

GOVERNOR'S MESSAGE

EXECUTIVE DEPARTMENT,
NASHVILLE, January 7, 1861.

Gentlemen of the Senate
and House of Representatives:

THE ninth section of the third article of the Constitution, provides that, on extraordinary occasions, the Governor may convene the General Assembly. Believing the emergency contemplated, to exist at this time I have called you together. In welcoming you to the capitol of the State, I can but regret the gloomy auspices under which we meet. Grave and momentous issues have arisen, which, to an unprecedented degree, agitate the public mind and imperil the perpetuity of the Government.

The systematic, wanton, and long continued agitation of the slavery question, with the actual and threatened aggressions of the Northern States and a portion of their people, upon the well-defined constitutional rights of the Southern citizen; the rapid growth and increase, in all the elements of power, of a purely sectional party, whose bond of union is uncompromising hostility to the rights and institutions of the fifteen Southern States, have produced a crisis in the affairs of the country, unparalleled in the history of the past, resulting already in the withdrawal from the Confederacy of one of the sovereignties which composed it, while others are rapidly preparing to move in the same direction. Fully appreciating the importance of the duties which devolve upon you, fraught, as your action must be, with consequences of the highest possible importance to the people of Tennessee; knowing that, as a great Commonwealth, our own beloved State is alike interested with her sisters, who have resorted, and are preparing to resort, to this fearful alternative, I have called you together for the purpose of calm and dispassionate deliberation, earnestly trusting, as the chosen representatives of a free and enlightened people, that you will, at this critical juncture of our affairs, prove yourselves equal to the occasion which has called for the exercise of your talent and patriotism.

A brief review of the history of the past is necessary to a proper understanding of the issues presented for your consideration.

Previous to the adoption of the Federal Constitution, each State was a separate and independent Government—a complete sovereignty within itself—and in the compact of union, each reserved all the rights and powers incident to sovereignty, except such as were expressly delegated by the Constitution to the General Government, or such as were clearly incident, and necessary, to the exercise of some expressly delegated power.

The Constitution distinctly recognizes property in slaves—makes it the duty of the States to deliver the fugitive to his owner, but contains no grant of power to the Federal Government to interfere with this species of property, except "the power coupled with the duty," common to all civil Governments, to protect the rights of property, as well as those of life and liberty, of the citizen, which clearly appears from the exposition given to that instrument by the Supreme Court of the United States in the case of *Dred Scott vs. Sandford*. In delivering the opinion of the

Court, Chief Justice Taney said:

"Now, as we have already said in an earlier part of this opinion upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution."

"And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred, is the power coupled with the duty, of guarding and protecting the owner in his rights."

This decision of the highest judicial tribunal, known to our age, and remanded to territorial condition a considerable portion of its territory South of 36 30.

It excluded, by the same Compromise, the Southern people from California, whose mineral wealth, fertility of soil, and salubrity of climate, is not surpassed on earth, by prematurely forcing her into the Union under a Constitution, conceived in fraud by a set of adventurers, in the total absence of any law authorizing the formation of a Constitution, fixing the qualification of voters, regulating the time, place, or manner of electing delegates, or the time or place of the meeting of such Convention. Yet all these irregular and unauthorized proceedings were sanctified by the fact that the Constitution prohibited slavery, and forever closed the doors of that rich and desirable territory against the Southern people. And while the Southern mind was still burning under a humiliating sense of this wrong, it refused to admit Kansas into the Union upon a Constitution, framed by authority of Congress, and by delegates elected in conformity to law, upon the ground that slavery was recognized and protected.

It claims the constitutional right to abolish slavery in the District of Columbia, the forts, arsenals, dock-yards and other places ceded to the United States, within the limits of slaveholding States.

It proposes a prohibition of the slave trade between the States, thereby crowding the slaves together and preventing their exit South, until they become unprofitable to an extent that will force the owner finally to abandon them in self-defence.

It has, by the deliberate Legislative enactments of a large majority of the Northern States, openly and flagrantly nullified that clause of the Constitution which provides that-

"No person held to service or labor in one State under the laws thereof, escaping into service or labor, but shall be delivered up on claim of the party to whom such service or another, shall, in consequence of any law or regulation therein, be discharged from such labor may be due."

This provision of the Constitution has been spurned and trampled under foot by these "higher law" nullifiers. It is utterly powerless for good, since all attempts to enforce the fugitive slave law under it are made a felony in some of these States, a high misdemeanor in others, and punishable in all by heavy fines and imprisonment. The distempered public opinion of these localities having risen above the Constitution and all other law, planting itself upon the anarchical doctrines of the "higher law," with impunity defies the Government, tramples upon our rights, and plunders the Southern citizen.

It has, through the Governor of Ohio, as openly nullified that part of the Constitution which provides that-"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

In discharge of official duty, I had occasion, within the past year, to demand of the Governor of Ohio " a person charged in the State (of Tennessee) with the crime " of slave stealing, who had fled from justice, and was found in the State of Ohio.' The Governor refused to issue his warrant for the arrest and delivery of the fugitive, and in answer to a letter of inquiry which I addressed to him, said: 'The crime of negro stealing not being known to either the common law or the criminal code of Ohio, it is not of that class of crimes contemplated by the Federal Constitution, for the commission of which I am authorized, as the executive of Ohio, to surrender a fugitive from the justice of a sister State, and hence I declined to issue a warrant," &c.; thus deliberately nullifying and setting at defiance the clause of the Constitution above quoted, as well as the act of Congress of February 12th, 1793, and grossly violating the ordinary comity existing between separate and independent nations, much less the comity which should exist between sister States of the same great Confederacy; the correspondence connected with which is herewith transmitted.

It has, through the executive authority of other States, denied extradition of murderers and marauders.

It obtained its own compromise in the Constitution to continue the importation of slaves, and now sets up a law, higher than the Constitution, to destroy this property imported and sold to us by their fathers.

It has caused the murder of owners in pursuit of their fugitive slaves, and shielded the murderers from punishment.

It has, upon many occasions, sent its emissaries into the Southern States to corrupt our slaves; induce them to run off, or excite them to insurrection.

It has run off slave property by means of the "underground railroad," amounting in value to millions of dollars, and thus made the tenure by which slaves are held in the border States so precarious as to materially impair their value.

It has, by its John Brown and Montgomery raids, invaded sovereign States and murdered peaceable citizens.

It has justified and "exalted to the highest honors of admiration, the horrid murders, arsons, and rapine of the John Brown raid, and has canonized the felons as saints and martyrs."

It has burned the towns, poisoned the cattle, and conspired with the slaves to depopulate Northern Texas.

It has, through certain leaders, proclaimed to the slaves the terrible motto, "Alarm to the sleep, fire to the dwellings, poison to the food and water of slaveholders."

It has repudiated and denounced the decision of the Supreme Court.

It has assailed our rights as guaranteed by the plainest provisions of the Constitution, from the floor of each house of Congress, the pulpit, the hustings, the school-room, their State Legislatures, and through the public press, dividing and disrupting churches, political parties, and civil governments.

It has, in the person of the President elect, asserted the equality of the black with the white race.

These are some of the wrongs against which we have remonstrated for more than a quarter of a century, hoping, but in vain, for their redress, until some of our sister States, in utter despair of obtaining justice at the hands of these lawless confederates, have resolved to sever the ties which have bound them together, and maintain those rights out of the Union, which have been the object of constant attack and encroachment within it.

No one will assert that the Southern States or people have, at any time, failed to perform, fully and in good faith, all of the duties which the Constitution lays upon them.

Nor will it be pretended that they have, at any time, encroached or attempted aggression upon the rights of a Northern sister State. The Government was for many years under the control of Southern statesmen, but in originating and perfecting measures of policy, be it said to the perpetual honor of the South, she has never attempted to encroach upon a single constitutional right of the North. The journals of Congress will not show even the introduction of a single proposition, by any Southern Representative, calculated to impair her rights in property, injure her trade, or wound her sensibilities. Nor have they at any time demanded at the hands of the Federal Government, or Northern States, more than their well-defined rights under the Constitution. So far from it, they have tolerated these wrongs, from a feeling of loyalty and devotion to the Union, with a degree of patience and forbearance unparalleled in the history of a brave and free people. Moreover, they have quietly submitted to a revenue system which indirectly, but certainly, taxes the products of slave labor some fifty or sixty millions of dollars annually, to increase the manufacturing profits of those who have thus persistently and wickedly assailed them.

To evade the issue thus forced upon us at this time, without the fullest security for our rights, is, in my opinion, fatal to the institution of slavery forever. The time has arrived when the people of the South must prepare either to abandon or to fortify and maintain it. Abandon it, we cannot, interwoven as it is with our wealth, prosperity, and domestic happiness. We owe it to the mechanic whose shop is closed, to the multiplied thousands of laborers thrown out of employment, to the trader made bankrupt by this agitation. We owe it to ourselves, our children, our self-respect and equality in the Government, to have this question settled permanently and forever upon terms consistent with justice and honor, and which will give us peace and perfect security for the present and future.

Palliatives and opiates, in the character of legislative compromises, may be applied, affording momentary relief; but there will be no permanent safety, security, or peace, until Northern prejudice has been eradicated, and the public sentiment of that section radically changed and nationalized. To attempt the application of effective remedies before this great object has been accomplished, is like cleansing the stream while the fountain itself is poisoned.

The consequences and immense interests which are involved in the proper solution of the difficulties that surround us, the deep, lasting, and vital importance of settling them upon principles of justice and equality, demand the most serious consideration of the whole people, as well as that of the public functionaries of the State. Whilst I cheerfully submit to your discretion the whole question of our federal relations, having no doubt myself as to the necessity and propriety of calling a State Convention, yet I respectfully recommend that you provide by law for submitting to the people of the State the question of Convention or No Convention, and also for the election of delegates by the people, in the ratio of legislative representation, to meet in State Convention, at the Capitol, at Nashville, at the earliest day practicable, to take into consideration our federal relations, and determine what action shall be taken by the State of Tennessee for the security of the rights and the peace of her citizens.

The question of Convention or No Convention, can and should be determined, and the delegates chosen at the same election, which can be very easily accomplished by heading one set of tickets CONVENTION, and another set NO CONVENTION. If a majority of the people vote for Convention, then the persons receiving the largest number of votes in their respective counties and districts, to be commissioned as delegates.

This will place the whole matter in the hands of the people, for them, in their sovereignty, to determine how far their rights have been violated, the character of redress or guaranty they will demand, or the action they will take for their present and future security.

If there be a remedy for the evils which afflict the country, consistent with the perpetuity of the Union, it will, in my opinion, be found in such constitutional amendments as will deprive the fanatical majorities of the North of the power to invade our rights, or impair the security or value of our property.

Clear and well defined as our rights are, under the present Constitution, to participate equally with the citizens of all other States in the settlement of the common Territories, and to hold our slaves there until excluded by the formation of a State Constitution, yet every organized Territory will become a field of angry, if not bloody, strife between the Southern man and the Abolitionist, and we shall see the tragedies of Kansas reenacted in each of them, as they approach the period of forming their State Constitutions.

Plain and unmistakable as is the duty of each State to deliver up the fugitive slave to his owner, yet the attempt to reclaim is at the peril of the master's life. These evils can be obviated to a great extent, if not entirely, by the following amendments to the Constitution:

Ist. Establish a line upon the northern boundary of the present Slave States, and extend it

through the Territories to the Pacific Ocean, upon such parallel of latitude as will divide them equitably between the North-and South, expressly providing that all the territory now owned, or that may be hereafter acquired North of that line, shall be forever free, and all South of it forever slave. This will remove the question of existence or nonexistence of slavery in our States and Territories entirely and forever from the arena of politics. The question being settled by the Constitution, is no longer open for the politician to ride into position by appealing to fanatical prejudices, or assailing the rights of his neighbors.

2d. In addition to the fugitive slave clause provide, that when slave has been demanded of the executive authority of the State to which he has fled, if lie is not delivered, and the owner permitted to carry him out of the State in peace, that the State so failing to deliver, shall pay to the owner double the value of such slave, and secure his right of action in the Supreme Court of the United States. This will secure the return of the slave to his owner, or his value, with a sufficient sum to indemnify him for the expenses necessarily incident to the recovery.

3d. Provide for the protection of the owner in the peaceable possession of his slave while in transitoin, or temporarily sojourning in any of the States of the Confederacy; and in the event of the slave's escape or being taken from the owner, require the State to return, or account for him as in case of the furtive.

4th. Expressly prohibit Congress from abolishing slavery in the District of Colimbia, in any dock yard, navy yard, arsenal, or district of any character whatever, within the limits of any slave State.

5th. That these provisions shall never be changed, except by the consent of all the slave States.

With these amendments to the Constitution, I should feel that our rights Were reasonably secure, not only in theory, but in fact, and should indulge the hope of living in the Union in peace. Without these, or some other amendments, which promise an equal amount and certainty of security, there is no hope of peace or security in the government.

If the non-slaveholding States refuse to comply with a demand so just and reasonable ; refuse to abandon at once and forever their unjust war upon us, our institutions, and our rights ; refuse, as they have heretofore done, to perform, in good faith, the obligations of the compact of union, much as we may appreciate the power, prosperity, greatness and glory of this government; deeply as we deplore the existence of causes which have already driven one State from the Union ; much as we may regret the imperative necessity which they have wantonly and wickedly forced upon us, every consideration of self-respect require that we should assert and maintain our "equality in the Union, or independence out of it."

In my opinion, the only mode left us of perpetuating the Union upon the principles of justice and equality, upon which it was originally established, is by the Southern States, identified as they are in interest, sentiment, and feeling, and must, in the natural course of events, share a common destiny, uniting in the expression of a fixed and unalterable resolve, that the rights guaranteed by the Constitution must be respected, and fully and perfectly secured in the present government, or asserted and maintained in a homogeneous Confederacy of Southern States.

Mere questions of policy may be very often properly compromised, but there can be no compromise of cardinal and vital principles; no compromise between right and wrong. Principle must be vindicated, and right triumphant, be the consequences what they may. To compromise the one, or abandon the other, is not only unmanly and humiliating in the extreme, but always disastrous in its final results.

The South has no power to reunite the scattered fragments of a violated Constitution and a once glorious government. She is acting on the defensive. She has been driven to the wall, and can submit to no further aggression. The North, however, can restore the Constitutional Union of our fathers, by undoing their work of alienation and hate, engendered by thirty years of constant aggression, and by unlearning the lessons of malignant hostility to the South and her institutions, with which their press, pulpit, and schools have persistently infected the public mind.

Let them do this, and peace will again establish her court in the midst of this once happy country, and the union of these States be restored to that spirit of fraternity, equality, and justice, which gave it birth.

Let them do this, and the vitality which has been crushed out of the Constitution may be restored, giving renewed strength and vigor to the body politic.

But can we hope for such results? Two months have already passed, since the development of facts which make the perpetuity of the Union depend, alone, upon their giving to the South satisfactory guarantees for her chartered rights. Yet, there has been no proposition at all satisfactory, made by any member of the dominant and aggressive party of that section. So far from it, their Senators and Representatives in Congress have voted down and spurned every proposition that looked to the accomplishment of this object, no matter whence emanating ; and the fact that their constituents have, in no authoritative manner, issued words of rebuke or warning to them, must be taken as conclusive proof of their acquiescence in the policy.

In view of these facts, I cannot close my eyes to the conclusion that Tennessee will be powerless in any efforts she may make to quell the storm that pervades the country. The work of alienation and disruption has gone so far, that it will be extremely difficult, if not impossible, to arrest it; and before our adjournment, in all human probability, the only practical question for the State to determine will be whether she will unite her fortunes with a Northern or Southern Confederacy; upon which question, when- presented, I am certain there can be little or no division in sentiment, identified as we are in every respect with the South.

If this calamity shall befall the country, the South will have the consolation of knowing that she is in no manner responsible for the disaster. The responsibility rests alone upon the Northern people, who have wilfully broken the bond of union, repudiated the obligations and duties which it imposes, and only cling to its benefits. Yet even in this dark hour of responsibility and peril, let no man countenance the idea for a moment, that the dissolution of the Federal Union reduces the country to anarchy, or proves the theory of self government to be a failure. Such conclusions would be not only erroneous but unworthy of ourselves, and our revolutionary

ancestry, while our State governments exist, possessing all the machinery, perfect and complete, which is necessary to the purposes of civil government, just as they existed before the Union was formed.

The sages and patriots of the revolution, when in the act of severing their connection with the mother country, and establishing the great cardinal principles of free government, solemnly declared that governments were instituted among men to secure their rights "to life, liberty, and the pursuit of happiness; deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

Recognizing these great principles, the people of Tennessee incorporated in their declaration of rights, as a fundamental article of the Constitution of the State, "That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

Whatever line of policy may be adopted by the people of Tennessee, with regard to the present Federal relations of the State, I am sure that the swords of her brave and gallant sons will never be drawn for the purpose of coercing, subjugating, or holding as a conquered province, any one of her sister States, whose people may declare their independence of the Federal Government, for the purpose of being relieved from "a long train of abuses and usurpations." To admit the right or policy of coercion, would be untrue to the example of our fathers and the glorious memories of the past, destructive of those great and fundamental principles of civil liberty, purchased with their blood; destructive of State sovereignty and equality; tending to centralization, and thus subject the rights of the minority to the despotism of an unrestrained majority.

Widely as we may differ with some of our sister Southern States as to the wisdom of their policy; desirous as we may be that whatever action taken in this emergency, should be taken by the South as a unit; hopeful as we may be of finding some remedy for our grievances consistent with the perpetuity of the present Confederacy, the question, at last, is one which each member of the Confederacy must determine for itself, and any attempt on the part of the others to hold, by means of military force, an unwilling sovereignty as a member of a common Union, must inevitably lead to the worst form of internecine war, and if successful, result in the establishment of a new and totally different government from the one established by the Constitution-the Constitutional Union being a Union of consent, and not of force, of peace, and not of blood-composed of sovereignties, free, and politically equal. But the new and coercive government, while it would "derive its powers" to govern a portion of the States "from the consent of the governed" would derive the power by which it governed the remainder from the cannon and the sword, and not from their consent -- a Union, not of equals, but of the victors and the vanquished, pinned together by the bayonet and congealed in blood.

I devoutly trust that a merciful Providence may avert such a calamity, and believe that there is no respectable portion of our people, whatever may be their differences of opinion upon other questions, who are so blind to reason, or so lost to patriotism and every sentiment of civil liberty, as to give countenance to a policy so fatal in its results, and so revolting to every sentiment of humanity.

While I sincerely trust that Tennessee may never be driven to the desperate alternative of appealing to arms in defence of the rights of her people, I nevertheless deem it proper, in view of the present excited state of the public mind and unsettled condition of the country, to call your attention to the fact that, with the exception of a small number of volunteer companies, we have no military organization in the State, the militia having disorganized immediately after the repeal of the law which required drills and public parades. Independent of the impending crisis, I regard a thorough re-organization of the militia as imperatively demanded by every consideration of prudence and safety. I therefore submit the question to your consideration, with the earnest hope that you will adopt such plan of organization as will secure to the State at all times, and under all circumstances, an efficient and reliable military force.

I am unable, in the absence of full reports from the clerks of the several counties, to inform you as to the military strength of the State. Such reports as have been made to this department shall be laid before you. I do not doubt, however, that the militia strength of the State may be safely estimated at one hundred and twenty thousand men.

It is proper, in this connection, that I call your attention to the report of John Heriges, Keeper of Public Arms, herewith transmitted, showing the number, character, and condition of the public arms of the State, and respectfully recommend that you provide for the purchase of such number and character of arms, for the use of the State, as may be necessary to thoroughly arm an efficient military force.

I regret that I cannot close this communication with the foregoing recital of facts pertaining to the all important political crisis of the day.

But a comparative failure of crops for two successive years, with the destruction of commercial confidence, resulting in the suspension of commercial transactions, general stagnation of trade, and financial embarrassment which pervade the whole country, with its ever attendant evil of general pecuniary distress, at the beginning of which many of the banks in the State suspended specie payment, thereby incurring the penalties prescribed by the banking code of the last session.

It is asserted, and I suppose truly, that the condition of the banks was such as not to make suspension necessary on their own account; that by the adoption of a purely selfish policy, they could have weathered the storm and sustained themselves, but to have done so they must have cut off all discounts, and enforced the collection of their debts from the people, which would have increased the general distress. It is also argued, with great earnestness, by a very large number of the people, that you should pass laws for relief, and in order to enable the banks to afford the greatest possible assistance to the people until another crop can be made, that the penalties incurred by the suspension of the banks should be released.

While I am confident in the opinion that the suspension of specie payment by the banks and the banks is wrong in principle, and tends to depreciate the currency and unsettle the standard of value, I am equally confident that the policy of relief laws, to which this general pecuniary distress has driven the public mind, is, to say the least of it, of a doubtful policy, and generally injurious in their ultimate effects upon the community. The idea of freeing a people from pecuniary distress by legislation, is, to my mind, an impossibility. Yet so universal is the anxiety expressed, and so confident the hope of relief from the adoption of the policy suggested, that while I cannot concur in the truth of the argument, or recommend the adoption of the policy, I do not feel at liberty obstinately to stand between the people of the State and their chosen Representatives, to prevent the adoption of such legislation connected with these questions as they may think will promote their interest and general welfare.

I therefore submit to your consideration these questions for such action as you in your discretion, may see proper to take with regard to them.

I am aware that there are many questions of a general character with regard to which the constituents of many of you desire legislation, but having convened you in extraordinary session, upon what I conceived to be an extraordinary occasion in the history of the country, and feeling the necessity of prompt and immediate action upon the absorbing questions connected with the political crisis of the day, I have intentionally avoided submitting any others than those to which I have especially called attention, trusting that no material interest will suffer by being postponed until the next regular session of the General Assembly.

With the earnest hope that your session may be short and agreeable, and devoutly trusting that an All Wise Providence may watch over your deliberations, and guide and direct you in the adoption of such measures as will redound to the general welfare, peace, prosperity, and glory of our State and country, the questions, fraught as they are with weighty responsibilities and fearfully important consequences, are respectfully committed to your hands.

ISHAM G. HARRIS.