

## PAPERS

IN THE CASE OF

# J. POWELL VS. R. R. BUTLER.

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Printed under resolution of March 7, 1867.

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### EVIDENCE FOR CONTESTANT.

#### 1.—*Memorial of Joseph Powell.*

*To the House of Representatives of the Congress of the United States of America :*

The memorial of Joseph Powell, a citizen of the county of Green, in the first congressional district of the State of Tennessee, respectfully represents to your honorable body that he contests the right of R. R. Butler, who holds the commission or certificate of the governor, to a seat in your honorable body from said first congressional district, and claims that in law and of right he is entitled to said seat himself.

Your memorialist bases his claim upon the fact that he is, and always has been, a loyal citizen of the United States; took the oath required by the suffrage laws of Tennessee required of candidates, and received a portion of the votes of the qualified voters of said district, and upon the fact that the said R. R. Butler having been for a long time an active *sworn* rebel, was and is wholly ineligible to said office. Your memorialist here refers to the certificate of the secretary of state of Tennessee, marked No. 1, and made a part of this memorial.

Your memorialist will now proceed to show from the records of the state department of the State of Tennessee, that the said Butler was an active, persistent rebel, and as such voluntarily sought a seat in the legislature of Tennessee; became a candidate after the passage of the secession ordinance, and voluntarily took upon himself an oath to support the pretended constitution of the so-called Confederate States, and as such, by his actions and votes, supported, carried on, and perfected the most rebellious and treasonable proceedings. Indeed, your memorialist will go farther back and show that said Butler was one of the obedient agents of Isham G. Harris, then governor of Tennessee, in forcing the State into an attitude of rebellion.

Your memorialist herewith files a transcript from the house journal of the legislature of 1859-'60, marked No. 5, showing that said Butler was a member of that legislature, and as such took the oath to support the Constitution of the United States.

Your memorialist next produces and files, as part of this memorial, a certified copy of the proclamation of said Isham G. Harris, marked No. 6, and made part of this memorial, calling said legislature of 1859-'60 together for treasonable purposes.

Your memorialist also files transcripts, marked Nos. 7 and 8, from the journals of said extra session so called together by said Harris, showing that said Butler obeyed the call of said Harris and entered into said treasonable work, though then under an oath to support the Constitution of the United States.

Your memorialist also files herewith a certified copy of extracts from the message of said Isham G. Harris to said extra session, marked No. 9, which more fully discloses the object of calling said extra session, to wit: the "perfecting of an ordinance with a view to our admission as a member of the southern confederacy."

Your memorialist also files a certified copy of the "ordinance of secession," passed on the 6th of May, 1861, by said extra session, marked No. 10, which shows the date that the State became a State in rebellion.

Your memorialist also files a certified transcript from the house journal of the Tennessee (confederate) legislature of 1861-'62, marked No. 11, and made part of this memorial, which shows that after the adoption of said secession ordinance said Butler became a candidate to represent the counties of Carter and Johnson in said rebel legislature, and was elected on the first Thursday in August, (see constitution of Tennessee,) and appeared with his credentials and took the oath to support the constitution of the Confederate States, so called, and became thus an actual member of said treasonable body.

Your memorialist also files transcripts from records of the state department of Tennessee, marked Nos. 12, 13, 14, 15, 16, 17, and 18, which are hereby made part of this memorial, as samples from Mr. Butler's record, showing the character of legislation that met his sanction as a rebel legislator.

It will be seen from No. 12, that he recognizes the separation of the State from the Union, and declares that that separation "ought to be perpetual and irrevocable;" "that the war against the Confederate States should be resisted with the utmost rigor and energy until *our* independence and *nationality* should be unconditionally acknowledged," and pledges the State of Tennessee to stand by her confederate sisters with all her means and resources. In short, Mr. Butler was ready to expend the last man and the last dollar, and to die in the last ditch, to secure a southern confederacy.

No. 13 shows that Mr. Butler moved to take up and amend, and supported and voted for, a law to *sequester* the honest debts due from the merchants and other citizens of Tennessee to the citizens of the loyal States, (amounting to millions,) and to appropriate them to the benefit of the so-called Confederate States. It thus appears that Mr. Butler has the questionable distinction of voting for the first confiscation or sequestration measure of the war.

No. 14 shows that Mr. Butler voted for a law under which all the banks of the State of Tennessee were authorized to remove themselves out of the reach of the federal authorities. Under this law the Bank of Tennessee, with assets amounting to over eleven millions, was carried south, and about ten millions of it lost to the people of the State, to whom it belonged. The assets being converted into confederate bonds and notes, was a contribution of that amount to what is now termed the "lost cause."

Nos. 15, 16, 17, and 18 are taken promiscuously from the numerous votes of Mr. Butler, giving aid and comfort to the rebellion, and expressing sympathy with it. Disposing of funds seized by rebel authorities from the United States, tendering the capitol for the election of a rebel president, taking up and forwarding measures to pay for horses for rebel cavalry, urging the building of a railroads as a military necessity, are some of Mr. Butler's minor offences while acting as a rebel legislator.

Your memorialist also files a certified copy of extracts from the journal of said rebel legislature, marked No. 19, which gives some idea of the panic that seized said rebel legislature when the army of General Grant approached the city of Nashville after the fall of Fort Donnelson. Mr. Butler's anxiety to adjourn; his absence on Sunday when an adjournment and precipitate flight to Memphis was agreed on—where we subsequently find him over five hundred miles from his residence—speak out his devotion to Governor Harris and the rebel cause in language stronger than mere words.

Your memorialist most respectfully insists that the per diem pay was not sufficient inducement for Mr. Butler's flight from the federal forces and his attendance upon Governor Harris at Memphis. His per diem being paid in confederate notes, then at a discount of eighty per cent., forbids this idea. Nothing but deep devotion to the rebel cause could have impelled Mr. Butler to make the sacrifice. He had not seen the flag of his country for near two years, and when it approached it offered protection to its friends and amnesty to its enemies. He had only to recognize it as his flag to find himself sheltered from all harm. But he chose the fortunes of Isham G. Harris, and followed the "stars and bars" as long as there was hope of its triumph.

Your memorialist also files certified extracts from the journal of said rebel legislature, marked No. 20, which shows the presence of Mr. Butler during the session of this movable body at Memphis, and his participation in its proceedings.

In addition to the foregoing records, your memorialist states that the said Butler was one of the most outspoken of the members of said rebel legislature, and that his speeches were violent in denunciation of the Union cause and its armies. This fact your memorialist has not felt called on to prove, because he presumes that the records he presents are higher evidence. He proposes, however, if required by a committee of your honorable body, to make such proof.

Your memorialist further states that Mr. Butler, not satisfied with one term of service in the rebel legislature, was a candidate for re-election, and was actually re-elected on the first Thursday in August, 1863; but before he could find the *debris* of the rebel State government General Burnside occupied East Tennessee, about which time he came inside the federal lines, and passed himself for a fire-tried Unionist. No returns being made of this election, no record of it is produced; but your memorialist will prove it if deemed material.

Your memorialist also files a pamphlet copy of the pretended public laws passed by said rebel legislature, which is made a part of this memorial; also a pamphlet copy of the franchise law of Tennessee, under which the late election in Tennessee was held. With special reference to this law your memorialist herewith files a certified copy of the oath taken by said Butler as a candidate for Congress, which is marked No. 21, and made a part of this memorial. It is impossible to comment upon this document, in connection with the records your memorialist has produced, without the employment of language unfit for a paper of this character. He therefore refers to it only, and asks that it be read.

It may seem extraordinary that one so identified with the late rebellion in its worst forms could so far deceive a loyal people as to obtain so large a vote. This your memorialist proposes to explain.

It will be remembered that the aforesaid rebel legislature had to fly from Memphis with nearly as much haste as it fled from Nashville. As a consequence, the journals of its proceedings were not and have never been printed, indexed, or arranged. They were captured by the federal forces in 1865, and deposited in the capitol at Nashville in a mass, and have never been examined until lately. The people of the first congressional district had no knowledge of the conduct of their candidate as a rebel till too late to discard him. It will be seen by the printed circular of said Butler, herewith filed, No. 22, that he solemnly denied in advance his record, and thus completely cheated a loyal people. Add to this, after he made this record, he was a seemingly most noisy Unionist, most bitter in his denunciation of all rebels, and it may be easily seen how the fraud was effected.

It will be seen, from the documents here produced, that the aforesaid R. R. Butler is not only incapable of holding any office of honor or trust under the United States, in consequence of the laws prescribing official oaths, but he is absolutely prohibited from exercising the elective franchise, under the sixth section of the act passed July, 1867, construing the supplementary reconstruction act.

Your memorialist prays a hearing of his case from your honorable body, and a decision of this contest; and, as in duty bound, he will ever pray, &c.

J. POWELL.

2.—*Notice.*

GREENVILLE, GREENE COUNTY,  
*State of Tennessee.*

*To R. R. Butler, Representative elect from First Congressional District of Tenn.:*

Take notice that on the 21st day of November, A. D., 1867, in the city of Washington, United States of America, in the House of Representatives United States Congress, at the meeting of that body, I will appear and contest your right to take your seat in said House of Representatives, and will then and there present your record in the Tennessee confederate legislature, both at Nashville and Memphis, in 1861, and subsequent to that time, to show cause why you should not take your seat in that body.

JOSEPH POWELL.

STATE OF TENNESSEE, *Greene County:*

I, Elijah W. Headrick, clerk of the county court of said county, do hereby certify that A. W. Walker is the high sheriff of Greene county, Tennessee, legally elected and qualified according to law. I further certify that Greene county is in and one of the counties composing the first congressional district of Tennessee.

Given under my hand and official seal this 13th day of November, 1867.

[SEAL.]

E. W. HEADRICK,  
*Clerk Greene County.*

*State of Tennessee to the Sheriff of Grainger county, greeting:*

You are hereby commanded to summon Major John M. Sawyers to appear before me, at my office in Rutledge, on the 14th day of December, 1867, between the hours of 8 o'clock a. m. and 9 o'clock a. m., to testify and give evidence in a cause pending in the Congress of the United States of America, in which Joseph Powell is plaintiff and the Hon. R. R. Butler is defendant, in behalf of the plaintiff; and this he shall not omit under the lawful penalty.

Witness my hand at office in Rutledge the 4th day of December, 1867.

M. GOLDMAN, *Clerk.*

By M. GOLDMAN, *Deputy Clerk.*

3.—*Depositions for Grainger county, Tennessee.*

Deposition of John M. Sawyers, taken before me, clerk of the county court for the county of Grainger, Tennessee, pursuant to a copy notice served on the Hon. R. R. Butler, member elect from the first congressional district of Tennessee, (said election held on the 1st day of August, A. D., 1867,) wherein R. R. Butler holds the certificate of election and the said Joseph Powell is contestant, December 14th, 1867:

JOHN M. SAWYERS, of full age:

Q. Where do you reside?

A. Rutledge, Grainger county, Tennessee.

Q. Are you acquainted with R. R. Butler, who holds the certificate of election in the first congressional district of Tennessee?

A. Yes, I am.

Q. Please state all you know about he, Butler, holding a commission in the federal army, and the force he raised under the aforesaid commission for the

federal service; also the field of his military operations, the battles that he and his command were engaged in, and all you know about Colonel R. R. Butler's services on either side in the late rebellion.

A. It is my understanding he had a commission. Do not know whether he raised any force under the commission. The first I ever saw of him, Butler, was at Camp Nelson, Kentucky, and he was there ordered to Nashville, Tennessee, with his command, and resigned shortly after he arrived at Nashville, Tennessee. I know of no battles in which he and his command were engaged while he was in the federal service. I know nothing of his being in the rebel service. I understand that he was in the rebel legislature.

Q. Please state the date, as near as you can, that Colonel Butler received his commission in the federal service, and what impediments stood in the way, if any, that the colonel did not, under his commission aforesaid, raise a regiment. State particularly all about this.

A. I think he received his commission on the last of December, 1863, or January, 1864. John K. Miller was colonel of the thirteenth cavalry, Tennessee, of which R. R. Butler was lieutenant colonel, assisting Colonel Miller in raising said regiment.

Q. Please state at about what time Colonel Butler abandoned the confederate cause and espoused the cause of the federal side, and anything you know of his action when among the rebels.

A. I do not know of his being in the rebel cause further than in the rebel legislature of Tennessee, which he abandoned some time in 1863, to the best of my information, for I was in the federal army all the time. I know nothing of his actions in the rebel cause only from the records of the legislature.

J. M. SAWYERS.

STATE OF TENNESSEE, *Grainger County*:

I, M. Goldman, clerk of the county court of Grainger county aforesaid, do hereby certify that the deposition of J. M. Sawyers was taken on the 14th day of December, 1867, at my office in Rutledge, between the hours of 8 o'clock a. m. and 9 o'clock a. m., and that the county court of Grainger county is a court of record.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, at my office in Rutledge, on the 14th day of December, 1867.

[SEAL.]

M. GOLDMAN,

*Clerk of the County Court of Grainger County.*

4.—*Deposition taken in Jefferson county, Tennessee.*

STATE OF TENNESSEE, *Jefferson County*.

*To the Sheriff of Jefferson county, or any lawful officer of said county:*

You are hereby commanded to summons James M. Meeks to appear before me, at my office in Dandridge, on Friday, the 20th day of December, 1867, in order to take his deposition in the case of the contested seat in the fortieth Congress of the United States—Joseph Powell vs. Hon. R. R. Butler. Herein fail not, and due return make of this writ.

Witness James M. Nicholson, clerk of the county court of said county, at his office in Dandridge, this 14th day of December, 1867.

JAMES M. NICHOLSON,  
*Clerk of Jefferson County Court, Tennessee.*

Deposition of James Monroe Meeks, on the part J. Powell, contestant, taken before me, clerk of the county court for Jefferson county, State of Tennessee, pursuant to a copy notice served on Hon. R. R. Butler, member elect from the first congressional district of Tennessee, bearing date the 26th day of November, A. D. 1867, to be read in evidence on behalf of Joseph Powell, contestant, in a certain case of contested seat for representative in the fortieth Congress for the first congressional district of Tennessee; election held on the 1st day of August, A. D. 1867, wherein R. R. Butler holds the certificate of election and the said Joseph Powell is contestant. December 20, 1867.

JAMES M. MEEKS, of full age:

Q. Where do you reside.

A. In the county of Jefferson, State of Tennessee?

Q. Are Jefferson, Grainger, Sullivan, and Carter counties in the first congressional district of Tennessee?

A. Yes.

Q. Are you acquainted with Hon. R. R. Butler, member elect from the first congressional district of Tennessee? If yea, where did you become acquainted with him? Please state.

A. I am; first became acquainted with him, if I recollect right, in the general assembly of the State of Tennessee, at Nashville, in 1855 and 1856; served with him afterward in the Tennessee legislature, in 1861-'62.

Q. Do you recollect who it was in the rebel legislature that offered a bill or resolution to hang bridge-burners? Please state, if you now recollect.

[REMARK.—That bill or resolution is partially torn from the book, as I shall prove by A. J. Fletcher, secretary of the State of Tennessee.]

A. I do not recollect; at the time the bill was introduced, if introduced at all—and my recollection is there was such a bill—I was at home, and not in the legislature. The bridges were burned about the first of November, 1861, and I did not get back to Nashville, if I recollect right, until about the 19th or 20th of November, 1861, and my recollection is that such a bill was on the calendar; I had gone home prior to the burning of the bridges.

Q. Please state if, during the session of the legislature in 1861-'62, a sword was presented to a confederate officer, and who it was that spoke and presented the sword on that occasion.

A. My recollection is, there was a sword presented to a rebel officer by the name of Lockhardt, from Stewart county; I think the Hon. R. R. Butler presented it, but how it came to be done I do not know. Lockhardt and myself were personally unfriendly. I think the speech reported in the newspapers does Butler injustice, and the same was done for effect.

Q. In all measures acted on in the legislature of 1861-'62 for the support of the confederate cause, who was most active in favoring its advancement and giving aid and countenance to it among the members of that body?

A. There was William L. Martin, of the county of Wilson; A. E. Keeble, of the county of Rutherford; Lockhardt, of the county of Stewart; Kennedy, of the county of Montgomery; Ira Jones, of the county of Davidson, and two or three bad men from East Tennessee, to-wit, Millard, from Sullivan, and Jarnagan, from Polk, Meigs, and McMinn.

Q. State all you know about the sudden exit of the Hon. R. R. Butler from the capital of Tennessee on the fall of Fort Donelson, and where you next saw or met Colonel R. R. Butler. Please state particularly.

A. I do not recollect seeing the Hon. R. R. Butler on the day of the fall of Fort Donelson; know nothing of his exit; suppose he left Nashville. We heard of the fall of Fort Donelson, if I am not mistaken in dates, on the 16th of February, 1862, on Sunday morning. I left on the first train by way of Murfreesborough, Decherd's, Stephenson, Chattanooga, Knoxville to New-

market, Jefferson county, home. I did not see Butler on the train. The legislature adjourned to meet in Memphis; I did not go to Memphis. The next time I saw Colonel Butler was at Strawberry Plains, above Knoxville, as lieutenant colonel of the thirteenth Tennessee federal cavalry, some time in November, 1863.

Q. Please state all you know about the rebel record of the Hon. R. R. Butler.

A. Hon. R. R. Butler and myself were members of the legislature of 1861-'62. I did not consider Butler a rebel, but, on the contrary, a Union man. At the opening of the legislature a number of Union men from East Tennessee were confined in the common jail in Nashville, and I know of my own personal knowledge that the Hon. R. R. Butler did all in his power to have them released, and he, with others, did succeed in having most of them released. Some acts of Butler's done under such circumstances may now be objected to; but I believe it wrong and that it does him injustice.

JAMES M. MEEKS.

Cross-interrogation :

Q. Please to state the action of Hon. R. R. Butler, when he was called on in the legislature to which you have referred to take the so-called confederate oath.

A. Our friends and neighbors, who were Union men from East Tennessee, were some of them in the common jail in Nashville, at the meeting of the legislature in October, 1861. A committee of Union men was appointed from the East Tennessee delegation of Union men in the legislature to resist the taking of the so-called confederate oath as members of the general assembly. The senate was organized first. Senator Pickens, of Cocke, Sevier, Blount, and Greene, resisted the taking said oath in the senate, but was forced, under the circumstances, to take it. The alternative of either going to jail and letting rebels represent the Union counties of East Tennessee, or to serve our constituents as best we could, was presented. In order to keep together our Union element and serve them as best we could, the Hon. R. R. Butler took said oath. Senator Pickens afterwards died a prisoner at Tuscaloosa, or on the way from Tuscaloosa to Mobile, in the hands of the rebels.

JAMES M. MEEKS.

STATE OF TENNESSEE, *Jefferson county, ss :*

I, James M. Nicholson, clerk of the county court of said county and State, do hereby certify that the foregoing deposition was taken before me, on the 20th day of December, 1867, at my office in Dandridge; and I also certify that I am the clerk of the county court of Jefferson county, and State aforesaid, and that said county court is a court of record.

Given under my hand and the seal of said county court, at office in Dandridge, this 20th day of December, 1867.

[SEAL.]

JAMES M. NICHOLSON,  
*Clerk of Jefferson County Court, Tennessee.*

5.—*Deposition taken in Davidson county, Tennessee.*

NOVEMBER 26, 1867.

To the Hon. R. R. Butler, member elect first congressional district, Tenn.:

SIR: You are hereby notified that the depositions of A. J. Fletcher and Jas. T. Dunlap will be taken by me on the 15th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m. on said day, before the clerk of the county court of Davidson county, Tennessee, (being a court of record,) at

the office of said clerk, in the city of Nashville, in said county. Also, you are hereby notified that on the 12th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m., that the depositions of Elijah Summerly, F. M. Hyder, and Lug. J. Wilcox, all of Elizabethton, Carter county, Tennessee, will be taken by me, before the clerk of the county court, in the town of Elizabethton, in said county, (said court being a court of record,) at the office of said clerk, and first congressional district of Tennessee. Also, you are hereby notified that the deposition of John M. Sawyers will be taken by me, on the 14th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m., before the clerk of the county court, (being a court of record,) at the office of said clerk, in the town of Rutledge, Grainger county, Tennessee, and first congressional district of Tennessee. Also, you are hereby notified that the depositions of Robert P. Fickel, of Blountville, Sullivan county, Tennessee, and Henry Wilber, of Bristol, in said county, will be taken by me, on the 16th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m., on said day, before the clerk of the county court of Sullivan county, (being a court of record,) at the office of said clerk, in the town of Blountville, in said county, and in the first congressional district of Tennessee. Also, you are hereby notified that the deposition of James M. Meeks, of New Market, Jefferson county, Tennessee, will be taken by me, on the 20th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m., on said day, before the clerk of the county court, at Dandridge, Jefferson county, Tennessee, (being a court of record,) at the office of said clerk, and in the first congressional district of Tennessee.

The testimony of all the above witnesses, thus taken, is intended to be used before the House of Representatives, in the fortieth Congress of the United States, in the contested election case wherein you hold a certificate of election, and I am the contestant, for a seat as a member from the said first congressional district. The witnesses who will be examined under this notice reside in the counties as set forth in each notice.

The names of the clerks not known.

JOSEPH POWELL, *Contestant.*

Hon. R. R. BUTLER.

OFFICE OF THE SERGEANT-AT-ARMS,  
*House of Representatives, November 26, 1867.*

I have this day given in hand to the Hon. R. R. Butler an attested copy of the within notice.

N. G. ORDWAY,  
*Sergeant-at-Arms House of Representatives.*

WASHINGTON, D. C., November 30, 1867.

To Hon. R. R. Butler, member elect first congressional district, Tennessee:

SIR: You are hereby notified that the depositions of Ira P. Jones, Edward Smiley, Abram L. Dumoss, G. C. Torbett, Edward East, and William K. Turner, Andrew J. Fletcher, and James T. Dunlap, will be taken by me, on the 16th day of December, A. D. 1867, between the hours of eight o'clock a. m. and nine p. m., on said day, and continue from day to day, between the same hours, until all are taken, before the clerk of the county court for the county of Davidson, and State of Tennessee, (it being a court of record,) of Davidson county, Tennessee, at the office of said clerk, in the city of Nashville and county aforesaid.

The testimony thus taken is intended to be used before the House of Representatives of the fortieth Congress of the United States, in the contested election or seat case, wherein you hold the certificate of election, and I am the contestant,

for a seat as a member from the said first congressional district. The witnesses who will be examined in this case reside in the said county of Davidson.

The name of the clerk not known.

JOSEPH POWELL, *Contestant.*

Hon. R. R. BUTLER.

OFFICE OF THE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,  
November 30, 1867.

I have this day given in hand to the Hon. R. R. Butler an attested copy of this notice.

N. G. ORDWAY,  
*Sergeant-at-Arms, House of Representatives.*

DECEMBER 17, 1867.

STATE OF TENNESSEE, *Davidson County :*

Deposition of John M. McKee, taken before the clerk of Davidson county court, in the State of Tennessee, in the presence of J. Powell and R. R. Butler, to be read as evidence in a suit now pending in the fortieth Congress of the United States, wherein J. Powell, contestant for seat from first congressional district Tennessee, is plaintiff, and R. R. Butler is defendant. The said John M. McKee being of full age, after being sworn on the Holy Evangelists to speak the truth, the whole truth, and nothing but the truth, concerning the matters in dispute between the said parties, deposes as follows :

Examination by J. POWELL:

Q. Where do you reside, and what is your name ?

A. I reside in Nashville; my name is John Miller McKee.

Q. Were you in what is called the rebel legislature in 1861 and 1862 ?

A. I was reporter in the house.

Q. Were you connected with any newspaper at that time ?

A. I was connected with the Union and American as reporter.

Q. Did you publish in that paper a general report of the proceedings of the legislature daily ?

A. I did.

Q. Was Mr. R. R. Butler a member of the legislature at that time ?

A. He was.

Q. Did you keep a regular report of the remarks of the members, and their votes on bills, resolutions, &c. ?

A. I made a synopsis of their remarks on some important questions, and published the votes on some of the bills and resolutions.

Q. Were you reporter on the 13th November, 1861, in the house of representatives, and did you hear Mr. Butler make a speech on the subject of bridge burning ?

A. I was reporter on that date and heard Mr. Butler make the speech; the accompanying exhibit marked A is a copy of my report of the substance of the speech.

Cross-examination by R. R. BUTLER:

Q. Please state, Mr. McKee, under what circumstances that speech was made.

A. It was made at a time of great excitement throughout the country, and the Knoxville Register had charged the members of the legislature from East Tennessee, who were elected as Union men, as being privy to the burning of the bridges, and several members from East Tennessee denied such knowledge, among them Mr. Butler.

Q. Please state if our personal safety did not require that we should make that statement in the legislature ?

A. I think probably it did.

Q. Please state, Mr. McKee, how long you have been acquainted with me.

A. I may say intimately from 1859.

Q. Please state, Mr. McKee, whether or not I was a Union man during the war, and whether you regarded me as such.

A. I so regarded you, Mr. Butler.

Q. Please state, Mr. McKee, what side you took during the war.

A. I took no active part, but my sympathies were with the South.

Re-examined :

Q. Were you acquainted with Colonel Butler's action in the rebel legislature favoring measures in the confederate cause?

A. Mr. Butler voted for some measures favoring the confederate cause.

Cross-examined :

Q. You say in your re-examination that I voted for some measures favoring the confederate cause; state if all the Union members of the legislature did not do the same.

(Objected to.)

A. They did.

JOHN MILLER MCKEE.

I certify that the foregoing deposition was taken before me on the day, at the place, and in the presence of the parties set forth in the caption; that I am in nowise related to either of the parties, and that it has not been out of my possession or in anywise altered, added to, or changed since it was signed by the said John Miller McKee.

Witness my hand and seal of said county court the day and date first above written.

P. L. NICHOL,

*Clerk Davidson County Court, Tennessee.*

Continued, by consent, to Thursday, December 19, 1867.

P. L. NICHOL.

DECEMBER 19, 1867.

STATE OF TENNESSEE, *Davidson County*:

Deposition of Ira P. Jones, of full age, taken before the clerk of Davidson county court, in the State of Tennessee, in the presence of J. Powell and R. R. Butler, to be read as evidence in a suit now pending in the fortieth Congress of the United States, wherein J. Powell, contestant for seat from the first congressional district of Tennessee, is plaintiff, and R. R. Butler is defendant. The said Ira P. Jones, after being sworn according to law to speak the truth, the whole truth, and nothing but the truth, concerning the matters in dispute between said parties, deposes as follows:

Examined by Hon. J. POWELL:

Q. What is your name and where do you reside?

A. My name is Ira P. Jones; I reside in Nashville, Davidson county, Tennessee.

Q. Please state if you were a member of the rebel legislature of 1861 and 1862?

A. I was a member of the legislature of Tennessee for 1861 and 1862.

Q. Please state who was the clerk of the house of representatives of said legislature for 1861 and 1862?

A. Fred. S. De Wolfe.

Q. By whom was that legislature organized?

A. Fred. S. De Wolfe called the house to order and received the credentials of the members; I suppose he may be called the organizer.

Q. Please state if the members presented their credentials and took the oath to support the Confederate States of America and the State of Tennessee?

A. They did.

Q. By whom was this oath administered?

A. The journals state by Hon. W. K. Turner, and my memory corresponds therewith.

Q. Please state if the name of Fred. S. De Wolfe, as it appears on the journals of the house of representatives, No. 1, of 1861 and 1862, is in the hand-writing of the said Fred. S. De Wolfe, clerk, &c.?

A. I believe it is.

Q. Have you any doubt about its being the genuine journal of the house of representatives for 1861 and 1862?

A. I have no doubt of its genuineness for the period embraced.

Q. Please state if after the organization of the legislature of 1861 and 1862 you were representing the State of Tennessee as a State within the government of the United States, or did you consider that you were representing the State of Tennessee as belonging to the so-called Confederate States?

A. I did not consider Tennessee at that time a State within the government of the United States, but as a State of and in the then existing *de facto* government of the Confederate States of America.

Q. Please state if you find in the files of the Union and American of December 7, 1861, a report of a sword presentation, of which Exhibit A is a copy.

A. I do.

Q. Please state if Fred. S. De Wolfe resides in the State of Tennessee at this time?

A. To the best of my information he does not.

Cross-examination by R. R. BUTLER:

Q. Mr. Jones, please state if you know how the names of the members of the legislature were got to that paper presenting Lockhart a sword.

A. I think a subscription was circulated and the amount raised, and the subscribers united in the letter tendering it to him.

Q. Please state if you did not come to Edwards, Matthews, and myself, asking us to sign the paper to purchase the sword, and if we did not refuse, and if you did not then go and get Colonel Alfred Robb, of the house, and come back to us, and if we did not still refuse to sign it, and if Colonel Robb didn't remark that he would sign our names and pay the amount; that he wanted to show that the thing was a unit in the house.

A. I have no distinct recollection of the facts suggested in the last interrogatory, but think it not improbable they occurred as stated.

Q. Please state how long you have been acquainted with me, and whether I was a Union man or a secessionist?

A. I have known you since the fall of 1859; up to the separation of Tennessee you acted with the Union party of the State, and I regarded you as a friend of the Union or a Union man; I never regarded you as an advocate of the doctrine of secession; after April, 1861, you acted with the authorities of the State after separation.

IRA P. JONES.

I certify that the foregoing deposition was taken before me on the day, at the place, and in the presence of the parties set forth in the caption, that I am in nowise related to either of the parties, and that it has not been out of my possession, or in anywise altered, added to, or changed since it was signed by the said Ira P. Jones.

Witness my hand and seal of said county court the day and date above written.

[SEAL.]

P. L. NICHOL,  
Clerk Davidson County Court, Tennessee.

6.—*Depositions taken in Sullivan county.*

DECEMBER 16, 1867.

Depositions of Henry Wilber and Robert P. Fickel, taken before me, clerk of the county court for the county of Sullivan, State of Tennessee, pursuant to a copy notice served on the Hon. R. R. Butler, member elect from the first congressional district of Tennessee, to be read in evidence on behalf of Joseph Powell, contestant, in a certain case of contested seat for representative in the fortieth Congress for the first congressional district of Tennessee; election held on the 1st day of August, A. D. 1867, wherein R. R. Butler holds the certificate of election and the said Joseph Powell is contestant.

HENRY WILBER, of Bristol, Sullivan county, Tennessee, of lawful age:

Q. Where do you reside?

A. Bristol, Sullivan county, Tennessee.

Q. Are you acquainted with R. R. Butler, member elect first congressional district Tennessee?

A. I am.

Q. Will you please state if you saw him (Butler) at any time during the late rebellion; where you saw him; the date you saw him; and the company he was in, viz: the confederate service or under the protection of the confederate army, or with and under the protection of the federal forces?

A. I saw him but once during the rebellion, that I now recollect, and that was in Knoxville, Tennessee, some time in the fall of 1862, while the confederate army had possession of East Tennessee.

Q. Please state if he (Butler) did not often solicit you to use your influence in his behalf with the confederate authorities or officers to obtain for him the commission of colonel in the confederate army; and if he did not, on all occasions, express deep sympathy and hopes for the success of the confederate cause.

A. I was with Butler in Knoxville, and he asked me to give him all the influence I had to procure him office under the confederate government; but he did not say what office he wanted, and, from his conversation, supposed him to belong and sympathize with the confederate cause.

Q. Please state anything that you now recollect of his (Butler's) action in the late rebellion, on either side—the federal or the confederate side; as to what regiment he raised and commanded, the field of his military operations, and the sanguinary conflicts into which and out of which he led his command.

A. I know nothing more of Butler, except that I heard he was in the rebel Tennessee legislature.

## Cross-examination:

Q. Did not you consider Mr. Butler a Union man in sentiment during the rebellion, and was he not regarded in that light by southern men?

A. I did not consider him sound in the rebel cause.

Q. Did you ever hear of him trying to raise a rebel regiment?

A. I did not hear of him trying to raise a rebel regiment until after the surrender.

HENRY T. WILBER.

7.—*Deposition of A. J. Fletcher.*

County court, clerk's office of the county of Davidson and State of Tennessee, (being a court of record.)

The deposition of sundry witnesses, to be taken and continued from day to day until all is taken. The testimony thus taken is intended to be used in the fortieth Congress of the United States in the contested seat case, wherein the Hon. R. R. Butler holds a certificate of election for a seat as a member from the first congressional district of Tennessee, in which Hon. James Powell is contestant.

Deposition of Hon. A. J. FLETCHER, secretary of state, Tennessee :

Q. What is your name, and where do you reside ?

A. My name is A. J. Fletcher; my present residence is near Cleaveland, Tennessee.

Q. Will you please state what office you hold in the State of Tennessee ?

A. I have held the office of secretary of state of Tennessee since the last day of April, 1865.

Q. At what time did the records of the rebel legislature of Tennessee for 1861 and 1862 come into your possession, and how ?

A. In May, 1865, a short time after I became secretary of state, the State authorities were notified by the military authorities that they (the military authorities) had captured, at or near Augusta, Georgia, the assets of the Bank of Tennessee and the archives of the State of Tennessee, which were missing from the State capitol. A correspondence ensued between the State authorities and the military authorities, which resulted in the bringing of the said assets and archives to Nashville, guarded by federal troops. When the cars containing them arrived at the depot, the legislature being then in session, adopted a resolution directing the governor, comptroller, and secretary of state to take possession of the said archives and assets, and receipt for them. These officers did so. A certified copy of this resolution I furnished to Colonel Powell. By a subsequent resolution these State officers were ordered to investigate into and schedule these assets and archives. Upon this investigation these records so called were found, along with a large amount of executive books, secretary's books, and land office books, reaching back many years. The aforesaid State officers delivered over to each department of the State government the books and papers pertaining to such department. The portion delivered to my office included the records mentioned in the question. They have been in my possession ever since, except that a portion of the journals of the so-called rebel legislature were for a few days in the comptroller's office, in the hands of a clerk in that office, who desired to copy portions of them; and with the further exception that Colonel Patton, then a member of the legislature, carried a few sheets of them away without permission. They were returned to my office, so far as I could see, unaltered.

Q. Have you any doubt in your own mind that these records, of which you speak, were not the records of said rebel legislature ?

A. I have not. They have been examined by some members of that rebel legislature in my office; and they have been the subject of conversation with other members of that legislature in my office, without any question from any one as to their verity.

Q. I find papers on my desk here, numbered from one to twenty-six, which have been copied by you from the journals of the rebel legislature for 1861 and 1862, and other papers. Have you examined these copies particularly, from the journals, and do you find them correct ?

A. I have prepared most of these papers twice at the instance of Colonel Powell, and have certified them under the great seal of the State officially. I have numbered them with a red pencil from No. 1 to No. 26. I copied some of

them with my own hand, and compared the others by the copies, with the exception of unobserved clerical errors, which may have occurred. Nos. 1, 2, 3, and 4 were clipped by me from surplus journals to save the trouble of copying. No. 5 is a copy of the acts of the second extra session of the legislature of 1859 and 1860, extending into 1861. Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are correct copies of portions of the journal of the house of representatives, which came into my possession with the other archives, as I have before stated. No. 17 is a copy of an act of assembly, which is printed with the pamphlet laws of the second extra session. The last page of No. 16 is a copy of the original bill and amendments found on file with the house bills of said so-called rebel legislature. Nos. 18 and 19 are extracts from said house journal of said so-called rebel legislature. No. 20 is a page clipped from the house journal of said second extra session. No. 22 is a copy of the public laws of the second adjourned session of the thirty-fourth general assembly of Tennessee. No. 21 is a copy of the public acts of the so-called rebel legislature of 1861 and 1862, which came into my possession with the captured archives of the State, as before described. No. 23 is a copy of the candidate's oath of the Hon. R. R. Butler, as a candidate for Congress. No. 24 is a copy of the candidate's oath of the Hon. Joseph Powell, as a candidate for Congress. No. 25 is a copy of the joint resolution directing the governor, secretary, and comptroller to take charge of the assets and archives aforesaid. No. 26 is an official certificate of the number of votes cast for the Hon. Joseph Powell in the election described in said certificate. The originals of all these documents are on file in my office, and I am the proper custodian of the same.

Q. What counties compose the first congressional district of the State of Tennessee?

A. Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger, and Sevier. It is the most eastern district in the State.

Q. How long was it after the election was over before the returns of the same were made to you?

A. My recollection is not exact, but my impression is it was late in September before the sheriff of the county of Sullivan forwarded his official return to my office. The other counties, with the exception of Johnson, were in within from a week to three weeks. These are my impressions, as well as I can recall the facts.

Cross-examination by R. R. BUTLER:

Q. Please state, Colonel Fletcher, if the first congressional district was not the most loyal district during the war in this State?

A. I consider that it was. In loyalty, it far excelled any other district in the State, except the second, and somewhat excelled that.

Q. Was not the county of Johnson, where I (R. R. Butler) reside, one of the most loyal counties in the State?

A. It certainly was; there being less than one hundred—probably less than seventy-five—rebel votes in the county.

Q. Please state if Exhibit A to the cross-examination is not an official copy of the table of the official returns for Congress from the first congressional district for the last election.

A. It is an official copy of a table compiled by me from the sheriff's official return of the election. It is recorded in office book in my office.

Q. Colonel Fletcher, please state if the journal of the legislature does not show that I asked and obtained leave to change my vote on the resolutions contained in No. 7 of Colonel Fletcher's examination in chief?

A. In the journal of the house of representatives containing the proceedings of March 19, 1862, I find the following entry: "Messrs. Butler and Simpson obtained leave to change their votes to the negative on the adoption of senate

resolution No. —, on the subject of a reconstruction of the federal Union; they having voted for the adoption of said resolution."

Q. Colonel Fletcher, have you examined all the journals of that legislature?

A. No, sir; I have never examined the Senate journals at all. I have examined the house journal somewhat extensively in search of such entries as were demanded of me. At the instance of Colonel Powell and others I have examined considerable portions of Judge Butler's action in that body, and have furnished them such portions of it as they desired.

Q. Please state if the record don't show that in every instance I voted against all appropriations to carry on the war?

A. Not having examined the journals with a view to that point, I can't say; but I remember to have seen your vote very often recorded against such appropriations. I think your votes were generally recorded against such appropriations, and may have been constantly so.

Q. How long, Colonel Fletcher, have you been acquainted with me?

A. I have been acquainted with Judge Butler for fifteen years, more or less.

Q. State if you were not acquainted with me during the whole of the rebellion, and whether you knew the position I occupied during the war?

A. My personal acquaintance with Judge Butler from the beginning of the war up to August, 1863, was but slight, as we lived seventy-five miles apart, and travelling, for Union men, was unsafe. I saw him but twice in that time, and then but for a moment. He was a public man, however, and I frequently heard his political status spoken of. He was always reported to me as a Union man. I have an impression that he was at one time arrested and taken to Knoxville on a charge of treason to the southern confederacy.

Q. State, Colonel Fletcher, whether you canvassed the State last summer, and made various speeches in the first congressional district, and whether or not I was the candidate of the Union party?

A. I did address the people in thirty-five counties of the State during the canvass, and in six counties of the first congressional district. Judge Butler ran for Congress in that district as the radical Union candidate, and as such was supported by the great body of that party.

Q. Are you acquainted with the handwriting of Governor Brownlow?

A. I am well acquainted with it.

Q. State if Exhibit B, in your cross-examination, is in the handwriting of Governor Brownlow—the body and the signature?

A. It is all in the governor's own handwriting.

Re-examined:

Q. Have you any knowledge of Judge Butler's having served in the federal army?

A. I saw Judge Butler at Nashville in the fall of 1863, and understood that he was in some way connected with a Tennessee regiment then in process of formation. I think he was spoken of as the lieutenant colonel, or was to be the lieutenant colonel of said regiment.

A. J. FLETCHER.

Sworn to and subscribed before me by A. J. Fletcher, on the 16th day of December, 1867, and I certify that I am in nowise related to either of the parties; that the same was taken before me on the day, at the place, and in the presence of the parties set forth in said deposition, and it has not been out of my possession or in anywise altered, added to, or changed since it was signed by the said A. J. Fletcher.

Witness my hand and official seal of the county court of Davidson county, [SEAL.] Tennessee, at office in Nashville, this 16th day of December, 1867.

P. L. NICHOL,

Clerk Davidson County Court.

## EXHIBIT No. 1.

## JOURNAL OF THE HOUSE OF REPRESENTATIVES.

MONDAY MORNING, JANUARY 7, 1861.

At a meeting of the general assembly of the State of Tennessee, begun and held at Nashville, on Monday, the seventh day of January, one thousand eight hundred and sixty-one, in pursuance of the proclamation of his excellency Isham G. Harris, governor of Tennessee, dated December 7, 1860, being the second session of the thirty-third general assembly of the State.

On which day, being that determined upon by the proclamation of the governor for the meeting of the general assembly, Hon. W. C. Whitthorne, speaker, Fred. S. DeWolfe, principal clerk, John E. Helm, and John A. Campbell, first and second assistant clerks, and the following members, appeared and took their seats:

Messrs. Armstrong, Baker of Perry, Baker of Weakley, Barksdale, Bayless, Beatty, Bicknell, Bledsoe, Brazelton, Britton, Butler, Caldwell, Cheatham, Cowden, Critz, Davidson, Davis, Doak, Dudley, East, Ewing, Farley, Farrelly, Ford, Frazier, Gillespie, Gorman, Green, Guy, Harris, Havron, Hebb, Hurt, Ingram, Johnson, Kenner, Kennedy, Kincaid of Anderson, Kincaid of Claiborne, Lea, Lockhart, Martin, Mayfield, McCabe, Morphis, Nall, Norman, Pickett, Porter, Richardson, Roberts, Russell, Senter, Shrewsbury, Smith, Sowell, Trevitt, Trehwitt, Vaughn, White of Davidson, White of Dixon, Whitmore, Williams of Franklin, Williams of Hickman, Wisener, Woods, and Woodard.

The following members failed to respond to the call:

Messrs. Bennett, Gantt, Jones, Morris, Shied, Williams of Knox, and Williamson.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the above is an extract from the printed journal of the second session of the thirty-third general assembly of the State of Tennessee, which convened at Nashville on Thursday, the 25th day of April, A. D. 1861; the original of which is on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the [L. S.] governor, affixed the great seal of the State, at the department in Nashville, this the 10th day of December, 1867.

A. J. FLETCHER, *Secretary of State.*

## EXHIBIT No. 2.

## PROCLAMATION BY THE GOVERNOR.

Whereas an alarming and dangerous usurpation of power by the President of the United States has precipitated a state of war between the sovereign States of America: Therefore, I, Isham G. Harris, governor of the State of Tennessee, by virtue of the power and authority in me vested by the constitution, do hereby require the senators and representatives of the two houses of the general assembly of said State to convene at the capitol in Nashville, on Thursday, the 25th day of April instant, 1861, at 12 o'clock m., to legislate upon such subjects as may then be submitted to them.

In testimony whereof, I have hereunto set my hand, and caused the great seal of the State to be affixed at the department at Nashville, on this 18th day of April, A. D. 1861.

[SEAL]

By the governor:

J. E. R. RAY, *Secretary of State.*

ISHAM G. HARRIS.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is a copy of a proclamation of Isham G. Harris, governor of the State of Tennessee, the original of which is now on file in my office.

In testimony whereof, I have hereunto set my hand, and by order of the governor affixed the great seal of the State, at the department in Nashville, this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 3.

*Journal of the House of Representatives.*

THURSDAY MORNING, April 25, 1861.

At a meeting of the general assembly of the State of Tennessee, begun and held at Nashville on Thursday, the twenty-fifth day of April, one thousand eight hundred and sixty-one, in pursuance of the proclamation of his excellency Isham G. Harris, governor of Tennessee, dated April 18, 1861, being the third session of the thirty-third general assembly of the State; on which day (being that determined upon by the proclamation of the governor for the meeting of the general assembly) Fred. S. De Wolfe, clerk of the house of representatives, in the absence of Hon. W. C. Whitthorne, the speaker thereof, called the house to order at 12 o'clock m.

On motion of Mr. Lea, of Haywood, Mr. W. L. Martin, of the county of Wilson, was called to the chair.

The house was opened with prayer by the Rev. R. B. C. Howell.

The speaker *pro tem.* ordered a call of the house, which was had, and the following members failed to respond to the call, viz: Messrs. Beatty, Bennett, Bicknell, Bledsoe, Britton, Butler, Farrelly, Gormon, Ingram, Jones, Johnson, Kenner, Kincaid of Anderson, Kincaid of Claiborne, Richardson, Shrewsbury, Trewhitt, White of Davidson, White of Dickson, Whitmore, Williamson, and Mr. Speaker Whitthorne—22.

Mr. Barksdale asked leave of absence for Mr. Bennett until Monday next, on account of indisposition.

On motion, the senate was informed that the house was now organized and prepared for the transaction of public business.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is an extract from the house journal of the second extra session of the Tennessee legislature, which assembled at Nashville, Thursday morning, April 25, 1861, the original of which is now on file in my office.

In testimony whereof, I have hereunto set my hand, and by order of the governor affixed the great seal of State, at the department in Nashville, this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXECUTIVE DEPARTMENT,  
Nashville, April 2, 1861.

*Gentlemen of the Senate and House of Representatives:*

\* \* \* \* \*

“I therefore further recommend that you perfect an ordinance, with a view to our admission as a member of the southern confederacy, (which, it is evident,

must soon embrace the entire slaveholding States of the south,) to be submitted in like manner, and at the same time, but separately, for adoption or rejection by the people; so that they may have the opportunity to approve the former and reject the latter, or adopt both, as in their wisdom may seem most consistent with the future welfare of the State. However fully satisfied the executive and legislature may be, as to the urgent necessity for the speedy adoption of both these propositions, it is our duty to furnish the amplest means for a fair and full expression of the popular will."

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is an extract from the message of Isham G. Harris, governor of the State of Tennessee, to the second extra session of the Tennessee (confederate) legislature; the original of which is now on file in my office.

In testimony whereof, I have hereunto set my hand, and by order of the governor affixed the great seal of State, at the department in Nashville, this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

EXHIBIT No. 6.

*House Journal for 1861-'62.*

The general assembly of the State of Tennessee, begun and held in the city of Nashville, State of Tennessee, on Monday, the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one, it being the first session of the thirty-fourth general assembly of the State of Tennessee; on which day (it being the day fixed by the constitution of Tennessee for the meeting of the general assembly) Fred. S. De Wolfe, clerk of the last house of representatives, called the house to order, and proceeded to call the State by representative districts, when the following gentlemen appeared, presented their credentials, and took their seats, the oath to support the constitution of the Confederate States of America, and of the State of Tennessee, being administered by the Hon. William R. Turner:

From the county of Sullivan, Alvin M. Willard.

Washington, S. R. N. Patton.  
Greene, James P. McDowell.  
Hawkins, William Simpson.  
Cocke, J. H. Randolph.  
Jefferson, J. Monroe Meek.  
Grainger, D. W. C. Senter.  
Claiborne, J. J. Bunch.  
Knox, John M. Fleming.  
Blount, Stephen J. Mathews.  
Monroe, Joseph Walker.  
McMinn, B. F. Martin.  
Bradley, R. M. Edwards.  
Marion, William R. Rankin.  
Franklin, H. P. Carr.  
Cannon, Stephen H. Woods.  
Bedford, Daniel Parker.  
Warren, John J. Lowry.  
Overton, William Donaldson.  
Jackson, R. B. Brooks.  
Smith, Wilson Y. Martin.

From the county of Sumner, James M. Head.  
 Rutherford, E. A. Keeble.  
 Lincoln, William Talley.  
 Marshall, W. L. McCleland.  
 Williamson, Samuel S. House.  
 Robertson, John E. Garner.  
 Davidson, A. L. Demoss and Ira P. Jones.  
 Hickman, J. D. Earley.  
 Montgomery, D. N. Kennedy.  
 Stewart, H. C. Lockhart.  
 Dickson, J. Eubank.  
 Maury, H. T. Osborn.  
 Lawrence, Thomas H. Payne.  
 Hardin, Joseph M. Carter.  
 Henderson, William C. Tucker.  
 Carroll, J. C. Hawkins.  
 Henry, H. F. Cumings.  
 Weakley, W. H. M. Brooks.  
 Obion, James R. Gardner.  
 Gibson, J. T. Carthel.  
 Madison, A. S. Rogers.  
 McNairy, W. D. Jopling.  
 Hardeman, Austin Miller.  
 Fayette, F. B. Ragland.  
 Haywood, Richard Hill.  
 Wilson, Abe Caruthers and W. L. Martin.  
 Shelby, John Martin and B. M. Estel.

From the counties of Carter and Johnson, R. R. Butler.  
 Green, Hawkins, Hancock, and Jefferson, James Britton, jr.  
 Knox and Sevier, R. H. Hodson.  
 Anderson and Campbell, William Wallace.  
 Smith, Sumner, and Macon, Nathan Ward.  
 Polk, McMinn, and Meigs, A. S. Jarnagin.  
 Rhea, Bledsoe, Sequatchie, and Hamilton, James C. Warner.  
 Grundy, Coffee, and Van Buren, Isaac C. Garretson.  
 Davidson, Robertson, Montgomery, and Cheatham, Alfred Robb.  
 Rutherford and Bedford, Thomas G. Moseley.  
 Lincoln, Giles, and Marshall, John Laws.  
 Williamson, Maury, and Lewis, R. G. Ellis.  
 Benton and Humphreys, J. N. Little.  
 Carroll, Gibson, Madison, and Henry, William A. Dunlap.  
 Dyer and Lauderdale, S. D. Whitten.  
 Perry and Decatur, W. G. Fisher.  
 Fayette, Tipton, and Shelby, R. B. Somerville.

[The above is to be found in book No. 1, pp. 1, 2, and 3.]

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract from the house journal of the confederate legislature of Tennessee, of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and by order of the governor affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

## EXHIBIT No. 7.

SATURDAY MORNING, *December 14, 1861.*

Senate resolution No. 59, on the subject of a reconstruction of the government of the United States, was taken up, and Mr. Jones offered the following resolutions in lieu :

*Resolved*, That it is the sense of this general assembly that the separation of those States now forming the Confederate States of America from the United States is, and ought to be, final, perpetual, and irrevocable ; and that Tennessee will, under no circumstances, entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union on any terms or conditions whatever.

*Resolved*, That the war which the United States are waging against the Confederate States should be resisted with the utmost vigor and energy, and until our independence and nationality are unconditionally acknowledged by the United States.

*Resolved*, That Tennessee pledges herself to herself and to her sister States of the confederacy that she will stand by them throughout the struggle ; that she will contribute all the means which her resources will supply, so far as may be necessary, to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

Mr. Jarnagin offered the following amendment to the resolution in lieu :

*Resolved further*, That this assembly spurns with utter indignation the proposition which has recently been made in the Congress of the United States to appoint commissioners on the part of the government to meet commissioners on the part of the Confederate States, with a view to the reconstruction of the Union.

Pending which, on motion of Mr. Kennedy, the house adjourned to 9½ o'clock Monday morning.

MONDAY MORNING, *December 16, 1861.*

The amendment of Mr. Jarnagin was rejected ; Mr. Jones' resolution was then adopted in lieu of senate resolution—yeas, 42; nays, 19.

Representatives voting in the affirmative are : Messrs. Brooks of Jackson, Butler, Caruthers, Demoss, Dunlap, Easley, Edwards, Ellis, Fleming, Floyd, Garner, Garretson, Hawkins, Hill of Hamilton, Hill of Haywood, House, Jones, Lea, Martin of Shelby, Martin of Smith, Martin of Wilson, Mathews, McCallum, McDowell, Meek, Millard, Miller, Osborne, Paine, Ragland, Randolph, Rankin, Rogers, Ross, Senter, Simpson, Talley, Walker, Wallace, Ward, Warner and Whitten.

Representatives voting in the negative are : Messrs. Bowden, Brooks of Weakley, Carr, Cummins, Donaldson, Ester, Eubank, Fisher, Gardner, Jarnagin, Jopling, Kennedy, Laws, Little, Martin of McMinn, McClelland, Somerville, Tucker, and Mr. Speaker Keeble.

The resolution as thus amended was then adopted—yeas, 54; nays, 3.

Representatives voting in the affirmative are : Messrs. Bowden, Brooks of Jackson, Brooks of Weakley, Butler, Carr, Caruthers, Cummins, Demoss, Donaldson, Dunlap, Easley, Edwards, Ellis, Ester, Eubank, Fisher, Fleming, Floyd, Gardner, Garretson, Hawkins, Hill of Haywood, House, Jarnagin, Jones, Jopling, Kennedy, Laws, Little, Lea, Martin of McMinn, Martin of Shelby, Martin of Wilson, McCullum, McClelland, McDowell, Meek, Millard, Miller, Osborne, Paine, Rankin, Rogers, Ross, Simpson, Somerville, Talley, Tucker, Walker, Wallace, Ward, Warner, Whitten, and Mr. Speaker Keeble.

Representatives voting in the negative : Messrs. Mathews, Randolph and Senter.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of extracts from the journal of the house of representatives of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this thirteenth day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT NO. 8.

THURSDAY MORNING, *October 24, 1861.*

Mr. Ellis offered house resolution No. 38, as follows:

*Resolved by the general assembly of the State of Tennessee,* That, having full confidence in the justice of our cause, in this time of peril to our country, we should invoke the guidance and protection of Him in whose hands are the destinies of all nations; that in view of the momentous interests involved in the struggle now going on between the United States and the Confederate States, we believe the success of our cause to be vital to every freeman in Tennessee; that while civil war in its mildest form is a calamity to be lamented by all good men, yet we would regard that form of civil war in which neighbor is arrayed against neighbor and members of the same community or State are brought into hostile collision, as a calamity far more disastrous to our people; that the people of Tennessee, regardless of geographical divisions, have a common interest involved in and a common destiny dependent upon the great issue of arms now pending, and that, therefore, motives of patriotism and their highest interest alike demand of the people of Tennessee their firm and united efforts in support of the confederate government, believing, as we do, that in the most perfect harmony will be found the surest guaranty for present safety and future success, and that any one who would, in this hour of danger to the country, in violation of that potential voice which has been spoken by the people of Tennessee, attempt to get up dissensions and internal strife, and thereby insidiously seek to draw any portion of the people into the clutches of the Lincoln despotism, should be regarded as a traitor and avoided as an enemy who would sacrifice our best interests upon the altar of his unholy ambition. We would therefore earnestly appeal to our respective constituencies throughout the State to discard minor differences of opinion which may have existed in reference to the old political parties, or touching the great revolution through which we are passing, and for the future stand as one man in support of the confederate government and against our common enemy, who, in violation of the sacred right of self-government, would, if possible, subjugate our people and desolate our homes.

*Resolved, further,* That to make sure our defence against the invading foe, large armies on the part of our government are indispensable, and while our ports are blockaded we must depend upon the agricultural resources of the Confederate States for subsisting both the people and army of the confederacy; in our opinion, therefore, it becomes equally the patriotic duty and the best interests of those who do not engage in the military service of the country to use their best exertions to provide for the ensuing year more than an ordinary quantity of provisions; and to that end we would call the attention of our respective constituencies throughout the State, and especially those who may be engaged in agricultural pursuits, to the importance of seeding a sufficient

quantity of their arable lands to provide an abundant harvest for the ensuing year, to supply the wants of the country; and we would also call their attention to the importance of raising an increased quantity of live stock, particularly cattle, hogs, and sheep, the two former of which are so essential for subsisting and the latter for comfortably clothing our gallant troops.

Which lies over under the rule.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract of the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

AFTERNOON SESSION.

MONDAY, November 11, 1861.

House resolution No. 38, touching the present revolution, was read and adopted.

On motion of Mr. Martin, of Shelby, the house adjourned until nine and a half o'clock to-morrow morning.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract from the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

EXHIBIT No. 9.

FRIDAY MORNING, October 19, 1861.

On motion of Mr. Donaldson, the order of business was suspended and leave given him to introduce house resolution No. 32, as follows:

Whereas the counties of Overton, Fentress, and Jackson are threatened with invasion by the Lincoln forces of Kentucky: Therefore,

*Be it resolved by the general assembly of the State of Tennessee, That the governor be authorized and requested to accept and have mustered into the service forthwith, and armed and equipped, the cavalry company from Overton county known as the Brown Rangers.*

On motion of Mr. Brooks, of Jackson, the rules were suspended. Mr. Miller moved to refer the resolution to the committee on military affairs, which motion was lost.

The resolution was then adopted without a division, and on motion of Mr. Donaldson the transmission to the senate was ordered. \* \* \*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of extracts from the house journal of the Tennessee (confederate) general assembly of 1861-'62, the originals of which are on file in my office.

In testimony whereof, I have hereunto signed my name, and, by order of the governor, affixed the great seal of the State of Tennessee, at Nashville, this 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 10.

WEDNESDAY MORNING, *October 9, 1861.*

\* \* \* \* \*

Mr. Osborne introduced house bill No. 6, to be entitled "An act to amend an act passed June 25, 1861, entitled 'An act to raise and equip a provisional force, and for other purposes,'" which was read a first time and passed.

[The above is to be found in Book No. 1, page 26.—SEC. STATE.]

FRIDAY MORNING, *October 11, 1861.*

\* \* \* \* \*

*House bills on second reading.*

House bill No. 6 was read a second time, and the amendment recommended by the committee, striking out the first section of the bill, was, on motion of Mr. Martin of Wilson, concurred in, and the bill passed—yeas, 53; nays, 13.

Representatives voting in the affirmative are: Messrs. *Butler, Carr, Carter, Caruthers, Cummins, Demoss, Donaldson, Dunlap, Easley, Ellis, Estes, Ewbank, Fisher, Garner, Garretson, Head, Hill, House, Jarnagan, Jones, Kennedy, Laws, Little, Lockhart, Lowery, Martin of McMinn, Martin of Shelby, Martin of Smith, Martin of Wilson, Matthews, McClelland, McDowell, Millard, Miller, Mosely, Osborne, Payne, Parker, Rankin, Ragland, Robb, Rogers, Senter, Simpson, Somerville, Talley, Tucker, Walker, Ward, Warner, Whitten, Woods, and Mr. Speaker Keeber.*

Representatives voting in the negative are: Messrs. *Brooks of Jackson, Brooks of Weakley, Bunch, Carthel, Edwards, Gardner, Hadsden, Jopling, Lea, Meek, Patton, Randolph, and Wallace.*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of extracts from house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 10.

SATURDAY MORNING, *October 12, 1861.*

\* \* \* \* \*

House bill No. 6, to amend an act amendatory to an act to raise, organize and equip a provisional force, and for other purposes, passed May 6, 1861, passed its third reading—yeas, 61; nays, 5.

Representatives voting in the affirmative are: Messrs. *Britton, Brooks of*

Jackson, Brooks of Weakley, Bunch, *Butler*, Carr, Carter, Carthel, Caruthers, Cummings, Demoss, Donaldson, Dunlap, Easley, Edwards, Ellis, Estes, Ewbank, Fisher, Fleming, Gardner, Garner, Garrettson, Head, Hill, Hodsden, House, Jarnagan, Jones, Jopling, Kennedy, Laws, Lea, Little, Lockhart, Lowery, Martin of McMinn, Martin of Shelby, Mathews, McClelland, McDowell, Millard, Miller, Moseley, Osborne, Paine, Parker, Patton, Ragland, Rankin, Robb, Rogers, Someville, Tolley, Tucker, Walker, Ward, Warner, Whitten, Woods, and Speaker Keeble—61.

Representatives voting in the negative are: Messrs. Meek, Randolph, Senter, Sampson, and Wallace—5.

[The above is to be found in Book No. 1, p. 36.]

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract from the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 11.

TUESDAY MORNING, December 3, 1861.

\* \* \* \* \*

Mr. Martin offered the following resolution, No. 82:

*Resolved*, That the hall of the house of representatives be tendered to the electoral college on Wednesday, the 4th instant, to hold the election for president and vice-president of the Confederate States of America.

Mr. Butler offered the following resolution in lieu:

*Resolved*, That the hall of the house of representatives be, and is hereby, tendered to the presidential electors on to-morrow, from 11 o'clock a. m., and that they are hereby requested to meet in said hall to cast the vote for president and vice-president.

Mr. Robb moved to amend the resolution in lieu by inserting, after 11 o'clock, "to half-past 2 o'clock."

Which was adopted; and the resolution of Mr. Butler was then adopted, in lieu of Mr. Martin's, and the resolution as thus amended was then adopted—yeas, 47; nays, 7.

Representatives voting in the affirmative are: Messrs. Bowden, Brooks of Jackson, Brooks of Weakley, *Butler*, Carr, Carter, Carthel, Demoss, Donaldson, Easley, Edwards, Ellis, Ewbank, Fisher, Floyd, Garner, House, Jarnagan, Jones, Jopling, Kennedy, Laws, Lea, Little, Lowery, Martin of Shelby, Martin of Smith, Martin of Wilson, McCallum, McClelland, Meek, Millard, Miller, Moseley, Osborne, Paine, Parker, Randolph, Robb, Rogers, Ross, Simpson, Tolley, Tucker, Wallace, Whitten, and Mr. Speaker Keeble.

Representatives voting in the negative are: Messrs. Bunch, Carthel, Estes, Fleming, Hill of Hamilton, Mathews, and Senter.

\* \* \* \* \*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is an extract from the house journal of the Tennessee (confederate) legislature of 1861-'62, the originals of which are on file in my office.

In testimony whereof, I have hereunto signed my name, and, by order of the governor, affixed the great seal of the State of Tennessee, at Nashville, this 14th day of December 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 12.

THURSDAY MORNING, December 5, 1861.

\* \* \* \* \*

Mr. Butler offered house resolution No. 86, as follows:

Whereas there are many citizens of the Confederate States who have just claims against the United States for carrying mails and taking the census of 1860: Therefore,

*Be it resolved by the general assembly of the State of Tennessee, That our senators in congress be, and are hereby, instructed, and our representatives requested, to secure, at as early a day as possible after congress shall convene, a bill providing for the payment of said claimants, and they ask congress to appropriate the fund seized by the State authorities of Tennessee, belonging to the United States, to the mail contractors and census takers of Tennessee who have claims against said government; and that the secretary of state be, and is hereby, requested to forward a copy of this resolution to our senators and representatives when congress assembles.*

Which, on motion, was referred to the committee on confederate relations.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is an extract from the house journal of the Tennessee (confederate) legislature of 1861-2, the original of which is now on file in my office.

In testimony whereof I have hereunto signed my name, and, by order of the governor, affixed the great seal of the State of Tennessee, at Nashville, this 16th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 13.

FRIDAY MORNING, February 7, 1862.

Mr. Martin, of Shelby, by leave, introduced house resolution No. 118, as follows:

*Resolved by the general assembly of the State of Tennessee, That the sum of eight dollars per day be paid W. H. S. Hill and W. L. Martin for their services for ten days, in settling with the military board, during the recess of the legislature.*

On motion of Mr. Martin, of Shelby, the rules were suspended, and the resolution was taken up, and—

\* \* \* \* \*

Mr. Gardner moved to amend by striking out "eight" and inserting "six."

Mr. Carr moved to amend the amendment by striking out "six" and inserting "five."

\* \* \* \* \*

Mr. Carr's amendment was rejected. Mr. Gardner's amendment was then adopted—yeas, 34; nays, 20.

Representatives voting in the affirmative are: Messrs. Bowden, Britton, Brooks of Jackson, *Butler*, Carr, Carter, Carthel, Donaldson, Dunlap, Easley, Edwards, Ewbank, Fisher, Fleming, Floyd, Gardner, Hawkins, Hill of Haywood, Hodsden, Little, McClelland, McDowell, Meek, Millard, Miller, Mosely, Paine, Parker, Randolph, Rogers, Simpson, Tolley, Wallace, and Whitten.

Representatives voting in the negative are: Messrs. Brooks of Weakly, Bunch, Garner, Garretson, Hill of Hamilton, House, Jarnagan, Jones, Kennedy, Lea, Martin of Shelby, Mathews, McCallum, Senter, Tucker, Walker, Ward, Warner, and Woods.

The resolution as amended was then adopted—yeas, 48; nays, 6.

Representatives voting in the affirmative are: Messrs. Bowden, Britton, Brooks of Jackson, Brooks of Weakly, Bunch, *Butler*, Carr, Carthel, Donaldson, Dunlap, Easley, Edwards, Ellis, Ewbank, Fisher, Fleming, Floyd, Gardner, Garner, Garretson, Hawkins, Hill of Hamilton, Hill of Haywood, Hodsden, House, Jarnagin, Jones, Kennedy, Lea, Little, Martin, of Shelby, McCallum, McClelland, McDowell, Millard, Mosely, Paine, Parker, Rogers, Simpson, Tolley, Tucker, Walker, Wallace, Ward, Warner, Whitten, and Woods.

Representatives voting in the negative are: Messrs. Carter, Mathews, Meek, Miller, Randolph, and Senter.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing are copies of extracts from the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which are on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the governor, affixed the great seal of the State, at the department in Nashville, on this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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#### EXHIBIT No. 14.

SATURDAY MORNING, *February 15, 1862.*

\* \* \* \* \*

Mr. Butler moved to adjourn until Monday morning at 9½ o'clock.

The vote was taken and resulted—yeas, 15; nays, 34.

\* \* \* \* \*

#### AFTERNOON SESSION.

Mr. Donaldson demanded a call of the house, and the following representatives failed to answer:

Messrs. Bowden, Britton, Brooks of Jackson, Brooks of Weakly, Bunch, *Butler*, Carter, Cummins, Demoss, Dibbrill, Ellis, Estes, Ewbank, Fleming, Gardner, Garretson, Hawkins, Head, Laws, Lockhart, Lowery, Martin of Shelby, Martin of Smith, Mathews, McCallum, McClelland, Miller, Mosely, Osborne, Parker, Patten, Ragland, Robb, Rogers, Ross, Simpson, Sommerville, Ward, and Mr. Speaker Keeble.

On motion of Mr. Martin, of Shelby, the house adjourned until Monday morning.

The house of representatives met, on hearing of the fall of Fort Donelson, informally on Sunday morning.

On motion of Mr. Jarnagan, a committee of three was appointed to wait upon the governor, and ascertain his purpose with reference to convening the legislature at some other point.

The committee reported that it was the intention of the governor to convene the general assembly in the city of Memphis, on the 20th instant; when, On motion, the house adjourned, to meet upon the call of the governor.

MEMPHIS, TENN., *Thursday Morning, February 20, 1862.*

Pursuant to the following proclamation of his excellency, Isham G. Harris, governor, &c., the house of representatives met in the city of Memphis, on Thursday, the 20th day of February, 1862, in the hall of the city council, at 11 o'clock a. m.:

*Governor's proclamation.*

EXECUTIVE DEPARTMENT,  
*Nashville, Tenn., February 16, 1862.*

The members of the general assembly of the State of Tennessee will assemble at Memphis, Tennessee, on Thursday next, the 20th instant, for the despatch and transaction of such business as may be submitted to them.

ISHAM G. HARRIS.

In the absence of the speaker, Fred. S. De Wolfe, principal clerk, called the house to order.

On motion of Mr. Martin, of Shelby, Mr. Miller, representative from the county of Hardeman, was called to the chair.

There being no quorum present, on motion of Mr. Martin, of Shelby, the house adjourned until to morrow morning, at 11 o'clock.

\* \* \* \* \*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing four papers are correctly copied from the journals of the Tennessee (confederate) house of representatives of the general assembly of Tennessee, of 1861-'62, the originals of which are now in my office.

In testimony whereof, I have hereunto affixed my signature and the great seal of the State of Tennessee, at the city of Nashville, this 14th day of December, 1867.

A. J. FLETCHER,  
*Secretary of State.*

EXHIBIT No. 15.

*House journal of the Tennessee legislature—session of 1861-'62.*

SATURDAY MORNING, *February 15, 1862.*

On motion of Mr. House, the rules were suspended and senate bill No. 89, to grant power to the banks in the State of Tennessee to remove their location if they apprehend danger from an invading army, and for other purposes, was taken up, and passed its third reading—yeas, 56; nays, 0.

Representatives voting in the affirmative are: Messrs. Britton, Brooks of Jackson, Brooks of Weakley, Bunch, *Butler*, Carr, Carter, Carthel, Caruthers, Demoss, Donaldson, Dunlap, Easley, Edwards, Fisher, Floyd, Gardner, Garner, Garretts, Hill of Hamilton, Hill of Haywood, Hodsden, House, Jarnagan, Jones, Jopling, Kennedy, Laws, Lea, Little, Martin of McMinn, Martin of Shelby, Martin of Wilson, McCullum, McDowell, Meek, Millard, Mosely, Osborne, Paine, Patton, Ragland, Randolph, Rankin, Rogers, Ross, Senter, Simpson, Somerville, Sucker, Walker, Wallace, Ward, Warner, Whitten, and Woods.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract from the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 13th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,

*Secretary of State.*

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EXHIBIT No. 16.

THURSDAY MORNING, *October 10, 1861.*

Mr. Somerville introduced house bill No. 9, to be entitled "An act to amend an act to abate suits of aliens."

FRIDAY MORNING, *October 11, 1861.*

House bill No. 9 was read by its title and referred to the committee on the judiciary.

SATURDAY MORNING, *October 12, 1861.*

\* \* \* \* \*

House bill No. 9, to repeal so much of an act of 1st July, 1861, as directs the dismissal of the suits of citizens of the United States then pending, to save the sureties for the prosecution of the suits from the payment of costs, and to save the property sued for in many cases: the committee recommend the passage of the bill, with an amendment expressly securing the benefit of the judgment to the Confederate States, under the sequestration law.

House bill No. 9, to amend an act to abate suits of aliens: the amendment offered by the committee was adopted, and the bill passed its second reading.

MONDAY MORNING, *November 25, 1861.*

On motion of Mr. Butler, house bill No. 9 was taken up, and amended as follows: Strike out "immediately" and insert "from and after its passage," which amendment was adopted, and the bill passed upon its third reading—yeas, 48; nays, 3.

Representatives voting in the affirmative are: Messrs. Bowden, Bunch, *Butler*, Carr, Carter, Carthel, Caruthers, Cummins, Donaldson, Dunlap, Easley, Ellis, Ewbank, Fisher, Floyd, Gardner, Garner, Hill of Haywood, Hill of Hamilton, House, Jarnagan, Jones, Kennedy, Laws, Lea, Little, Martin of McMinn, Martin of Shelby, Martin of Smith, Martin of Wilson, McCullum, Millard, Rагland, Rankin, Robb, Rogers, Simpson, Somerville, Tolley, Tucker, Walker, Ward, Warner, Woods, and Speaker Keeble.

Representatives voting in the negative are: Messrs. Meek, Randolph, and Senter.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the above are copies of extracts from the house journal of the Tennessee (confederate) legislature of 1861-'62, the originals of which are now on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the governor, affixed the great seal of State, at the department in Nashville, this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,

*Secretary of State.*

A BILL to amend "An act to abate suits of aliens," passed 1st July, 1861.

*Be it enacted by the general assembly of the State of Tennessee,* That so much of said act as requires suits then pending in behalf of citizens of the United States to be dismissed is hereby repealed, and said suits may be prosecuted to final judgment. This act shall take effect immediately.

Endorsed: Mr. Butler. Strike out "immediately," and insert "from and after its passage."

Amendment to house bill No. 9 to be inserted immediately after the words "final judgment:" which judgment shall inure to the benefit of the Confederate States, under the sequestration law, and that fact shall be stated on the record.

Endorsed: "Adopted October 12."

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the above is a copy of house bill No. 9, with the amendments adopted in the Tennessee confederate house of representatives, on the 25th day of November, 1861, the original of which is on file in my office.

In testimony whereof, I have hereunto signed my name, and, by order of the governor, affixed the great seal of the State at Nashville, this 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 17.

AN ACT to abate suits of aliens

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee,* That no suits, whether pending or hereafter brought in behalf of or for the benefit of any citizen or citizens of either of the States of the late United States of America, except Kentucky, Missouri, and Maryland, now adhering to the government of which A. Lincoln claims to be President, shall be maintained in the courts of law or equity in this State.

SECTION 2. *Be it further enacted,* That all laws authorizing the appointment of administrators or the probate of wills, and the qualification of executors on the estate of persons whose distributees, legatees, or devisees are citizens of said northern States, are hereby declared void.

SECTION 3. *Be it further enacted,* That all suits brought or to be brought, of the character mentioned in this act, shall be dismissed by the chancellor or judge, upon motion.

SECTION 4. *Be it further enacted,* That this act take effect from and after its passage.

W. C. WHITTHORNE,  
*Speaker of the House of Representatives.*

B. L. STOVALL,  
*Speaker of the Senate.*

Passed July 1, 1861.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an act of the general assembly of the State of Tennessee, at an extra session, called by Isham G. Harris, governor, &c., the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

## EXHIBIT No. 18.

TUESDAY, March 18, 1862.

Mr. Jarnagan, by leave, introduced house resolution No. 137, as follows :

*Resolved by the general assembly of the State of Tennessee, That our senators and representatives in the congress of the Confederate States of America, at Richmond, be, and they are hereby, requested to introduce a bill in the confederate congress asking an appropriation sufficient to construct a railroad from Cleveland, Bradley county, to the copper mines in Polk county, Tennessee, and are hereby requested to use all laudable means to procure the passage of said bill.*

Said copper mines are the only mines in the Confederate States that are now in condition to furnish any considerable amount of copper, which is deemed to be indispensable for military purposes. This measure is urged by the general assembly as a great military necessity, as it is believed that, unless better facilities are offered for transportation, the working of said copper mines has necessarily to cease.

*Resolved further, That the governor of the State of Tennessee be, and he is hereby, requested to forward a copy of these resolutions to our senators and representatives in congress, at Richmond, at his earliest convenience.*

The rules were suspended, and the resolution adopted—yeas, 36; nays, 17.

Representatives voting in the affirmative are: Messrs. Bowden, Brooks of Jackson, Bunch, *Butler*, Caruthers, Dunlap, Easley, Ellis, Estes, Floyd, Garner, Garretson, Hill of Haywood, House, Jarnagan, Jones, Jopling, Kennedy, Laws, Lowery, Martin of Shelby, Martin of Wilson, McCullum, McClelland, Millard, Miller, Paine, Ragland, Rogers, Tolley, Tucker, Walker, Warner, Whitten, Woods, and Speaker Keeble—36.

In the negative: Messrs. Bunch, Carter, Carthel, Cummins, Gardner, Hawkins, Hodsdon, Lea, Mosely, Osborne, Parker, Patton, Randolph, Senter, Simpson, Somerville, and Ward—17.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of an extract of the journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department, in the city of Nashville, this 13th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

## EXHIBIT No. 19.

TUESDAY, March 18, 1862.

Mr. Kennedy offered house resolution No. 139, as follows :

*Resolved by the general assembly of the State of Tennessee, That we approve of the action of the Bank of Tennessee in removing its assets and the bonds belonging to the free banks to points of greater safety.*

The resolution was adopted, under a suspension of the rules, and ordered to be transmitted to the senate.

\* \* \* \* \*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the above is an extract from the house journal of the Tennessee (confederate) legislature of 1861-'62, the original of which is on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the governor, affixed the great seal of the State, at the department, in Nashville, this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 20.

TUESDAY, May 7, 1861.

Senate bill No 2, in relation to the paying of interest on State bonds owned by parties in the northern States, was taken up.

Mr. Dudley offered a bill in lieu, which was adopted.

Mr. Dudley offered the following amendment to the bill in lieu :

"This act to take effect from and after its passage." Which was adopted, and the bill passed third reading—yeas, 38; nays, 19.

Representatives voting in the affirmative are: Messrs. Baker of Perry, Bayless, Bicknell, Bredsoe, Brazelton, *Butler*, Caldwell, Cheatham, Cowden, Critz, Davis, Dudley, Farley, Farrelly, Ford, Frazier, Gant, Greene, Guy, Hurt, Jones, Kennedy, Lea, Martin, Mayfield, McCabe, Morphis, Nall, Norman, Pickett, Roberts, Smith, Sowell, Vaughn, White, of Davidson, Whitmore, Williams of Franklin, and Mr. Woods—38.

Those voting in the negative are: Messrs. Armstrong, East, Gorman, Harris, Havron, Hebb, Kenner, Kincaid, of Anderson, Lockhart, Morris, Porter, Richardson, Russell, Senter, Shrewsbury, Williams, of Knox, Wisener, Woodward, and Mr. Speaker Whitthorne—19.

The bill was ordered to be transmitted to the senate.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is an extract from the journal of the house of representatives of the second extra session of the thirty-third general assembly of the State of Tennessee, which convened at Nashville on the 25th day of April, 1861, on the 7th May, 1861, the original of which is on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the governor, affixed the great seal of the State, at the department, in Nashville, on this the 14th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EXHIBIT No. 21.

I, R. R. Butler, do most solemnly swear that I have never voluntarily borne arms against the government of the United States for the purpose or with the intention of aiding the late rebellion, nor have I, with any such intention, at any time given aid, comfort, counsel, or encouragement to said rebellion, or to any act of hostility to the government of the United States.

I further swear that I have never sought or accepted any office, either civil or military, or attempted to exercise the functions of any office, either civil or military, under the authority or pretended authority of the so-called Confederate States of America, hostile or opposed to the authority of the United States government, with the intent and desire to aid said rebellion; and that I have never given a voluntary support to any such government or authority. So help me God.

R. R. BUTLER.

Sworn to and subscribed to before me, this 21st day of June, A. D. 1867.

JONATHAN LAWRENCE,  
*Justice of the Peace for Jefferson County.*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of the original oath of R. R. Butler, taken as a candidate for Congress under the franchise act of February 25, 1867, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 11th day of December, A. D. 1867.

[SEAL.]

A. J. FLETCHER,

*Secretary of State.*

I, Andrew J. Fletcher, secretary of state for the State of Tennessee, do hereby certify that Jonathan Lawrence, whose official signature is subscribed to the original certificate, of which the foregoing is copy, as a justice of the peace, was at the time the same were so subscribed and affixed a legally elected, qualified, and commissioned justice of the peace for the county of Jefferson, in said State of Tennessee.

In testimony whereof, I have hereunto set my official signature, and, by order of his excellency the governor, affixed the great seal of the State of Tennessee, at the executive department in Nashville, on the 11th day of December, 1867.

[SEAL.]

A. J. FLETCHER,

*Secretary of State.*

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EXHIBIT No. 22.

STATE OF TENNESSEE, *County of Davidson, ss:*

I do solemnly swear that I have never voluntarily borne arms against the government of the United States for the purpose or with the intention of aiding the late rebellion, nor have I, with any such intention, at any time given aid, comfort, counsel, or encouragement to said rebellion, or to any act of hostility to the government of the United States.

I further swear that I have never sought or accepted any office, either civil or military, or attempted to exercise the functions of any office, either civil or military, under the authority or pretended authority of the so-called Confederate States of America, or of any insurrectionary State, hostile or opposed to the authority of the United States government, with the intent and desire to aid said rebellion; and that I have never given a voluntary support to any such government or authority. So help me God.

JOSEPH POWELL.

Subscribed and sworn to before me, this 2d day of May, 1867.

E. R. CAMPBELL,

*Commissioner U. S. Circuit Court for Middle District Tennessee.*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the foregoing is a copy of the candidate's oath of Hon. Joseph Powell, the original of which is now on file in my office.

In testimony whereof, I have hereunto signed my name, and, by order of the governor, affixed the great seal of the State at Nashville, this the 16th day of December, 1867.

[SEAL.]

A. J. FLETCHER,

*Secretary of State.*

## EXHIBIT 25.

JOINT RESOLUTION taking charge of the assets of the Bank of Tennessee.

*Resolved by the general assembly of the State of Tennessee, That the governor, the secretary of state, and comptroller be and they are directed to take charge of the assets of the Bank of Tennessee, and the archives of the State, and receipt for the same.*

WILLIAM HEISKELL,  
*Speaker of the House of Representatives.*  
SAMUEL R. RODGERS,  
*Speaker of the Senate.*

Adopted May 29, 1865.

## EXHIBIT 26.

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do hereby certify that the election returns for congressmen of the first congressional district of the State of Tennessee, at an election opened and held under the constitution and laws of the State of Tennessee, on the first Thursday in August, in the year 1867, for governor, members of Congress, and members of the general assembly, Joseph Powell, of the county of Greene, received forty-four votes as a candidate for Congress in the first congressional district of Tennessee, and that said official returns are now on file in my office.

In testimony whereof, I have hereunto subscribed my name, and, by order of the governor, affixed the great seal of the State, at the department in Nashville, this the 16th day of December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

## EXHIBIT A.

NASHVILLE, TENN., December 21, 1867.

DEAR SIR: I have this day received a notice from R. R. Butler that he will, on the 26th instant, examine the Hon. W. G. Brownlow and proceed to take his deposition, &c. By the law of Congress it requires that Mr. Butler shall give me ten days' notice; this notice was served on me the 21st instant. You are hereby notified that I object to the deposition of the Hon. William G. Brownlow being taken by you on this notice, and shall object to its being offered as testimony in the case to which it has reference. You will file this letter with other papers.

I have in this matter pursued a fair course. I regret that the desperate case of my friend B. requires him to resort to a course that departs from both law and the usages in such cases.

Most respectfully,

J. POWELL, *Contestant*

DECEMBER 26, 1867.

Filed with the deposition of William G. Brownlow this day taken by me, as within requested.

M. L. HALL,  
*Clerk U. S. Dist. Court Eastern Dist. of Tenn.*

## EXHIBIT B.

NASHVILLE, TENN., December 21, 1867.

DEAR SIR: A notice has been served on me by R. R. Butler that he will take the deposition of George A. Miller before you on the 26th instant. You are hereby notified that the law requires that ten days' notice must be given to me to take the deposition of witnesses. I therefore object to the deposition of George A. Miller in toto. You will file this letter with other papers.

I presume that the friends of Mr. B. in Jefferson county will know a little more about his political record by the time that I am through with him; Esquire Lawrence, at least.

Most respectfully,

J. POWELL.

Received December 23, 1867.

JAS. M. NICHOLSON, Clerk.

## EXHIBIT C.

	R. R. Butler.	J. White.	J. Powell.
Johnson .....	598	35	14
Carter .....	918	66	00
Sullivan .....	709	22	3
Washington .....	1,314	93	00
Hawkins .....	1,093	183	00
Hancock .....	578	21	00
Greene .....	1,537	807	10
Cocke .....	924	56	7
Jefferson .....	2,106	166	3
Grainger .....	852	240	1
Sevier .....	1,343	88	6
	11,972	1,777	44
The military vote .....	185	00	00

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the above is a true copy of the official returns of the first congressional district of the State of Tennessee; the original of which is now on file in my office.

In testimony whereof, I have hereunto set my hand, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in Nashville, this the 2d December, 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

## EXHIBIT D.

*Oath.*STATE OF TENNESSEE, *County of Jefferson, ss:*

I do most solemnly swear, that I have never voluntarily borne arms against the government of the United States for the purpose or with the intention of aiding the late rebellion, nor have I, with any such intention, at any time given

aid, comfort, counsel, or encouragement to said rebellion, or to any act of hostility to the government of the United States.

I further swear that I have never sought or accepted any office, either civil or military, or attempted to exercise the functions of any office, either civil or military, under the authority or pretended authority of the so-called Confederate States of America, or of any insurrectionary State, hostile or opposed to the authority of the United States government, with the intent and desire to aid said rebellion; and that I have never given a voluntary support to any such government or authority: so help me God.

R. R. BUTLER.

Subscribed and sworn to before me, this 21st day of June, A. D. 1867.

JONATHAN LAWRENCE,  
*Justice of the Peace for Jefferson County.*

I, Andrew J. Fletcher, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of the oath of R. R. Butler as a candidate for Congress under the franchise law of Tennessee, the original of which is now on file in my office.

In testimony whereof, I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 10th day of August, A. D. 1867.

[SEAL.]

A. J. FLETCHER,  
*Secretary of State.*

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EVIDENCE OF THE MEMBER ELECT.

I.—*Notices.*

No. 1.

To JOSEPH POWELL:

SIR: You are hereby notified that on the 21st day of this instant, at Cleveland, Bradley county, Tennessee, before some clerk of a court of record, between the hours of 9 o'clock a. m. and 9 o'clock p. m., I will proceed to take the deposition of Colonel R. M. Edwards; which deposition when taken I will offer as evidence before the House of Representatives of the fortieth Congress, wherein you are contesting my seat in said Congress; this 2d day of December, 1867.

R. R. BUTLER.

DECEMBER 2, 1867.

I gave in hand to the within named Joseph Powell a true and attested copy of the above notice.

N. G. ORDWAY,  
*Sergeant-at-Arms House of Representatives.*

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No. 2.

JOSEPH POWELL:

You will take notice that on the 27th this instant, at the office of J. G. Frazier, clerk of the supreme court for the middle division of Tennessee, in Nashville, I will proceed to take the deposition of General E. S. Cheatham, Hon. R. B. Cheatham and James C. Warner; and on the 28th day of this instant, at Taylorsville, before the clerk of the county court of Johnson

county, Tennessee, at his office in Taylorsville, I will take the depositions of Captain Lafayette Jones, Martin Miller and others; and on the 26th day of this instant, before the clerk of the county court of Jefferson county, Tennessee, at his office in Dandridge, I will take the deposition of George A. Miller; and on the 25th day of this instant, before M. L. Hall, clerk of the federal court for the eastern division of Tennessee, at the residence of the Hon. W. G. Brownlow, I will proceed to take the deposition of said W. G. Brownlow, which depositions when taken I will offer as evidence on my behalf before the House of Representatives of the fortieth Congress, wherein you are contesting my seat in said body; this 19th day of December, 1867.

R. R. BUTLER.

I delivered a true copy of the within notice to J. Powell, December 21, 1867.

E. R. GLASCOCK,  
*United States Marshal.*

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No. 3.

To JOSEPH POWELL:

SIR: You are hereby notified that, on the 24th day of December next, at the office of the county court clerk for Johnson county, Tennessee, before Robert E. Berry, clerk of said court, between nine o'clock a. m. and nine p. m., I will proceed to take the depositions of Captain Frederick Slimp, Captain Samuel E. Nuttington, Colonel Daniel Slimp, Major Jacob H. Norris, John Shop, senior, Giles Gregory, Hiram Jones, esquire, Richard H. Butler, and Reverend Lewis Venable.

Also, on the 17th day of December next, at the governor's office at Nashville, Tennessee, before the clerk of the Federal court, or some clerk of a court of record, between nine o'clock a. m. and nine p. m., I will proceed to take the depositions of his excellency Governor Brownlow, H. H. Thomas, honorable Edward H. East, A. T. Dernop, honorable Stephen Matthews, honorable D. W. C. Senter, and Colonel James W. M. Grayson.

Also, on the 12th day of December next, at the county court clerk's office for Carter county, Tennessee, before James T. Bradley, clerk of said court, between the hours of nine o'clock a. m. and nine p. m., I will take the depositions of Colonel John K. Miller, Major C. C. Wilcox, Major H. C. Smith, David Taylor, (called Hook,) Elisha Collins, Alfred T. Gorely, Andrew Fondren and Captain Daniel Ellis, and if the same are not taken on the day commenced I will continue from day to day until the same are completed, which depositions, when taken, I will offer as evidence before the House of Representatives of the 40th Congress, wherein you are contesting my seat in said Congress; this 30th day of November, 1867.

R. R. BUTLER.

DECEMBER 2, 1867.

I gave the within named Joseph Powell a true and attested copy of the within notice.

N. G. ORDWAY,  
*Sergeant-at-arms House of Representatives.*

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II.—*Depositions taken in Johnson county.*

STATE OF TENNESSEE, *Johnson County:*

I, Robert E. Berry, clerk of the county court of said county, do hereby certify that, on the 24th of this instant, I caused to come before me, at the county court clerk's office, in Taylorsville, John Shupe, Giles Gregory Major Jacob H. Norris,

Captain Frederick Slimp, Colonel Daniel Slimp, Hiram Jones, Richard H. Butler, Reverend Lewis Venable, and, on the 28th instant, Martin Miller and Captain Lafayette Jones, and they were duly sworn by me to speak the truth, the whole truth, and nothing but the truth, in the matters of contest before the House of Representatives of the 40th Congress, where R. R. Butler is contestee and Joseph Powell contestant.

JACOB H. NORRIS, of lawful age, who being duly sworn deposes as follows:

Q. Please state where you reside, what position you hold, if any, in the federal army, and how long you have been acquainted with R. R. Butler, the member elect to Congress from this district, and if you were intimately acquainted with said Butler during the war.

A. I reside in Taylorsville, Johnson county, East Tennessee, and hold the position of captain of company E, thirteenth Tennessee cavalry volunteers, and have been acquainted with R. R. Butler, member elect to Congress from first congressional district Tennessee, about eleven years, and have lived within three-quarters of a mile of him during the last nine years. Myself and said Butler were together nearly every day from the commencement of the war until June, 1863, when I left and went through the lines and joined the federal army. Then, in August thereafter, said Butler left his home in Johnson county, Tennessee, and came through the lines, and joined the federal army and occupied the position of lieutenant colonel of thirteenth Tennessee cavalry volunteers, where I was associated with him all the time until he resigned his position of lieutenant colonel in said army.

Q. Please state if you knew the sentiments of R. R. Butler during the war and the position he occupied, and what were your opportunities for knowing the sentiments of said Butler.

A. My opportunities were very good for judging his sentiments. My understanding was that he was a Union man all the time, from private conversations and from public discourses delivered in defence of the Union cause, and was always considered by the Union element of this county as a true Union man, and when I was making preparations for going through the lines I consulted said Butler in regard to making said trip through the lines, and he advised me to go through the lines, and furnished me with money to defray my expenses, and informed me at the same time that he expected to go through himself in a short time. He also furnished a neighbor of mine, Doctor M. T. Locke, at the same time with means to go through the lines, who was afterwards appointed and served as assistant surgeon in the fourth regiment of Tennessee infantry in the federal army.

Q. Please state if Johnson county, it being the county where R. R. Butler resides, was not one of the most loyal counties in Tennessee, and if said Butler did not do more to shape and control the sentiments of the county than any one man in the county, and if, for his Union acts and sentiments, the rebels did not arrest him and carry him to Knoxville, a distance of one hundred and fifty miles, and if the rebels did not hate said Butler more than any man in the county.

A. Johnson county, where R. R. Butler resides, was considered one of the most loyal counties in the State of Tennessee to the federal government, casting only about seventy-three votes for secession, and said Butler did more to shape and control the sentiments of the people of said county than any other man in the county, as in upper East Tennessee, and for so doing was arrested by the rebel authorities and carried to Knoxville, Tennessee, a distance of one hundred and fifty miles, and the rebels hated said Butler more than any man in the county of Johnson, and was censured and threatened more than any other man in said county by the rebel authorities and soldiers.

Q. Please state when R. R. Butler was driven from his home, and the length

of time he was kept away from his home by the rebels, and if said Butler did not assist the Union men, women, and children that were driven from their homes more than any one, according to his pecuniary ability.

A. R. R. Butler was driven from home in August, 1863, by the rebels, and did not return until July, 1865, and, in my opinion, he did more to assist Union men, women, and children who were in destitute condition and driven from their homes, than any other person, according to his pecuniary abilities.

Further this deponent saith not.

JACOB H. NORRIS.

JOHN SHUPE, of lawful age, who being duly sworn, deposes as follows :

Q. Please state where you reside, and what position you occupied during the war ; and how long you have been acquainted with R. R. Butler, member elect to Congress from this district ; and if you were intimately acquainted with him during the war ; if so, state if said Butler was a Union man or not.

A. I reside in Johnson county, Tennessee, and was a Union man during the war. I have been intimately acquainted with said Butler during the last twelve years, and have lived a close neighbor to him during the period of said twelve years ; consequently was very intimately acquainted with him during the late war, and know him to have been a Union man from the commencement of the late war up to the present time.

Q. Please state if you had many private conversations with said Butler during the war relative to the same, and if you did not hear said Butler make public speeches ; and if he did not always publicly and privately advise the people of the county to stand firm for the Union—that the federal army would triumph ; and if you did not send your only son to the federal army ; and if you did not consult said Butler about your son going through the lines to join the federal army ; and if said Butler did not advise you to send your son to the federal army.

A. I had many private conversations with said Butler relative to the war, and heard him make several public speeches in defence of the Union cause, and that said Butler always defended the Union cause, both in private and public conversations, and always advised persons in my presence, both privately and publicly, to go through the lines and join the federal army, and stated always that the federal army would triumph. I had several consultations with said Butler relative to my son going through the lines to join the federal army, and said Butler always advised me to send my only son through the lines to join the federal army.

Q. Please state if R. R. Butler did not do more to make this Johnson county loyal, and to keep it so, than any man in the county ; and if he did not use more energy to keep the Union people united than any one in the county ; and if he was not watched more closely by the rebels, and hated more by them, than any one of our citizens.

A. Said Butler did more in this (Johnson) county to make the citizens loyal to the United States government, and used more energies to keep them loyal to said government, than any other one man in said county, and to keep them united in defence of the Union cause ; and that he was hated by the rebels, and watched closer by them than any other person in said county of Johnson.

Q. Please state if the rebel citizens did not always say that if Butler had taken the rebel side that this county would have gone that way ; and that if he and Colonel Smith were killed the county would become rebel ; and that if said Butler was not arrested by the rebels and carried away ; and that if said Butler was not compelled to make his escape through the lines to save his life ; and that if said Butler had not made his escape when he did, if the rebels would not have killed him, and so stated the night he escaped.

A. The rebels always said that if said Butler had taken the rebel side in the late war that this (Johnson) county would have been rebel, and that if he and Colonel Smith were killed the county would become rebel. Said Butler was arrested by the rebel soldiery and carried away from his home, and was compelled to make his escape through the lines to save his life; and if he had not made his escape when he did the rebels would have killed him, and so stated on the night he escaped from his home to go through the lines.

Q. Please state if R. R. Butler was not elected to the legislature of 1861-'62 by the true Union men of the counties of Carter and Johnson, and if the leading Union men did not insist upon him attending the legislature, stating that he could be, perhaps, of service to the Union people by so attending the legislature; and if said Butler did not say that he did not want to go; that if he did go he would have to vote for measures that would seemingly favor the rebellion; and if the Union men did not tell said Butler to go there, let him vote and do as he thought best; that they knew him and could trust him anywhere; and if you were not one of the Union men who insisted on him attending the legislature.

A. Said R. R. Butler was elected to the legislature of Tennessee by the Union men of Carter and Johnson counties, and the Union men insisted on said Butler attending the said legislature, and it was generally thought by the citizens of Johnson county that he could be of more benefit to the Union citizens of said county by attending said legislature than if he had remained at home; and that said Butler, in different conversations, always expressed himself unwilling to go to the legislature, saying that if he did go he would have to vote for measures that would seemingly favor the rebellion; and, further, the Union men of this county always told said Butler to go, and do what he thought would be best for the Union men of this county, and, vote as he would, that they knew him to be a sound Union man, and were not afraid to trust him anywhere, and insisted on him attending the legislature, and reporting to them and keeping them posted on the movements and transactions of said legislature; and, further, to my positive knowledge said Butler did so post the Union citizens of said county, and furnish them with valuable information, and by so doing was of great benefit to the Union element of said county while in said legislature.

Q. Please state if you ever heard R. R. Butler utter a disloyal sentiment during the war, and if you ever heard any one doubt his loyalty to the government of the United States.

A. I never heard R. R. Butler utter a single disloyal sentiment during the late war, and never heard any one doubt his loyalty to the government of the United States.

Further deponent saith not.

JOHN SHUPE.

GILES GREGORY, of lawful age, who, being duly sworn, deposes as follows:

Q. Please state where you reside and how long you have been acquainted with R. R. Butler, the member elect to Congress from this district, and if you were intimately acquainted with him during the war.

A. I reside in Taylorsville, Johnson county, Tennessee, and have been acquainted with said R. R. Butler since August, 1861, and have been intimate with said Butler ever since said time, (August, 1861.)

Q. Please state what position said Butler occupied—whether Union or rebel—and what where your opportunities for knowing his political sentiments.

A. R. R. Butler was always considered a Union man by both parties, rebel and Union, and I never heard his loyalty to the federal government doubted by any person. I judge his sentiments to be Union from private and confidential conversations and consultations held between myself and said Butler in relation to the Union cause.

Q. Please state if Johnson county, it being the county where said R. R. Butler resides, was not one of the most loyal counties in Tennessee; and if the loyal sentiment of the county was not in a very great degree attributed to the influence and energy of said Butler; and if the rebels of the county did not have more hatred toward said Butler than any man in the county; and if said Butler was not arrested and carried to Knoxville, a distance of one hundred and fifty miles, by the rebels; and if he was not compelled to leave his home and family to save his life; and if the rebels did not destroy his papers and law library.

A. Johnson county is considered one of the most loyal counties to the United States government of any in the State of Tennessee, and the loyal sentiment of the county of Johnson was in a great degree attributed to the influence and energy of said Butler; and he was hated by the rebels more than any other person in the county of Johnson; and said Butler was arrested by the rebels and carried to Knoxville, Tennessee, a distance of one hundred and fifty miles, and was further compelled by the rebels to leave his home and family to save his life; and that all his papers and law library, in Taylorsville, were destroyed by the rebels.

Q. Please state what the rebels thought of R. R. Butler, and what they said of him, and what were your opportunities for knowing the estimate he was held in by the rebels of his county.

A. I boarded at a rebel hotel during the war, and that was rebel headquarters of the rebels in this (Johnson) county, and being a man above conscript age, and very familiar and intimate with the landlord of said hotel, (Col. Green Morse and his family,) I had many opportunities of hearing the rebels converse together that other persons did not have. I invariably and always heard the rebels denounce said Butler as being a Union man, and if it were not for said Butler this Johnson county would all be right, (meaning rebel.)

Q. Please state if, after R. R. Butler returned from the legislature of 1861 and 1862, that you had many private conversations and consultations with him, and if he was not devoted to the Union cause, and for his loyalty to the government of the United States; if he was not arrested after he returned from said legislature.

A. After the return of said Butler from the legislature of 1861 and 1862, I had many conversations with said Butler, and in all of said conversations said Butler always defended the cause of the Union, and was very much attached to the federal government; and further, said Butler after his return from said legislature was arrested by the rebel authorities and soldiery, and carried away to Knoxville, Tennessee, a distance of 150 miles, and there tried for treason against the confederate government.

Q. Please state if, when Colonel Folk, who commanded a rebel battery, came into Johnson county, in November, 1862, it was not urged by the rebels of the county that Butler must be arrested and taken out of the county, for as long as said Butler was permitted to remain in the county the citizens would continue to be loyal to the United States government, and if Butler was out of the county the people would become rebels; and if said Colonel Folk did not arrest said Butler and send him out of the county.

A. When Colonel Folk, who commanded a rebel batallion, came into this county, in November, 1862, it was urged by the leading rebels of the county that said Butler must be arrested and sent out of the county, for as long as the said Butler remained in Johnson county the citizens would continue loyal to the United States government, and that if said Butler was out of the county, it would become rebel; and further, said Folk did have said Butler arrested and sent out of the county.

Q. Please state what position you occupied in the war, and where you resided up to the beginning of the troubles.

A. I was a Union man during the war, from beginning to ending; I was born in the State of New York, and spent the most of my life in that State, (up to 1853.) I came to Tennessee in 1858, and came into said Johnson county in August, 1861; up to the time that R. R. Butler was driven from his home by the rebels, my place of business was within twenty steps of said Butler's law office, in Taylorsville, Tennessee, and we were intimate, and I knew his sentiments well.

And further this deponent saith not.

GILES GREGORY.

Rev. LEWIS VENABLE, of lawful age, being duly sworn, deposes as follows

Q. Please state where you reside, and if you were a soldier in the federal army; and how long you have been acquainted with R. R. Butler, member elect to Congress from this district, and if you were intimately acquainted and associated with him during the war. If so, what were your opportunities for knowing his sentiments upon the troubles of the country, and what were his sentiments and conduct relative to the same.

A. I reside in Johnson county, East Tennessee; was a soldier in the federal army, and have been intimately acquainted with said Butler during the last twenty-three years, and was very intimately acquainted with him, and associated with him during the late war. My opportunities for knowing his sentiments are as follows: we were both Clay whigs and of the same religious sentiments, consequently our political and religious sentiments ran together; and further, myself and said Butler were members to a convention held at Knoxville, Tennessee, for the purpose of cutting off East Tennessee from the balance of the State, in order that she might not be forced out of the Union and be made a part of the confederacy, at which convention said Butler used his utmost endeavors and energies in defence of the Union cause, which time of said convention was in June, 1861. Myself and others urged it upon said Butler to go to the legislature of Tennessee and there use his utmost abilities in protecting the interests of the Union element in East Tennessee, and keep us posted as to the transactions of said legislature, believing that he could be of more benefit to the Union cause in the said legislature than he possibly could have been anywhere else; during which time I received several letters from him urging us to stand firm to the Union cause, and that said Union cause would come out right; and further, when said Butler returned from said legislature, as from any other journey, I always came to him to learn the news, and he invariably told me that the Union cause would come out right, and to stand firm and use my utmost endeavors to keep the people firm to the federal government. And further, he frequently told me that, whilst in the legislature, he had to do things which were greatly against his will, and had to vote for bills contrary to his principles, but had to do so to protect the interest of the Union element of East Tennessee, and to make the rebel sentiment as favorable to the Union element of East Tennessee as possibly could be done; and further, that to carry out said deception, he had to resort to many inventions of the mind in order to deceive the rebel element and thereby favor the Union cause; which intercourse was continually kept up between us as long as said Butler remained in the county, and until said Butler was run off by the rebel authorities and soldiery, which was in August, 1863, and in the following October I left home myself and went through the lines, where I found said Butler raising a regiment for the federal government, and from my age, which was fifty-two years, and my avocation being that of a minister of the gospel, I did not deem it prudent to enter the federal service, but, from the urgent solicitations and request of said Butler, I consented to enter the service of the United States, and did so. My intercourse with said Butler continued from that time until the close of the late war.

Q. Please state if Johnson county, where R. R. Butler resides, is not one of the most loyal counties in the State of Tennessee, and if the loyalty of said county is not attributable, in a great degree, to the firm and bold stand that said Butler took for the Union cause; and if he, the said Butler, did not traverse the county, speaking in almost every district, urging the people of the county to stand firm for the Union.

A. Johnson county, Tennessee, where said Butler resides, is considered one of the most loyal counties of the State of Tennessee to the United States government, and is attributed, in a great degree, to the bold and firm stand of said Butler for the Union cause; and said Butler traversed the said county of Johnson, speaking in defence of the Union cause in almost every district of said county, and urging the people generally to stand firm to the Union cause.

Q. Please state if, in all your intercourse and associations with said Butler, you ever heard him utter a disloyal sentiment towards the government of the United States, and if his loyalty was ever doubted by the people of the county; and if he was not known as the leader of the Union party in Johnson county; and if he did not do more for the Union cause than any one man in the county; and if the people of this (Johnson) county where said Butler resides, and has resided for twenty-three years, do not know that the charge of disloyalty against him is false.

A. In all my intercourse and associations with said Butler, I never heard him, the said Butler, utter a disloyal sentiment against the United States government. His loyalty to said government was never doubted by the people of this (Johnson) county, to my knowledge. He was always considered and known as the leader of the Union party in this (Johnson) county, and he did more for the Union party in this county than any other person in said county. I never heard a single sentiment uttered by the people of this county against said Butler, that he was disloyal to the United States government, and never heard his loyalty doubted until he went to Congress, when his seat in the fortieth Congress of the United States was contested by one J. Powell; and since said contest came up, the people of said county hoot at the idea of said Butler being denounced as a disloyal man, and utterly declare said charge to be false in every respect from personal knowledge of the sentiments of said Butler.

Q. Please state if you were present and participated in a public meeting held at Taylorsville, on the 7th of April last, at which meeting R. R. Butler was nominated by the people of his county for Congress, and if any took part in said meeting except the true Union people of the county, and if Exhibit A to your deposition does not contain the proceedings of the meeting. Also, state how many votes said Butler lost in his county and in his own civil district. State how the vote stood.

A. I was present and participated in the public meeting held at Taylorsville on the 7th of April last, (1867,) and Exhibit A, herein filed, is a true statement of the proceedings had at said meeting, and none took any part therein except the true Union men of the county. Said R. R. Butler received all the votes polled in said county at an election held for electing a member to the fortieth Congress of the United States, except thirty-five votes that were cast for James White, the conservative candidate for Congress, and fourteen votes cast for J. Powell, contestant; and in his own district, in said county, there were one hundred and seventy-five votes cast in said election, out of which said Butler received one hundred and seventy-two votes, making only three votes against him in his district, and none voting in said election except the Union men of the county.

Q. Please state if, after R. R. Butler returned from the legislature of 1861-'62, he was not as energetic and more determined for the Union cause than before; and if, for his course after his return, he was not arrested by the

rebels and taken to Knoxville and tried for treason against the southern confederacy.

A. After the return of said Butler from the legislature of 1861-'62, the said Butler was more energetic and more determined for the Union cause than before, and was arrested by the rebels and tried for treason against the southern confederacy.

Further this deponent saith not.

LEWIS VENABLE.

EXHIBIT A.

RADICAL UNION CONVENTION IN TAYLORSVILLE, JOHNSON COUNTY.

At one of the largest political meetings ever held at Taylorsville, on Monday, the 7th of this month, the following proceedings were had :

On motion of the Rev. Lewis Venable, Joseph U. Grace, esq., was called to the chair, and R. E. Berry and Captain Fred. Slimp were appointed secretaries. On taking the chair, Esquire Grace explained the object of the meeting in a very forcible and patriotic manner. At the conclusion of the chairman's remarks, a committee of five were appointed to prepare resolutions expressive of the sentiments of the meeting. The committee retired to discharge their duties, and while they were absent the convention was addressed by the Hon. H. P. Murphy, the member of the legislature from this county. At the close of his remarks the committee reported as follows :

Believing that the time has come when every patriot who stood by the government of our fathers during the late rebellion should take a position on the present crisis of the country, we, the people of Johnson county, in convention assembled, well knowing what it cost to be loyal during the late rebellion, do declare and resolve—

1. That we have the utmost confidence in the patriotism, wisdom, and prudence of the thirty-ninth Congress of the United States, and hail with delight and pleasure the return of the members to the fortieth Congress ; that we will stand by and sustain them in the good work that they have begun.

2. That we believe the constitutional amendment is wise and just, and more lenient in its provisions than the rebels expected or wanted, judging by their conduct during the rebellion, and that no rebellious State shall be represented in Congress until the amendment is adopted.

3. That we fully indorse the course of our representatives in Congress, known as radicals ; that we are proud to know that we still have men who cannot be swerved from the path of right and patriotism.

4. That our confidence in and esteem of our chief executive, the Hon. William G. Brownlow, is not diminished, but increased since we have seen the practical workings of his administration ; that we are fully satisfied that he is the right man in the right place ; that he has had the nerve to meet treason in all its phases and make it tremble before him.

5. That the loyal citizens of the State owe him a debt of gratitude for convening the legislature and securing the adoption of the constitutional amendment, thereby placing Tennessee on an equal footing with the loyal States, that they can never repay.

6. That he is our first choice for governor in the coming election, and we pledge ourselves to do all within our power that is honorable to give him the largest vote ever given to any man in Johnson county. That the following persons be and are hereby appointed delegates to the State convention to meet at Nashville on the 22d of February next :

*First district.*—Alexander Ward, R. B. Wills, Rev. Lewis Venable, R. W. Keyes, Thomas Johnson.

*Second district.*—Hon. R. R. Butler, Hon. H. P. Murphy, Rev. Thomas J.

Crosswhite, Thomas S. Smith, esq., Dr. J. D. Donnelly, Lieutenant Richard L. Wilson, John Shupe, esq., H. L. Johnson.

*Third district.*—David Farmer, esq., Charles Main, esq., Richmond Roberts, esq., Andrew C. Wagner, William William.

*Fourth district.*—Colonel Daniel Slimp, Major David Slimp, N. T. Wagner, esq., Thomas Ward, John S. Vaught, esq., Richard Foster, esq., Rev. William B. Gambell, Thomas Greener.

*Fifth district.*—Isaac Rombo, esq., Joshua Perkins, Captain Lafayette Jones, I. K. Bradly, Ezekiel Smith, esq., Andrew Cable, esq.

*Sixth district.*—Dr. David Smithpeters, Franklin Norris, A. S. McQueen, esq., Nicholas G. Robinson, S. P. Sorrell, Major D. D. Stout.

*Seventh district.*—Abraham Lowe, Captain S. E. Northington, J. F. Shown, A. C. Crosswhite, J. G. Walker.

*Eighth district.*—Washington Cale, esq., Sampson Cale, esq., Lewis Garlona, Melvin Berry, Landon C. Crosswhite, Andrew Wright.

*Ninth district.*—Lieutenant William Arnold, Hiram Jones, esq., D. Wallace, Rev. John Main, Jefferson May.

*Tenth district.*—Colonel A. W. Baker, Morgan Swift, esq., S. D. Dugger, esq., Thomas Anderson.

That said delegates, or any of them that may be present at said convention, are authorized and requested to cast the vote of the county for him, Governor Brownlow.

7. That upon the question of suffrage, we prefer colored loyal to white disloyal suffrage; that we are opposed to general amnesty and universal suffrage; that if the rebels and Johnsonites can afford to vote with the negro, provided that the rebel be pardoned, we can vote with the negro without the rebel being pardoned.

Whereas it is understood that an election for members of Congress will soon take place in the State; and

Whereas the radical journals have declared for our fellow-citizen, the Hon. R. R. Butler, we take pleasure in recommending him to the true Union men of the district as a true and tried man, and worthy and well qualified; that, during the rebellion, he stood firm and true to the Union cause; although he was arrested time and again, and persecuted by the rebels, he stood firm to his friends and party; and we pledge ourselves to the true Union men of the district that if he is elected they will never regret that they voted for R. R. Butler, for we have known him long and well, and in the most critical crisis of our country.

*Resolved*, That the course of the Hon. H. P. Murphy, our representative in the State legislature, meets our hearty approbation and approval.

*Resolved*, That the proceedings of this meeting be published in the Union Flag, New Era, Brownlow's Whig, and Nashville Press and Times.

On motion, the meeting adjourned *sine die*.

J. U. GRACE, *Chairman.*

R. E. BERRY, FRED. SLIMP, *Secretaries.*

Colonel DANIEL SLIMP, of lawful age, who being duly sworn according to law, deposes as follows:

Q. Please state where you reside, and what position you occupied during the war; and how long have you been acquainted with R. R. Butler, member elect to Congress, and state if you were intimately acquainted with said Butler during the war.

A. I reside in Johnson county, Tennessee, and was a Union man; have been acquainted with said Butler, member elect to Congress from this district, for the last twenty-three years; and was intimately acquainted with him during the war.

Q. Please state if you knew the sentiments of said Butler during the war; if so, what were your opportunities for knowing his sentiments?

A. I knew the sentiments of said Butler very well during the war. My opportunities for knowing the sentiments of said Butler are as follows: I had many private and confidential conversations with said Butler during the war, in which we counselled with each other what would be the best plan for the Union men to pursue; and said Butler invariably defended the Union cause, and was a strong supporter of the United States government. I heard said Butler make several public speeches in defence of the Union, in all of which said Butler advocated the Union cause with all the energy that any man possibly could do, and brought to bear upon the citizens of this, Johnson, county every argument possibly within his reach that would favor the Union cause in any manner whatever.

Q. Please state if R. R. Butler was not present at your voting place on the 8th of June, 1861, the day the ordinance of secession was voted on, and if said Butler did not request the officers of the election not to open the polls until he, the said Butler, could address the people, and if he did not make a speech of more than two hours in length, urging the people to stand firm to the government of the United States, and to vote against the ordinance of secession, and if said Butler did not vote against the ordinance of secession and get all the votes he could influence to do likewise; and if at said election ground the vote was one hundred and twelve against secession, and eleven votes for secession; and if said Butler did not come to that district at the request of the Union men, as they were fearful that the rebels would induce some of the Union men of the district to vote with them for secession.

A. R. R. Butler was present at the election ground in 4th district, in Johnson county, on the 8th of June, 1861, the day on which the ordinance of secession was voted for in my county; said Butler did request the officers holding said election not to open the election until he, the said Butler, could address the people in defence of the Union cause; and said Butler did address the voters and citizens of said 4th district for more than two hours, urging the people to his utmost ability to stand firm to the government of the United States, and to vote against the ordinance of secession, and use their utmost abilities and energies against the ordinance of secession. Said Butler did vote against the said ordinance of secession, and influenced all the citizens he possibly could do to vote against secession, which, to my knowledge, was the means of inducing several voters to vote against secession who would have voted for secession. At said election ground, and at said time, the vote stood for secession, eleven votes, and one hundred and twelve against secession; and that said Butler came to said district election ground by the request of the Union men, as they were fearful that the rebels might induce by some means some of the Union men of said district to vote for secession, which I have no doubt was prevented from voting for secession by the influence of said Butler.

Q. Please state if said Butler, after the State had voted for the ordinance of secession, did not call the people of the county together and urge the Union men to disarm the rebels; if they were not disarmed, that they would overrun the loyal men and force them into the rebel army; also if said Butler did not call upon the Union men of the county to arm themselves and prevent the assembling of the rebels at the county seat to raise troops for the rebel army?

A. After the State of Tennessee had voted for secession said Butler called the citizens of this, Johnson, county together, and urged it upon them to disarm the rebels, stating that if they were not disarmed they would overrun the Union men of said county. And further, said Butler did call upon the Union men of the county to arm themselves for the purpose of preventing the rebels from assembling at Taylorsville, the county seat of this county, for the purpose of raising troops for the confederate army.

Q. Please state if you ever heard R. R. Butler utter a disloyal sentiment to the government of the United States, and if his loyalty was ever doubted by

any one, and if he did not do more to make Johnson county loyal to the government of the United States, and to keep it so, than any one man in the county ; and if, for his loyalty and devotion to the Union cause, he was driven away from his home by the rebels ; and if he had remained at home would not he have been killed ; and did not the rebels arrest him and take him to Knoxville on account of his loyalty to the government of the United States ?

A. I never heard said Butler utter a single disloyal sentiment to the government of the United States, and his loyalty was never doubted by any person to my knowledge. And further, said Butler did more to make this, Johnson, county loyal to the government of the United States, and to keep it so, than any other person in the county. And further, on account of his loyalty and devotion to the Union cause, he was driven from his home by the rebels, and had he, the said Butler, remained at home he would have been killed ; and was arrested by the rebels and taken to Knoxville on account of his loyalty to the government of the United States.

Q. Please state if R. R. Butler was not elected to the legislature of 1861 and '62 by the true Union men of Johnson and Carter counties ; that he was opposed by a rebel surgeon by the name of Robert C. Rhea ; that if said Butler did not go to said legislature at the instance and request of the true Union men ; and if he was not as strong for the Union cause, and as energetic and as much determined for the success of the federal army as he was before he attended said legislature ; and if his arrest was not after he returned from said legislature.

A. Said R. R. Butler was elected to the legislature of Tennessee in 1861 and '62 by the true Union men of Johnson and Carter counties, and that he was opposed by a rebel surgeon by the name of Robert C. Rhea ; and, further, said Butler did go to the said legislature at the instance and request of the true Union men of said counties ; and, further, he was as strong for the Union cause and as energetic and determined for the success of the federal army after his return from said legislature as he was before he attended said legislature, and if any difference, more so ; and that his arrest by the rebels was after his return from said legislature.

Q. Please state if the rebels did not guard the voting places with rebel troops, and with Indians, to prevent the Union people from voting for R. R. Butler ; and did not they state that if any man voted for said Butler that he should be arrested and carried off ; also, state if you did not give your only son for the Union cause.

A. The rebels did guard the voting places with rebel troops and with Indians, to prevent Union men from voting for said Butler, and stated that if they should vote for said Butler, that they should be arrested and sent to the confederate army. My only son belonged to the federal army, and died in the service of the United States government.

Further deponent saith not.

DANIEL SLIMP.

HIRAM JONES, of lawful age, who being duly sworn, deposes as follows :

Q. Please state where you reside, and what position you occupied during the war ; and how long you have been acquainted with R. R. Butler, member elect to Congress, and if you were intimately acquainted with him during the war.

A. I reside in Johnson county, Tennessee ; was a Union man during the war ; have been acquainted with said Butler for the last twenty-three years, and was very intimately acquainted with said Butler during the war.

Q. Please state whether said Butler was loyal or disloyal to the government of the United States, and what were your opportunities for knowing the sentiments of said Butler.

A. Said R. R. Butler was, during the late war, (and still is,) loyal to the government of the United States. My opportunities for knowing the sentiments of said Butler are as follows : I was a Union man, and had many private confiden-

tial conversations with said Butler, relative to the Union cause and in defence of the same, in which said Butler always defended said Union cause. And further, I was arrested and forced into the confederate army, and while stationed at and near Taylorsville, the company of rebels to which I was sent, persuaded R. H. Butler, son of said Butler, aged at that time about fourteen years, to join the confederate army; and when said rebel company left Taylorsville, said R. H. Butler, son of said Butler, did, unbeknown to the said R. R. Butler, clandestinely leave his home, and start off with said rebel company; and that the captain and soldiers of said rebel company said that if said R. R. Butler followed them to take his son, the said R. H. Butler, from said rebel company, that they would kill him. And further, said R. R. Butler did follow said rebel company and take his son from said rebel company, and took him home with him, and afterwards caused him to go through the lines and join the federal army.

Q. Please state if you ever heard said Butler utter a disloyal sentiment to the government of the United States; and if said Butler did not do more to make Johnson county (it being the county where said Butler resides) Union, and to keep it so, than any man in the county; and if he was not hated more by the rebels than any one in his county.

A. I never heard R. R. Butler utter a single disloyal sentiment to the government of the United States; and said Butler did more to make this, Johnson, county, where said Butler resides, loyal to the United States government, and to keep it so, than any other man in said county; and further, said Butler was hated more by the rebels than any other man in said county.

And further deponent saith not.

HIRAM JONES.

RICHARD H. BUTLER, of lawful age, who, being duly sworn according to law, deposes as follows :

Q. Please state if you are the son of R. R. Butler, member elect to Congress, and if you were connected with the rebel army; if so, state how you became so connected, and how long you remained with said army, and how you came to leave the said army.

A. I am the son of R. R. Butler, member elect to Congress. In the spring of 1863 there was a rebel company stationed near the residence of my father, in Johnson county. The officers of said company persuaded me to go off with said rebel company, and in their persuasion with me to join the rebel army, they said they would furnish me a horse and necessary equipments, except saddle and bridle. I consented to go with said rebel company unbeknown to my father, who was bitterly opposed to the rebels in every manner conceivable. And further, when said company was ordered away from this, Johnson, county, my father had gone to Taylorsville, and I had carried my saddle away and concealed it, and as the company passed my father's house I went off with said company. The officers of said company told me when I started away with them that if my father followed them, that they would protect me, and not let him take me away from them. After we started away, my father, hearing of the company taking me with them, followed the company of rebels that I was with, and overtook them about six miles from home, and took me out of the company and made me carry my saddle and bridle on my back the whole of the distance back home, and whipped me several times on the road home; and after I got home he whipped me so severely that my mother had to intercede for me. My father stated that he had rather see me with my throat cut from ear to ear than for me to have gone into the rebel army.

Q. Please state if you ever heard a disloyal sentiment uttered by your father, or any member of his family in his presence; and if your father, R. R. Butler, did not have you taken through the lines, and put you in the federal army.

A. I never heard a disloyal sentiment uttered by my father, or any member of his family in his presence. And my father, the said R. R. Butler, had me

taken through the lines and put in the federal army. My father was a strong Union man; had to leave home to keep the rebels from killing him. Afterwards he had me taken through the lines to prevent the rebels from conscripting me; and after I went through the lines he sent for my brother, next oldest to myself, and had him brought through the lines.

Further deponent saith not.

RICHARD H. BUTLER.

MARTIN MILLER, aged seventy years, who, being duly sworn, deposes as follows :

Q. Please state where you reside, what position you occupied during the war, and if you were acquainted with R. R. Butler, member elect to Congress from this district; and if you knew his sentiments upon the late rebellion, and what were your opportunities for knowing said Butler's sentiments.

A. I reside in Johnson county, Tennessee. I was a Union man during the war, and had four sons and one son-in-law in the federal army. I am intimately acquainted with said Butler; I lived on his farm at the commencement of the war, and reside there still. I saw said Butler daily, and had many conversations with him relative to the war, and he always advised me, and told me when my boys had to leave home that they had to go through the lines and join the federal army. Said Butler was driven from home by the rebels, and compelled to flee from his home and family to save his life.

Q. Please state if you ever heard said R. R. Butler utter a disloyal sentiment; and if said Butler did not do more for the Union cause than any man in the county; and if the rebels did not carry off Butler's property on many occasions; and if the rebels did not cuss him for a damned Lincolnite, and say they intended to destroy all the property he had left.

A. I never heard said R. R. Butler utter a disloyal sentiment. Said Butler did more for the Union cause than any man in the county. The rebels did carry away said Butler's property on many occasions, and cursed said Butler for a damned Lincolnite, and said they intended to destroy all the property he had left. They took every horse he had, even to a small colt; killed his hogs out of the pen, drove his sheep to camps and killed them, and swore they would kill him if they caught him; and caught his second son, pulled his hat and boots off him, and the boys had to conceal themselves in the woods until they could go through the lines.

Q. Please state if you ever heard R. R. Butler's loyalty to the United States doubted by any one during the war. Was he not regarded by all the people of his county as the leader of the Union party; and were not the rebels harder on said Butler than any other Union man of the county, stating as a reason that if Butler was out of the way that Johnson county would become rebel, but as long as said Butler was permitted to stay in the county, the county would be Union?

A. I never heard R. R. Butler's loyalty to the United States doubted by any one during the war; he, said Butler, was always regarded by all the people of the county as the leader of the Union party. The rebels were harder on said Butler than any other Union man of the county, stating as a reason for doing so that if said Butler was out of the way that Johnson county would become rebel, and that as long as said Butler was permitted to stay in the county it would remain Union.

Further deponent saith not.

MARTIN MILLER.

Captain FREDERICK SLIMP, of lawful age, who being duly sworn according to law, deposes as follows :

Q. Please state where you reside and what position, if any, did you occupy during the late war; and how long have you been acquainted with R. R. Butler

member elect to Congress from this district, and were you intimately acquainted with him during the war; and what were your opportunities for knowing the sentiments of said Butler, and what position did said Butler occupy during the war?

A. I reside in Johnson county, Tennessee; I was a Union man, and captain of company F, in the thirteenth Tennessee cavalry, volunteers in the federal army in the late war, and have been acquainted with said R. R. Butler during the last twenty-three years, and was intimately acquainted with said Butler during the war. My opportunities for knowing the sentiments of said Butler are as follows: I had many private, public, and confidential conversations with said Butler upon the various topics of the war, in all of which he always defended the Union cause, and always advocated said Union cause in the strongest terms possible; and further, said R. R. Butler was undoubtedly a Union man.

Q. Please state if you ever heard R. R. Butler utter a disloyal sentiment during the war, and if he did not do more to make Johnson county loyal to the government of the United States than any one man in the county, and if he was not more hated by the rebels than any man in the county; and if said Butler did not, on the day the State voted out, go to your district and make a speech urging the people to stand firm for the Union cause, and to vote against the State separating from the federal government, and if said Butler did not vote himself against secession of the State.

A. I never heard said R. R. Butler utter a single disloyal sentiment against the United States government during the war or at any other time. And further, said Butler did more to make Johnson county loyal to the United States government than any other one man in said county, and was hated more by the rebels than any other one man in the county. And further, on the day the State of Tennessee voted for the ordinance of secession, said Butler came to my district, the fourth district in Johnson county, and made a speech for the Union cause, urging the people to stand firm to the Union cause, and to vote against the State separating from the federal government. And further, said Butler did vote against secession, and by his influence did more to prevent the people from voting for secession in my district and county than any one man in said county.

Q. Please state if R. R. Butler was not elected by the true Union men of Johnson and Carter counties to the legislature of 1861 and '62, and if he did not attend said legislature at the solicitation and earnest request of the leading Union men, they believing that said Butler could keep the rebel force out of Johnson county; and if said Butler, after he returned from said legislature, was not as energetic and determined for the Union cause as he was before he went to said legislature; and if, after he returned from said legislature, he was not arrested by the rebels and carried to Knoxville, on account of his loyalty and devotion to the federal government; and if he, the said Butler, for his loyalty and devotion to the federal government, was not driven from his home by the rebels and kept by them away from his wife and children for two years.

A. Said R. R. Butler was elected by the true Union men of Carter and Johnson counties to the legislature of 1861 and '62, and did attend the legislature at the earnest request and solicitation of the leading Union men of the county, they believing that said Butler could keep the rebel forces out of said Johnson county. Further, said Butler, after returning from the said legislature, was as energetic and as much determined for the Union cause as he was before going to said legislature. Said Butler, after his return from the legislature, was arrested by the rebels and carried to Knoxville, Tennessee; then, on account of his loyalty and devotion to the federal government, said Butler was driven away from his home by the rebels, and kept from his home, wife, and children for the space of two years.

Q. Please state if you are not the clerk of the circuit court of Johnson county,

elected by the people, and if you are not personally and intimately acquainted with the greater portion of the people of said county; and if you don't believe that there is not a respectable man, woman, or child in the county but would know that the charge of disloyalty against said R. R. Butler is untrue, and if he was not known and regarded by all as the leader of the Union party in Johnson county.

A. I am the clerk of the circuit court of Johnson county, elected by the people of said county, and am personally and intimately acquainted with the greater portion of the people of said county, and I believe that there is not a respectable man, woman, or child in the county but what knew the charges of disloyalty against said R. R. Butler are utterly false; and said Butler was known and regarded by all the leaders of the Union party of Johnson county to be unquestionably a Union man.

Q. Please state if R. R. Butler was not a soldier in the federal army, and if the officers of his regiment did not present him a very fine sword, and if he did not put his son in the federal army. Also state if you are acquainted with the handwriting of David Kitzmiller; if so, state if Exhibit A to your deposition is not in his handwriting. State who said Kitzmiller was and the course he took in the war.

A. Said Butler was a soldier in the federal army, and the officers of his regiment did present him with a fine sword. Said Butler put his son in the federal army. I am acquainted with the handwriting of David Kitzmiller, and the paper marked Exhibit A to my deposition is in the handwriting of said Kitzmiller, and is his handwriting. Said David Kitzmiller was a minister of the gospel and a very bitter rebel, and used his influence as such to the utmost of his ability.

Further deponent saith not.

FREDERICK SLIMP.

*Exhibit A to F. Slimp's deposition.*

TAYLORSVILLE, TENN., May 30, 1861.

DEAR SIR: In compliance with a request of the secession party of Johnson county I propose giving you some of the practical operations of Unionism here. There are but few secessionists in this and Carter county, and from present indications and threats are not likely to be many. The conduct of the Union party is too intolerable to be borne. They are threatening the lives of the secessionists, and have already, without any provocation, levelled their guns on them, and would have shot had they not been prevented. They say the government has promised to sustain them and protect them, and from the best information I can get from them they must be holding correspondence with Lincoln. Many of them avow that they will fight for the North. They are led by Mr. Butler, the representative of this county, whose conduct has not a parallel in the south. The Union men in this and Carter county are at least nine to one in the majority. They held a meeting the other day at which they passed resolutions never to have anything to do with secessionists; entirely discard them. They also appointed delegates to convene at Knoxville this week to pass resolutions, in the event East Tennessee votes down secession, to secede from the rest of the State. I look for a civil war among us here unless a change. They are making efforts in that way. The secessionists will have to leave here or submit. You have no idea what we have to endure. Can we not receive protection? I have not exaggerated. If the Union party knew I was writing to you concerning them I would have to leave if I could get away. I will have to mail this letter in Virginia to keep down suspicion.

Yours with respect,

DAVID KITZMILLER.

Mr. HARRIS.

LAFAYETTE JONES, of lawful age, being duly sworn, according to law, deposes as follows:

Q. Please state where you reside, and if you were connected with the federal army, state in what capacity; also, if you were acquainted with R. R. Butler, member elect to Congress from this district, state how long, and if you were intimately acquainted with him during the war.

A. I reside in Johnson county, Tennessee; was captain of company A, ninth Tennessee cavalry volunteers in the federal army. I have been acquainted with said R. R. Butler for the last fourteen years, and was intimately acquainted with him during the war.

Q. Please state if you were at Nashville, Tennessee, during the sitting of the legislature of 1861-'62, and if, when you were there, there were some twenty-odd Union men from Carter county brought down to Nashville and put in jail by the rebels; and if said Butler did not do all within his power to procure their release; and if, when some of them talked of enlisting in the rebel army, Butler did not oppose it and was not mad about it.

A. I was at Nashville, Tennessee, during the sitting of the legislature of 1861-'62, and while I was there there were some twenty-odd Union men brought from Carter county to Nashville and put in jail by the rebels. Said Butler did all within his power to procure their release, and did procure the release of nearly all of them. Some of them having become weary of their long confinement in the rebel jail, proposed and talked of volunteering in the confederate army; and said Butler hearing of their having such intentions requested me and urged it upon me to go and see them, and advise them not to do so; that he thought he could procure their release, and opposed their volunteering in the confederate army, bitterly. I went as said Butler requested, and advised them as requested by said Butler, and thus prevented the most of them from carrying their design of volunteering in the confederate army into execution.

Q. Please state if R. R. Butler did not advise you to take a company of Union men through the lines to Kentucky and put them in the federal army, and if you did not make a company and put them in the federal army. Also state if said Butler did not go through the lines to Kentucky and join the federal army, and if the loyalty of said Butler ever was doubted, and if said Butler did not do more to make Johnson county loyal and to keep it so than any one man in the county.

A. I made up a company of men to go through the lines to join the federal army, but before getting off the orderly sergeant of my company was captured by the rebels and killed, and the list of the company captured; and said Butler came to me and advised me to go through the lines quickly, for fear the rebels would capture more of my company. I was afterwards captured before I could get my company through; but said company afterwards went through under the first lieutenant and joined the federal army at the request of said Butler. I afterwards made up a company and went through the lines and joined the federal army, and served until the close of the war. Said Butler had gone through the lines and joined the federal army, and was serving as lieutenant colonel in the thirteenth Tennessee cavalry volunteers when I entered the federal service. I never heard the loyalty of said Butler doubted until his opponent made such charges against him during the canvass for election to the fortieth Congress, which charges I know to be utterly false. Said Butler did more to make Johnson county loyal to the United States and to keep it so than any other man in the county, for he used all his energies for the accomplishment of said object.

Q. Please state if Johnson county, where said R. R. Butler resided, was not infested by a rebel company of home guards, commanded by William K. Waugh, and if you, while in the United States army, was not ordered to come to said county, and while in said county if it did not become necessary to kill said

Captain Waugh, and if you did not kill him, and what took place between you and said Butler relative to said killing.

A. Johnson county, where said Butler resides, was infested by a rebel company of home guards, commanded by William K. Waugh, and while belonging to the United States army I was ordered to come into said county; and while there it became necessary to kill said Captain Waugh; and I did kill said Captain Waugh; and after I returned to the federal army I told said Butler that I had killed said Captain Waugh; he told me I had done the best thing I ever did in my life, and told me to go to the store in Knoxville and help myself to the finest pair of boots in the store, and I did so.

Further deponent saith not.

LAFAYETTE JONES.

STATE OF TENNESSEE, *Johnson County*:

I, Robert E. Berry, clerk of the county court of said county, being a court of record, do hereby certify that on the 24th of this instant, at the county court clerk's office for Johnson county, in Taylorsville, the aforesaid depositions of Captain Jacob H. Norris, Giles Gregory, Colonel Daniel Slimp, Captain Frederick Slimp, John Shupe, Rev. Lewis Venable, Richard H. Butler, and Hiram Jones, and on the 28th of this instant, at said county court clerk's office in Taylorsville, the aforesaid deposition of Martin Miller and Captain Lafayette Jones were taken before me, and reduced to writing by me and signed by the interposers; and I further certify that the same have not been altered or changed or out of my possession since signed by the interposers, and that I sealed up the same and deposited them in the post office on the 31st day of December, 1867; and I further certify that the aforesaid interposers are all citizens of Johnson county, Tennessee, and were all loyal to the government of the United States during the war, and are all respectable and entitled to full faith and credit; and that I am in no way related to either the contestant or contestee.

In testimony whereof, I hereto set my hand and affix the seal of said court, at office in Taylorsville, this 31st day of December, A. D. 1867.

[SEAL.]

ROBERT E. BERRY,

*Clerk of County Court.*

III.—*Depositions taken in Carter county.*

THE STATE OF TENNESSEE, *Carter County*:

Pursuant to a notice executed on Joseph Powell, contestant, *vs.* R. R. Butler, contestee, pending in the fortieth Congress of the United States, I, James L. Bradly, clerk of the county court of said county, have, on the 12th day of December, A. D. 1867, caused to come before me the following named persons, who had been duly summoned by James W. Orr, sheriff of said county, to wit: John K. Miller, C. C. Wilcox, H. C. Smith, Daniel Ellis, David Taylor, Elisha Collings, and Alfred T. Gourley.

Captain DANIEL ELLIS, of lawful age, who being duly sworn according to law, says:

Q. Where do you reside; and what position did you occupy in the federal army; and what were you engaged in during the war before you entered the federal army, if so?

A. I reside in Carter county, East Tennessee; was a captain in the federal army; I served as a pilot, taking Union men from East Tennessee through rebel lines to Kentucky and other points where the federal army was stationed.

Q. How many trips did you make through the rebel lines, and how many Union men did you take through the lines to the federal army, and are you the same Daniel Ellis who published a book called the *Union Guide*?

A. I think I made nineteen or twenty trips through the rebel lines, and took between three and four thousand Union men through. I am the same Daniel Ellis who published a book, the title of which is *The Adventures of Daniel Ellis, the Union Guide*.

Q. How long have you been acquainted with R. R. Butler, the member-elect to Congress from this district, and were you intimately acquainted with him during the war?

A. I have been acquainted with R. R. Butler about seventeen years, and was intimately acquainted with him during the war.

Q. Was R. R. Butler a loyal or disloyal man during the rebellion, and was his loyalty ever doubted, and was he not regarded as one of the leading Union men of the country?

A. He was loyal during the rebellion, and his loyalty never was doubted, and was regarded as one of the leading Union men of the country.

Q. Please state if you had a conversation with R. R. Butler at Elizabeth Smith's, in Carter county, in 1862; if so, tell all that was said in said conversation.

A. I had a conversation with him at the widow Smith's in 1862, just before I was starting with some Union men to the State of Kentucky; he told me if the Union men were about to be put in the rebel army that Sunerly, Colonel Miller and himself would let on that they were going to raise a rebel regiment, and when they were ordered off they would take the men through to Kentucky and put them in the Union army. Colonel Butler further stated that he wanted me to hold myself in readiness to go with him, and I promised so to do.

Q. Please state if Colonel Miller and R. R. Butler did not raise a regiment and take it through to Kentucky and put it in the Union army, and if you were not captain of company A of said regiment.

A. They did raise a regiment and take it through to Kentucky and put it in the Union army; I was captain of company A of said regiment.

Q. Please state if R. R. Butler did not get you to go to his home, in Johnson county, in 1864, and bring his son through the rebel lines, stating that the rebels would conscript him and put him in the rebel army.

A. He did get me to go through the rebel lines to his home, in Johnson county, and bring his son to Knoxville, to keep him from being conscripted in the rebel army.

Q. You say in your book (page 289) that Sam. McQueen, Greene Moore, and other rebels of Johnson county, had entered into a conspiracy to kill all the Union men of Johnson county and burn their houses. Please state if R. R. Butler did not come to you at Knoxville and agree, if you would go through the rebel lines and go to Johnson county and kill said McQueen, that he would make you a present of a fine military suit, and if you did not agree so to do.

A. He did agree, if I would go through and kill McQueen, he would give me a suit of military clothes; I did go through the rebel lines and made the effort, but failed.

Q. Please state if Carter county was not one of the most loyal counties in the State, and if the true, loyal men of the county did not vote for R. R. Butler in the late election for Congress.

A. Carter and Johnson counties were the most loyal counties in the State, and the true Union men voted for R. R. Butler.

And further this deponent saith not.

DANIEL ELLIS.

DAVID A. TAYLOR, of lawful age, being duly sworn, deposes as follows:

Q. Please state where you reside; and if you were a soldier in the federal army and served to the end of the war and after, and was honorably discharged.

A. I reside in Carter county, East Tennessee; I was a soldier in the federal army, served until after the war, and was honorably discharged.

Q. Please state if you and others were arrested by the rebels, in 1861, and taken to Nashville jail; and all that R. R. Butler did for you and the other Union men at Nashville, and what he said to you at Nashville.

A. Myself and thirteen other Union men from Carter county were arrested by the rebels and taken to Nashville and put in the Nashville jail; and Judge Butler was there, and he brought us bread and furnished us with tobacco. R. R. Butler said he had forty dollars he would let us have, and try to borrow more. There was a proposition made to us, that if we would enlist in the rebel army they would let us out of jail; but R. R. Butler opposed it, and told us to hold on, and that he would get us out in a few days. We were all taken before Judge Humphreys, a rebel judge, and R. R. Butler did all he could to have us released.

Q. Please state how long you have been acquainted with R. R. Butler; and if during the war you were not intimately acquainted with said Butler, and if he was not a Union man.

A. I have been acquainted with R. R. Butler about seventeen years, and intimately acquainted with him during the war; I always regarded him to be a Union man; I never doubted his loyalty during the war, nor heard it doubted.

And further this deponent saith not.

DAVID A. TAYLOR.

ELISHA COLLINGS, of lawful age, being duly sworn according to law, deposes as follows :

Q. Where do you reside, and what was your position during the war ?

A. I reside in Carter county, East Tennessee, and was a Union man during the rebellion.

Q. Please state if you and other Union men were arrested and carried to Nashville by the rebels in 1861, and if you were released how it was effected, and how you got back to your home in Carter county.

A. Myself and thirteen other Union men were arrested in Carter county and taken by the rebels to Nashville and put in jail. R. R. Butler came to the jail and asked us how we were getting along. We told him that the jailer had taken all our money; that we were suffering for tobacco and something to eat. R. R. Butler said we should not suffer while he had a cent of money or could borrow it, and went and brought us bread and other necessaries; and R. R. Butler came to the jail every day, and continued to provide for our wants. A rebel captain came to the jail every day and tried to get us to volunteer in the rebel army, promising to have us released from jail if we would volunteer in the rebel army. R. R. Butler heard of the proposition, came immediately to the jail, and told us not to do so; that he would get us out in a few days; also, R. R. Butler sent Captain L. Jones to the jail to tell us not to volunteer in the rebel army. Some two or three did volunteer, and when Butler heard of it he was much displeased. In a few days he did procure our release, and said Butler furnished me some money to come home on.

Q. Please state how long you have been acquainted with R. R. Butler; and how he stood during the war; and if you ever heard of his loyalty being doubted; and if he was not the Union candidate for Congress in the late election; and if he was not voted for by the true Union men.

A. I have been acquainted with R. R. Butler about seventeen years; he was always a Union man during the war. I met with him frequently after he procured my release from the prison in Nashville, and he always advocated Union doctrines, privately and publicly, and expressed a great desire for the success of the federal army, and advised me to stand firm to my Union principles. He was the nominee of the Union party for Congress, and was voted for only by the true Union men of my acquaintance. And further this deponent saith not.

ELISHA COLLINGS.

C. C. WILCOX, of lawful age, who being duly sworn according to law, deposes as follows :

Q. Please state where you reside, and if you held any position in the federal army state what it was.

A. I reside in Elizabethtown, Carter county, East Tennessee; I was a major in the federal army, in the 13th Tennessee volunteer cavalry.

Q. Please state how long you have been acquainted with R. R. Butler, member elect to Congress from the first district; and if you were intimately associated with said Butler during the late rebellion; and state whether said Butler was a loyal man during the war.

A. I have been acquainted with R. R. Butler about twenty years, and been intimately acquainted with and associated with him ever since. From the time the southern States first commenced seceding up to the close of the rebellion, we had many conversations, both public and private, in relation to the war, and he always advocated the Union principles and desired the success of the federal army, and I never heard him utter a disloyal sentiment; he was a warm, zealous friend of the Union cause and the Union men. Said Butler was arrested by the rebels the 1st of December, 1862, and taken by them to Knoxville, and tried for treason against the southern confederacy.

Q. Please state if you and R. R. Butler had a conversation with regard to getting the Union men out of Johnson and Carter counties and putting them in the federal army.

A. We had a conversation about getting the Union men from Johnson and Carter counties through the rebel lines, and putting them in the federal army. Butler said that he had seen John K. Meller, Elijah Sunerly, Daniel Ellis, and others, and that they had all agreed to go in together, and I agreed also to go in and help raise the regiment. Miller, said Butler, myself, and others, did raise a regiment, and took it to Kentucky, and put it in the federal army.

Q. Please state whether R. R. Butler was in the federal army, and what position he occupied in the army; and if he did not make a good soldier, and was presented with a fine sword by the officers of the regiment.

A. R. R. Butler was in the federal army, was lieutenant colonel of the thirteenth Tennessee cavalry, was a good soldier, and the officers of the regiment made a present of a fine sword to him.

Q. Please state if R. R. Butler was not one of the leading Union men of the county, and if the county of Johnson, where said Butler resides, is not one of the strongest Union counties in the State; and if Butler's influence had not a great deal to do with forming the loyal sentiment of said county.

A. I am as well acquainted with the people of Johnson county as I am with the citizens of this, my own, county, and during the early part of the war frequently visited Johnson county, and mixed with the people of that county, and conversed freely with them, and it was one of the strongest Union counties in the State, and is still a strong Union county, and R. R. Butler's sentiments and influence had great weight in moulding the sentiments of the people at the commencement of the rebellion, as he was considered by them to be a leader of the Union party, and worthy to be confided in. Said county is still strictly loyal, and R. R. Butler's influence has kept it so.

And further this deponent saith not.

C. C. WILCOX.

ALFRED T. GOURLEY, of lawful age, who being duly sworn according to law, deposes as follows :

Q. Please state where you reside, and what position did you occupy during the war; and how long have you been acquainted with R. R. Butler, member elect to Congress from the first district of Tennessee?

A. I reside in Carter county, east Tennessee; was a Union man during the

war and I am still so, and have been acquainted with R. R. Butler about twenty-two years.

Q. Please state if you were in 1861 arrested by the rebels and carried off to Nashville and put in jail; if so, state how you were released, and all about the arrest.

A. I was arrested by the rebels in the year 1861, taken to Nashville, and put in jail. I was released through the influence of R. R. Butler. I was brought before Judge Humphreys, and R. R. Butler came to me and said that he was going to tell Humphreys that I was an idiot, and that I must let on to be crazy. I agreed so to do. Butler told me this in a low whisper. Butler then stated to Judge Humphreys, who was then on the bench, that I was an idiot, and ought not to be kept in prison. Humphreys called me up and interrogated me. I professed to have no sense, and to be lame. Humphreys agreed to release me if I could get home. My home was near four hundred miles, and I had not one cent of money in the world. R. R. Butler stated to the judge that if he would release me that he would send me home. I was released, and Butler furnished me money and I came home. While I was in jail in Nashville Butler was very kind to me, and all the rest of the prisoners while in jail; furnished us bread and other necessaries, and said that we should not suffer while he had a cent of money in the world.

Q. Please state whether R. R. Butler was a Union man during the rebellion, or not; and whether he was not an uncompromising Union man, and was not arrested by the rebels because he was a Union man, and taken to Knoxville and tried for treason against the southern confederacy.

A. R. R. Butler was a Union man, an uncompromising Union man. I never heard his loyalty doubted during the war. He was arrested by the rebels because he was a Union man, and taken to Knoxville, a distance of about one hundred and fifty miles, and tried for treason against the southern confederacy.

And further this deponent saith not.

ALFRED T. GOURLEY.

HAMILTON C. SMITH, of lawful age, who being duly sworn according to law, deposes as follows:

Q. Please state where you reside, what position you occupied during the rebellion; state also how long you have been acquainted with R. R. Butler, member elect to Congress from this district, and what position did said Butler occupy during the war.

A. I reside in Carter county, East Tennessee. Was a Union man during the rebellion, and exerted my influence for the advancement and success of the Union cause. I have been acquainted with R. R. Butler about twenty-three years, the present member elect to Congress from this the first congressional district of Tennessee. I was intimate with Butler during the rebellion; associated with him and conversed freely with him about the troubles of the country from the time South Carolina first seceded until the close of the war, and from the threshold of the rebellion up to the close of the war he always professed to me to be a Union man and an ardent supporter of the Union principles, and from his words and acts I always took him to be an uncompromising Union man, never having heard him at any time utter any disloyal sentiment or advocate any doctrine that was favorable to the advancement of the rebellion or southern cause, but in public speeches and in the private circles he always advocated the Union principles, and expressed an ardent desire for the success of the federal army and the triumph of the federal government, and the propriety of the speedy crushing out of the rebel army and the downfall of the then so-called confederate government.

Q. Please state if you were arrested with other Union men of Carter county by the rebels and taken to Nashville, and how you were released, and what R. R. Butler did, if anything, to comfort and release you and the others?

A. I was arrested by the rebel soldiers and a portion of the rebel citizens of this and the adjoining counties on or about the 17th day of November, 1861, with other citizens of this, Carter, county, and imprisoned for four or five days and nights at Johnson's depot on the East Tennessee and Virginia railroad, and from thence taken by them to Knoxville, and then to Nashville; twenty of us in number, all charged with bridge-burning, and I for making incendiary speeches. When the train ran into the depot at Nashville Butler was there and immediately came to the car we were in and spoke to us, and asked the cause of us being there as prisoners, and told us he was ready and willing to give us any assistance that was in his power to procure our release. We were all in a few hours conducted to the confederate court-room at the capitol to appear before Judge Humphreys. The charges against us were opened by the judge and read. R. R. Butler appeared in court to defend us. My case was brought up and considered of, and through the assistance and management of Butler, the court agreed to release me upon my executing a bond for \$20,000, with approved security, that I would make no more incendiary speeches. The bond was drawn, and R. R. Butler and William Henry Maxwell signed it as sureties, and R. R. Butler got an acquaintance of his, Colonel Robb, of Clarksville, Tennessee, also to sign the bond. It was then pronounced by the clerk of the court to be sufficiently secured, and I was released and the remainder of the prisoners were ordered to jail with the understanding that they would be brought before the court again in a few days. The soldiers had robbed me of what clothing I had while a prisoner that I could appear decent or respectable in. R. R. Butler took me to his boarding-house with him and furnished me a respectable suit of clothes and furnished me with other necessities and comforts, defraying all expenses for the same, and I remained with him five or six days, he defraying all my expenses. We roomed and slept together while I remained at Nashville. We talked freely about the oppression of the rebels and their cruelty to Union men. He expressed his disapprobation for their cause, and denounced rebels and the rebellion in the severest of terms. He also assisted me in returning home. We consulted together as to the best mode of getting the remainder of the prisoners released the night after I was released. One of the prisoners, Alfred T. Gourley, had been subject to fits, and the understanding between us was that he, Butler, when they were brought out again before the court, was to represent Gourley as a fitted man, rather idiotic, inoffensive, and a poor man with a large helpless family. It was true that Gourley had been subject to fits and had a large family, some of them were afflicted, and that he was a man of limited means, but was a man of good natural mind. When the prisoners were brought before the court again Butler represented Gourley's case as above stated to the court, and thereby imposed upon Judge Humphreys and procured his release, and then furnished said Gourley money to get back home on. Butler succeeded in getting some others of them released on the same day that Gourley was released, and gave them means to assist them in getting home. While I remained at Nashville, he visited the prison every day and took provisions to the prisoners, and appeared ready and willing to render them any assistance that was in his power.

Q. Please state if there was a proposition to the Union men in jail if they would volunteer in the rebel army that they should be released from jail; and if R. R. Butler, as soon as he heard of it, did not go to the jail and tell the prisoners not to volunteer, that he thought that he could have them released in a few days; and if he did not send Lafayette Jones to the jail to tell the prisoners not to go into the rebel army; and if, when some of the prisoners did enlist, if Butler did not tell them they were damned fools for going into the rebel army, and was much enraged because they did volunteer in the rebel army; tell all you remember about it.

A. After myself and the other men were taken prisoners, and taken to Johnson's depot, on the East Tennessee and Virginia railroad, rebel officers of the confederate army came to the prison house and proposed to us that if we would all

volunteer into the rebel army they could and would have us all released, or any one that would volunteer would be released and taken out of prison. No one accepted the proposition. The officers of the guard on the way to Nashville renewed the proposition, and after we got to Nashville there was a general solicitation on the part of the rebels and the rebel officers there to the prisoners to volunteer. When I got released and communicated the fact to R. R. Butler that such propositions had been made, he protested against it and told the prisoners not to do it; solicited the prisoners in the strongest of terms not to give way and be seduced in the rebel ranks in any such a manner, but to hold on to their principles, and stand firm; that he thought he would be able to have them released in a few days without a sacrifice to their principles. I also heard him solicit one Lafayette Jones, a gentleman who was then at Nashville, and an acquaintance of most of the prisoners, to go to the jail and see the prisoners and advise them not to volunteer in the rebel army in order to be released from prison. After they had been in jail some three or four days at Nashville, three or four of the prisoners, in order to get out of jail, and through fear of probably severer punishment, did volunteer into the rebel army, and Butler was apparently excited and mad about it, and I heard him rebuke some of them severely for it, making use of very harsh language, but the precise words used by him I do not recollect.

Q. Please state if R. R. Butler in 1861 was not the Union candidate in Carter and Johnson for the legislature, and if his competitor was not Robert Rhea, a rebel surgeon; and if Butler was not elected by the largest majority ever given to a candidate for that position, and if he did not go to the legislature at the solicitation of the leading Union men of the counties, and if he was not regarded as a Union man in said legislature, and if Butler did not assist Union men in getting through the rebel lines to the federal army.

A. In the year 1861 R. R. Butler was the candidate of the Union party for the counties of Carter and Johnson, to represent them in the legislature of Tennessee. Robert Rhea, a rebel surgeon, was his opponent; he, Butler, was elected, receiving the largest majority of votes over his opponent that any one man ever did receive in the two counties; the balloting was strictly upon party issues; the strictly Union men of the two counties voted for Butler, and the rebels voted for Rhea. Butler was run as the Union candidate on account of his principles and the bold stand he had taken for the Union cause; all the leading Union men of the two counties warmly supported him, and I never heard his Unionism doubted while a member of the legislature. During the rebellion Butler used his influence to get Union men to go through the rebel lines and join the federal army, and avoid the rebel conscript. He aided stampedes, as we termed them, in getting off to go through the lines. A pilot who was engaged in carrying men through the rebel lines to the federal army lines lived near me, and I was in the habit of assisting him in getting up or together his companies; he made several trips through, and several strange men came to me with recommendations from R. R. Butler, requesting me to get them in with a pilot to go through the lines to the federals; that they were Union men, and that I could trust them; I was acquainted with Butler's handwriting and knew it was genuine. In 1863 the rebels became so hostile towards him that he had to leave home; he went through the rebel lines and joined the federal army. In the latter part of the year 1862 he was arrested by the rebels for treason to the confederacy, and sent to Knoxville and tried.

This deponent further saith not.

H. C. SMITH.

JOHN K. MILLER, of lawful age, who being duly sworn according to law, deposes as follows :

Q. Please state where you reside and what position you occupied, if any, in the federal army.

A. I live in Carter county, Tennessee; was colonel of thirteenth Tennessee cavalry.

Q. Please state how long you have been acquainted with R. R. Butler, member elect to Congress from this district, and if you were intimately acquainted with him during the war; if so, state how he stood during the war, and how he was regarded by the citizens of the county where he was best known.

A. I have known R. R. Butler the rise of twenty years. I knew him intimately during the war, and conversed with him often and freely about the war. I considered him a good and true Union man, and he was so regarded by the Union men of this county and surroundings.

Q. Please state what took place between you and R. R. Butler at Johnson's depot in 1862, relative to taking the Union men through to Kentucky and putting them in the Union army; also, state what you and said Butler did in regard to the taking of the Union men to the federal army.

A. I met R. R. Butler at Johnson's Depot in 1862, on his return from the legislature, and took him to one side to consult him as regards a report about his making a regiment for the rebel service. He told me he had to do something, and it was his object, if compelled to organize the regiment, to take them through the lines to Kentucky and put them in the federal service; and at that time I had a company partly recruited and agreed to put my company in his regiment, with that understanding, and all go off together. I communicated these facts to E. Sinerby and other prominent Union men of this county. Myself and R. R. Butler did make a regiment and put it in the federal service.

Q. Please state what position R. R. Butler occupied in the federal army, and if he was not a good soldier and was honorably discharged; also, if he did not have his son brought through the rebel lines and put in the federal army before he was fifteen years of age.

A. R. R. Butler was lieutenant colonel of thirteenth Tennessee cavalry; was a good soldier, and was honorably discharged. He also had his son brought through the lines, who was not fifteen years old, and had him to go into the service of the United States.

And further this deponent saith not.

JOHN K. MILLER.

STATE OF TENNESSEE, *Carter County* :

I, James T. Bradley, clerk of the county court of said county, it being a court of record, do hereby certify that I have, on this 12th day of December, A. D. 1867, at my office in the town of Elizabeth, county aforesaid, taken the foregoing depositions of Daniel Ellis, Elisha Collins, Alfred T. Gorley, C. C. Wilcox, Hamilton C. Smith, and Daniel A. Taylor. First, they were duly sworn by me to speak the truth, the whole truth, and nothing but the truth, about the matter in controversy; that I reduced their statements to writing, except the statements of H. C. Smith and John K. Miller, who wrote their own statements. I further certify that I am not of kin or counsel to either of the parties; that I am personally acquainted with the foregoing witnesses; that they are all respectable citizens of Carter county; that their statements are entitled to the highest credit; that the depositions were taken in the presence of R. R. Butler, the contestee, the contestant failing to appear by himself, agent, or attorney. The foregoing witnesses were all duly summoned by the sheriff of Carter county. I further certify that I carefully sealed up the foregoing depositions and directed them to Edward McPherson, Clerk of the House of Representatives of the fortieth Congress, Washington city, D. C., and that the same was not altered or out of my possession until I deposited them in the post office at Johnson's Depot.

In testimony whereof, I hereto set my hand and affix the seal of the county court of Carter county, at office in the town of Elizabeth, this 12th day of December, A. D. 1867.

[SEAL.]

JAMES L. BRADLEY, Clerk.

IV.—*Depositions taken in Jefferson County.*

STATE OF TENNESSEE, *County of Jefferson*:

I, James M. Nicholson, clerk of the county court in and for the county aforesaid, do hereby certify that I caused George A. Miller to come before me on this 26th day of December, A. D. 1867, at my office in Dandridge, and after having been duly sworn by me to speak the truth, the whole truth, and nothing but the truth, in a contest before the House of Representatives of the fortieth Congress of the United States, wherein Joseph Powell is contestant, and R. R. Butler is contestee, the said witness deposed as follows:

The said GEORGE A. MILLER, of lawful age, being duly sworn, deposes as follows:

Q. If you were in the army during the late war, state the position which you there held.

A. I was in the army of the United States and held the positions and commissions of captain, first and second lieutenant; my last service I was first lieutenant, 13th Tennessee volunteer cavalry, United States army.

Q. Please state of what State and county you are a citizen.

A. I am a citizen of Jefferson county, Tennessee.

Q. Are you acquainted with the contestant, Joseph Powell, and the contestee, Hon. R. R. Butler? If so, please state in what estimation the said contestee is held by yourself and the loyal men of Tennessee, particularly in regard to his loyalty to the government of the United States.

A. I am acquainted with both the contestant and contestee; the Hon. R. R. Butler was lieutenant colonel of my regiment, (13th Tennessee volunteer cavalry,) and I was with him from the 15th day of the month of October or November, 1863, until March or April, 1864, and frequently since; I roomed with him and tented with him most of the winter of 1863-'64; we roomed together at Nashville, Tennessee, and a great many loyal East Tennesseans came to see Mr. Butler, and in my service in East Tennessee I do not remember of ever hearing his loyalty (during war) doubted; on the contrary, he was always spoken of and treated with such confidence by the Union men that I never doubted his loyalty; I believe that he is so considered by the Union men of Tennessee at this and all prior times.

Q. If you are able to do so, state how the said contestee Butler was considered and treated by A. E. Burnside, late major general United States volunteers, while he was in command in East Tennessee.

In November, 1863, six days after the siege of Knoxville commenced, Colonel Butler, the contestee, took me to the headquarters of Major General A. E. Burnside, and in my presence General Burnside gave the contestee, Mr. Butler, a detailed statement of his situation, verbally and in writing, to be delivered to General O. B. Wilcox, who was then in the vicinity of Cumberland Gap, and about 2 o'clock a. m. I accompanied Colonel Butler (with others) through the lines of the federals in the execution of said orders of General Burnside. General Burnside seemed to place all confidence in his loyalty and ability as a soldier, as these despatches were of a most important character, which informed General Wilcox that he could not subsist his army long, and asked for re-enforcements immediately. Colonel Butler was placed in command of the party, and no other persons but Colonel Butler and myself of the party knew about the contents of the despatches to the best of my knowledge.

Q. If you had any conversation with the contestant, Powell, in regard to the contestee, Butler, state as nearly as you can what the said Powell then said. Reference is had to conversations, if any, which occurred in the year 1863.

A. I had a conversation with contestant Powell in the month of October or

November, 1863, at Knoxville, Tennessee, and to my inquiries about the regiments forming in East Tennessee, Mr. Powell, in speaking of them, referred to Colonel Butler's regiment, and of Colonel Butler; he said he was a gentleman of ability, a good lawyer, and a man whom the loyal men of upper East Tennessee had the greatest confidence in, and would complete his regiment sooner than any other organizations, and advised me to go and join it, and stated that it was then at Jonesboro, Tennessee; this is the first I ever knew about the contestee, Butler, as before the war I was a citizen of Illinois. I went to said regiment and gave Colonel Butler the kind regards of Mr. Powell, and told Colonel Butler that I had come to join his regiment at the suggestion of Mr. Powell. I do not remember the exact words of Mr. Powell, but from what he said to me on that occasion I had no doubt but that he (Powell) considered Mr. Butler not only a man of ability but loyal to the United States government, as he was encouraging recruiting for his (Butler's) regiment.

Q. Please to examine the accompanying printed poster or handbill marked Exhibit A, and state all you know concerning it, or other posters or handbills precisely like it.

A. I remember the handbill or poster which is referred to, and think I can identify it as being a *fac simile* of posters Colonel Butler, contestee, gave me to post. Being myself a practical printer, I examined the poster and thought it might have been improved, and think I cannot be mistaken as to its identity, as I posted several, and carried others in my pocket. Contestee, Butler, gave said posters to me to post within the enemy's lines in the fall or winter of 1863.

And further this deponent saith not.

G. A. MILLER.

STATE OF TENNESSEE, *County of Jefferson, ss:*

I, James M. Nicholson, clerk of the county court in and for the county aforesaid—the same being a court of record—do hereby certify that the foregoing deposition of George A. Miller was taken by me at the time and place mentioned in the caption, and reduced to writing by me, or the said George A. Miller, and was signed by the witness in my presence, and that the same has not been out of my possession since taken, nor has the same been altered or changed; and that I sealed up the same and addressed it to the Hon. Edward McPherson, Clerk of the House of Representatives, Washington, D. C., and I deposited the same in the post office at Dandridge, Tennessee, and that I am not of kin or counsel to either of the parties.

In testimony whereof, I have hereunto set my hand and official seal at office in Dandridge, this 26th day of December, A. D. 1867.

JAMES M. NICHOLSON,  
*Clerk County Court.*

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EXHIBIT A.

RALLY, EAST TENNESSEEANS AND NORTH CAROLINIANS.

By permission of Major General A. E. Burnside, I am raising a regiment of infantry for the service of the United States, and I appeal to the Union men of the mountains of Tennessee and North Carolina to come forth immediately. Good arms and clothing will be furnished you immediately. Your bounties of money and land will be promptly paid. My headquarters will be fixed in a few days.

R. R. BUTLER.

OCTOBER 14, 1863.

V.—*Depositions taken in Davidson county.*STATE OF TENNESSEE, *Davidson County* :

I, Jesse G. Frazer, clerk of the supreme court for the middle division of the State of Tennessee, do hereby certify, that, pursuant to a notice executed on Joseph Powell by R. R. Butler, I have on this, the 17th day of December, 1867, caused to come before me Stephen Mathews, Abram F. Demop, Hon. John A. Campbell, and Hon. Edward H. East, and after they each respectively being duly sworn by me to speak the truth, the whole truth, and nothing but the truth, concerning the matters in controversy, deposed as follows:

STEPHEN MATHEWS, being of lawful age and duly sworn, deposed as follows:

By R. R. BUTLER:

Q. Please state where you reside and what position you occupied during the rebellion; and if you are in any public position at this time.

A. I reside in Blount county, East Tennessee; I was a loyal citizen to the government of the United States during the rebellion. I am now a member of the senate of the State of Tennessee. I was a loyal citizen to the government of the United States during the rebellion. I am now a member of the senate of the State of Tennessee, representing the third senatorial district.

Q. Please state how long you have been acquainted with me, and if you were not intimately acquainted with me during the war; and if you did not serve with me in the so-called rebel legislature; and if you did not room and sleep with me during that session; if so, state whether I was a loyal man to the government of the United States, and what were your opportunities for knowing my sentiments.

A. I have been acquainted with Judge Butler ever since about 1st October, 1861, and have been intimately acquainted with him ever since that date. I was in the so-called rebel legislature with him; we roomed and slept together during the session; my opportunities to know Judge Butler's sentiments were very good; and in all of our private conversations I never heard Judge Butler express a disloyal sentiment. We talked freely and fully upon the subjects of secession and rebellion, and his whole sentiments as expressed to me were those of a loyal citizen. I am satisfied that if our private conversations, and conversations upon those questions had been made public, that it would have been the cause of the arrest, if not the hanging of both of us, by the rebel authorities.

Q. Please state if you don't believe that if the Union members of that legislature had refused to have taken the oath, that they would have been arrested and imprisoned; and if myself, yourself, and other Union members of East Tennessee, did not appoint a committee to wait on the confederate authorities and protest against taking an oath to support the confederate constitution; and if the confederate authorities did not hold that we were not compelled to take the oath; and after the legislature met to organize, if we were not notified by the authorities aforesaid that we must take the oath or go to Tuscaloosa prison.

A. I believe that we would all have been imprisoned and sent to Tuscaloosa if we had not taken the oath, and we were so informed by the rebel authorities. Judge Butler, myself, and all the other Union members, protested against taking the oath to the confederacy, and appointed a committee to wait upon the authorities to know if we could not be relieved from taking the oath; and we were informed that we must take it or be arrested and sent to prison.

Q. Please state if, during that session, some twenty or more of my constituents from Carter county were not arrested by the rebel authorities and brought to Nashville and put in jail, and if I did not do all within my power for their comfort and release. State all you may know about that.

A. During the session there were perhaps thirty citizens of Johnson and

Carter counties (Judge Butler's district) imprisoned and brought to Nashville by the rebel authorities. During their imprisonment here Judge Butler exerted himself, as the attorney and friend of a number of them, to get them relieved upon the writ of *habeas corpus*. He also furnished them with tobacco, and such articles as they needed during their confinement, and when discharged, loaned them money to return home. He borrowed some money from me for them.

[The last above foregoing question and answer is objected to by Mr. Joseph Powell, the contestant.]

Q. Please state if, during the time my Union friends were confined in the rebel jail at Nashville, the resolutions known as the "resolutions against reconstruction" did not come up in the house, and if we did not hold a consultation in our room, and if I did not state that I would be compelled to vote for them so as to get my Union friends out of jail; and if I was not violently opposed to the resolutions, but voted for them, stating that they would pass anyhow, and by voting for them I could get those poor Union men out of jail; that they were freezing and starving.

A. While they were confined in jail, the resolutions known as "against reconstruction," senate resolution No. 59, were pending in the house. In our private conversations, Judge Butler told me that he was against the resolutions, but that if he voted against them it would ruin his influence before the court where his Union friends were being tried, and that he would have to vote for it to be allowed to go before the court; and that he had the wool in Judge Humphrey's eyes, and he intended to keep it there if he could. He voted for the resolutions, and did get his men out of jail. He afterwards talked to me about it, and told me how he had succeeded in fooling the court.

Q. Please state if, when the bridges were burned in East Tennessee, the rebel papers did not accuse the Union members from East Tennessee of being concerned in it, (the burning,) and if several of them were not arrested; and if the rebel papers at Nashville did not call upon the members from East Tennessee to say whether they approved it or not; and if any one of them had said he was in favor of the burning, they would not have been hung immediately; and if, when I was compelled to say that I was opposed to the burning, I did not state to you that I wished not only the bridges had been burned, but the damned road had been torn up from one end to the other.

A. The rebel Nashville papers did charge the Union members with being cognizant to the burning, and a resolution was introduced, charging them with knowledge of the burning; and they were called upon to know whether they approved of the burning. Judge Butler, together with several others, made statements upon their seats, in which they declared themselves as opposed to the burning, because it was an unlawful act. In our private and confidential conversations he said that he did not care if they had burned the bridges, and would have been glad if they had torn up the road altogether.

Q. Please state if, during the fighting at Fort Donelson, I did not say that General Buell would come to Nashville, and I hoped that he would blow the damned "rebel hole" to hell, and not leave one stone upon another.

A. During the fight at Fort Donelson I heard Judge Butler say that he hoped General Buell would come to Nashville and destroy the "rebel hole," and he did not care if he did not leave one stone upon another.

Q. Please state if, during the war, you ever heard my loyalty doubted by any one.

A. I never heard, during the war, any Union man doubt Judge Butler's loyalty to the government of the United States.

Q. The rebel papers published a statement that the members of the legislature presented H. C. Lockheart, a member of the house, with a sword; please state how the name of the Union members came to be on that paper, and what I said to you at the time about it. Please state all you remember about it.

A. In our conversations upon the subject of the sword, Judge Butler and myself agreed that if the sword was to cut the damned rascal's throat, we would both sign our names to the list to help furnish it, and contribute one dollar. But I did not sign my name to it, neither did Judge Butler, but the friends of the movement said it must be unanimous, and the names of the Union men were put down by their rebel colleagues. Judge Butler stated that he hoped that he (Lockheart) would be killed in the first fight he got into, and then we would be done with him forever.

Cross-examination by Hon. J. Powell, the contestant:

It is agreed between us that the name of Fred S. DeWolfe, as it appears upon the journals of the house of representatives of 1861 and 1862, is in the proper handwriting of said DeWolfe.

R. R. BUTLER, *Contestee.*  
J. POWELL, *Contestant.*

Being cross-examined by Mr. POWELL, Mr. Matthews stated that he resides near two hundred miles from Judge Butler.

Q. How long were you associated with him in the rebel legislature?

A. About four and a half months.

Q. State if you were acquainted with Judge Butler's votes on many questions that came up.

A. I was.

Q. Do you state that the committee informed you that the members were compelled by duress to take the oath?

A. One of the members of the committee did inform me that they would be forced to take the oath or go to Tuscaloosa prison.

Q. How long were you associated with Judge Butler after the rebel constitution was ratified?

A. I was not with him at all after the 15th February, and my understanding was that the constitution took effect on the 22d February.

Q. What government did you understand you were representing in that legislature?

A. I understood that I was in a bogus rebel legislature, representing a constituency that was loyal to the government of the United States.

Q. You say that, in the first organization of the house, you were under duress?

A. At that time the rebel military authorities were controlling Tennessee, and by that we were threatened and controlled.

Q. Are you very conversant with the journals of that legislature?

A. I am not.

Q. Are you aware that Colonel Butler supported many bills and resolutions favoring the cause of the confederate government?

A. I am knowing to his supporting one known as a resolution "against reconstruction."

Q. In taking the yeas and nays touching the interest of the confederate government, was any menace or threat used against those voting in the negative?

A. There was; and I was told that I would be arrested in twenty-four hours.

Q. State if you were arrested.

A. I was not, for the reason, as I believe, that if the Union men were arrested it would reduce the house below a quorum.

Q. Were there any steps taken to arrest any member for his vote?

A. There was.

Q. Was Colonel Butler present in the legislature at the fall of Fort Donelson?

A. He was.

Q. Did Colonel Butler appear in the legislature at Memphis after that time?

A. I do not know, only from the newspaper reports.

Q. You state positively that, on the organization of the rebel legislature of 1861, both Colonel Butler and yourself appeared with your credentials and took the oath to support the constitution of the Confederate States and the State of Tennessee?

A. We appeared and took the usual oath of office, and took the oath to support the constitution of Tennessee and the so-called Confederate States.

Re-examined by R. R. BUTLER:

Q. Please state if I did not vote against all military bills and appropriations to encourage the rebellion; and where I gave any vote to favor the rebellion, if it was not done to protect the Union men, and if I did not always so state.

A. Judge Butler, in his private conversations, always told me that all the votes he was giving that appeared to be favoring the rebellion, were done for the purpose of giving him a position before the court, so he could serve the Union men who were arraigned and prosecuted for their loyalty with more effect and efficiency.

Q. Please state if I ever charged a Union man for anything I did for them.

A. You never received one dollar, that I ever knew of.

Q. Please state if, although we lived near two hundred miles apart, we were not together a greater part of the time, from October, 1861, to 1864.

A. We were.

Cross-examined by J. POWELL:

Q. Did Colonel Butler ever assist in raising a federal regiment?

A. He did, and was lieutenant colonel of the thirteenth cavalry.

STEPHEN MATTHEWS.

ABRAHAM L. DEMOSS, of lawful age, being duly sworn according to law, deposes as follows:

By R. R. BUTLER:

Q. Please state how long you have been acquainted with me, and if you were a member of the legislature of Tennessee for 1861-2; if so, state whether I was a member of said legislature, and how I was regarded, whether as a Union man or a rebel; state all you may know about me as to my loyalty or disloyalty.

A. I was elected to the legislature in August, 1861, as one of the representatives for Davidson county, Tennessee, and soon after my taking my seat, in October of that year, I became acquainted with Colonel R. R. Butler, and had frequent conversations with him from that time up to the time that the legislature adjourned at Nashville, and many of its members left here and went south; I did not go south, but remained at home. I have known Colonel Butler ever since, and have seen Colonel Butler frequently since the members of the legislature left Nashville as aforesaid. Colonel Butler was a member of the legislature as aforesaid, and left Nashville about the time of Fort Donelson's fall, or soon thereafter. From Colonel Butler's conversations I regarded him as a Union man at heart, when in the legislature aforesaid; in fact, on the evening of the fall of Fort Donelson, as Mr. Butler and I were going down in town from the capitol, he remarked, in a rejoicing manner, that the flag of the Union would soon be placed on the capitol, or words to that effect. I have since heard others say that they regarded Colonel Butler as a Union man in 1861. I believe that Colonel Butler was an officer of the national army when I saw him for the first time after the members of the legislature left Nashville as aforesaid, and I had several conversations with him while he was such officer; he expressed strong loyal sentiments. I believe that Colonel Butler has always been at heart a Union man, and greatly preferred the old government to a separation of the States, and I base my belief upon his actions and my conversations with him since my acquaintance with him. My course in the legislature was moderate, and I con-

sulted or was talking with Colonel Butler whether I should leave Nashville, in the event of its fall and capture by the national forces; he remarked that he did not believe I would be troubled by them, and advised me to remain at home. I do not now remember of hearing any one call Colonel Butler a rebel in 1861, or say that they so considered him. I understood that several members elected to the legislature of 1861, from East Tennessee, hesitated much about taking the oath they were required to take before taking their seats, and I believe that Colonel Butler was one of that number.

Cross-examined by J. POWELL, the contestant:

Q. In the organization of the legislature of 1861-'62, please state if every member did not take the oath to support the constitution of the State of Tennessee and of the Confederate States.

A. My recollection is that they did.

Q. Please state if any force or menace was exercised towards any members of that body before or at the time of taking the oath.

A. None that I know of.

Q. Please state, as a member of the legislature of 1861-'62, under the oath which you had taken you represented the State of Tennessee as a State belonging to the government of the United States, or as a State belonging to the Confederate States.

A. I considered that I was representing a State of the Confederate States.

Q. Please state if you are sufficiently conversant with the journals of the rebel legislature of 1861-'62 to enable you to state positively what was the action of R. R. Butler on sundry bills, resolutions, and other matters favoring the cause of the Confederate States.

A. I am not.

Q. Please state if it was not the custom of the members to ask leave of absence, and if it was not granted in that body, as was usual in such cases.

A. I believe it was.

And further this deponent saith not.

ABRAHAM L. DEMOSS.

Hon. JOHN A. CAMPBELL, being of lawful age, and after being duly sworn according to law, deposes as follows:

By R. R. BUTLER:

Q. Please state how long you have been acquainted with me, and whether you were connected with the legislature of Tennessee of 1859-'60, and if I was a member of that body; also, state what position you took during the war; also, state whether I was a Union man or a rebel; state your means of knowing, and the position you now occupy as a public man.

A. My first acquaintance with Judge Butler was in October, 1859. I formed his acquaintance in the legislature. He was a member and I an assistant clerk in the house. The question of secession sprang in the several called sessions of said legislature. I was a Union man myself, and so was Judge Butler, and my recollection is, that he voted and spoke against all propositions looking to secession, and that he was well known as opposed to all measures against the rightful authority of the United States. My recollection is, there were three called sessions. I speak only as to the regular session, and the first and second, as I had resigned my office when the third called session met. As to my present position, I am circuit judge of the tenth judicial circuit.

Q. Please state if you have been intimately acquainted with me during the war, and if you ever heard my loyalty doubted by any one during the war, and whether I have not taken a very prominent part in reorganizing the State government, and placing the control of the same in the hands of loyal men.

A. In answer to this question, I will say that I had a pretty good knowledge of Judge Butler during the war, but better since the war; and I am satisfied that he was considered and treated as a loyal man by all parties. With my knowledge of Judge Butler, I conclude unhesitatingly that he has always been loyal, under all circumstances. He has heretofore taken a highly loyal position, and I feel safe in saying that, as between him and myself, we have differed only as to politics—he advocating stronger measures than I thought feasible. But as to the simple question of loyalty, I say I am, and have been, loyal, and I believe Judge Butler to be, and to have been, under all circumstances, although some inconsistencies might appear. He was, it is true, in the legislature of 1861-'62, so were many other Union men. Judge Butler did take a prominent part in the reorganization of the State government, and his policy was to keep disloyal men out of power. If I ever heard his loyalty doubted I have forgotten it; I think not.

Cross-examined by J. POWELL, contestant:

Q. Please state particularly the date that your acquaintance with R. R. Butler's political status embraces.

A. As to Judge Butler's action in the legislature of 1861-'62, I am not able to particularize, for I was not connected with this body. In my examination-in-chief I spoke upon general knowledge in part and in part upon personal knowledge, and part upon general reputation.

Q. Please state if you have any knowledge of R. R. Butler's action in the rebel legislature of 1861-'62 favoring the cause of the confederate States.

A. I do not now recollect his action. As to particulars in this regard, I think I can state nothing.

Re-examined by R. R. BUTLER:

Q. Judge Campbell, please state if being a member of the so-called rebel legislature was evidence of disloyalty to yourself and the Union men of East Tennessee, and if it was not well known and understood that myself and the Union men from East Tennessee in that legislature came there for the purpose of assisting the Union men, and breaking the force and preventing the cruelties perpetrated by the rebels upon the Union men of East Tennessee?

A. The fact of membership of the legislature of 1861-'62 was no evidence of itself of disloyalty; was not so considered in East Tennessee. The Union men of East Tennessee desired representatives in this legislature, to protect them, as far as they could, from the force measures of the disloyal in the body. A Union man was known in those days by his associations and the confidence he had, on the one hand, and his want of it on the other. My opinion is, from common report, in which I had the utmost confidence, that Judge Butler had the confidence of the Union men in 1861-'62, and did not have the confidence of the rebels. It was a trying time, in which, perhaps, many mistakes were made; and as to the character of mistakes made by Judge Butler in those times, I cannot now particularize, and have had no opportunity to prepare myself for this occasion.

And further this deponent saith not.

JOHN ALEX. CAMPBELL.

EDWARD H. EAST, of lawful age, being duly sworn according to law, deposes as follows:

By R. R. BUTLER:

Q. Please state how long you have been acquainted with me, and if you were not intimately acquainted with me during the war, and if I was not loyal to the government of the United States, and what were your opportunities for knowing my sentiments during said time. State all you remember about the position I occupied during the troubles of the country.

A. I have known Judge Butler since 1859 to the present time. I believe I have heard him express his sentiments on every question of State or national importance that has arisen since my acquaintance with him, both in private and in public. I suppose I have been intimate with him, at least as much so as we well could be, he living in East Tennessee and I in the middle portion of the State. We were both Tennessee whigs. I was a member of the legislature of 1859-'60, as was also Judge Butler. The regular session passed off without any very exciting question, as I now remember; and so far as national matters were at all discussed, he took the usual position of his party (whig) of that day. After the adjournment of the regular session, our national troubles began to arise, and there was an extra session of the legislature called. In this session efforts were made to commit the people of Tennessee to the secession movement. Judge Butler, together with a majority of the East Tennessee members, opposed this action, and this session resulted in a failure, on the part of the secession element, to do anything more than excite and agitate the people. Shortly afterwards another session was called, which was much more excited and alarming, and great difference existed among the men who were known and recognized as the Union men as to what would be the best method and policy to avert the impending calamity. The Union men were not entirely harmonious; had frequent meetings at each other's rooms, and took into their consultation such prominent leading citizens of the State, and who had not gone over to the rebellion, as would venture to make suggestions relative to the plan to be pursued by the then minority of the legislature. Judge Butler attended these meetings, and was recognized as a Union man. Our people finally lost hope and courage, as we could adopt no practicable and efficient plan of opposition that would harmonize even the then loyal element, or that could retard the movement towards secession. Every suggestion that had been acted upon failed, and no prospect or hope of any aid coming from the national government, (as it had all it could do elsewhere,) many of our people gave up in despair; some went into the rebellion; others became sullen, and began to consider questions of personal safety, (as they were committed against the dominant movement.) All expedients looking to a defeat of the rebellion or to retard its movements had failed, and every man was looking out for himself. Judge Butler was at this time loyal. After the adjournment of the extra session, I resigned my position in the legislature, and shortly afterwards left for Mexico, and returned again, by way of New York and Cuba, to Tennessee in 1862, after the occupation of Nashville by the national troops. The next time I saw Judge Butler was in 1862; he was still regarded as loyal; and some time after that he became connected with a federal regiment.

Q. Please state if we did not have frequent confidential conversations upon the troubles of the country, and if you ever heard me utter a disloyal sentiment; and if the letter marked "A" and herewith exhibited was not written by you, and if the signatures thereto of the Hon. David T. Patterson and his excellency W. G. Brownlow, are not their genuine signatures; and if you ever heard my loyalty doubted during the war.

A. I did have frequent conversations with Judge Butler up to the time I left for Mexico, in 1861. I never heard him express a disloyal sentiment in my life. I recognize exhibit "A" as my handwriting, though I do not remember the occasion upon which I wrote it or its object. I wrote it at the day it bears date, and it expressed the views I then entertained as regards Judge Butler. I recognize the signatures of Judge Patterson and Governor Brownlow as genuine.

Cross-examined by J. POWELL, contestant:

Q. Please state if you know anything in regard to R. R. Butler's action in the rebel legislature of 1861-'62, after the State had went out, and his support of sundry bills, resolutions, and other matters in supporting the confederate cause.

A. As stated before, I left the State in 1861, and did not return until 1862. I knew nothing of the legislature of 1861-'62, or of the action of any of its members as such. I never saw the body in session, or read anything it did.

Re-examined by R. R. BUTLER :

Please state if you did not see me at Nashville after the so-called rebel legislature of 1861-'62 assembled, and if we did not converse confidentially upon the condition of the country, and if I was not loyal to the government of the United States although a member of the legislature, and if it was not in October, 1862, a few days before you left Tennessee, and if you, as Secretary of state under Andrew Johnson, did not, by the order of said Andrew Johnson, countersign a commission to me as lieutenant colonel of the thirteenth Tennessee volunteer cavalry, which commission is marked "B," and herewith exhibited.

A. I saw Judge Butler in Nashville a few days before I left for Mexico, in 1861. He was then a member of the legislature of 1861-'62, which was about to assemble. I did converse with him relative to our political condition, and he was still loyal. I told him and several other friends of my intention to leave. I would not have told this to any one whom I doubted, as there was danger in it. The commission marked exhibit "B" was issued by authority of Governor Johnson, as military governor of Tennessee.

Cross-examined by J. POWELL, contestant :

Q. I understand you to say you had this conversation with R. R. Butler in 1861. Please state if this was after Tennessee went out of the Union, and if R. R. Butler was at that time a member of the rebel legislature, and acting with that body under Governor Harris.

A. The State voted out in May, 1861, and the conversation alluded to took place in October following, or thereabouts. At the time of the conversation the members were in Nashville to the biennial session of the legislature. He was a member of that body, as I understood from him and others.

Q. Please state if the legislature at that time was not acting exclusively in the cause of the so-called Confederate States, and claiming to have absolved all connection with the United States government, and if Mr. Butler was not a member and acting with it.

A. I think this legislature assembled under the auspices of the rebel element, and I have no doubt a majority of that legislature would have done anything that would have aided the rebel government. I think it claimed to be disconnected with the government of the United States, and whether that claim was a good one or not was being debated upon another theatre. A majority of the people of Tennessee *thought* at that time that they were out of the Union. Others thought different. Mr. Butler was a member of that legislature, and was proposing to act in it at the time I saw him in October, 1861.

To a verbal question : I answer, I regarded Mr. Butler and some others as loyal to the government of the United States, although they were members of that legislature.

To another verbal question, as follows : If Mr. Butler was loyal, would it not have been proper for him to have withdrawn from that body ?

A. I am not exactly prepared to state what Mr. Butler's relations to his people were—I mean his constituents at home. If they were loyal and desired a loyal representative, and had selected Mr. Butler as such, and both he and they believed that his presence would be of benefit to them, and he was satisfied that being a member did not commit him to the rebellion, he might, I think, act. I think it more a question of *personal* consideration than evidence of loyalty or disloyalty.

EDWARD H. EAST.

## BILL OF COSTS.

Taking four depositions.....	\$4 00
Certificate and seal.....	75
	4 75

Received payment of R. R. Butler.

JESSE G. FRAZER, Clerk.

OFFICE OF THE CLERK OF THE SUPREME COURT  
FOR THE MIDDLE DIVISION OF THE STATE OF TENNESSEE.

I, Jesse G. Frazer, clerk of said court, it being a court of record, do hereby certify that the foregoing depositions of Stephen Matthews, Abram L. Demoss, Hon. John A. Campbell, and Hon. Edward H. East, were taken before me on the 17th day of December, 1867, in the presence of R. R. Butler, contestee, and Joseph Powell, contestant; that the same were reduced to writing by the witnesses themselves respectively, except the testimony of Stephen Matthews, whose deposition was reduced to writing by my clerk, in my presence and the presence of the parties, and all of said witnesses signed their respective names to their respective depositions in my presence and in the presence of both parties; that I am in nowise related to or of kin to either of the parties; that said depositions have not been out of my possession since they were taken, or altered or changed; that I sealed up the same and directed them to the Hon. Edward McPherson, Clerk of the House of Representatives, Washington, D. C., and deposited them in the post office at Nashville, Tennessee, this 19th day of December, 1867.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at office in the capitol at Nashville, on this the 19th December, 1867.

[SEAL.]

JESSE G. FRAZER, Clerk.

NASHVILLE, TENNESSEE, December 21, 1867.

DEAR SIR: I this day received a notice from R. R. Butler giving me notice that he will take the deposition of sundry persons before you on the 27th instant.

This notice is served on me on this day, the 21st instant. By the law it requires that Mr. Butler shall give me *ten days' notice*. I therefore object to the examination of any of the persons named to be taken before you on the 27th instant, and shall object *in toto* to their testimony in the case to which the notice has reference. This letter you will file with other papers.

J. POWELL, Contestant.

JESSE G. FRAZER,  
Clerk Supreme Court.

I, Jesse G. Frazer, clerk, do hereby certify that Joseph Powell, the contestant of R. R. Butler, delivered to me the within letter on the day it bears date, this 1st day of January, 1868.

JESSE G. FRAZER, Clerk.

STATE OF TENNESSEE, Davidson County:

I, Jesse G. Frazer, clerk of the supreme court for the middle division of the State of Tennessee, do hereby certify that I have on this the 27th day of December, 1867, taken the following deposition of James C. Warner, after he was

duly sworn by me to speak the truth, the whole truth, and nothing but the truth, concerning the matters in controversy between R. R. Butler and Joseph Powell, contestants, &c., when and where said Warner deposed as follows:

JAMES C. WARNER, being of lawful age and duly sworn to speak the truth, the whole truth, and nothing but the truth, stated as follows:

By R. R. Butler's counsel:

Q. You will please state if you were a member of the legislature of 1861 and 1862.

A. I was a member of the legislature of 1861 and 1862.

Q. Are you acquainted with R. R. Butler, and was he a member of that body during the same session you were?

A. I am acquainted with Mr. R. R. Butler, and he was a member of the house of representatives with me in 1861 and 1862.

Q. Was or was not Mr. Butler a Union man during that legislature? and state all you know upon that subject.

A. From Mr. Butler's actions and opinions, as observed by and expressed to me, I regarded Mr. Butler as a Union man during that legislature, and he was, I believe, so regarded and understood by the members generally.

Q. What was your political position during that session, and your opportunities to know the opinion of the members?

A. I was for the confederacy, and was in frequent communication with members on my side of the question, and I never heard any one charge Mr. Butler with being a rebel, or doubting his Unionism.

And further this deponent saith not.

J. C. WARNER.

The clerk adjourns the further examination of the witness in this case until 10 o'clock Monday morning, the 30th December, 1867.

J. G. FRAZER, *Clerk.*

OFFICE OF THE CLERK OF THE SUPREME COURT  
FOR THE MIDDLE DIVISION OF THE STATE OF TENNESSEE.

I, Jesse G. Frazer, clerk of said court, it being a court of record, do hereby certify that the foregoing deposition of James C. Warner was taken before me on the 27th day of December, 1867, in the presence of R. R. Butler's attorney; that the same was reduced to writing by me in the presence of the witness and read over to him by me, after which he signed the same in my presence; that I am in nowise related to the witness or either of the parties; that said deposition has not been out of my possession since it was taken, or altered or changed in any way; that I sealed up the same and directed it to the Hon. Edward McPherson, Clerk of the House of Representatives, Washington, D. C., and deposited the same in the post office at Nashville, on this the 1st day of January, 1868.

In testimony whereof I have hereunto set my hand and affixed the seal of the court, at office in the capitol at Nashville, on this 1st day of January, 1868

[SEAL.]

JESSE G. FRAZER, *Clerk.*

EXHIBIT A.

STATE OF TENNESSEE, EXECUTIVE DEPARTMENT,  
Nashville, December 29, 1863.

This letter will be presented to you by R. R. Butler, of East Tennessee. Mr. Butler is a gentleman of high social position, and of loyalty, honor, and integrity.

He has resided in East Tennessee for many years, and is intimately acquainted with that people. He is a lawyer of high professional standing and excellent reputation, and any business intrusted to his care will receive prompt attention and decided legal learning. I cheerfully recommend him to all persons to whom he may present this letter.

I am, &c.,

EDWARD H. EAST,  
*Secretary of State of Tennessee.*  
DAVID T. PATTERSON.

W. G. BROWNLOW.

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THE GOVERNOR OF THE STATE OF TENNESSEE.

*To all who see these presents, greeting:*

Know ye, that reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of R. R. Butler, of the county of Johnson, we do appoint him lieutenant colonel in the thirteenth regiment of cavalry of Tennessee volunteers, in the service of the United States, for three years, unless sooner discharged; to rank as such from the eleventh day of November, one thousand eight hundred and sixty-three.

He is, therefore, carefully and diligently to discharge the duties of lieutenant colonel, by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and soldiers under his command to be obedient to his orders; and he is to observe and follow such orders and directions, from time to time, as he shall receive from the President of the United States of America, or the general or superior officers set over him, according to the rules and discipline of war.

Given under my hand, in the city of Nashville, this thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the independence of the United States.

[SEAL.]

ANDREW JOHNSON.

By the governor:

EDWARD H. EAST,  
*Secretary of State.*

ADJUTANT GENERAL'S OFFICE,  
*Nashville, December 31, 1863.*

Recorded book A, page 21.

ALVAN C. GILLE,   
*Brigadier Gen'l U. S. V., Adjutant General Tennessee.*

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VI.—*Depositions from Knox county.*

STATE OF TENNESSEE, *County of Knox, ss:*

I, L. M. Hall, clerk of the district court of the United States for the eastern district of Tennessee, do hereby certify that I caused William G. Brownlow to come before me, on this 26th day of December, 1867, at his residence in Knoxville, Tennessee, and he having been by me duly sworn to speak the truth, the whole truth and nothing but the truth, in a contest before the House of Representatives of the 40th Congress of the United States, wherein Joseph Powell is

contestant and R. R. Butler is contestee, when said witness deposed as follows viz :

WILLIAM G. BROWNLOW, of lawful age, deposed as follows :

Q. How long have you been acquainted with R. R. Butler, the above named contestee ? State whether you were intimately acquainted and associated with him during the war. State, also, whether the said R. R. Butler was, or was not, all the time an energetic working Union man, and whether you ever doubted his loyalty, or heard it doubted during the war ; and state whether the leading Union men, yourself included, did or did not think it best, under the then existing circumstances, that he should go to the legislature of 1861 and 1862, and whether the said R. R. Butler has done as much for the Union cause in Tennessee as any one.

A. I have known R. R. Butler since the war and many years before the war. I have always known him as a Union man ; I was imprisoned in December, 1861, and was sent out of the country by the rebels in March, 1862. I cannot testify as to R. R. Butler's course during the time I was imprisoned and while I was absent from the country, which was nearly two years. On my return to the country, under the protection of General Burnside, I found Butler dressed in the federal uniform and battling in the cause of the Union. He has been ever since an efficient and active radical, and was elected by a radical constituency to Congress, by the largest majority I ever knew obtained in the first district. Confiding in his loyalty, I commissioned him judge of the circuit court, in the first circuit of Tennessee. As to his being a member of what is called Harris's rebel legislature, I never considered there was anything in that ; some of the best Union men we had in the State were members of that body, and were urged by Union men to go there to hold the rebels in check ; and further this deponent saith not.

W. G. BROWNLOW.

STATE OF TENNESSEE, *County of Knox, ss :*

I, M. L. Hall, clerk of the district court of the United States for the eastern district of Tennessee, it being a court of record, do hereby certify that the foregoing deposition of William G. Brownlow was taken before me, on the day and at the place mentioned in the caption, and reduced to writing by me and signed by the witness in my presence, and that the same has not been out of my possession, or altered or changed since the signing thereof ; that I sealed up the same and addressed it to the Hon. Edward McPherson, Clerk of the House of Representatives, Washington city, D. C., and deposited the same in the post office at Knoxville, Tennessee, December 26, 1867.

In testimony whereof I hereunto set my hand and affix the seal of said court, December 26, 1867.

[SEAL.]

M. L. HALL, *Clerk.*

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VII.—*Deposition taken in Bradley county.*

STATE OF TENNESSEE, *County of Bradley :*

I, Joseph H. Davis, clerk of the county court of said county, do hereby certify that, on the 21st day of December, 1867, I caused R. M. Edmonds to come before me, pursuant to a notice executed on Joseph Powell, contestant, by R. R. Butler, contestee, and he being duly sworn by me to speak the truth, the whole

truth, and nothing but the truth about the matters in controversy, deposes as follows :

R. M. EDMONDS, of lawful age, deposes as follows :

Q. Please state where you reside ; and if you held a position in the federal army, state what it was.

A. I reside at Cleaveland, Bradley county, Tennessee. I held the position of colonel fourth Tennessee cavalry, United States army, in the late war of the rebellion, having been mustered in and out of service by Special Order, War Department, No. 549, 16th October, 1865, paragraph 3.

Q. Please state how long you have been acquainted with R. R. Butler, member elect to Congress from the first district of Tennessee ; and if you were intimately acquainted with him during the war ; and if you knew his sentiments relative to the rebellion. State your opportunities for knowing them, if so, and all you remember in reference to the same.

A. I have been acquainted with Hon. R. R. Butler, member elect from first district of Tennessee, since early in the year 1861, and have known him ever since that time ; was intimately acquainted with him from 1st October, 1861, to about 25th March, 1862, we having roomed together nearly the entire time. We then separated, and I do not remember to have met with him again until during the summer of 1863. We served together in the State legislature of 1861-'2, and during that time and before had abundant opportunities to know his political sentiments. I never, for one moment, doubted his loyalty to the government of the United States, nor do I remember ever to have heard his loyalty doubted during the existence of the war. All the members of that legislature (1861-'62) from East Tennessee, elected as Union men, had unbounded confidence in his loyalty, and we invariably consulted with him as a Union man in whom we could confide. I was then, and am now, of the opinion that if we had any loyal men in East Tennessee, he was one.

Q. Please state what took place relative to the Union members of the legislature of 1861 and 1862 taking an oath to support the constitution of the so-called Confederate States.

A. Before going to Nashville I had heard that it was proposed to submit the question of the propriety of taking the oath to support the confederate constitution to a committee of men learned in the law, and it was confidently expected by some of the Union members that their decision would obviate the necessity of taking the same. It so happened, however, that I did not arrive at Nashville until the morning the legislature met, and too late to take any part in the matter. I was informed, however, that it was determined to enforce the taking of such an oath, and it was determined by the East Tennessee members that as there was then no law of the State requiring such an oath, and the constitutional provision requiring an oath to support the Constitution of the United States not having been changed, according to its own terms, that the same was extra judicial and void, and hence was regarded by all of us as a nullity. The city was alive with confederate troops, and it was very evident to all of us that a persistent refusal to take the oath would have involved the imprisonment of the recusant in Tuscaloosa, Alabama, the Calcutta of the confederacy.

Q. Please state that if, during the pendency of senate resolutions No. 59, known as resolutions against reconstruction, R. R. Butler and yourself, and the members from East Tennessee, did not consult about what course they should pursue to accomplish the most good for their Union constituents ; and if there were not some thirty-odd Union men from your county in prison at Nashville ; and if there were not twenty-odd Union men from Carter county (it being then represented by R. R. Butler) in jail also at Nashville ; and if you and said Butler did not agree, if you voted against said resolutions, that your Union friends would be sent off to Tuscaloosa prison, and by voting for them that you

could release your Union friends from prison; and if, after voting for said resolutions, you and Butler did not get your Union friends released from jail; and if said Butler, after he released his Union friends from rebel prison, did not change his vote.

A. I remember senate resolutions No. 59 were before the house; and that Jarnagan offered one in lieu much more offensive and more repugnant to our feelings. Mr. Butler and myself and most of the Union members consulted together in reference to it. We were fully satisfied that one or the other would be passed independently of our vote. In such a state of affairs we chose to vote for the one least objectionable, which, as I remember was the senate resolution. During the time said resolutions were before the two houses quite a number of Union men had been arrested in Carter county, then represented by Mr. Butler, and sent to Nashville and lodged in jail. As I remember, about forty-five were arrested in my county, and the adjoining counties of Meigs and Hamilton, represented by disloyal men, and all of whom appealed to me for assistance, as did the men sent from Carter to Mr. Butler. Under these circumstances, we both voted for the senate resolutions, as least objectionable, and our act in that matter was accepted as a test of loyalty to the so-called confederacy. Thereupon in company we visited Mr. Butler's constituents, in jail, and he obtained process and had them released. I did the same with my Union friends who were imprisoned at the fair ground, some one or two miles out, and got them all released. After our friends had all been released, Mr. Butler asked and obtained leave to change his vote, which I suppose the journals will show. Mr. Butler and all the other Union men from East Tennessee were bitterly opposed to the passage of either resolution, but we voted for senate resolution with a view of aiding our Union friends.

Q. Please state if Ira P. Jones did not come to you, S. Mathews, and R. R. Butler, during the sitting of that legislature, with a paper stating that the friends of H. C Lockhart (who was a member of the house) intended to present him a sword, as he was going to join the rebel army, and requested Mathews, Butler, and yourself to sign the paper and pay something towards the sword; and if you, Mathews, and Butler, did not refuse to do so; and if Jones then did not go off and get Colonel Robb, of the house, who was popular with the Union members from East Tennessee, and come with him to you, Mathews, and Butler, urging you to sign the paper for the sword, and if you, Mathews, and Butler, did not still refuse to sign it, and if Colonel Robb did not remark that he would sign the names and pay the amount; that he intended to have it appear that it was done by all the members of the house; and if, after the adjournment of the house, you, Mathews, and Butler did not say that you hoped that he, Lockhart, would cut his own damned head off with the sword the first fight he got into?

A. I remember the presentation of the paper referred to; I also remember that we had a peculiar dislike to Lockhart, the proposed recipient. When Jones presented the paper, we (Butler, Mathews, and myself) refused to sign it. We saw no more of it, perhaps, till next day, when Colonel Robb, who, for his many amiable qualities, had won upon our friendship, presented the paper to us, insisting that it was desirable to have the names of all the members of the house, and on our again refusing, he proposed to furnish the money himself, which he did. I do not think Butler, Mathews, or any other Union member paid any money towards purchasing said sword. We had a conversation about it in our room, (Butler, Mathews and myself,) and in the conversation I remember it was the general wish that he might kill himself with it, or come to some untimely end. Butler had a peculiar dislike for him, which was shared by the Union members generally.

Q. Please state if you, as the representative of Bradley county, it being the county mostly interested in building a railroad from Ducktown to the county seat of your county, did not introduce a bill in the legislature asking the con-

federate government to build said road, and if you did not persuade R. R. Butler and the other Union members of the legislature from East Tennessee to vote for the measure, stating that you wanted the road built for your Union county, and you would regard it as a special favor to yourself if they would vote for it?

A. A bill for the purpose above indicated was drawn up by some persons interested in the copper mines at Ducktown, as well as in the copper-rolling works then being established at this place, Cleaveland, and the same was placed in my hands, or at least intrusted to my care, as the representative of Bradley county. I believed then, and do yet believe, it was the desire of a large majority of the Union men of this and adjoining counties to have said road built. Individually I cared but little who built it, so I got it built. With that view I earnestly insisted and got Judge Butler and nearly all the other Union members from East Tennessee to vote for it as a favor to my Union constituents. We expected and hoped for a restoration of the Union and old Constitution, and thought if we could get our road built it would be a local *permanent* benefit, that would serve greatly to aid in the development of the country after restoration should take place. I do not know who prepared the bill, and do not remember that I read it entire; have not seen it since; but the preamble was worded to catch rebel votes, and I may have, and perhaps did urge reasons of similar import for the same purpose. But the true reason of voting for it was, if possible, to have some of the money expended judiciously.

Q. Please state if R. R. Butler during the fighting at Fort Donelson was not much interested for the success of the federal army, and when fears were expressed by some of the Union members of the legislature of the ability of the Union army to take the fort, if Butler did not state to be of good cheer—that the next telegram would be of the fall of the fort; and if he, Butler, did not rejoice heartily when the news reached Nashville of the federal victory; and if said Butler did not say that he hoped General Buell would come immediately to Nashville, and would blow the damned rebel hole to hell and not leave one stone upon another?

A. I well remember the time when the fighting was in progress at Fort Donelson in February, 1862. Reports were continually coming in of glowing accounts of the progress of the fight, which were read in the house, causing storms of applause among the faithful. On Saturday evening such glowing accounts arrived that I expressed fears of the ability of the Union forces to take it, to which Mr. R. R. Butler replied that he would wager some amount that the next telegrams would inform us of the surrender. I do not remember the exact language Mr. Butler used, but only know that he was hopeful all the time, and expressed the wish of all the other Union members, that Buell would send his gunboats immediately to the city and capture the place.

Q. Please state what took place at Knoxville in January, 1862, between you and R. R. Butler relative to procuring the release of two Union men in custody by the rebels, and about your taking a regiment of soldiers through to Kentucky and putting them in the federal army.

A. In January, 1862, the then confederate court was in session at Knoxville, Judge Humphreys presiding. A very large number of Union men were being tried before said court, from all parts of East Tennessee. Among the number were several from Judge Butler's district, who insisted upon him to defend them, which he did, and attended to their cases until he got them released. There were two from lower East Tennessee, who called on me particularly, Thos. W. Spicer, of Hamilton, and Wm. Worley, of Marion, both of which counties had rebel representatives; hence they called on me. Before releasing Spicer the judge demanded that he should give a bond in the sum of twenty thousand dollars, as I now remember, to keep the peace. He was a very old, frail man, and the exposure of imprisonment would have likely resulted fatally to him. I mentioned the circumstance to Mr. R. R. Butler, and he joined me and one other man in the bond and sent the old man home. At that time there was a regi-

ment encamped near Knoxville, nearly all of whom were from my county, (Bradley,) and all but two or three companies genuine Union men, who had been forced to join the rebel army to keep from being sent to Tuscaloosa prison. There was a contest at the time for the colonelcy between J. B. Cooke and John N. Dunn, both of whom were rebels. Mr. Butler went with me to visit the regiment, and on arriving there quite a number of these Union men gathered around us and insisted on my running for the office, and if elected to march them to Kentucky. Mr. Butler favored the idea, and insisted on my doing so. Knowing more of the character of some of the men than Mr. Butler did, I told him the plan was not practicable, for the reason that there were some five or six, perhaps more, professed Union men who had been brought over to the interests of one or other of the real aspirants, who would be sure to know and divulge the plan. The thing desired by the movers in this matter was to be marched to the federal lines and placed in that service, and this was what Mr. Butler insisted on also. The difficulty in the matter was that if I ran as a Union man the plan would be divulged, and if I should have expressed a change of sentiment the men would not have supported me. Hence the thing was not seriously attempted. I had the satisfaction afterwards of meeting nearly every one of the men then known as Union men in the various regiments from East Tennessee in the federal army. There were nearly as many as three companies of these men in the fourth regiment Tennessee volunteer cavalry, which I raised myself. I have not seen the journals of the legislature in which Mr. Butler and I served, and hence have to rely upon memory, which may be at fault in some particulars. But I distinctly remember that Mr. Butler was all the time particularly desirous that the federal arms should prevail, and the Union and Constitution be restored. I only regret now to find him with Mr. Stephens, operating outside the Constitution. And further this deponent saith not.

R. M. EDWARDS.

STATE OF TENNESSEE, *Bradley county, ss:*

I, Joseph H. Davis, clerk of the county court of said county, it being a court of record, do hereby certify that the foregoing deposition of Colonel R. M. Edwards was this day taken before me at my office in Cleveland and reduced to writing by the witness and signed by himself in my presence, and that the same has not been out of my presence since signed by the witness, nor altered or changed, and that I sealed up the same and directed it to the Hon. Edward McPherson, Clerk of the House of Representatives, Washington city, D. C., and deposited the same in the post office at Cleaveland, Tennessee, December 21, 1867.

In testimony whereof, I hereunto set my hand and affix the seal of said court at office in Cleaveland, this 21st day of December, A. D. 1867.

[SEAL.]

JOSEPH H. DAVIS, *Clerk.*

APPENDIX 1.

STATE OF TENNESSEE.

*To all who shall see these presents, greeting :*

Know ye, that whereas a vacancy has occurred in the office of judge of the first judicial circuit of the State of Tennessee, now, therefore, I, William G. Brownlow, governor of the State of Tennessee, by virtue of the power and authority in me vested, do appoint and commission Roderick R. Butler to fill said office of judge of said first judicial circuit, until his successor shall have been chosen and qualified; and do empower him to execute and fulfil the duties of the same agreeably to the constitution and laws, with all the powers, privileges, and emoluments thereunto appertaining.

In testimony whereof, I, William G. Brownlow, governor of the State of Ten-

nessee, have hereunto set my hand and caused the great seal of the State to be affixed, at Nashville, this 9th day of June, A. D. 1865.

[SEAL.]

WILLIAM G. BROWNLOW.

By the governor:

A. J. FLETCHER, *Secretary of State.*

APPENDIX 2.

JONESBORO, October 22, 1866.

DEAR SIR: The undersigned, citizens of Washington county, Tennessee, would most respectfully invite and earnestly solicit your honor to address them on the great political issues of the day, at some period of time during the present week, which you can do to suit your own convenience. And we would, without any spirit of flattery or unjust emulation, express our great confidence in your integrity and statesmanship, and believe you to be the warm and earnest friend of our people in this great and trying contest between the executive and legislative departments of the general government.

Earnestly hoping your honor will comply with this request, we have the honor to be, very respectfully, your obedient servants,

Nat. B. Owens,	A. C. Collins,
W. M. Landreth,	T. W. Hale,
W. S. Febuary,	A. D. Beard,
R. Humphreys,	Jacob Kebler,
M. S. Mahoney,	B. F. Swingle,
Geo. F. Squibb,	John W. Edwards,
Joe Mahoney,	Wm. H. Brockwell,
George McPherson,	William Parsons,
W. J. S. Newton,	Wm. R. Bangs,
John West,	I. P. Hartman,
Samuel E. Griffith,	Wm. Smith,
W. C. Spurgin,	W. W. Luens,
J. H. Paffern,	Joshua Crater,
J. G. Hill,	L. P. Campbell,
Jacob H. Miller,	R. C. Cranch,
John Keys,	Enoch Brown,
William Graham,	Nathan Nelson,
J. H. Miller,	David Brockwell,
J. W. Hartman,	T. C. Spurgin,
George Hale,	M. H. Hampton,
James M. Collett,	John Wevaker,
Wm. Cappman,	J. M. Harnton,
George Edgar Grisham,	Moses Miller,
H. C. Collins,	G. P. Hopper,
M. L. Bovher,	Robert Hensaw,
Michael Crowley,	C. Burchfield,
R. W. McCracken,	Nelson McLaughlin,
John McCracken,	Samuel Mary,
Charles Greene,	D. J. N. Ervin,
L. A. Mac Rurod,	D. D. Mac Rurod,
H. Curtis,	D. A. Bowers,
Isaac Bacon,	R. B. Martin,
George Jenkins,	C. P. Copper,
John Brockwell,	J. T. Cazier.
John W. Edwards,	

Hon. R. R. BUTLER.

## APPENDIX 3.

## STATE OF TENNESSEE.

*To all who shall see these presents, greeting :*

Know ye, that whereas a vacancy has occurred in the office of judge of the first judicial circuit, composed of the counties of Johnson, Carter, Washington, Sullivan, Greene, Hawkins, and Hancock, now, therefore, I, William G. Brownlow, governor of the State of Tennessee, by virtue of the power and authority in me vested, do commission R. R. Butler to fill said office of judge of said judicial circuit, agreeably to the constitution and laws, during the term, and with all the powers, privileges and emoluments thereunto appertaining by law.

In testimony whereof, I, William G. Brownlow, governor of the State of Tennessee, have hereunto set my hand, and caused the great seal of the State to be affixed at Nashville, this twenty-third day of February, A. D. 1867.

[SEAL.]

WILLIAM G. BROWNLOW.

By the governor :

A. J. FLETCHER,

*Secretary of State.*

## APPENDIX 4.

STATE OF TENNESSEE, EXECUTIVE DEPARTMENT,  
Nashville, July 15, 1865.

*R. R. Butler, of Johnson county :*

You are hereby appointed a director on behalf of the State in the East Tennessee and Virginia Railroad Company, and charged with the duty of guarding with vigilance the interests of the State in said railroad.

Given under my hand and the great seal of the State, at the department in Nashville, this 15th day of July, 1865.

[SEAL.]

W. G. BROWNLOW.

By the governor :

A. J. FLETCHER,

*Secretary of State.*

Secretary's fee, \$1 00.

## APPENDIX 5.

HEADQUARTERS 3D BRIGADE, CAVALRY DIVISION, 23D A. C.,  
Bull's Gap, Tennessee, October 2, 1863.

By virtue of authority from Major General A. E. Burnside, Roderick R. Butler, of Johnson county, Tennessee, is hereby authorized to raise a regiment of infantry, to be mustered into the service of the United States for three years or during the war, and paid and clothed as other volunteers now in the service of the United States.

JAS. T. CARTER,  
*Colonel Commanding 3d Brigade, Cavalry Division.*

## APPENDIX 6.

*United States Order for Free Transportation.*

[This order not valid until countersigned by the officer issuing, and must be taken up and cancelled on the cars or boat and returned to the proper quartermaster. This order not transferable.]

No. 40,980.]

NASHVILLE, TENNESSEE, January 7, 1865.

The United States military railroads will transport Judge R. R. Butler from Nashville, Tennessee, within department of Cumberland, at will.

By command of Major General Thomas:

By order of the Quartermaster General:

LEWIS B. PARSONS,

*Colonel and Chief Rail and River Transportation.*

Signature of officer issuing the order:

S. B. BROWN,

*Captain and Assistant Quartermaster.*

*Order or authority on which the within transportation is given.*

On Assistant Provost Marshal General District of Columbia. Order No. 25,760.

By command of Major General Thomas:

H. B. ADAMS,

*Captain and Assistant Provost Marshal General.*

Good for thirty days.

## APPENDIX 7.

*Citizen's Pass.*

No. 25,760.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,  
PROVOST MARSHAL GENERAL'S OFFICE,  
Nashville, Tennessee, June 17, 1867.

Pass Judge R. R. Butler within department of Cumberland, at will, by railroad or otherwise.

By command of Major General Geo. H. Thomas:

H. B. ADAMS,

*Captain and Assistant Provost Marshal General.*

Good for thirty days.

## APPENDIX 8.

No. 1,947.]

CHIEF QUARTERMASTER'S OFFICE,  
DEPARTMENT OF THE CUMBERLAND,  
Nashville, Tennessee, April 10, 1865.

United States military railroads will pass Hon. R. R. Butler, senator from first district, Tennessee, with necessary private baggage, to all points on United States military railroads and return, at will.

J. L. DONALDSON,

*Brevet Brig. Gen., Chief Quartermaster Dept. of the Cumberland.*

Good for thirty days.

## APPENDIX 9.

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,  
Providence, November 30, 1867.

GENTLEMEN: It gives me the greatest pleasure to bear testimony to the loyalty of Colonel R. R. Butler during the time I commanded in East Tennessee. I gave him permission to raise a regiment there, and also ordered him to bear written and verbal despatches to General Wilcox at Cumberland Gap, while my command was besieged at Knoxville. All these services he performed with great efficiency.

I have the honor to be, gentlemen, very truly, your obedient servant,  
A. E. BURNSIDE.

Hon. COMMITTEE ON CREDENTIALS OF MEMBERS,  
*House of Representatives, Washington.*

## APPENDIX 10.

STATE OF TENNESSEE, *Johnson County, ss:*

*To all who shall see these presents, greeting:*

Be it remembered, that R. R. Butler, being a male inhabitant of this State, of the age of twenty-one years, a citizen of the United States, and a resident of said county for six months now last past, and having produced to me the evidence required by the third section of the act of the general assembly, passed February 25, 1867, that he was appointed and commissioned on the 8th day of October, 1863, by Governor A. Johnson, to the office of lieutenant colonel thirteenth Tennessee cavalry, is registered as a voter of said county, and is entitled to exercise the elective franchise under said act.

Given under my hand this 14th day of July, 1866.

R. A. DONNELLY,  
*Commissioner of Registration for said County.*

STATE OF TENNESSEE, *Johnson County:*

I, R. A. Donnelly, commissioner of registration of voters in Johnson county, Tennessee, do certify that R. R. Butler, member elect to Congress from first congressional district, State of Tennessee, and whose name appears in the margin of the foregoing certificate, is known to me to have been an unconditional Union man during the late war.

Given under my hand at office in Taylorsville, Tennessee, January 2, 1868.

R. A. DONNELLY,  
*Commissioner of Registration for said County.*

STATE OF TENNESSEE, *Johnson County:*

I, Robert E. Berry, clerk of the county court of said county, do certify that R. A. Donnelly, whose name appears to the foregoing certificate, is the commissioner of registration of voters for Johnson county, Tennessee, and the signature thereto appended is his genuine signature.

In testimony whereof, I hereunto set my hand and affix the seal of said court at office in Taylorsville, Tennessee, January 2, A. D. 1868.

[SEAL.]

ROBERT E. BERRY,  
*Clerk County Court.*

## APPENDIX 11.

[Received September 11, 1865.]

Whereas John Tilly conveyed to me, for and in consideration of the sum of three hundred dollars to him paid, a tract of land in the second civil district of

Johnson county, Tennessee, it being the land conveyed to said Tilly's heirs by Abraham Johnson, deceased, containing about one and three-fourth acres, it being the land where said Tilly formerly lived, and where David S. Turner now resides. On said land there is a small house and kitchen, which are occupied by said Turner. The said land adjoins the lands of Green Moore and Abraham Johnson's heirs. And whereas the said John Tilley was a loyal citizen to the government of the United States, and was murdered by a band of rebel thieves and murderers on account of his Union sentiments; and whereas he left several orphan children in destitute circumstances: I, therefore, and in consideration of said Tilly's devotion to the government of the United States, do hereby transfer and convey to Mary Tilly and Albert N. Tilly, minor children and heirs at law of said John Tilly, deceased, all the right, title, interest, and claim that I have in and to said land, together with appurtenances, to have and to hold the same forever, this 11th day of September, 1865.

R. R. BUTLER.

Executed in our presence, this 11th day of September, 1865.

R. H. DONNELLY.

W. K. DONNELLY.

STATE OF TENNESSEE, *Johnson County*:

Personally appeared before me, R. E. Berry, clerk of the county court of said county, R. R. Butler, the bargainer, with whom I am personally acquainted, and who acknowledged that he made and executed the within deed for the purposes contained therein.

Witness my hand, at office, September 11, 1865.

ROBERT E. BERRY, *Clerk.*

STATE OF TENNESSEE, *Johnson County*:

The foregoing deed, with the clerk's certificate annexed, was received September 11, 1865, and duly registered in this office March 21, 1866, at 5 o'clock p. m., in book E, vol. 5, page 65.

DANIEL SLIMP,  
*Register Johnson County.*

STATE OF TENNESSEE, *Johnson County*:

I, Robert E. Berry, deputy register of Johnson county, Tennessee, do hereby certify that the foregoing is a correct transcript of the deed made and executed by R. R. Butler to Mary and Albert N. Tilly, together with the clerk's and register's certificates annexed thereto, as appears of record in the register's office for said county.

A. L. CROSSWHITE, *Register,*  
Per ROBERT E. BERRY, *Deputy Register.*

January 1, 1868.

STATE OF TENNESSEE, *Johnson County*:

I, Robert E. Berry, clerk of the county court of said county, do hereby certify that A. L. Crosswhite is the register of Johnson county, Tennessee, and Robert E. Berry, whose signature appears to the foregoing certificate, is the deputy register of said county, and the signature appended to the foregoing certificate is his genuine signature.

In testimony whereof, I hereunto set my hand and affix the seal of said court, at office, in Taylorsville, Tennessee, January 2, A. D. 1868.

[SEAL.]

ROBERT E. BERRY,  
*Clerk County Court.*

## APPENDIX 12.

*Radical meeting in Greeneville.*

At a call meeting at the court-house in Greeneville, on the 11th day of February, 1867, for the purpose of appointing delegates to the State convention to be held in Nashville on the 22d instant—

On motion, Captain Thomas Davis was called to the chair, and Lieutenant A. B. Wilson requested to act as secretary.

The meeting having been called to order, the chairman proceeded, in a few brief remarks, to explain the object of the meeting, after which a committee of the following persons was nominated and appointed to draw up resolutions significant of the sense of the meeting :

A. D. Susong, Captain A. W. Walker, Lieutenant C. W. Piper, J. A. Galbraith, Colonel G. W. Kirk.

The committee having retired a short time, reported the following preamble and resolutions, which were unanimously adopted :

Whereas a call for a State convention to meet in Nashville, February 22 1867, to nominate a candidate for governor that represents the sentiments of the loyal people of Tennessee, and to consider other interests of the unconditional Union men of the State, has been issued; and whereas said call recommends that each county send up delegates of loyal men to the convention: Therefore, be it

*Resolved*, That the following named gentlemen be appointed delegates to said convention :

A. S. Johnson, M. G. Fellows, Jefferson Fellows, Jacob Lintz, Samuel Henry, J. H. Easterly, James Lauderdale, Samuel Steel, T. J. Easterly, C. Bible, Wm. Smith, Isaac Smith, John Bales, Christian Bible, E. M. Drake, Captain John Bible, Captain John Price, Thomas Russell, W. H. Russell, John Pates, Robert Lister, J. H. Hennegar, Alfred Roberts, Alfred Susong, James C. Wilson, Lieutenant A. B. Wilson, Captain A. W. Walker, James H. Harold, J. A. Galbraith, J. B. R. Lyon, Major A. H. Pettibone, James O'Brien, D. S. Ripley, W. G. Wells, E. M. Moore, William M. Russell, D. M. Galbraith, Captain John Ellis, J. W. Hannah, T. T. Robinson, Thomas Johnson, W. B. Rush, James Gauntt, N. B. Smith, Captain Jo. Collins, Major Donnelly, A. M. Piper, William Snapp, Wood Snapp, Lieutenant C. W. Piper, Major Levi Pickering, Dr. John White, F. W. Peters, John Robinson, S. Pickering, John S. Hays, Captain C. W. Allen, Cornelius Mays, Lieutenant Alexander Smith, John A. Park, William Vanhuss, Andy Cobble, Robert Lutrell, Lieutenant W. L. Worthington, W. M. Housley, Benjamin Whinnery, H. E. Cotter, Bayles Jones, Samuel Winters, Claiborne Self, Harvey Masoner, A. Hale, A. D. Susong, Lieutenant Douglas.

*Resolved*, That we sincerely respect and honor Governor W. G. Brownlow, the man who at the helm, by his indefatigable and uncompromising loyalty, integrity, and energy, brought our rebel-wrecked State from her perilous condition on the tempest-tossed sea of revolution, into her proper moorings alongside our loyal sister States of this great republic, and that our delegates be instructed to vote for him as our first choice as candidate for re-election to the governorship at the ensuing August election.

2. *Resolved*, That we indorse the sentiment of Andrew Johnson that traitors should be punished and treason made odious; but as he has, by his use of the pardoning power, restored traitors and murderers of loyal men to the rights of citizenship and appointed them to office, we have ceased to believe that he regards rebellion, treason, and murder as crimes worthy of punishment, and now turn hopefully to Congress, asking them to carry out his former sentiment.

3. *Resolved*, That in the thirty-ninth and fortieth Congresses is our only hope of reuniting these States on a firm basis, and that it is their constitutional right

to control the matter, and to do it in accordance with the wishes of the loyal voters and loyal States, without asking the advice or consent of the pardoned or unpardoned rebel.

4. *Resolved*, That we are opposed to the enfranchisement of rebels in Tennessee now and hereafter, unless they show more symptoms of repentance and loyalty than heretofore done; the term rebel to include all who by word, thought, or deed aided in the attempt to overthrow the government.

5. *Resolved*, That we indorse the action of the loyal majority of our present legislature as most wise and judicious in placing our State in equal relations with our loyal sister States of the Union.

6. *Resolved*, That we indorse and highly esteem the course of our loyal representative in the State senate, Colonel J. Powell. His determined purpose to faithfully represent and serve the interests of his loyal constituency, his prompt and punctual attention to duty, entitle him to our confidence and respect.

7. *Resolved*, That we do most heartily indorse the proposed constitutional amendment, regarding it as a just, safe, and mild policy of reconstruction, and all acts of Congress tending to establish the Union of States upon a firm, loyal basis, make treason odious, and punish traitors.

8. *Resolved*, That we have entire confidence in the loyalty and ability of Hon. R. R. Butler to represent us in the Congress of the United States. We desire his services in that capacity and pledge him a majority of the loyal voters of Greene county. We cannot and will not indorse nor support the man or men, the policy or principles, that connive at treason and affiliate with rebels.

9. *Resolved*, That our senator, Colonel J. Powell, be appointed a delegate, and requested to act in the convention with any delegates that may be present from our county.

10. *Resolved*, That the proceedings of this meeting be furnished for publication in the New Era.

There being no further business, on motion, the meeting adjourned *sine die*.

THOMAS DAVIS, *Chairman.*

A. B. WILSON, *Secretary.*

#### APPENDIX 13.

[From the Union Flag, Jonesboro', Tennessee, April 5, 1867.]

Captain Northington has kindly furnished us the following letter, written by Judge Butler during the war, which proves where that noble champion of Union and liberty stood, first, last, and all the time:

*Letter from Judge Butler during the war.*

PANDORA, JOHNSON COUNTY, EAST TENNESSEE,  
March 29, 1862.

*Editors Union Flag:*

DEAR SIRS: As the true Union men of our congressional district have nominated a citizen of our county for Congress, I ask you to publish a letter I received from him during the war; it speaks for itself. I add that if the Union men of the district will elect him they never will regret it. He will stand up for them.

Very truly, yours, &c.,

S. E. NORTHINGTON,  
Late Captain Company I, 13th Tennessee Cavalry.

KNOXVILLE, TENNESSEE, January 8, 1862.

DEAR SIR: Having an opportunity, I send a few lines to you by old man Jesse Price, who I know will deliver them without falling into rebel hands;

for if this letter is captured by the rebels, you and I both go up. Poor old fellow; he had a hard time in jail here—nearly starved to death before I could get him out. Oh! the suffering of the Union men; my heart bleeds for them. I am doing all within my power for them. I had a hard time in getting old man Price, his son and son-in-law, out of jail; I had to use any amount of deception with old Judge Humphreys, who is the bitterest secessionist in Tennessee; he raves like a mad man, and is as bloody as a savage. I will get a good many out this week, unless some rebel comes down from our county and interferes with my arrangements. This week some twenty-two or three Union men from Hancock were sent to Tuscaloosa prison. Poor fellows; I did all I could for them, although they were strangers to me; I trust that their health may be preserved and they may be permitted to return home and be honored for their patriotism. What will become of the Union men of East Tennessee God only knows, unless the federal army soon comes to our relief; but let us stand firm for the Union, come what will, for in the end we will be triumphant. Things look gloomy now, but I have confidence in my government, and certainly it will not much longer permit Union men to be hung, shot, and tortured in all conceivable ways. I think a change will soon take place; if not, we will have to get out of East Tennessee, and that is hard to do, as they guard all the roads and paths, and kill all the Union men they capture. If we don't get relief soon by the federal army, we had better try to get to Kentucky, for we can't remain here much longer, at least such men as you and myself, for they are watching me very closely, and I will not be disappointed if I am arrested at any moment, but I am facing up the best I can. Old Humphreys thinks I am a pretty good southern man, and I don't care what he thinks if I can get our Union men out of prison, for they are starving. I have let them have every cent of money I had and borrowed from Sam. Morrow, a true man. If the federal army don't soon come into East Tennessee by the time I come home, we must get our Union men to Kentucky some how. I think it can be done by letting on that we are raising a regiment for the confederate army, and when we get four or five hundred, which we easily can, we can arm them as best we can and march them to Kentucky in spite of the rebels. You, Simerly, and myself can in a few days raise that number, and we will start for Knoxville, and when we get to the nearest point to Kentucky we can rush across the mountains; we will have to be quick when we commence, as the rebels will find it out, and we go up. Old Jesse says he will eat this letter before the rebels shall capture it. He will not be interrupted, as he has a pass. Say to my Union friends to stand firm; that we are right, and time will prove it. I have had to do and say many things that went hard with me, but God knows that I am doing all in my power for the Union men, and will do so, sink or swim, live or die; no position or money that rebels have, can influence me. I am with the people of Johnson and Carter; their fate shall be mine; if they go down I will go down with them.

I will close, as I am writing on a leaf torn from a book; the confederacy can't afford paper to write upon; it is a nice arrangement. My compliments to all, and accept the same.

Yours truly,

R. R. BUTLER.

SAMUEL E. NORTHINGTON,  
*Taylorsville, Tennessee.*



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