

GENERAL W. S. HANCOCK.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

RECOMMENDING

*Some recognition of the services of General Hancock, as commander of the fifth military district.*

DECEMBER 18, 1867.—Laid on the table and ordered to be printed.

*Gentlemen of the Senate and of the House of Representatives :*

An official copy of the order issued by Major General Winfield S. Hancock, commander of the fifth military district, dated headquarters in New Orleans, Louisiana, on the 29th day of November, has reached me through the regular channels of the War Department, and I herewith communicate it to Congress for such action as may seem to be proper in view of all the circumstances.

It will be perceived that General Hancock announces that he will make the law the rule of his conduct; that he will uphold the courts and other civil authorities in the performance of their proper duties; and that he will use his military power only to preserve the peace and enforce the law. He declares very explicitly that the sacred right of the trial by jury and the privilege of the writ of *habeas corpus* shall not be crushed out or trodden under foot. He goes further, and in one comprehensive sentence asserts that the principles of American liberty are still the inheritance of this people, and ever should be.

When a great soldier, with unrestricted power in his hands to oppress his fellow-men, voluntarily foregoes the chance of gratifying his selfish ambition, and devotes himself to the duty of building up the liberties and strengthening the laws of his country, he presents an example of the highest public virtue that human nature is capable of practicing. The strongest claim of Washington to be "first in war, first in peace, and first in the hearts of his countrymen," is founded on the great fact that in all his illustrious career he scrupulously abstained from violating the legal and constitutional rights of his fellow-citizens. When he surrendered his commission to Congress, the president of that body spoke his highest praise in saying that he had "always regarded the rights of the civil authorities through all dangers and disasters." Whenever power above the law courted his acceptance, he calmly put the temptation aside. By such magnanimous acts of forbearance he won the universal admiration of mankind, and left a name which has no rival in the history of the world.

I am far from saying that General Hancock is the only officer of the American army who is influenced by the example of Washington. Doubtless thousands of them are faithfully devoted to the principles for which the men of the

Revolution laid down their lives. But the distinguished honor belongs to him of being the first officer in high command south of the Potomac, since the close of the civil war, who has given utterance to these noble sentiments in the form of a military order.

I respectfully suggest to Congress that some public recognition of General Hancock's patriotic conduct is due, if not to him, to the friends of law and justice throughout the country. Of such an act as his, at such a time, it is but fit that the dignity should be vindicated and the virtue proclaimed, so that its value as an example may not be lost to the nation.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 18, 1867.*

[General Orders No. 40.]

HEADQUARTERS FIFTH MILITARY DISTRICT,  
*New Orleans, Louisiana, November 29, 1867.*

I. In accordance with General Orders No. 81, Headquarters of the Army, Adjutant General's Office, Washington, D. C., August 27, 1867, Major General W. S. Hancock hereby assumes command of the fifth military district, and of the department composed of the States of Louisiana and Texas.

II. The general commanding is gratified to learn that peace and quiet reign in this department. It will be his purpose to preserve this condition of things. As a means to this great end he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient, under existing circumstances.

In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown, and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead, and the civil administration resume its natural and rightful dominion. Solemnly impressed with these views, the general announces that the great principles of American liberty still are the lawful inheritance of this people, and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, and the natural rights of persons, and the rights of property must be preserved. Free institutions, while they are essential to the prosperity and happiness of the people, always furnish the strongest inducements to peace and order. Crimes and offences committed in this district must be referred to the consideration and judgment of the regular civil tribunals, and those tribunals will be supported in their lawful jurisdiction.

Should there be violations of existing laws which are not inquired into by the civil magistrates, or should failures in the administration of justice by the courts be complained of, the cases will be reported to these headquarters, when such orders will be made as may be deemed necessary.

While the general thus indicates his purpose to respect the liberties of the people, he wishes all to understand that armed insurrections or forcible resistance to the law will be instantly suppressed by arms.

By command of Major General W. S. Hancock :

W. G. MITCHELL,

*Brevet Lieut. Col., Acting Assistant Adjutant General.*

Official :

NATHANIEL BURBANK,

*2d Lieut. 37th Infantry, Brevet 1st Lieut. U. S. A., A. A. A. G.*