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Speech of the Hon. Wm. B. Stokes R. Butler, and the State Government of Tennessee.

Mr. STOKES. I rise for the purpose of discharging a duty which I feel that I awe to myself, to my constituents, to my State, and to this House. On last Thersday, Mr. Speaker, when you called the members from Tennessee to present themselves to take the oath prescribed by law, we were met by gentlemen on the other side of the House entering their protests against the admission of a portion of the delgation; and in fact one of the gentlmen entered his protest against the whole delegation. Consequently we were forced to retire to our seats and await the action of this

House. It is well known that the Thirty-Ninth Congress passed a law convening the Fortieth Congress on the is well known that the preacht Congress had a short session in March and July. But the election in Tenn-Consequently the members elect could what manner I was guilty of perjary not apply for admission until the beginning of the present session-last largest majority ever received by any members from that State. Their election was duly certified according to the laws of the State of Tennessee and | tion at Chiengo. This letter was writthe laws of the United States. Yet ten on the 19th day of May. they were met here by gentlemen who refused to permit them to take their seats. In addition to that, grave of the members, and in fact all the members; and the State government of Tennessee was denounted upon this floor a sa digrace to elvilization and a disgrace to the United States. For this reason I have availed myselt of the opportunity to make some remarks to meet the charges that have been preferred. The three gentlemen to whom I wish particularly to allude in thy fematks are the gen tlemen from Wisconsin, [Mr Eldrige.] the gestlemen from Illnois (Mr. Marshall,) and the genteman from

New York, (Mr. Brooks.) I might say here that I should perhaps be contented with the vindication of the members from Tennessee that was made by the gentlemen from Illnois, (Mr. Logan,) the gentlemen from Ohio, (Mr. Schenck.) the gentleman from Pennsylvania, (Mr. Kelley.) and the chairman of the Committee of Elections, [Mr. Dawes,] but I feel it due to the people of my State and the delegation from that State that I than to attempt to coerce them back." should submit some remarks upon

this question. I have no complaints to utter in consin, [Mr. Eldrige.] He did nothing more than what he had the right to do. I will read a part of the remarks of that gentleman as published in the Globe of InstFriday:

"Mr. Einarnes. The gentleman is mistaken about the House having ever investigated this letter. Another subject was before the House when it was read before. It was read but once. If was read before on the question of the admission of the Senator from that State, medifying the test-oath so that he might take his seat in the Senate. It was after Mr. Stokes had taken his seat." Now, mark the language, Mr. Speak-

The only point that I wish to make

from Tennessee, and enters his pro- submit it to the people for ratification." test against his admission. With this femnik I leave the gentleman from Wisconsin. I next come to the gentleman from as the breakwater between the North Illinois, [Mr. Marshall.] He used the and the South.

following language during the discussion to which I have referred: "Mr. Manshatt, I do not deny t at during the rebellion, and subsequent to the wit-Federal service and perform his duty well in the Federal Army. But that does not affect the question here presented. Can be consci-

entionsly take the oath ? Can be swear that be never, at any time, gave sid, countenance, or support to the armed rebels of the United

I say to that gentleman from Illiols and to this House that I can stand here and swear I can take the oath proscribed with a clear conscience that ! have never given any aid countenance; or support in any shape or form to the rebels against the Govern-

ment of the United States. hey have alluded to the Doncan letter. The honorable gentlemen do not choose to point out in the Dancan letter what portion of it they construe to be disloyal. They make the clear, broad, sweeping charge without pretending to argue the question to this House or attempting to show what I wrote in the Duncan let-In Defence of himself, Hon. R. ter which would lorbid my taking the oath and my seat in this House.

The gentleman from Illinois goes

on to say : "He cannot so swear, for that letter would give the he itself to any such oath. It is ut-terly impossible for him to do so, and it is clearly the duty of the House to step in, as bers, if the majority do not intend to abandon the precedent made in that case, and is quire into the fact whether this letter, admitted to be genuine, is not atterly inconsist-ent with the oath to be taken by every mem-

I was sorry, sir, to bear my distin guished friend from Illinois use that language. When I took that outh, sir, as a Federal soldier and officer, there was no objection made. I took it twice when mustered in as an officer of the United States. I took it twice when a candidate for Congress. once in 1865 and again in 1867. I took that oath in this House as a member 4th of March, the day on which the of Congress from Tennessee, and at Thirty-Ninth Congress expired; and it this late day I say I was sorry to hear the gentleman fr m Illinois use such language in this House without showing in that letter wherein I was guilty essee did not take place until August, of swearing to a falsehood, or in

Now. Mr. Speaker, a great deat h been said in regard to the Duncan let-Phursday. At that time the eight ter, and I propose to take it up paramembers elect from Tennessee ap. graph by paragraph to the House, peared here with the certificates of and if this House will decide that he Governor, having received the there is anything in that letter treasonable I bind myself to prove that the Democratic party was guilty of treason when thay assembled in conven-

" LIBERTY, May 10, 1861. "Mr. Jone Dungas, McMinaville, Tenn "DEAR SIR: I have just learned from friend that there is some gross misreprese charges were preferred against some tations going the rounds of your section is regard to my position in this trying crisis and for the benefit of yourself and others

There is he treason in that.

"I have been a zealous advocate of the Union up to the time of Lincoln's call for seventy-five thousand triops , that being in iolation of the law and for the subjugation the South, I commend Governor Harris for his course, and for arming the State and for resisting Lincold to the point of the bay-

In this opinion I may have erred, as who has not, but was that treason? Our judges of the inferior courts deliver erroneous charges to the jury of the law, and when the case is decided it goes to the Supreme Court for review. If the court reverse the decision, does that render the judge who delivered the Charge either a criminal or unworthy judge?

and have enrolled myself as a volunteer to resist his usurpation I have in Congress and out opposed coercion and all forced measuces, believing it was better to recognize the independence of the 'Southern Confederacy

Why, sir, you remember that Mr Buchahan and almost the whole Democratic party was opposed to coercion, regard to the gentleman from Wis- and said leave the States to themselves. It was an opinion, and an opinion maintained by the Democrat-

ic party generally. "I have always opposed secession. I claim the right of revolution and the right to re-sist the oppression of the Federal Governto throw off afferiance to same when that oppression becomes intoler-

That, sir, is a doctrine common to all parties in this country, and it is a doctrine held to-day by pechaps ninetenths of the American people, that they have the right when oppression "I should not have latroduced know were it not that Judge Trimble, having sat in the Thirty-Ninth Congress, was on a similar allegation prevented from taking his seat."

The time has now some?"

"I have been and am now for standing by upon the gentleman from Wisconsin the border States. I believed they were to be is this: be has condemned the mem-

House for the course they pursued to true.

Republican party for having done. let all the fifteen States elect delegates, meet He makes an attack upon a member in convention, form their constitution, and

That was my opinion then. The border States were on the eve of calling a convention. They were to stand

"The South ought to be a unit during the war by all means. I had announced my-self as a candidate for re-election, but on reraiving Lincoln's proclamation for troops I abandoned the canvass at once, and f am no cambidate. I claim to have done my duty in trying to heal our difficulties and restore peace. That having failed, I shall now murch forward in the discharge or my daty in resisting Lincoln, regardless of false char-ges or what not by them who are trying to put me down. Time will tell where we all stand."

Time has told where I stood. Time has told, as was said by the gentleman fr m Illinois [Mr. Logan] on Thursday last, where he and I stood, and time has told where other gentle-

men sat. Row, sir, there is the whole of the letter. It was written ion moment of urprise, when the waves of passion werehelmed my State. The next day brought me to see our condition n the light of truth, and I made haste ib undo all that his letter might by any possibility do. Now, what lid the Democratic party say when it met in Chivago? I read from the platform these words: "The Constitution itself la disregarded in every part." Here, an organized body in convention assembled; they declare that the Constitution has been disregarded in every respect. And this was said in 1864, when the nation was struggling for its life, by a political party which professed to submit and adhere to the Government. What

irther did they declare? Now, sir, in order to get rid of this Duncan letter once for all, I will send o the Clerk's desk and have read a etter that I addressed on the 27th of September last to the Nashville Union and Dispat h, which covers the whole ground and covers it for all time to

The Clerk read the letter as follows: LIBERTY, Tenn., Sept. 27, 1867. Editors Union and Disputch:

Sins: I see in your issue of the 2*th light, he following allusion to myself, which does me great injustice:
William B. STORES ANNESTIED.
The Washington correspondent of the New

York World says: " Among those embraced by the recent proclamation of amnesty is the Hon. Wm. B. Stokes, of Tennessee, a member of the Thirty-Sixth Congress, who went into the rebelion and proposed to raise troops-now a Radical member of the last and I believe al-

so a member elect of the present House of Representatives. And yet this man with the governmental halter around his neck, has passed him-self off for a "firstried loyalist." It is not true that I ever was connected in

any way with the rehellion, or the attempt to separate or break the Federal Government. I never made a speech or attered a word in favor of secession . I never raised any troops for the rebel army; I never joined a rebel company; I never sought or held in office in the no-called confederate government; I nevederate government; I never contributed one cent to aid the rebellion, unless it was forced from me, either by the confederate authorities or stolen from me by their roving bands of thiever and hushwhackers. If it sidered as giving aid, then I sided extensecession or disunion, and not one word of not of mine can be so construed if truth and justice is done. It is well known that I stood up and opposed every move towar I secession in the Thirty-Sixth Congress. It is well known that I opposed s-paration in 1861, and made a vigorous canvass against it during the months of May and June, 1861, voting no separation and representation on the Stu-of June, 1881. It is well known that I entered the Federal lines as soon as General

Buel reached Nashville. It is well known that I raised a regiment of good and true men for the Federal artily in 1862, and served as an officer and suldier in the same until the spring of 1865, when I order from a superior officer.

I dislike to trouble you with this, but justice demands a flat denial of such gross misrep-rescatations. No Covernment halter was ever around my neck, far the good reason of never having committed an offense against Government, either by ford or deed. You, no doubt, have had the halter about your chisa law provides that when a soldier neck for treesen, and it justice had been done, the props would have been knocked from under you, and clear daylight would have been seen between you and earth, and there kept anspended until you ceased to kick or give signs of treason.

But a magnanimous Gover ment forgave you, and permitted you to live and to follow some honest avocation for a living. Now, in order to reap revenue and put forth your haterd for the Federal Government, you are villifying and publishing base falsehoods against the men who stood true to the Union and Federal Government during our anhappy struggle.

Now, sire, in conclusion, let me ask you to publish this letter in your paper, and here-after confine yourselves to facts. I do not charge you with fatending to injure me individually, but the hatred you have toward the Union party causes you to thus act. I am in hopes a few lines of correction will put the matter right between us, and we will be good friends for all time to come. Respectfully, your obedient servant,

bers of the Republican party in this | Sir, time has proved that that was | I regret it exceedingly; but I deemed | New York; some in Massuchusetts, "I am opposed to being tacked on the which was made against me here, and trust in God that, the found colored

tion or making an explanation.

delegation, I shall say very little. The case of my distinguished colleague, Mr. Butler, has gone to the league. Mr. Butler, has gone to the rel race. Truer men and nobler men Committee of Elections, who will do God does not I t live on the face of is a difference between his case and They have proved themselves on the the case of the Squator from Tennes battle field. And more than that, see who was alluded to the other day, they have at the ballot-box proved and who was sworn in the Thirty themselves, to be wortly, for they Ninth Congress. If Mr Butler was have voted against the Conservative leged he came forward afterward and ticket. That fact proves their capacity served as a Federal soldier and as eir to exercise the elective right and their cuit judge under the reorganization of superiority over their less favored the State gover; ment, and to day! beliew citzens of the Democratic faith, chairman of the central sudical Union. The gentless on from New York with of judge and was elected by the peo- thousand colored men voting and fitty-ple, and he was sworn in, and took five thousand white men. Is it enuse the oath of allegiance to the Confede-for disgrace that the loyal e-lored sol-racy; he presided as a Confederate dier is allowed to vote? Is he not enudge, administered Confederate laws, titled to do so? He defended your charged a Confederate jury, and was country; he saved your flag The to all intents as much an officer of the Legislature of Tennessee, that patriot-Confederate Government as was Ben- le, I yal body of men, with the Govlamin or Jeff. Davis himself. It was erner of the State, guarded and profor him oh his conscience, before his tected the interests of the loyal peo God, to say whether he could hake the ple of the State, recognized the rights

refused it. the subject. The gentleman from Tennessee not being republican I am Hinois [Mr. Marshall] said, and is so inclined to think that it is almost the reported in Globe:

"Another observation and I have done.— The whole State government of Tennesses as at present organised and administered is a disgrace to the American nation and to the civilization of the age."

Here is a grave charge made in loud terms, that the government of Tennessee is a disgrace to the nation and to the civilization of the age. 1 expected to hear the gertleman specify in what particular it is a disgrace Wherein is tre government of nessee a disgrace to the nation of to civilization? It is well known that in 1865 the loyal people of the State met in convention and organized a government; they amended the constitution and submitted it to the loyal people of the State on the 22d day of February for ratification or rejection. The loyal people of Tennessee went to polls and voted for ratification.

I was going on to say that the government of the State of Tennesdee was organized by the loyal people, who ratified the amended constitution of that State which provided that a Legislature should be elected by general ticket, and that the Legislature which first met should have the right to declare and regulate the question of suffrage. The ninth section of the schedule gave the Legislaure this right to regulate the elective franchise .-The Legislature met and did regulate the franchise and limit it.

It has been said by gentlemen upon this floor that the Legislature disfranchised from eighty to one hundred thousand of her citizens. I deny er took an oath to support the so-called con- that the Legislature distrablished in man. There can be found nothing in the frunchise net to justify such a statement. According to the head of the Democratic party to day, Andrew Johnson, these eleven States were without any State governments -Therefore all were distranchised. The Legislature then came forward to regulate and limit the question of suffrage, and stated who should vote. but failed to extend the elective franchise to all persons.

The gentlemen from Illinois [Mr. Marshall | said that Union soldiers in Tennessee were debarred from voting there, and that if his statement was denied it could be proved. Now, all that I have to say to that is that I have never before heard of that charge was honorably discnarged. It is well known I have asked my colleagues about it that while in the army I never disobeyed an not one of whom ever heard it before, If there ever was a Federal soldier debarred from voting there I want the gentleman from Illinois to state

> chise law provides that when a soldier of the United States has been honorably discharged his certificate of houorable discharge shall be of itself sufficient to entitle him to all the rights of a citizen. The soldiers vot. ed every where over the State, the Conservative or Democratic ticket receiving some twenty thousand votes of which some were soldiers There was no disturbance at the polls; every man was allowed to go to the polls and vote as he chose. The gentle-man from New York (Mr. Brooks) alluded to the colored vote of Tenn-

yield to me for a moment right here? Mr. Stokes. Not at present. The gentleman from New York [Mr. Brooks] alluded to the colored vote Mr. Stokes. Now, Mr. Speaker, I the government of Tennessee a dishave nothing to add in regard to that grace to the civilized world? If so, letter. It is very painful to me to then I desire to say that I understand combain of such scratiny. What I have to speak upon this subject, and that some colored men vote now in complain of is the unjust attack upon

Mr. Marshall. Will the gentleman

NUMBER 30 ward and proposes to do the very same thing which he condemns the Republican party for having done.

"I'm opposed to being takes on the which the condemns the Republican party for having done.

"I'm opposed to being takes on the which the delegation and if you have peace is restorted. It is too at a time when the delegation and if you have the nation will be refined to vote before long. What discover the privilege of asking one questions that the fifteen States elect delegates, meet in Tennessee in the time of Jackson; As to the other members of the free colored men voted then,

Now, I stand here and proclaim from my seat that I know the colorhim justice. But let me say that there the earth than they are as a race .-in the Legislature and voted as is al- Democratic ticket and for the Rudical

committee of the State; but as for mistaken. He should have reversed Indge Patterson, he ran for the office his statement. There were farly-five outh or not. I held no office and of the colored man to the soffrage, and sought none; I was tendered one, but God will bless them and the country will honor them for what they have I come now to the other branch of done. Instead of the government of only republican government that we have within the United States.

Tennessee comes nearer the standard of true republican government than any other State within my knowledge. There the only test made is loyalty. The question is asked, " Is the man loyal to the flag, frue to the Government?" If he is, we give him the right to vote. But if he is disloyal, we say to him, " No. you cannot vote, you cannot hold office in this State for you are disloyal." Upon this ground, and this alone, are men kept from the polls in Tennesses. Such men the Legislature has refused to enfranchise; but I hope and trust that the day is not far distant when all restrictions may be be taken off and those now excluded by reason of their own transgressions may be permitted to vote; but they will have to bring forth "fruits meet for repentance" before the loyal men can allow

hem to vote. The gentleman from New York poposed the admission of the whole felegation from Tennessee, and charg: ed a number of the members of that felegation with treason. Why, Mr. Speaker, treason is a very grave harge. I was sorry to find the gentleman from New York opposing the admission of the delegation from Tennessee; for I remember on the first day of the Thirty-Ninth Congress that distinguished gentleman was, I believe, the first to rise in his place and advocate the admission of the delegation from Tennessee. Then the government of that State was in his

The gentleman says that he now

view all right

claces his objection upon the ground I will not take up time in reading his remarks) that the members now presenting themselves were elected under the franchise law of 1865. Yet, ir, the members who presented themselves from Tennessee at the beginning of the Thirty-Ninth Congress were elected under the transmise law of 1785, and the gentle man from New York advocata ed the admission of the deliegation, and also the recognition of the State government. Why the difference between his position then and his position now? What has cause? this great change to come over find gentleman? The Legislature of Tenno-see has not since that time struck down voters; it has enlarged the elective tranchise by admitting forty thousand more men. The franchise has simply been calarged. All the restrictions that now exist existed at the time the gentleman from New York desired the admission of the delegation from Tennessee. But the delegation stood a little different then from what it does now, 'Then the delegation was politically divided, four to four; and when they first enme here it was uncertain how they stood, But now, when we present ourselves? the loyal people of Tennessee have sent eight numbers, who have received majorities of from three thousand to eleven thousand; and the gentleman from New York rises and objects to the admission of the delegation! In fact, I was glad to see manifested on the other side a disposition applying nize the loyalty of persons applying House. I agree that every person who presents himself at the stand ought to be scrutinized. The question of his loyalty ought to he examof Tennessee. Is that what makes ined, to ascertain whether he has been and is now all right. I do nos -