

**SENATE JOURNAL OF THE EXTRA  
SESSION OF THE THIRTY-FIFTH GENERAL  
ASSEMBLY OF THE  
STATE OF TENNESSEE, CONVENED AT  
NASHVILLE, MONDAY, THE TWENTY-  
SEVENTH DAY OF JULY, 1868**

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Senate Journal of the Extra Session of the Thirty-Fifth General Assembly of the State of Tennessee, Convened at Nashville, Monday, the Twenty-Seventh Day of July, 1868 by Various

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**VARIOUS**

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SENATE JOURNAL

OF THE

EXTRA SESSION

OF THE

Thirty-Fifth General Assembly

OF THE

STATE OF TENNESSEE. *General Assembly*  
*Senate*

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CONVENED AT NASHVILLE,

MONDAY, THE TWENTY-SEVENTH DAY OF JULY, 1868.

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# SENATE JOURNAL.

—  
CALLED SESSION, 1868.  
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MONDAY, JULY 27, 1868.

The Senate met in obedience to the following Proclamation by his Excellency, W. G. Brownlow, Governor of Tennessee:

“WHEREAS, On page 108 of the Code of Tennessee, the following constitutional provision is found:

“The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them when assembled, the purposes for which they shall have been convened; but they shall enter on no legislative business except that for which they were specially called together.”

“Now, THEREFORE, I, William G. Brownlow, Governor of Tennessee, issue this, my call for an extraordinary session of the General Assembly of Tennessee, to take place on Monday, 27th of July, 1868, at the Capitol, in Nashville. Senators and Representatives are required to be there at 12 o'clock, the day and date above named, when I will make known to them the purposes for which they have been called together.

“The papers selected to do the legal advertising of the State, are directed to insert this proclamation, each, three times.

“In testimony whereof, etc., etc., I sign and publish the same this, 6th of July, 1868.

“WILLIAM G. BROWNLOW.”

Mr. Speaker Senter in the Chair, who, in obedience to the above Proclamation, called the Senate to order at 12, M.

Roll called under the rules.

Present, ..... 15  
Absent, ..... 10

Senators present, were:  
Messrs. Elliott, Frierson, Garner, Henderson, Lyle, Lindsley, McCall, Nelson, Norman, Parker, Rodgers, Underwood, Wisener, Wyatt, and Mr. Speaker Senter—15.

Senators absent, were:  
Messrs. Aldridge, Cate, Eckel, Eaton, Fuson, Keith, Matthews, Patterson, Smith, and Wilson—10.

The Speaker announced no quorum present.  
On motion of Mr. Norman,  
The Senate adjourned until 11 o'clock, A. M., to-morrow.

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TUESDAY MORNING, JULY 28, 1868.

Senate met pursuant to adjournment, Mr. Speaker Senter in the Chair.

Prayer by Senator Wyatt.

Roll called under the rules.

Present,..... 22  
Absent,..... 3

Senators present, were:  
Messrs. Aldridge, Cate, Eckel, Eaton, Elliott, Frierson, Fuson, Garner, Henderson, Lindsley, Lyle, Matthews, McCall, Nelson, Norman, Patterson, Parker, Rodgers, Underwood, Wisener, Wyatt, and Mr. Speaker Senter—22.

Senators absent, were:  
Messrs. Keith, Smith, and Wilson—3.

The Speaker announced a quorum present, and the Minutes of the last meeting were read and approved.

The Speaker presented the following message from his Excellency, the Governor, to-wit:

*Gentlemen of the Senate and House of Representatives:*

The Constitutional provision, authorizing me to convene you in extraordinary session, makes it my duty to state to you the purposes for which you have been convened, and at the same time limits

you in your acts of legislation to the business for which you have been called together.

At your session of last winter, by large majorities in both Houses, you repealed what was known as the militia law. I accordingly paid off the militia and disbanded them, so that, for the last ten months, there have been no State troops at my disposal. As members of the Legislature, you were assured by leading Conservatives in their respective counties, and doubly assured by the leading rebel journals of the State, there would be no necessity for any troops whatever, and that law and order would be strictly observed. It turns out that the rebellious elements of the State were at that time secretly arming themselves and perfecting a military organization known as the Ku Klux Klan, composed of ex-rebel soldiers and those who were in sympathy with them; thus violating their paroles at the time of their surrender, and violating the laws of the State, and plotting and planning mischief in every respect. These men have been arming and organizing for a year past, with an eye to the overthrow of the State Government, and, ultimately, to carrying the State in the Presidential election. They have known, as well as the political leaders and bad men who have prompted their action, that the President of the United States was bitterly hostile to the men and measures of the present State Government, and would readily favor a movement that would overthrow both. They have been confident, and have so expressed themselves, that the President would give them, as revolutionists, such aid by the disposition of troops, and changes in this military department, as would insure them an easy victory; and some of them have been so indiscreet as openly to boast of this. Their schemes have involved the overthrow of the existing State Government, the abolition of colored suffrage, the immediate enfranchisement, under the revolutionary constitution, of every rebel who fought to destroy the Government, and a wiping from the statute books of all the wholesome and patriotic laws enacted since April, 1865.

So violent and murderous have been the conduct of these armed outlaws in different counties of Middle and West Tennessee, that, acting under the authority of a resolution you adopted last Spring, I have called upon the brave and patriotic commander of this department at Louisville, to furnish me regular troops for these counties. The following correspondence will show you with what result:

EXECUTIVE OFFICE,  
Knoxville, Tenn., June 15th, 1868. }

*Major-General Geo. H. Thomas, Commanding, &c.:*

The following is a copy of a dispatch from the Hon. Mr. Arnell:

COLUMBIA, Tenn., June 14, 1868.

*To Gov. W. G. Brownlow:*

The Ku Klux searched the train for me last night, pistols and rope in hand. Empower me to call upon the military here, if necessary, in your name, to suppress all armed and masked parties in this vicinity. I propose to fight it out.

S. M. ARNELL.



This is but in keeping with what is going on in other counties of Middle and West Tennessee, as I am advised by reliable men.

I therefore call upon you to furnish a company of troops for the counties of Lincoln and Marshall, jointly. One for the county of Obion, one for the county of Dyer, and one for the county of Gibson. Without troops in these counties the civil laws cannot be enforced, or loyal men allowed to exercise their rights and liberties. If you have the troops, I also desire that a company be sent to Fayette county.

I have the honor to be, etc.,

W. G. BROWNLOW,  
Governor of Tennessee.

H'DQ'RS DEPT. OF THE CUMBERLAND, }  
Louisville, Ky., June 18, 1868. }

*His Excellency, W. G. Brownlow,*  
*Governor of Tennessee, Knoxville, Tenn.:*

SIR: I have the honor to acknowledge the receipt of your letter of the 15th inst., containing a copy of a dispatch from the Hon. S. M. Arnell, to you, and your request for troops to be sent to certain counties in Tennessee. You say that without troops in these counties the civil laws cannot be enforced, or loyal men allowed to exercise their rights and liberties. I have the honor to say in reply, that the military can only be used to aid and sustain the civil authorities in the discharge of their duties. The State of Tennessee, being in the full exercise of all the civil functions of a State, the military authority of the United States cannot legally interfere except in aid and support of the civil authority. For these purposes troops have been sent to various localities at your request. These details, together with the present demand for troops to assist the U. S. officers in collecting the revenue, has so exhausted the force at my command as to prevent the complying with your request to send companies to the counties named.

Very respectfully, your ob't sv't,  
GEO. H. THOMAS,  
Maj.-Gen. U. S. A., Commanding.

H'DQ'RS DEPT. OF THE CUMBERLAND, }  
Louisville, Ky., June 24, 1868. }

*To His Excellency W. G. Brownlow,*  
*Governor of Tennessee, Knoxville, Tenn.:*

SIR: Referring to my letter of the 18th inst., to you, I have the honor to inform you, that since writing I have procured a copy of the Acts of the Twenty-Fifth General Assembly of Tennessee, for the years 1867-8.

I have carefully examined the Acts providing for the protection of Sheriffs, etc., and relating to the State Guard, and respectfully submit to you, as my opinion, that under these laws, if vigorously enforced, the difficulties in Tennessee, could be suppressed.

The 7th, and subsequent sections of the "Act for the protection of Sheriffs," etc., passed February 1st, 1868, appears to be especially

available and practicable for good effect, and could be more readily and quickly enforced than the Act to "organize and equip a State Guard," etc., passed March 13, 1868, though, if found necessary, this would be the more powerful organization, notwithstanding its deficiencies as to a staff corps for its administration.

I take the liberty of giving an opinion on this subject, because of the probability of the necessity, in the end, for your calling on the United States for aid under the provisions of the Constitution; and as you have been informed, the force at my command is so exhausted by calls for other duties, that it is not likely that sufficient troops for the purpose could be furnished.

I have the honor to be, very respectfully, your obedient servant,  
 GEO. H. THOMAS,  
 Major-General, U. S. A.

STATE OF TENNESSEE,  
 Executive Department,  
 Knoxville, June 29th, 1868. }

*Major-General Geo. H. Thomas:*

Your favor of the 24th inst., is now before me, and your suggestions have been duly considered. I thank you for the same, and fully appreciate your motives. The principle difficulty we have to encounter, has, perhaps, not occurred to your mind. The Sheriffs in the rebellious counties, for the most part, are strangely silent, and as strangely reluctant to comply with the provisions of the law. This reluctance arises from one of two considerations: either the fear of violence in attempting to organize a police force, or after said force shall have been disbanded. In some instances, the Sheriffs are in sympathy with the rebellious element of their respective counties.

Upon the whole, I think it likely I shall have to convene the Legislature in extraordinary session.

I have the honor to be, &c.,  
 W. G. BROWNLOW,  
 Governor of Tennessee.

This dangerous organization of ex-rebels now ramifies almost every part of the eleven States that once constituted the Southern Confederacy, and has already grown into a political engine of oppression so powerful and aggressive as to call forth in opposition, several notable military orders. Organized upon the same basis, and having the same dark designs in view, that found a fit culmination in Booth's assassination of Abraham Lincoln, it works in secret, mid signs, symbols and pass-words, hatching plots to scatter anarchy and permanent disorder wherever it may have an existence. The influential portion of the rebel press in the South hail its advent as a propitious circumstance. Of its purposes I need only extract from the constitution of one of the clubs of its order, captured by the police at Memphis, the following declaration:

"The object of this organization is for the purpose of protecting the people of the South from the band of murderers and robbers now preying upon them, even to the last resort—assassination—and we pledge ourselves one to the other, that nothing shall be allowed to deviate us from this noble object."

Here we have assassination declared as a legitimate object of this lawless clan. That it is equal to its purposes is exemplified in the assassinations already committed in our own State and other Southern States. I recommend, most emphatically, that these organized bands of assassins and robbers be declared outlaws by special legislation, and punished with death wherever found.

I call upon members to speak and vote in the halls of legislation as they themselves and their constituents have spoken to me in private letters and petitions, calling for the militia to protect them in their person and property. True, it will take money to furnish a military force, but loyal men residing in rebellious counties, are entitled to protection, without any regard to what it may cost in dollars and cents. If I am expected to protect them, I must be allowed a sufficient clerical force to execute my orders promptly, and funds to meet the necessary demands in carrying out these orders. Gentlemen are here from the counties partially in rebellion, and it is for them to say whether a military force is necessary to afford protection and quiet among their constituents. You will also pardon me for my plainness of speech, as I have been complained of as rather tardy in my movements to protect loyal men. Therefore, it is that if our people are butchered in cold blood, and the colored population are intimidated and driven from their homes and the ballot box, I intend the responsibility shall rest with the Legislative, and not the Executive Department of the State Government. If I am regarded as extravagant and violent, I shall be gratified to have the Legislature designate some other person to take the entire control of this branch of the public service.

I again repeat, gentlemen, that you are fresh from the people, familiar with all the recent outrages complained of, and it is for you to apply the remedy for existing evils. Should you conclude to order out the militia, or a portion of them, it will be your duty to protect them by law for all proper acts done under orders, or in the line of duty. Otherwise, they will be annoyed by malicious prosecutions after they are mustered out of service.

#### STATE FINANCES.

I propose next, to call your attention to the subject of our State Finances. Near the close of the late session, you created a Financial Board, consisting of five members, viz: The Governor, Secretary of State, Comptroller, Treasurer, and the President of the Bank of Tennessee. I regret to say that from the time of the organization of the Board until the present, there has been great want of harmony in its councils and action. Very soon after the Board organized, the Secretary of State and the Comptroller sent