to violence, but were something of a nuisance notwithstanding."<sup>3</sup> In West Tennessee, where they were most numerous, the negroes furnished a fertile field for the labors of the Scalawags and the Carpetbaggers and became insolent and obnoxious to the whites. It was in this region that the Memphis riots occurred, and it was here that the most serious racial problems arose.

The feeling between the two factions within Tennessee would probably have died down more rapidly had it not been for the activities of the Carpetbaggers and the Scalawags. In Middle Tennessee, where the Southern faction out-numbered the Unionists, and where the proportion of negroes to whites was not excessively great, conditions seem to have been much better than in other

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<sup>1</sup> Quoted in W.L.Fleming, The Sequel to Appamattox ( New Haven, Yale University Press, 1921), p.25.

<sup>2</sup> Ibid., p.48

<sup>3</sup> Hale and Merritt, op.cit., p.690.



sections of the state.<sup>1</sup> In West Tennessee suffering from scalawag and carpetbag activities was intense. There, by reason of the large cotton-belt negro population and the large poor white element, scalawag reconstruction was particularly harsh. In East Tennessee, "because of a large number of the lower classes on both sides, but chiefly upon the Union side....partly also because of resentment of Union folk for ill treatment in the early days of the war,"<sup>2</sup> suffering was greater than in any other part of the state. It took this section a longer and more painful period for readjustment to get itself on a footing of peace and quiet. Many old Southern families in this section were forced to leave and migrate to lands where they could find peace and safety. Persecutions of all sorts prevailed; murder was not uncommon; whippings and house burnings were frequent. The courts in the section were filled with damage suits of all kinds; the suits related to hurts to person, damage to property, alleged political oppression, and even charges of imprisonment.<sup>3</sup>

Contributing to the intensity of feeling between the Union and ex-Confederate factions within Tennessee was the grave problem presented by the returning soldiers from both armies. The ex-Confederate soldiers of Tennessee seem to have come home in a spirit of resignation to their lot, determined to make the best of it and restore their homes as rapidly as possible. For

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<sup>1</sup> H. M. Doak, Memoirs (MSS Memoirs in Library of Tennessee State Historical Society, Nashville).

<sup>2</sup> Doak MSS., op. cit.

<sup>3</sup> Ibid.

the most part they were without money, were forced to wear the old uniforms that had seen hard service, and in many cases had to walk the entire distance. When they reached their homes, it was frequently to find them in ruins. The repeated marching and counter-marching of the two armies across the state had desolated it. Facing such conditions, the ex-Confederates in the main concealed the bitterness they must have felt and set about rehabilitating their wrecked fortunes.. That they were willing to accept their defeat and resume their citizenship and obligations to the national government is shown by the action of a meeting of ex-Confederate soldiers at Memphis in 1866, where a pledge to support the Federal government was adopted.<sup>1</sup> In their dejection they cared little to participate in politics, yet Brownlow and his party seemed apprehensive of danger from them.<sup>2</sup> Many of the younger men among the returning rebels took up the practice of law, and this led to trouble, since the radicals denied their right to enter such a profession.

The returning Federal troops, on the other hand, were given back pay before they were mustered out of service. They returned flushed with victory, with ready money in their pockets, and with resentment in their hearts for their former antagonists. Military service is demoralizing to many men, and the sudden release from the army, coupled with a full pocket, led many of them to riotous living and revelry. It must be remembered that a

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<sup>1</sup> W. L. Fleming, Documentary History of Reconstruction (Cleveland, Arthur H. Clark Co., 1906), Vol. I, p. 202.

<sup>2</sup> Hale and Merritt, op. cit., p. 638.

large portion of the Unionists in Tennessee were from the lower levels of society. Many of these returning soldiers, indulging in liquor, tried to terrorize the ex-Confederates and even the Union friends of the latter. One writer draws upon his personal recollections for an account of conditions in DeKalb County:

"One or two days a week crowds would gather, and sometimes their brawls would end in murder. Not infrequently were the Southern sympathizers forced to close their offices and business houses and remain in hiding."<sup>1</sup> Conditions such as these were rife all over Tennessee, particularly where Union and Rebel troops were in anything like equal numbers.<sup>2</sup>

Regular Federal troops still remained in Tennessee, and their presence probably encouraged the radical Unionists, the Carpetbaggers, and the Scalawags in their persecutions of the ex-Confederates and Southern sympathizers, yet it is probable also that the presence of these troops prevented organized outbreaks. As it was, the trouble continued, and hardships increased rather than diminished for the rebels as time passed. Trowbridge writes of East Tennessee:

"Returning rebels were robbed; and if one had stolen unawares to his home, it was not safe for him to remain there. I saw in Virginia one of these exiles, who told me how homesickly he pined for the hills and meadows of east Tennessee, which he thought the most delightful region in the world. But there was a rope hanging from a tree for him there, and he dared not go back. 'The bottom rails are on top', said he, 'that is the trouble'. The Union element, and the worst part of the Union element is uppermost."<sup>3</sup>

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<sup>1</sup> Hale and Merritt, op. cit., pp. 680-90.

<sup>2</sup> Doak MSS., op. cit.

<sup>3</sup> W. L. Fleming, Sequel to Appamattox, op. cit., p. 25.

Bitterness between the political factions and among the people increased as time passed. Most of the whites were disfranchised under the provisions of Brownlow's franchise law, and it was feared that the "niggers" would be given the right to vote.<sup>1</sup> This bitterness was intensified by the stand taken by ministers of the Methodist Church. They were particularly opposed to slavery and to the Confederacy. After the war they continued to preach against the ex-Confederates, saying that they returned with their hands stained with the blood of their Northern brothers.<sup>2</sup> A Methodist "meeting" came to be synonymous with a radical rally.

This persecution of ex-Confederates and those who sympathized with them could result only in trouble. Tennesseans as a people were not inclined to be patient in the face of injustice, and this was particularly true of the classes which made up the pro-Southern element. These people, rankling under the oppression and injustice of the times, sought some means of fighting back, of protecting their interests and rights. The Civil War had shown them that open armed resistance was futile. They knew that such action would be considered a renewal of rebellion and could result only in defeat and severe punishment. They knew that Governor Brownlow was their bitter enemy and would stop at nothing to vent his hatred upon them. In September, 1866, he had made a speaking tour through the North and had expressed strongly his dislike and distrust for the pro-

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<sup>1</sup> Hale and Merritt, op. cit., p. 690.

<sup>2</sup> Ibid.

Southern people in Tennessee. In New York, speaking of the indifference of many in the North to negro suffrage, he said, "We want the loyal negroes to help vote down the disloyal traitors and white people".<sup>1</sup> A few days earlier he had said, "The devil is in the people of the South, and in the man in the White House in particular. If you are to have another war I want a finger in the pie. I want your army to come in three divisions. The first to kill, the second to burn, and the third to survey the land into small parcels and give it to those who are loyal to the North".<sup>2</sup>

Persecution of ex-Confederates and insubordination and insolence on the part of negroes seem to have been worse in the smaller and more remote communities, where Scalawag government touched the lives of individuals more intimately than in larger centers.<sup>3</sup> It was in one of these smaller towns that a movement was started which swept over the entire South and for a time at least worked great good for the protection of the persecuted whites. In 1866, at Pulaski, Tennessee, a town of about 2,500 population at that time, a group of returned rebel soldiers, young men all of them, formed a secret society which they called Ku Klux Klan, based upon the Greek "kuklos" meaning circle. Their original purpose was to have some fun at the

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<sup>1</sup> H. K. Beale, The Critical Year, op. cit., p. 127. (Quotes New York Herald, Sept. 12, 1866.)

<sup>2</sup> Ibid., p. 331 (New York Herald, Sept. 6, 1866.)

<sup>3</sup> W. G. Brown, The Lower South In American History, (New York, Peter Smith, 1930), p. 196.

expense of the superstitious blacks, but they soon recognized the possibility of doing much toward regulating the conduct of the negroes and of curbing the activities of the Carpetbaggers and the Scalawags. The idea spread gradually to other Tennessee towns and finally to other states in the South. By 1867 enough circles had been organized and the order had enough members to justify the calling of a convention to meet in Nashville.<sup>1</sup> In spite of determined efforts on the part of the Brownlow government to prevent this convention, it met, and a constitution for the government of the circles was adopted.<sup>2</sup> After a time an undesirable element crept into the membership of the order and began to go beyond the purpose of its founders in violence. This element, and the many deeds of violence by outsiders under the guise of the order, led to its official disbandment in 1869. While at the height of its power the Klan included in its membership most of the outstanding leaders of the Southern faction. Its head was General Nathan B. Forrest. Much good as well as considerable evil resulted from this organization. The natural enemy of the Klan was a secret organization among the negroes, sponsored by Carpetbaggers, and called the Union League.<sup>3</sup>

In spite of the activities of the Klan and similar orders, factional disputes and racial troubles continued in Tennessee

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<sup>1</sup> E. P. Oberholtzer, A History of the United States Since the Civil War, (New York, The Macmillan Co., 1922), Vol. II, p. 341.

<sup>2</sup> W. L. Fleming, Documentary History of Reconstruction, op. cit., Vol. II, pp. 346-49 for copy of constitution.

<sup>3</sup> For a brief, interesting narrative of the activities of these secret orders, see Brown, op. cit., Ch. IV.

until the fall of the Brownlow system of rule. It is only after the Radicals lose their hold on the government in Tennessee that we find the ex-Confederates and their sympathizers gaining relief from the persecutions they suffered after the war.

The composition, the inexperience, and the inefficiency of the Brownlow government have already been noted. The sole notion in Brownlow's mind seems to have been the domination of the political life of the state by his radical minority and the suppression of the defeated majority. The legislation of the years from 1866 to 1869 reflect this idea, and little for the real welfare of the state was accomplished.

The Legislature which assembled on November 5, 1866, remained in session until March 11, 1867.<sup>1</sup> During this session one act was passed which was worthy of commendation, and which reflects honor to its framers. This was the act which provided for the maintenance of public common schools and was "the only wise act passed by this Partisan Legislature".<sup>2</sup>

The Omnibus Bill, which provided for the issuance of state bonds to railroads, greatly increased the public indebtedness and led to unfortunate results later. The former policy of denying the right to vote to ex-Confederates and their sympathizers was continued by an act to "disfranchise all who had fought on the Confederate side during the Civil War of the Rebellion." An act was passed providing for the extension of the franchise to negroes, but this act was not unexpected, as it was merely

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<sup>1</sup> House Journal 1866-67.

<sup>2</sup> Garrett and Goodpasture, op. cit., p. 246.

the logical sequence to the Fourteenth Amendment, which was soon to be enforced by the Fifteenth Amendment. The act, which proved to be the greatest source of irritation and alarm to the ex-Confederates and to the Conservatives, was that one known as "Brownlow's Militia Law." Under this law Governor Brownlow was authorized to organize a body of troops to be called a State Guard. These troops as organized were composed largely of negroes and were subject to the orders of the Governor, to be used as he might think necessary. "The purpose of the Radical party was plainly demonstrated...the permanent disfranchisement of the Confederates."<sup>1</sup>

The radical party was decidedly in the minority in Tennessee. In East Tennessee it was strong, but in the other portions of the state it was insignificant so far as numbers were concerned. "At least two-thirds of the white voters of the state, representing an equal portion of intelligence, culture, and property, were disfranchised, and a condition so unnatural could not have continued long under any circumstances."<sup>2</sup> This great majority of the intelligent people of Tennessee were determined to regain their full citizenship. On April 16, 1867, the members of the Conservative Union Party met in convention at Nashville and nominated Emerson Etheridge as candidate for Governor against Brownlow. It was felt that the members of the Conservative group, with the aid of such Confederate sympathizers as

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<sup>1</sup> Garrett and Goodpasture, op. cit., p. 246. This work gives a good summary of the acts of the Brownlow legislatures (p. 246 ff.) as does also Caldwell, Constitutional History of Tennessee, op. cit.

<sup>2</sup> Caldwell, op. cit., p. 294.



could vote, would be able to defeat the Radicals and restore normal political conditions in Tennessee. A typical Brownlow measure defeated them. On July 1, 1867, the Governor issued a proclamation announcing that his "militia" would be stationed at the polls in the various voting places in "rebellious localities to enforce the franchise law."<sup>1</sup> Realizing that their plan was defeated, the Conservatives withdrew their candidate, and Brownlow was elected by a majority of 50,000.<sup>2</sup> So long as Brownlow remained Governor, the cause of the Conservatives and the ex-Confederates seemed hopeless.

In 1868 the activities of the Ku Klux Klan having become very irritating to Brownlow, he called the legislature into special session in July, stating in the call: "Rebellious elements in the State are secretly assuming and perfecting a military organization known as the Ku Klux Klan, with an eye to overthrowing the State Government." This special session passed an act which made membership or participation in the Klan a crime punishable by fine and imprisonment. The Governor was further empowered to reorganize and increase the state guard, and to declare martial law in any county, at his discretion.<sup>3</sup> Brownlow immediately declared several counties where the Klan had been most active under martial law and used every agency at his disposal to uproot and destroy the Klan. So thoroughly, however, was the secrecy of that body maintained that Brownlow's efforts

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<sup>1</sup> Garrett and Goodpasture, op. cit., p. 246.

<sup>2</sup> Ibid.

<sup>3</sup> Acts of the General Assembly of Tennessee, Special Session 1868.

were in vain, and not a single person was convicted of being a member of the Klan or of participating in any of its activities.<sup>1</sup>

In October, 1867, Governor Brownlow had been elected by the legislature to a seat in the United States Senate but had remained to care for his duties as Governor of Tennessee.<sup>2</sup> In February, 1869, he resigned as Governor to take his seat in the Senate on March 4, 1869.<sup>3</sup> Brownlow was succeeded as Governor by D. W. C. Senter, who had been speaker of the state senate under the "Parson". Senter seems to have been a man of no great ability, but he was a shrewd politician and was far less radical in his Unionism than Brownlow.<sup>4</sup> He at once started on a course which was intended to reconcile the hostile elements within the state. Shortly after he became Governor, the leader of the Ku Klux Klan issued his edict ordering the dissolution of that order, and there is evidence of a renewed confidence on the part of the public. At about the same time the Union Leagues were disbanded, and shortly after the state guard was dismissed.<sup>5</sup>

In the Republican convention of 1869 in Tennessee, Senter was a candidate for nomination for Governor. He was opposed by Wm. B. Stokes, a wealthy land owner of DeKalb County, who had served in the Union Army throughout the war and had since

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<sup>1</sup> J. C. Lester and D. L. Wilson, Ku Klux Klan, its Origin, Growth, and Disbandment gives a good account of the fight against the Klan.

<sup>2</sup> C. P. Temple, Notable Men of Tennessee, op. cit., p. 340.

<sup>3</sup> Ibid.

<sup>4</sup> Doak MSS, op. cit.

<sup>5</sup> Garrett and Goodpasture, op. cit. p. 250.

been active in the ranks of the radicals.<sup>1</sup> The convention split between Stokes and Senter, the conservative wing withdrew, and both candidates were nominated, Stokes by the radicals, and Senter by the conservatives.<sup>2</sup> The disfranchised Southern men united to support Senter because of his conservatism, and by means which were probably irregular, but under the circumstances necessary and undoubtedly of good effect, Senter was elected. Using the power as Governor, Senter extended to many of these ex-Confederates the right to vote provided they would cast their votes for him.<sup>3</sup> The result was a landslide for Senter, and he was elected by the largest majority yet given to a Governor in Tennessee.<sup>4</sup> With Senter was elected a legislature in which the Confederates or Democrats had a majority of both houses. This body at once began the repeal of the more objectionable legislation passed by the Brownlow legislature. The most important act of the Democratic legislature, however, was the "Act to authorize the people to call a convention" to draft a new constitution for the state. The act expressly provided "that every male person not convicted and rendered infamous for crime, of the age of twenty-one years, being a citizen of the United States, and of the county where he may offer his vote", shall be allowed to vote; "and no certificate or other qualification than the foregoing, shall be required by the judges holding

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<sup>1</sup> Hale and Merritt, op. cit., p. 697.

<sup>2</sup> Doak MSS, op. cit.

<sup>3</sup> Ibid.

<sup>4</sup> Garrett and Goodpasture, op. cit., p. 251.

said election". So far as it was within the power of the legislature to do so, the elective franchise was restored. "The rest must be done by a new Constitution."<sup>1</sup> In the election the vote was in favor of holding a convention by 40,500 majority.<sup>2</sup>

The call for a convention to draft a new constitution for Tennessee was purely a political measure on the part of the party in power. J. W. Caldwell, speaking of the convention which met at Nashville, January 10, 1870, says:<sup>3</sup>

"The Convention,....was really a political expedient for the purpose of restoring the citizenship of the majority of the white voters of the state, and securing to them the control of affairs which justly belonged to them, and perhaps also of giving them an opportunity to show that they accepted the results of the war. Public offices were filled by men elected or appointed under the Republican regime, who were, in most instances, members of the radical wing of that party, and the newly enfranchised majority was determined to wrest the state from their control, being actuated by the conviction that the change was necessary to the public welfare.

"The Convention of 1870 was thus produced by an extraordinary, unprecedented, and wholly unnatural state of affairs, and was not called ....to adapt the Constitution to conditions created by the normal and healthy development of the community. ... The amendments of 1865, while proposed and adopted in the most irregular manner were proper in view of the results of the war, and were sufficient to harmonize the constitution of the state with that of the United States. ...That the constitution as it stood in 1870, was not in need of immediate amendment is very clearly shown by the fact that the convention made hardly a single change of importance which might not have been as effectively, and as lawfully accomplished by a statute. ...."

Thus we see the conservative Republicans and the Democrats in

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<sup>1</sup> Garrett and Goodpasture, op. cit., p. 251.

<sup>2</sup> Ibid.

<sup>3</sup> Caldwell, op. cit., pp. 296-297.

a determined effort to guarantee to Tennessee that no more would the state have to undergo a government of the Brownlow type.

Since political reconstruction really ends in Tennessee with the adoption of the Constitution of 1870, it is well to note some of the provisions of that organ which reflect the influence of the war and the reconstruction under the Radicals.<sup>1</sup>

Article I, Section 4, amends the declaration of rights so as to provide that no political or religious test, other than an oath to support the constitution of the United States and of the state, shall be required as a qualification for office.

Article I, Section 5, extends suffrage to all qualified persons not convicted of crime, etc.

Article I, Section 6, provides that no religious or political test shall be required of jurors.

Article I, Section 8, extends the right of liberty to all men. The Constitution of 1834 had extended it only to "free men."

Article I, Section 15, reads: "Habeas Corpus shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it."

Article I, Section 18, states that the legislature shall pass no law authorizing imprisonment for debt in civil cases.

Article I, Sections 33 and 34, simply restate the first and second amendments of 1865.

Article II, Section 32, brings to mind Brownlow's high-

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<sup>1</sup> Caldwell, *op. cit.*, Appendix. Copy of Constitution of 1870, with notes by Caldwell, is my principal source for the provisions of the various articles.

handed measures in securing the ratification of the Fourteenth Amendment. It reads: "No Convention or General Assembly of this state shall act upon any amendment to the Constitution of the United States proposed by Congress to the several states; unless such Convention or General Assembly shall have been elected after such amendment is submitted."

Another reflection of the Brownlow policies is to be found in Article V, which deals with impeachments. Section 4 of that article provides the following: "The Legislature now has, and shall continue to have, power to relieve from the penalties imposed, any person disqualified from holding office by the judgment of a court of impeachment". This provision was an outgrowth of the impeachment of Judge Thomas N. Frazier.

After the overthrow of the Brownlow regime there appears in Tennessee a long succession of Democratic Governors, and we find the state gradually returning to a normal political and social existence. Sectional feeling still existed in Tennessee, and even today considerable bitterness exists within the state, especially among older people who can remember the intensity of feeling during the immediate post-war period. It is to be hoped that future generations will forget the grievances of their fathers so that the state of Tennessee may become a closely knit social and political unit. Certainly present conditions in Tennessee call for a unified spirit of cooperation.

The year 1870 found the public finances of Tennessee in a deplorable state. For a number of years prior to the war it had been the policy of the government of Tennessee to lend financial

aid to projects for internal improvements. In 1852 a law had been enacted to enable the state to render this aid, and the railroads of the state had availed themselves of this opportunity.<sup>1</sup> At the time of the war, there had been issued to the railroads under this law state bonds to the amount of \$13,739,000, which stood as a debt against the state.<sup>2</sup> To this amount is to be added the state debt proper of \$3,768,806, consisting of bonds issued for stock in certain railroads, for aid of turnpikes, for building the Capitol, to the Bank of Tennessee, to the Union Bank, and for buying the Hermitage, and small miscellaneous liabilities to the amount of \$87,000, making the total of the state debt at the beginning of the Civil War \$17,594,806.<sup>3</sup> After May 6, 1861, the state issued an additional \$180,000 in aid of turnpikes and railroads and assumed a contingent liability of \$2,207,000 as endorser of railroad bonds.<sup>4</sup> These amounts brought the total state indebtedness, actual and contingent, to \$19,981,806 at the close of 1861. The item of \$180,000 contracted after May 6, 1861, was repudiated by the amendments of 1865, but it was included in the refunding operations of 1866.<sup>5</sup>

After the passage of the Ordinance of Secession, Governor Harris had been authorized by the legislature to issue \$5,000,000

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<sup>1</sup> Caldwell, op. cit., p. 247.

<sup>2</sup> Ibid., p. 249.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

in eight per cent bonds payable in ten years.<sup>1</sup> Only \$2,000,000 of these bonds were actually issued, the remainder being held as contingent liabilities subject to issue at the Governor's discretion. In June, 1861, this act was amended to authorize the Governor to issue State Treasury Notes in denominations of from \$100 to \$500, bearing six per cent interest in lieu of the \$3,000,000 of bonds.<sup>2</sup> These secession government debts were later repudiated by the Brownlow Government.

For several years after the close of the war the legislature was frequently occupied with the steadily increasing state debt. In addition to these many new bonds which were issued under the old act of 1852, but old bonds as they matured and interest installments as they accrued were funded, so that the debt grew enormous.<sup>3</sup> In 1866, \$4,941,000 of bonds were issued to retire matured bonds and to fund interest due, and in 1868 additional funding bonds were issued to the amount of \$2,200,000.<sup>4</sup> In October, 1867, a sum of \$557,689.75 had been accumulated from the regular revenue of the state for the payment of interest due in January, 1868.<sup>5</sup> These reckless funding operations on the part of the zealous but inefficient Brownlow government caused the total indebtedness to mount steadily from year to year.<sup>6</sup>

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<sup>1</sup> Goodspeed, op. cit., p. 330.

<sup>2</sup> Ibid.

<sup>3</sup> Acts of the General Assembly of Tennessee 1865-1869 passim.

<sup>4</sup> Ibid.

<sup>5</sup> Report of the Treasurer of the State of Tennessee, Oct. 1868.

<sup>6</sup> Acts, op. cit. Reports of State Treasurer 1865-1869. Reports of the Comptroller of the Treasury, 1865-1868.



The report of the Comptroller of the Treasury of the State of Tennessee for October, 1868, shows the estimated total debt as of January 1, 1869, to be \$34,441,873, an amount which falls short only \$747,739 of double the amount of the state indebtedness at the beginning of the Civil War. It must be borne in mind that this amount is exclusive of the indebtedness contracted by the Harris government after the Ordinance of Secession, for that had been repudiated.

In February, 1869, an act was passed to liquidate the bonds issued in aid of railroads. Under this act the railroads were permitted to pay the state in bonds of the series issued to them. This "was the least objectionable form such an enactment could have taken."<sup>1</sup> In January, 1870, however, the legislature made the grave mistake of passing an act which permitted the railroads to retire their obligations to the state by payment with any legally issued six per cent state bonds.<sup>2</sup> This was to cause serious trouble in Tennessee in years to come.

With the overthrow of the radical party in Tennessee there came a pronounced sentiment in favor of repudiating many of the bonds issued after the war, since it was felt that they did not legally or justly constitute a valid claim upon the state.<sup>3</sup> In response to this sentiment the legislature took steps to investigate the bonds; but when the state was threatened with Federal reconstruction, such as was taking place in other Southern

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<sup>1</sup> Caldwell, op. cit., p. 250.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

states, the plan was abandoned and the full indebtedness assumed.<sup>1</sup>

General financial conditions in Tennessee after the war seem to have been pretty bad. Banking was completely demoralized, as may be shown by the case of the Bank of Tennessee. Before the war the bank had felt the burden imposed upon it by the heavy state debt and in 1857 had suspended specie payments and begun to curtail its operations. Other banks were forced to do likewise.<sup>2</sup> This policy was continued until 1861, when the exigencies of war made an expansion of the currency necessary, at which time a law was passed compelling them to reverse their policy of curtailment. Large issues of new notes were accordingly made, and by September 1, 1862, the circulation of the State Bank had reached \$4,710,666.<sup>3</sup> When occupation of Tennessee by Union troops seemed imminent, the banks were permitted to carry their assets into other states. The Bank of Tennessee removed to Georgia and its specie deposited at Atlanta, where it was later seized by the Federal authorities.<sup>4</sup> After the transfer of the Bank of Tennessee to Georgia, its assets, amounting to more than \$8,000,000, were converted into various Confederate issues, which of course became valueless after the close of the war.<sup>5</sup> The closing of the affairs of the Bank of

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<sup>1</sup> Caldwell, op. cit., p. 251.

<sup>2</sup> Goodspeed, op. cit., p. 534.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

Tennessee by the Brownlow government necessitated the assumption of obligations of the bank by the state, and greatly increased the state indebtedness. What was true of the Bank of Tennessee was true of other banks within the state, and the post-war period finds the people of the state dependent upon outside capital.

In one respect, at least, Tennessee probably profited from the Civil War. The necessity for ammunition and supplies during the war led to the development of many of the state's natural resources, which heretofore had been only slightly worked. These were exploited during the war by the forces of both sides and after the war came under the control of the Union troops. In due time the mines and mills were turned over by the government to private concerns, frequently at nominal prices. These concerns, with the progress already made by the military operators, were able in many instances to show real advancement, and we find the cities of Tennessee developing manufacturing on a scale never before seen within the state.<sup>1</sup> With the development of the coal industry and of the iron mines and mills came a period of railroad building which established many new routes within Tennessee and greatly stimulated trade there.<sup>2</sup> The growth of manufacturing in Tennessee during the war and reconstruction period can best be shown by the following table:<sup>3</sup>

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<sup>1</sup> Robert Somer, The Southern States Since the War 1870-71 (London, the Macmillan Co., 1871). His accounts of what he saw give a very interesting picture of conditions in Tennessee.

<sup>2</sup> Ibid.

<sup>3</sup> Based on tables in Goodspeed, op. cit., p. 279.

Year	No. of Establishments	Capital Invested	Hands Employed	Wages Paid	Value of Products
1860	2,572	\$14,426,261	12,528	\$3,370,687	\$17,987,225
1870	5,317	15,595,295	19,412	5,390,630	34,362,636

It will be noted that the number of establishments more than doubled, while there was only a slight increase in the capital invested. The increase of wages paid is fairly proportionate to the number of men employed. The value of the products almost doubled.

Agriculture in Tennessee did not fare so well as did the manufacturing industries, probably because of the devastation wrought by the armies during the war. As in the case of manufactures, the story is best told by figures.<sup>1</sup>

Product	1860	1870
Indian Corn	52,089,926 bu.	41,343,614 bu.
Wheat	5,459,268 bu.	6,188,996 bu.
Oats	2,267,814 bu.	4,513,315 bu.
Cotton	296,464 bales	181,842 bales
Tobacco	43,448,097 lbs.	21,465,452 lbs.
Potatoes	3,786,677 bu.	2,330,020 bu.
Hay	143,499 tons	116,582 tons

There was a marked decrease in the production of each of the important agricultural products of the state except wheat and oats. The increased production of these two may be attributed to the increased number of small self-sufficient farmers created by the breaking up of the plantations. The increased crop in these two cereals was for home consumption. Statistics on livestock for the same period show a decrease in the number of each kind of

<sup>1</sup> Based on tables in Encyclopedia Britannica, Ninth Edition, 1888, Vol. XXIII, p. 177.

animal except in the case of sheep, where there was an increase of about 50,000 head.<sup>1</sup> Prices of agricultural products in Tennessee seem to have compared favorably with prices in the North. The prices of some of the principal products sold upon the Nashville market on July 1, 1868, are as follows: Corn, 73¢ to 75¢ per bushel; hay, \$20 per ton; wheat, \$1.65 to \$1.75 per bushel; bacon, 17½¢ to 20¢ per pound.<sup>2</sup>

In spite of the depletion of man power resulting from the war, the total population of Tennessee showed a slight increase in the decade from 1860 to 1870. In 1860 the total population of the state was 1,109,801, while in 1870 it had increased to 1,258,520.<sup>3</sup> The white population in 1860 was 826,722; in 1870 it was 936,119, an increase of 109,397.<sup>4</sup> The negro population grew from 283,019 in 1860 to 322,331 in 1870, an increase of 39,312; while the Indian population grew from 60 to 70, an increase of 10.<sup>5</sup> The greatest rate of increase seems to have been in the cities. Nashville grew from a town of 16,998 in 1860 to 30,260 in 1870, while Memphis expanded from 22,623 to 40,230 in the same decade.<sup>6</sup> In 1860 Chattanooga was a straggling village, but in 1870 Somers reports that it was a thriving and rapidly

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<sup>1</sup> Encyclopedia Britanica, loc. cit.

<sup>2</sup> H. W. Crew, History of Nashville, Tennessee, (Nashville, Southern Methodist Pub. Co., 1899), p. 248.

<sup>3</sup> Report of the Ninth Census, 1870, Vol. I, p. 63.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

growing town of 8,000.<sup>1</sup> In 1870 there were in Tennessee 2,794 schools, of which 1,932 were public. In these schools 3,587 teachers taught 125,831 pupils.<sup>2</sup>

If there was much suffering in Tennessee during the post-war period, there was also considerable gaiety. When H. M. Doak returned to Nashville from Appomattox after Lee's surrender there, he found the city filled with Union Soldiers and visiting Northerners, as well as many carpetbaggers. On the night of his arrival in Nashville he went to the old Adelphi Theater to see Laura Keane in "She Stoops to Conquer." He described what he witnessed thus:

"T'was a 'full house'...jammed and crammed with Federal Soldiers then encamped about Nashville making ready for 'mustering out' and going home...

"Laura Keane's audience of soldiers... was the roughest and toughest I ever saw...notwithstanding that many of Nashville's best folks were there...her acting the best of the comedy ever seen...well received, loudly applauded...at times vociferously but all in good humor."<sup>3</sup>

It is refreshing to read such accounts as that of Colonel Doak and find scattered indications that people were still able to laugh and have a good time in the face of the bitterness and factionalism of the period.

It seems that one may safely say that Tennessee was able to recover from the ill effects of the war and reconstruction more rapidly than many of the other states. True, the feeling of bitterness between the different sections has died slowly,

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<sup>1</sup> Somers, op. cit., p. 103.

<sup>2</sup> Report of the Ninth Census, 1870, Vol. I, p. 468.

<sup>3</sup> Doak MSS, op. cit.

is not entirely dead today as stated above, yet the development of her natural resources following the war and the diversity of her agricultural activities enabled her to make much greater progress toward economic recovery than those states which were almost solely dependent upon agriculture and especially upon the single crop, cotton. Politically, reconstruction in Tennessee was somewhat prolonged, since it can be said to have begun with the appointment of Andrew Johnson as Military Governor in March, 1863, and to have ended only with the adoption of the new state constitution in 1870. That date, however, finds Tennessee restored to a normal political basis and started on the road to economic and social recovery.

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