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PUBLISHED DAILY.

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THE SOUTH BEFORE THE RECONSTRUCTION COMMITTEE.

Georgia.

TESTIMONY OF DR. HAMBLETON.

Dr. James P. Hambleton, a rebel surgeon, residing in Atlanta, testified that the people there expect payment for their slaves and for the destruction of property by the war when the passions of the hour shall have subsided. They expect that at some future day there will be a sort of compromise, by which the Southern States will be relieved of their share of the rebel debt as a compensation for their losses. The people hold the same opinions as to State sovereignty as before the war, but having accepted the situation cannot as honorable men again resort to secession. They would not consent to negro suffrage, but could offer no resistance to a law of Congress on that subject.

TESTIMONY OF GOV. JOHNSON.

Hon. James Johnson, late Provisional Governor of Georgia, testifies that immediately after emancipation went into actual effect there was some hostility manifested toward the negroes, but that is abating. A few United States troops and the Freedmen's Bureau should be retained in Georgia until the district and circuit courts of the United States are properly organized and the Legislature has perfected its system of laws in reference to the negroes. Then the congressional civil rights bill will dispense with the necessity of the bureau.

The constitution as recently adopted makes the Constitution of the United States and the laws made in pursuance thereof paramount, thus settling the disputed question which was at the bottom of the whole difficulty. The people of Georgia are very much averse to having negro suffrage imposed on them. They would not submit to it with a good grace, and, in fact, it would bring about collision.

TESTIMONY OF ALEXANDER H. STEPHENS.

Alexander H. Stephens sworn and examined.

By Mr. Boutwell:

Question. State your residence.

Answer. Crawfordsville, Georgia.

Q. What means have you had since Lee's surrender to ascertain the sentiments of the people of Georgia with regard to the Union?

A. I was at home, in Georgia, at the time of the surrender of General Lee, and remained there until the 11th of May, and during that time conferred very freely with the people in my immediate neighborhood, with the Governor of the State, and with one or two other leading or prominent men in the State. From the 11th of May until my return to Georgia, which was the 25th of October, I had no means of knowing anything of the public sentiment there, except through the public press and such letters as I received. From the time of my return until I left the State on my present visit here, I had very extensive intercourse with the people, visiting Augusta, visiting Milledgeville during the session of the Legislature, first on their assembling, again in January upon their reassembling, and again in the latter part of February. While there I conversed very freely and fully with all the prominent leading men, or most of them, in the Legislature, and met a great many of the prominent, influential men of the State not connected with the Legislature; and by letters from and correspondence with men in the State whom I have not met. I believe that embraces a full answer to the question as to my means of ascertaining the sentiments of the people of that State upon the subject stated in the question.

Q. As the result of your observations, what is your opinion of the purposes of the people with reference to the reconstruction of the Government, and what are their desires and purposes concerning the maintenance of the Government?

A. My opinion, and decided opinion, is, that an overwhelming majority of the people of Georgia are exceedingly anxious for the restoration of the Government, and for the State to take her former position in the Union; to have her Senators and Representatives admitted into Congress, and to enjoy all her rights and to discharge all her obligations as a State under the Constitution of the United States as it stands amended.

Q. What are their present views concerning the justice of the rebellion? Do they at present believe that it was a reasonable and proper undertaking, or otherwise?

A. My opinion of the sentiment of the people of Georgia upon that subject is, that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of the measure; there was, however, but very little division among them upon the question of the right of it. It is now their belief, in my opinion—and I give it merely as an opinion—that the surest, if not the only, hope for their liberties is the restoration of the Constitution of the United States, and of the Government of the United States under the Constitution.

Q. Has there been any change of opinion as to the right of secession, as a right in the people or in the States?

A. I think there has been a very decided change of opinion, as to the policy, by those who favored it. I think the people generally are satisfied sufficiently with the experiment, never to resort to that measure of redress again, by force, whatever may be their own abstract ideas upon that subject. They have given up all idea of a maintenance of these opinions by a resort to force. They have come to the conclusion that it is better to appeal to the forums of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty, than to the arena of arms. It is my settled conviction that there is not any idea cherished at all in the public mind of Georgia of ever resorting again to secession, or to the exercise of the right of secession by force. That whole policy of the maintenance of their rights, in my opinion, is at this time totally abandoned.

Q. But the opinion as to the right, as I understand, remains substantially the same?

A. I cannot answer as to that. Some may have changed their opinion in this respect. It would be an unusual thing, as well as a difficult matter, for a whole people to change their convictions upon abstract truths or principles. I have not heard this view of the subject debated or discussed recently, and I wish to be understood as giving my opinion only on that branch of the subject which is of practical character and importance.

Q. To what do you attribute the change of opinion as to the propriety of attempting to maintain their views by force?

A. Well, sir, my opinion about that—my individual opinion, derived from observation—is that this change of opinion arose mainly from the operation of the war among themselves, and the results of the conflict, from their own authorities on their individual rights of person and property—the general breaking down of constitutional barriers which usually attend all protracted wars.

Q. In 1861, when the ordinance of secession was adopted in your State, to what extent was it supported by the people?

A. After the proclamation of President Lincoln calling out 75,000 militia, under the circumstances it was issued, and blockading the Southern ports, and the suspension of the writ of *habeas corpus*, the Southern cause, as it was termed, received the almost unanimous support of the people of Georgia. Before that they were very much divided on the policy of secession. But afterward they supported the cause, within the range of my knowledge, with very few exceptions, (there were some few exceptions, not exceeding half a dozen, I think.) The impression then prevailing was, that public liberty was endangered, and they supported the cause because of their zeal for constitutional rights. They still differed very much as to the ultimate object to be attained, and the means to be used, but these differences yielded to the emergency of the apprehended common danger.

Q. Was not the ordinance of secession adopted in Georgia earlier in date to the proclamation calling for 75,000 volunteers?

A. Yes, sir. I stated that the people were very much divided on the question of the ordinance of secession, but that after the proclamation the people became almost unanimous in their support of the cause. There were some few exceptions in the State—I think not more than half a dozen among my acquaintances. As I said, while they were thus almost unanimous in support of the cause, they differed also as to the end to be attained by sustaining it. Some looked to an adjustment or settlement of the controversy upon any basis that would secure their constitutional rights. Others looked to a Southern separate nationality as their only object and hope. These different views as to the ultimate objects did not interfere with the general active support of the cause.

Q. Was there a popular vote upon the ordinance of secession?

A. Only so far as in the election of delegates to the convention.

Q. There was no subsequent action?

A. No, sir; the ordinance of secession was not submitted to a popular vote afterwards.

Q. Have you any opinion as to the vote it would have received, as compared with the whole, if it had been submitted to the free action of the people?

Witness. Do you mean after it was adopted by the convention?

Mr. Boutwell. Yes, after it was adopted by the convention, if it had been submitted forthwith or within a reasonable time.

A. Taking the then state of things into consideration, South Carolina, Florida, and Mississippi, I think, having seceded, my opinion is that a majority of the people would have ratified it, and perhaps a decided or large majority. If, however, South Carolina and the other States had not adopted their ordinances of secession, I am very well satisfied that a majority of the people of Georgia, and perhaps a very decided majority, would have been against secession if her ordinance had been submitted to them. But as matters stood at the time, if the ordinance had been submitted to a popular vote of the State, it would have been sustained. That is my opinion about that matter.

Q. What was the date of the Georgia ordinance?

A. The 18th or 19th; I think the 19th of January, 1861, though I am not certain.

Q. The question of secession was involved in the election of delegates to that convention, was it not?

A. Yes, sir.

Q. And was there on the part of candidates a pretty general avowal of opinions?

A. Very general.

Q. What was the result of the election as far as the convention expressed any opinion upon the question of secession?

A. I think the majority was about thirty in the convention in favor of secession. I do not recollect the exact vote.

Q. In a convention of how many?

A. In a convention based upon the number of Senators and members of the House in the General Assembly of the State. The exact number I do not recollect, but I think it was near three hundred, perhaps a few over or under.

Q. Was there any difference in different parts of the State in the strength of Union sentiment at that time?

A. In some of the mountain counties the Union sentiment was generally prevalent. The cities, towns, and villages were generally for secession throughout the State, I think, with some exceptions. The anti-secession sentiment was more general in the rural districts and in the mountain portions of the State; yet the people of some of the upper counties were very active and decided secessionists. There was nothing like a sectional division of the State at all. For instance, the delegation from Floyd county, in which the city of Rome is situated, in the upper portion of the State, was an able one and strong for secession, while the county of Jefferson, down in the interior of the cotton belt, sent one of the most prominent delegations for the Union. I could designate other particular counties in that way throughout the State, showing that there was not what might be termed a sectional or geographical division of the State on the question.

Q. In what particular did the people believe their constitutional liberties were assailed or endangered from the Union?

A. Mainly, I would say, in their internal social polity and their apprehension from the general consolidating tendencies of the doctrines and principles of that political party which had recently succeeded the choice of a President and Vice President of the United States. It was the serious apprehension that if the Republican organization, as then constituted, should succeed to power, it would lead ultimately to a virtual subversion of the Constitution of the United States, and all its essential guarantees of public liberty. I think that was the sincere and honest conviction in the minds of our people. Those who opposed secession did not apprehend that any such result would necessarily follow the election which had taken place; they still thought that all their rights might be maintained in the Union and under the Constitution, especially as there were majorities in both Houses of Congress who agreed with them on constitutional questions.

Q. To what feature of their internal social polity did they apprehend danger?

A. Principally the subordination of the African race as it existed under their laws and institutions.

Q. In what spirit is the emancipation of slaves received by the people?

A. Generally it is acquiesced in and accepted, I think, in perfect good faith, and with a disposition to do the best that can be done in the new order of things in that particular.

Q. What at present are the relations subsisting between the white people and black people, especially in the relation of employers and employed?

A. Quite as good, I think, as in any part of the world that ever I have been in, between like classes of employer and employee. The condition of things in this respect, on my return last fall, was very different from what it was when I left home for my present visit to this city. During the fall, and up to the close of the year, there was a general opinion prevailing among the colored people that at Christmas there would be a division of the lands, and a very general indisposition on their part to make any contracts at all for the present year. Indeed, there were very few contracts, I think, made throughout the State until after Christmas, or about the first of January. General Tillson, who is at the head of the bureau in the State, and whose administration has given very general satisfaction to our people, I think, was very active in disabusing the minds of the colored people from their error in this particular. He visited quite a number of places in the State, and addressed large audiences of colored people, and when they became satisfied they were laboring under a mistake in anticipating a division of lands after Christmas and the 1st of January, they made contracts very readily, generally, and since that time affairs have in the main moved on quite smoothly and quietly.

Q. Are the negroes generally at work?

A. Yes, sir; they are generally at work. There are some idlers, but this class constitutes but a small proportion.

Q. What, upon the whole, has been their conduct—proper under the circumstances in which they have been placed, or otherwise?

A. As a whole, much better than the most hopeful looked for.

Q. As far as you know, what are the leading objects and desires of the negro population at the present time in reference to themselves?

A. It is to be protected in their rights of persons and of property—to be dealt by fairly and justly.

Q. What, if anything, has been done by the Legislature of your State for the accomplishment of these objects?

A. The Legislature has passed an act, of which the following is a copy:

[No. 90.]

"AN ACT to define the term 'persons of color,' and to declare the rights of such persons.

"SEC. 1. *Be it enacted, &c.*, That all negroes, mulattoes, mestizoes, and their descendants, having one eighth negro or African blood in their veins, shall be known in this State as 'persons of color.'

"SEC. 2. *Be it further enacted*, That persons of color shall have the right to make and enforce contracts, to sue, be sued, to be parties and give evidence, to inherit, to purchase, and to have full and equal benefit of all laws and proceedings for the security of person and estate, and shall not be subjected to any other or different punishment, pain, or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences."

The third section of this act simply repeals all conflicting laws. It was approved by the Governor on the 17th of March last.

Q. Does this act express the opinions of the people, and will it be sustained?

A. I think it will be sustained by the courts as well as by public sentiment. It was passed by the present Legislature. As an evidence of the tone of the Legislature of the State, as well as that of the people of the State, upon this subject, I will refer you simply to a letter I wrote to Senator Stewart upon the same subject. I submit to you a copy of that letter. It is as follows:

"WASHINGTON, D. C., April 4, 1866.

"DEAR SIR: In answer to your inquiries touching the sentiments and feelings of the people of Georgia toward the freedmen, and the legal status of this class of population in the State, &c., allow me briefly to say that the address delivered by me on the 22d of February last before the Legislature (a copy of which I herewith hand you) expresses very fully and clearly my own opinions and feelings upon the subjects of your inquiry. This address was written and printed as you now see it before its delivery. It was delivered *verbatim* as you now read it, that there might be no mistake about it. It was as it now stands unanimously endorsed by the Senate in a joint resolution, which was concurred in in the House without dissent, and was ordered to be spread upon the journals of both houses. This I refer you to as a better and more reliable index of the feelings and views of the people of the State on this subject than any bare individual opinion I might entertain or express. The Legislature of the State, it is to be presumed, is as correct an exponent of the general feelings and views of the State upon any political question as any that can be obtained from any quarter. In addition to this, the Legislature subsequently evinced their principles by their works in passing an act, which I also enclose to you. This act speaks for itself. It is short, concise, pointed, as well as comprehensive. It secures to the colored race the right to contract and to enforce contracts, the right to sue and to be sued, the right to testify in the courts, subject to the same rules that govern the testimony of whites, and it subjects them to the same punishments for all offences as the whites. In these respects, embracing all essential civil rights, all classes in Georgia now stand equal before the law. There is no discrimination in these particulars on account of race or color.

"Please excuse this hasty note. I have no time to go more in detail.

"Yours, most respectfully,

ALEXANDER H. STEPHENS.

Hon. WM. M. STEWART, U. S. SENATE.

Q. What, if anything, is being done in Georgia in regard to the education of the negroes, either children or adults?

A. Nothing by the public authorities as yet. Schools are being established in many portions of the State, under the auspices, I think, of the Freedmen's Bureau, and quite a number by the colored people themselves, encouraged by the whites.

Q. What disposition do the negroes manifest in regard to education?

A. There seems to be a very great desire on the part of the children and the younger ones, and with their parents, to have them educated.

Q. What is the present legal condition of those who have lived together as husband and wife? Do the laws recognize and sustain the relations and the legitimacy of their offspring?

A. Our State laws do. They recognize all those living as man and wife as legally man and wife. A good many of them took out licenses, and were married in the usual way. There is no difference in our laws in that respect. Licenses are issued for white and black alike, only they are prohibited from intermarrying with each other. The races are not permitted to intermarry.

Q. Were the amendments to the constitution of the State of Georgia, recently adopted, submitted to the people?

A. No, sir; they were not submitted. I have no hesitation, however, in expressing the opinion that nine-tenths of the people would have voted for them if the constitution had been submitted. That is but an opinion. I heard no dissent at all in the State. I was there all the time. I got home before the convention adjourned. The State constitution, as made by the convention, would have been ratified almost without opposition. It would have been ratified *nem. con.* if it had been submitted. This, at least, is my opinion.

Q. What was the voting population of your State in 1860?

A. Something upwards of a hundred thousand.

Q. What is probably the present voting population?

A. The voting population of the State, under the present constitution, is perhaps eighty thousand. This is a mere estimate.

Q. Has there been any enumeration of the losses of Georgia in the field, in the military service?

A. No accurate estimate that I am aware of.

Q. What is it supposed to have been?

A. I am not able to answer the question with anything like accuracy.

Q. What is the public sentiment of Georgia with regard to the extension of the right of voting to the negroes?

A. The general opinion in the State is very much averse to it.

Q. If a proposition were made to amend the Constitution so as to have a representation in Congress based upon votes substantially, would Georgia ratify such a proposed amendment, if it were made a condition precedent to the restoration of the State to political power in the Government?

A. I do not think they would. The people of Georgia, in my judgment, as far as I can reflect or represent their opinions, feel that they are entitled under the Constitution of the United States to representation without any further condition precedent. They would not object to entertain, discuss, and exchange views in the common councils of the country with the other States upon such a proposition, or any proposition to amend the Constitution or change it in any of its features, and they would abide by such change, if made as the Constitution provides; but they feel that they are constitutionally entitled to be heard by their Senators and members in the Houses of Congress upon this or any other proposed amendment. I do not, therefore, think that they would ratify that amendment suggested as a condition precedent to her being admitted to a representation in Congress. Such, at least, is my opinion.

Q. It is then your opinion that at present the people of Georgia would neither be willing to extend suffrage to the negroes nor consent to the exclusion of the negroes from the basis of representation?

A. The people of Georgia, in my judgment, are perfectly willing to leave suffrage and the basis of representation where the Constitution leaves it. They look upon the question of suffrage as one belonging exclusively to the States; one over which, under the Constitution of the United States, Congress has no jurisdiction, power, or control, except in proposing amendments to the States, and not in exacting them from them; and I do not think, therefore, that the people of that State, while they are disposed, as I believe, earnestly, to deal fairly, justly, and generously with the freedmen, would be willing to consent to a change in the Constitution that would give Congress jurisdiction over the question of suffrage. And especially would they be very much averse to Congress exercising any such jurisdiction without their Representatives in the Senate and House being heard in the public council upon this question that so vitally concerns their internal policy, as well as the internal policy of all the States.

Q. If the proposition were to be submitted to Georgia, as one of the eleven States lately in rebellion, that she might be restored to political power in the Government of the country upon the condition precedent that she should, on the one hand, extend suffrage to the negro, or, on the other, consent to their exclusion from the basis of representation; would she accept either proposition and take her place in the Government of the country?

A. I can only give my opinion. I do not think she would accept either as a condition precedent presented by Congress, for they do not believe that Congress has the rightful power under the Constitution to prescribe such a condition. If Georgia is a State in the Union, her people feel that she is entitled to representation without conditions imposed by Congress. And if she is not a State in the Union, then she could not be admitted as an equal with the others, if her admission were trammelled with conditions that do not apply to all the rest alike. General universal suffrage among the colored people, as they are now there, would by our people be regarded as about as great a political evil as could befall them.

Q. If the proposition were to extend the right of suffrage to those who could read and to those who had served in the Union armies, would that modification affect the action of the State?

A. I think the people of the State would be unwilling to do more than they have done for restoration. Restricted or limited suffrage would not be so objectionable as general or universal. But it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a proper system of restricted or limited suffrage to this class of our population; but in my judgment it is a matter that belongs of constitutional right to the States to regulate exclusively, each for itself. But the people of that State, as I have said, would not willingly, I think, do more than they have done for restoration. The only view in their opinion that could possibly justify the war which was carried on by the Federal Government against them was the idea of the insolubleness of the Union—that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the Constitution; and since that was accomplished, since those who had assumed the contrary principle—the right of secession, and the reserved sovereignty of the State—had abandoned their cause, and the administration here was successful in maintaining the idea upon which war was proclaimed and waged, and the only view in which they supposed it could be justified at all—when that was accomplished, I say, the people of Georgia supposed their State was immediately entitled to all her rights under the Constitution. That is my opinion of the sentiment of the people of Georgia, and I do not think they would be willing to do anything further as a condition precedent to their being permitted to enjoy the full measure of their constitutional rights. I only give my opinion of the sentiment of the people at this time. They expected as soon as the Confederate cause was abandoned that immediately the States would be brought back into their practical relations with the Government as previously constituted. That is what they looked to. They expected that the State would immediately have their representatives in the Senate and in the House, and they expected in good faith, as loyal men, as the term is frequently used—I mean by it loyal to law, order and the Constitution—to support the Government under the Constitution. That was their feeling. They did what they did, believing it was best for the protection of constitutional liberty.

Toward the Constitution of the United States, as they construed it, the great mass of our people were as much devoted in their feelings as any people ever were toward any cause. This is my opinion. As I remarked before, they resorted to secession with a view of maintaining more securely these principles. And when they found they were not successful in their object, in perfect good faith, as far as I can judge from meeting with them and conversing with them, looking to the future developments of their country in its material resources, as well as its moral and intellectual progress, their earnest desire and expectation was to allow the past struggle lamentable as it was in its results, to pass by, and to co-operate with the true friends of the Constitution, with those of all sections who earnestly desire the preservation of constitutional liberty and the perpetuation of the Government in its purity? They have been a little disappointed in this, and are so now. They are patiently waiting, however, and believing that when the passions of the hour have passed away this delay in restoration will cease. They think they have done everything that was essential and proper, and my judgment is, that they would not be willing to do anything further as a condition precedent. They would simply remain quiet and passive.

Q. Does your own judgment approve the view you have given as the opinion of the people of the State?

A. My own judgment is very decided that the question of suffrage is one that belongs, under the Constitution—and wisely so, too—to the States respectively and exclusively.

Q. It is your opinion that neither of the alternatives suggested in the question ought to be accepted by the people of Georgia?

A. My own opinion is that these terms ought not to be offered as conditions precedent. In other words, my opinion is that it would be best for the peace, harmony and prosperity of the whole country that there should be an immediate restoration—an immediate bringing back of the States into their original practical relations—and let all these questions then be discussed in common council. Then the representatives from the South could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. You may take my opinion or the opinion of any individual, but they will not enable you to judge of the condition of the State of Georgia so well as for her own representatives to be heard in your humble councils in her own behalf. My judgment, therefore, is very decided that it would have been better, as soon as the lamentable conflict was over, when the people of the South abandoned their cause and agreed to accept the issue—desiring, as they do, to resume their places for the future in the Union, and to look to the halls of Congress and the courts for the protection of their rights in the Union—it would have been better to have allowed that result to follow, under the policy adopted by the Administration, than to delay it or hinder it by propositions to amend the Constitution in respect to suffrage or any other new matter. I think the people of all the southern States would, in the halls of Congress, discuss these questions calmly and deliberately; and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly, patiently, and patriotically yield to whatever should be constitutionally determined in common council. But I think they feel very sensitively the offer to them of propositions to accept, while they are denied all voice in the common council of the Union under the Constitution in the discussion of these propositions. I think they feel very sensitively that they are denied the right to be heard. And while, as I have said, they might differ among themselves in many points in regard to suffrage, they would not differ upon the question of doing anything further as a condition precedent to restoration. And in respect to the alternate conditions to be so presented, I do not think they would accept the one or the other. My individual general views as to the proper course to be pursued in respect to the colored people are expressed in a speech made before the Georgia Legislature, referred to in my letter to Senator Stewart; that was the proper forum, as I conceive, in which to discuss this subject. And I think a great deal depends in the advancement of civilization and progress, looking to the benefit of all classes, that these questions should be considered and kept before the proper forum.

Q. Suppose the States that are represented in Congress and Congress itself should be of the opinion that Georgia should not be permitted to take its place in the Government of the country except upon its assent to one or the other of the two propositions suggested; is it then your opinion that under such circumstances Georgia ought to decline?

Witness. You mean the States now represented, and those only?

Mr. Boutwell. Yes.

Witness. You mean by Congress, Congress as it is now constituted, with the other eleven States excluded?

Mr. Boutwell. I do.

Witness. And you mean the same alternative propositions to be applied to all the eleven States as conditions precedent to their restoration?

Mr. Boutwell. I do.

A. Then I think she ought to decline under the circumstances, and for the reasons stated; and so ought the whole eleven. Should such an offer be made and declined, and these States should thus continue to be excluded and kept out, a singular spectacle would be presented. In 1861 these States thought they could not remain safely in the Union without new guarantees; and now, when they agree to resume their former practical relations in the Union, under the Constitution as it is, the other States turn upon them, and say they cannot permit them to do so, safely to their interest, without new guarantees on their part. The Southern States would thus present themselves as willing for immediate Union under the Constitution, while it would be the Northern States opposed to it. The former disunionists would thereby become Unionists, and the former Unionists the practical disunionists.

Q. Do you mean to be understood in your last answer that there is no constitutional power in the Government, as at present organized, to exact conditions precedent to the restoration of political power of the eleven States that have been in rebellion?

A. Yes, sir. That is my opinion.

Q. Do you entertain the same opinion in reference to the amendment to the Constitution abolishing slavery?

A. I do. I think the States, however, abolished slavery in good faith, as one of the results of the war. Their ratification of the constitutional amendment followed as a consequence. I do not think there is any constitutional power on the part of the Government to have exacted it as a condition precedent to their restoration under the Constitution, or to the resumption of their places as members of the Union.

Q. What, in your opinion, is the legal value of the laws passed by Congress and approved by the President in the absence of Senators and Representatives from the eleven States?

A. I do not know what particular law you refer to; but my answer, generally, is, that the validity of all laws depends on their constitutionality. That is a question for the judiciary to determine. My own judgment, whatever it might be, would have to conform to the judicial determination of the question. It is a question for the courts to determine.

Q. Have you formed any opinion upon that question?

Q. I cannot say that I have formed any matured opinion in reference to any particular act of Congress embraced in the question.

Q. Assume that Congress shall in this session, in the absence of Senators and Representatives from the eleven States, pass an act levying taxes upon all the people of the United States, including the eleven; is it your opinion that such an act would be constitutional?

A. I should doubt if it would be. It would certainly, in my opinion, be manifestly unjust, and against all ideas of American representative government. Its constitutionality would, however, be a question for the judiciary to decide, and I should be willing to abide by that decision, whatever it might be.

Q. If the eleven States have at present an immediate constitutional right to be represented in Congress on a footing with the States at present represented, has that been a continuous right from the formation of the Government, or from the time of the admission of the new States respectively, or has it been interrupted by war?

A. I think, as the Congress of the United States did not consent to the withdrawal of the seceding States, it was a continuous right under the Constitution of the United States, to be exercised so soon as the seceding States respectively made known their readiness to resume their practical relations with the Federal Government, under the Constitution of the United States. As the General Government denied the right of secession, I do not think any of the States attempting to exercise it thereby lost any of their rights under the Constitution, as States, when their people abandoned that attempt.

Q. Is it or not your opinion that the Legislatures and people of the eleven States, respectively, have at present such a right to elect Senators and Representatives to Congress; that it may be exercised without regard to the part which persons elected may have had in the rebellion?

A. I do not think they could exercise that right in the choice of their Senators and members so as to impair in the slightest degree the constitutional right of each house for itself to judge of the qualifications of those who might be chosen. The right of the constitutional electors of a State to choose, and the right of each house of Congress to judge of the qualifications of those elected to the respective bodies, are very distinct and different questions. And in thus judging of qualifications, I am free to admit that in my opinion no one should be admitted as a member of either house of Congress who is not really and truly loyal to the Constitution of the United States and to the Government established by it.

Q. State whether, from your observation, the events of the war have produced any change in the public mind of the South upon the question of the reserved rights of the States under the Constitution of the United States?

A. That question I answered in part yesterday. While I cannot state from personal knowledge to what extent the opinions of the Southern States upon the abstract question of the reserved rights of the States may have changed, my decided opinion is that a very thorough change has taken place upon the practical policy of resorting to any such right.

Q. What events or experience of the war have contributed to this change?

A. First, the people are satisfied that a resort to the exercise of this right, while it is denied by the Federal Government, will lead to war, which many thought before the late attempted secession would not be the case, and civil wars they are also now very well satisfied are dangerous to liberty; and moreover, their experience in the late war, I think, satisfied them that it greatly endangered their own. I allude especially to the suspension of the writ of *habeas corpus*, the military conscriptions, the proclamations of martial law in various places, general impressments, and the levying of forced contributions, as well as the very demoralizing effects of war generally.

Q. When were you last a member of the Congress of the United States?

A. I went out on the 4th of March, 1859.

Q. Will you state, if not indisposed to do so, the considerations or opinions which led you to identify yourself with the rebellion so far as to accept the office of Vice President of the Confederate States of America, so called?

A. I believe thoroughly in the reserved sovereignty of the several States of the Union under the compact of Union or Constitution of 1787. I opposed secession, therefore, as a question of policy, and not one of right on the part of Georgia. When the State seceded against my judgment and vote, I thought my ultimate allegiance was due to her, and I preferred to cast my fortunes and destinies with hers and her people, rather than to take any other course, even though it might lead to my sacrifice and her ruin. In accepting position under the new order of things, my sole object was to do all the good I could in preserving and perpetuating the principles of liberty, as established under the Constitution of the United States. If the Union was to be abandoned, either with or without force—which I thought a very impolitic measure—I wished, if possible, to rescue, preserve, and perpetuate the principles of the Constitution. This, I was not without hope, might be done in the new confederacy of States formed.

When the conflict arose my efforts were directed to as speedy and peaceful an adjustment of the questions as possible. This adjustment I always thought to be lasting, would have ultimately to be settled upon a continental basis, founded upon the principles of mutual conveniences and reciprocal advantage on the part of the States, on which the Constitution of the United States was originally formed. I was wedded to no particular plan of adjustment, except the recognition, as a basis, of the separate sovereignty of the several States. With this recognized as a principle, I thought all other questions of difference would soon adjust themselves, according to the best interests, peace, welfare, and prosperity of the whole country, as enlightened reason, calm judgment, and a sense of justice might direct. This doctrine of the sovereignty of the several States I regarded as a self-adjusting, regulating principle of our American system of State governments, extending, possibly, over the continent.

Q. Have your opinions undergone any change since the opening of the rebellion in reference to the reserved rights of the States under the Constitution of the United States?

A. My convictions on the original abstract question have undergone no change, but I accept the issues of the war and the result as a practical settlement of that question. The sword was appealed to to decide the question, and by the decision of the sword I am willing to abide.

PRESENTATION OF A FLAG TO THE TREASURY DEPARTMENT.

The First Union Flag Raised by the Citizens of Louisiana After the Arrival of the United States Fleet at New Orleans, Under the Gallant Commodore Farragut.

The Union Association of New Orleans held their first public meeting at the City Hall, on the 3d of June, 1862, and resolved to hoist the United States flag on the following Saturday, at 12 o'clock m. The President of the Association was authorized to appoint a committee of thirty-four to perform the duty, but after appointing several who declined, it was resolved to call for a volunteer committee, which was done, and thirty-four came forward and registered their names as willing to undertake the hazardous task.

Under the influence, however, of anonymous and threatening letters, which were received by nearly every member of the committee, six or seven were intimidated and did not serve, but the remaining twenty-seven, whose names are painted on the blue field of the flag, ascended to the top of the City Hall and hoisted the glorious old flag as the clock struck 12 m, amidst the cheers of hundreds of anxious spectators assembled to witness the national banner once more unfurled over the City Hall of New Orleans.

Every member of that committee has proved truly loyal to the United States Government; several joined the United States army and served faithfully; others have been compelled to leave New Orleans because they were unable to obtain employment sufficient to support their families. Those remaining have preserved the organization of the committee, and finally concluded to send the flag to Washington to be preserved amongst the archives of the Government, requesting General Butler to designate some suitable place for its deposit.

LETTER OF THE FLAG COMMITTEE.

NEW ORLEANS, LA., Feb. 19, 1866.

We, the undersigned, citizens of Louisiana, members of the volunteer committee who hoisted the United States flag over the City Hall at New Orleans, June the 7th, 1862, twelve o'clock m., do hereby authorize Dr. James Ready to carry said flag to Washington city, to present the same to Major General B. F. Butler, and to request him, in behalf of the committee, to deposit said flag in some suitable place amongst the archives of this Government.

We further take great pleasure in recommending Dr. James Ready as an honorable and trustworthy gentleman, and bespeak for him the highest commendation for having faithfully preserved and protected said flag from the time of its removal from the City Hall to the present.

THEO. MEEKS, THOS. LYNNE,
SIDNEY G. BROWN, JAMES KENNAIN,
E. H. CHADWICK, HENRY BARNETT,
SIMON FAGAN, JOS. P. MURPHY,
H. RODRIGUEZ, LOUIS FIX,
THOMAS J. EARNARY.
B. L. BROWN, Secretary of Committee.

LETTER FROM GENERAL BUTLER.

WASHINGTON CITY, March 28, 1866.

MY DEAR SIR: I am obliged to the gentlemen of the Committee of the Union Association of New Orleans, that they have asked my advice as to the disposition of the flag which was first raised by them over the City Hall after the secession of the State.

I have a very lively remembrance of the incident. The few true Union men, gathered together, formed a nucleus around which the sentiment of loyalty to the Union might cluster, making a germ which, had it been wisely and properly nurtured and cared for, would ere this have ripened into a truly loyal State.

That it has not been so has not been the fault of yourself or associates. It is the misfortune of the country.

As the first sacrilegious hand was laid upon the flag in the Revenue service of the United States, at the opening of the rebellion, in Louisiana, I recommend that your association deliver to the Revenue department of the Treasury the custody of this flag, the first fruits of returning fealty to the Union in Louisiana.

I cannot doubt that the gift will be fully appreciated and properly cared for in that department.

Thanking you for your complimentary courtesy, I am, very truly, your friend and servant,

BENJ. F. BUTLER,

Doctor JAMES READY, chairman of committee, who volunteered to hoist the first Union flag over the City Hall, New Orleans, June 7, 1862.

LETTER OF MR. READY.

WASHINGTON CITY, D. C., April 2, 1866.

DEAR SIR: In behalf of the volunteer flag committee of the Union Association of New Orleans, and in accordance with the kind suggestions of General B. F. Butler in a letter to me dated March 28, 1866, herewith enclosed, I beg leave to present to the Treasury Department the United States flag which was hoisted by said flag committee over the City Hall of New Orleans on the 7th day of June, 1862, at 12 o'clock m., believed to be the first Union flag raised by the citizens in any of the rebellious States after the commencement of hostilities.

Hoping you will accept it as a fitting present from a loyal and faithful band of patriots, and that it may be faithfully preserved amongst the archives of our beloved Government, I remain yours, with great respect, JAMES READY.

Hon. HUGH MCCULLOCH, Secretary U. S. Treasury.

REPLY OF SECRETARY MCCULLOCH.

TREASURY DEPARTMENT, April 5, 1866.

DEAR SIR: Your favor of the 2d instant, with the accompanying flag, has been received.

I understand, from your letter, and the letter of General B. F. Butler addressed to you on the 28th ult., that, as "the first sacrilegious hand was laid upon the national flag in the revenue service of the United States at the opening of the rebellion in Louisiana," the Association of which you are the chairman have deemed it proper to present to the Secretary of the Treasury, who is at the head of the Revenue Department of the Government, the first Union flag hoisted over the City Hall in New Orleans after the attempted secession of that State, and supposed to be the first Union flag raised by the citizens of any one of the States recently in rebellion after the commencement of hostilities.

To all true citizens of the United States the stars and stripes are always an object of affectionate interest and pride. They are associated with much that is dear and honorable to them as a people, and are now doubly prized, as they have become again the flag of the entire Union.

When the flag now presented to the Treasury Department was first raised in the Crescent City, another flag had been substituted for the old one in eleven States of the Republic. Except where it floated at the few points held by the Government forces or at the head of the Union columns, no man dared openly to acknowledge fealty to it throughout a large portion of the national domain. The raising of this flag was the first public proclamation of returning loyalty in the State of Louisiana. When it was for the first time publicly unfolded, the Government was engaged in a struggle with a gigantic rebellion, the first effective blow against which was given in the capture of New Orleans, following the most brilliant naval achievement upon record.

The great rebellion has now been crushed; the national banner has been spread again throughout the length and breadth of the land. May we not indulge the hope that it will soon be honored and loved as of yore, even by those who madly attempted to dishonor it, and float over a people united in sympathy and good fellowship as they must be in Government and destiny.

Return, my dear sir, to the association you represent, my sincere thanks for presenting this flag to the Treasury Department. It will be carefully preserved as a memento of the great trial through which the nation has safely and honorably passed, and of the loyalty of the gallant little band who first gave it to the breeze. It will be preserved, not as a reminder of the triumph of one section of the country over another, but of the Union over those who attempted to dismember it—not of a victory of the North over the South, but of Constitutional liberty and republican institutions in the great struggle of the Government for the maintenance of both.

I am, very truly, yours,

H. MCCULLOCH,
Secretary of the Treasury.

To JAMES READY, Washington, D. C.