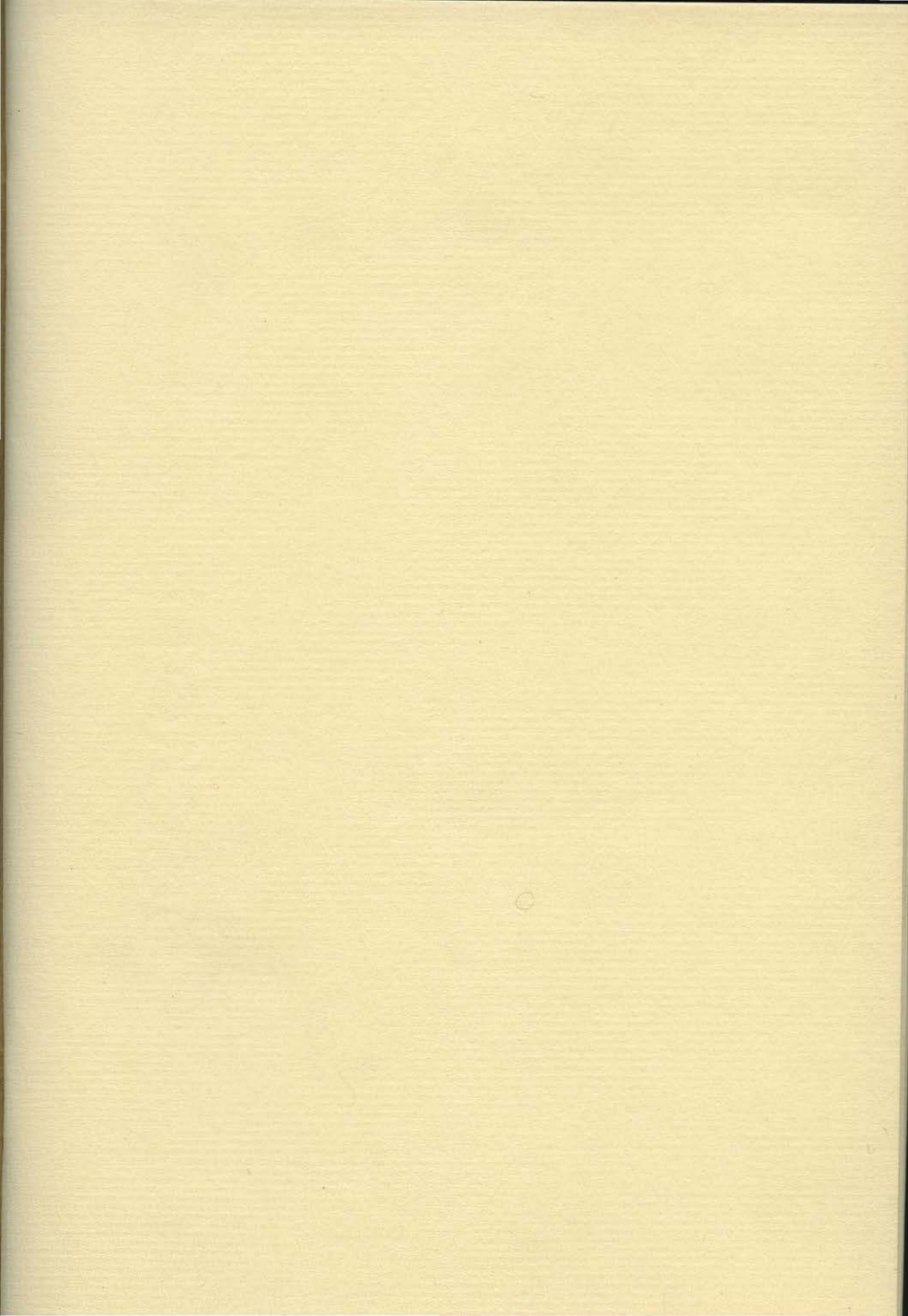


RESOLUTION OF THE
[CONFEDERATE]
CONGRESS
[IN KENTUCKY]



1861



Resolution of the
Professional
Committee
in Kentucky
1961

RESOLUTION OF THE
PROFESSIONAL
COMMITTEE

RESOLUTION OF THE
PROFESSIONAL
COMMITTEE

Resolution Of The
[Confederate]
Congress
[In Kentucky]
1861

INTRODUCTION BY

Robert Emmett McDowell

MULL-WATHEN HISTORIC PRESS
LYNDON, KENTUCKY 40222
1970

COPYRIGHT, NEW MATERIAL 1970
MULL-WATHEN HISTORIC PRESS

THIS EDITION LIMITED TO 500 COPIES

NO. _____

INTRODUCTION

by

Robert Emmett McDowell

Very little can be said about the Civil War in Kentucky that has not been said many times before in almost every conceivable way. Even minor skirmishes have not escaped extensive descriptions, analyses and interpretations. Consequently, this introduction does not pretend to shed any new light on the subject. Its sole purpose is to give a brief summary of the events leading up to the formation of a futile — almost a farcical — provisional government at Russellville, and the equally futile act of admitting Kentucky into the Confederacy. A concatenation of events which resulted in the original publication of the documents herein reprinted.

When the Civil War finally erupted, Kentucky tried to maintain a posture of neutrality — a completely unrealistic response to the tragedy that was tearing apart the nation. There was no middle ground in that clash of principles. Either the United States was one country — “one nation, indivisible, with liberty and justice for all” — or it was a loose federation of small, independent states.

The last was basically the position taken by the South, and Kentucky's leaders in declaring for neutrality, had lent their support to the idea of state sovereignty and the Southern cause. Stripped of rhetoric, Kentucky's declaration of neutrality was as much an affirmation of her independence as South Carolina's secession, and it was so viewed by the Federal government in Washington City.

On August 19, 1861, Beriah Magoffin, the pro-southern governor of Kentucky, had written Abraham Lincoln, protesting the establishment of military camps in Kentucky for the purpose of recruiting Federal forces. The final sentence of Lincoln's reply to Magoffin illuminates the official attitude:

"It is with regret I search for, and can not find, in your not very short letter, any declaration or intimation that you entertain any desire for the preservation of the Federal Union."¹

Kentucky's official stand, though, did not reflect the true feelings of her populace. In fact, it would be hard to find any people less neutral. From the beginning the state was torn by internecine violence, racked by murderous factions, divided against itself. During the course of the war, she sent thousands of men into both armies. Nevertheless, in spite of internal feuding, a sense of nationality had been slowly evolving ever since the Revolution, and the great majority of Kentuckians proved to be devoted Unionists.

Then on September 3, 1861, a Confederate army under the command of Major General Leonidas Polk invaded the southwestern corner of the state, seizing and fortifying Columbus on September 4th. Triggered by Polk's invasion, General U.S. Grant, in command of Federal forces at Cairo, moved on Paducah at the mouth of the Tennessee River, which he occupied on the 5th.

Neutrality was a dead issue.

At the eastern end of the state, General Felix Zollicoffer occupied Cumberland Gap for the Confederacy and General Simon Bolivar Buckner advanced across the state line to Bowling Green. The Confederate line, as it was finally established, began at Columbus—Belmont on the Mississippi, dipped down into Tennessee at Forts Henry and Donelson, climbed back into Kentucky to Bowling Green, thence ran to Mill Springs on the Cumberland Gap. Only a very small fraction of the extreme southern portion of the state lay within the control of Confederate armies.

Within this occupied territory at Russellville, a southern Conference was held in the Odd Fellows Hall, October 29 through the 31st. Representatives from thirty-two counties were present,² but how they were selected is usually glossed over. Perhaps they selected themselves.

At least one of the prime movers in the establishment of a rump government is known. He was Colonel George W. Johnson of Scott County; and E.M. Coulter credits him with single-handedly selling the idea to Jefferson Davis.³

After condemning the duly elected legislature and indulging in considerable rhetoric, the assembly called a sovereign convention to meet in Russellville on November 18.

When the appointed day rolled around, some two hundred members from sixty-five counties put in their appearance.⁴ Since a great many Kentuckians were in Buckner's forces, headquartered at Bowling Green, it is presumed that most of the august body meeting at Russellville were soldiers, with a sprinkling of southern sympathizers from the few occupied counties thrown in for good measure.

A declaration of independence was passed, followed by an ordinance of secession. A Provincial Government was then set up, consisting of a governor, a legislative council of ten, along with a treasurer and an auditor. Colonel George W. Johnson was appointed governor; Robert McKee of Jefferson County, secretary of state; and Walter N. Haldeman of the exiled Louisville Courier, state printer. Bowling Green was named the Confederate capital of the state and on November 20, the sovereignty convention adjourned.⁵

Kentucky now had the dubious distinction of twin governors and capitals. The southern sympathies of the regular governor, Beriah Magoffin, were not broad enough to include a rival executive. Speaking of the Russellville convention, he said: "I condemn its action in unqualified terms. Self-constituted as it was, and without authority from the people, it cannot be justified by similar revolutionary acts, in other states, by minorities to overthrow the state governments. I condemned their action and I condemn the action of this one. My position is and has been and will continue to be, to abide by the will of the majority of the people of the state — to stand by the constitution and laws of the state of Kentucky, as expounded by the supreme court of the state, and by the Constitution and laws of the federal government . . ."⁶

And in a message to his legislature, he complained that since he had been divested of all military power he was unable to rid the state of the usurpers.⁷

Meanwhile the shadow government at Bowling Green appointed commissioners to negotiate for the admission of Kentucky into the Confederacy. Not surprisingly they were successful in their mission and on December 10, 1861, Kentucky was admitted into the Confederate States of America on an equal footing with the other states⁸ and given ten congressmen.⁹

General Buckner, Jefferson Davis, most Confederate leaders in fact, suffered a common delusion: that the oppressed peoples of Kentucky would flock to the southern standard once the federal yoke was taken from their necks. The expected avalanche of Kentucky volunteers, however, failed to materialize, and the provisional government was unable to fill the quota of troops. However it did change the name of Wolfe County to Zollicoffer, in honor of the Confederate general who was killed at the Battle of Mill Springs, and – to quote E.M. Coulter, “engaged in other evanescent proceedings.”¹⁰

Mill Springs was the beginning of the end for the fledgling government. On January 19, 1862, the Confederate forces under Major General George B. Crittenden were routed at the Battle of Mill Springs, or Logan’s Cross Roads. General Zollicoffer was killed and the demoralized Rebels fled back across the state line into East Tennessee, abandoning artillery, arms, ammunition, supplies, everything. With the eastern anchor at Cumberland Gap gone, the right of the Confederate line was left hanging in air.

Then on February 6, Fort Henry surrendered. Bowling Green, the Confederate capital of Kentucky, was evacuated February 14 and on the sixteenth, Fort Donelson fell.

The road south up the Cumberland and Tennessee was opened. General Polk’s position at Columbus was no longer tenable and he abandoned the fortifications March 1. The Confederate occupation of Kentucky was over, and the provisional government in exile.

In April, Governor George W. Johnson was killed at Shiloh fighting as a private.

During General Braxton Bragg’s invasion of Kentucky in the fall, the corpse of the provisional government was resurrected and Richard Hawes of Bourbon County was inaugurated at Frankfort as the Rebel governor. Speaking to the listening crowd, Hawes made the grandiloquent statement that Kentucky “would be held by the Confederate army, cost what it might.”

Unfortunately the ceremonies were interrupted by General Joshua Sills’ advance units, which began shelling the capital. The Confederate generals hastily departed for their armies. The new governor cut short his address, and the whole provisional government decamped after being in office four hours.

After that its existence grew even more tenuous though it continued to exist in name at least until Appomatox.

NOTES

1. Jefferson Davis, The Rise and Fall of the Confederate Government. (New York: D. Appleton and Company, 1881). Vol. 1, p. 389.
2. E. Merton Coulter, The Civil War and Readjustment in Kentucky. (Chapel Hill: University of North Carolina Press, 1926) p. 137.
3. Ibid.
4. Ibid. p. 138
5. Arndt M. Stickles, Simon Bolivar Buckner, Borderland Knight. (Chapel Hill: University of North Carolina Press, 1940) p. 111.
6. Lewis and Richard H. Collins, History of Kentucky (Covington, Ky., Collins & Co., 1882). Vol. 1, p. 98.
7. Louisville, Courier, Jan. 4, 1862.
8. Official Records, Ser. I, Vol. 52, Part 2, p. 240.
9. Ibid., Ser. IV, Vol. 1, p. 798.
10. Coulter, Civil War and Readjustment in Ky., p. 139.
11. Collins, History of Kentucky, Vol. 1, p. 113.

RESOLUTION OF THE CONGRESS.

Resolved, That five hundred copies of the President's Message of the 7th December, 1861, recommending the passage of the act admitting the State of Kentucky into the Confederacy, with the accompanying documents, together with the act of Congress, be published for the use of the members and Government of Kentucky

PRESIDENT'S MESSAGE.

To the Hon. HOWELL COBB,

President of the Congress :

I have the honor herewith to transmit a communication from the Provisional Governor of Kentucky, informing me of the appointment of Commissioners, on the part of that State, to treat with the Government of the Confederate States of America, for the recognition of said State, and its admission into this Confederacy. Also, a communication from the President and members of the Convention which declared the separation of Kentucky from the United States and adopted the Provisional Government, as therein recited. Two of the three Commissioners, thus appointed, have presented their credentials, and submitted a proposition to enter upon negotiation for the admission of the State of Kentucky into the Confederacy.

Before entering upon such negotiation, I have deemed it proper to lay the case before Congress, and ask its advice.

The history of this controversy, involving the State of Kentucky, is so well known to Congress, that it is deemed unnecessary to enter here into a statement of the various stages through which it has passed. It may, however, be proper to advert to the fact, that in every form in which the question has been presented to the people of Kentucky, we have sufficient evidence to assure us, that by a large majority, their will has been manifested to unite their destinies with the Southern States, whenever, despairing of the preservation of the Union, they should be required to choose between association with the North or the South.

In both the communications presented will be found a powerful exposition of the misrepresentation of the people,

by the Government of Kentucky, and it has led me to the conclusion, that the revolution in which they are engaged offered the only remedy, within their reach, against usurpation and oppression, to which it would be a reflection upon that gallant people to suppose that they would tamely submit.

That this proceeding, for the admission of Kentucky into the Confederacy, is wanting in the formality which characterized that of the States which seceded by the action of their organized government, is manifest, indeed, admitted, by terming it revolutionary. This imposes the necessity for examining the evidence to establish the fact, that the popular will is in favor of the admission of the State into the Confederacy. To this end, I refer the Congress to the Commissioners, who have presented to me many facts, which, (if opportunity be afforded them,) they will, no doubt, as freely communicate to the Congress.

The conclusion to which I have arrived, is, that there is enough of merit in the application to warrant a disregard of its irregularity: that it is the people, that is to say, the State, who seek to confederate with us: that, though embarrassed, they cannot rightfully be controlled by a Government, which violates its obligations, and usurps powers in derogation of the liberty which it was instituted to preserve; and that, therefore, we may rightfully recognize the Provisional Government of Kentucky, and, under its auspices, admit the State into the Confederacy.

In reaching this conclusion, I have endeavored to divest myself of the sentiments, which strongly attract me towards that State, and to regard considerations, military and political, subordinate to propriety and justice in the determination of the question. I now invite the early attention of Congress, that I may be guided by its advice in my action.

(Signed.)

JEFFERSON DAVIS.

ORDINANCE OF KENTUCKY CONVENTION.

WHEREAS, the Federal Constitution, which created the Government of the United States, was declared by the framers thereof to be the supreme law of the land, and was intended to limit, and did expressly limit the powers of said Government to certain general specified purposes, and did expressly reserve to the States and people all other powers whatever; and the President and Congress have treated this supreme law of the Union with contempt, and usurped to themselves the power to interfere with the rights and liberties of the States and the people against the expressed provisions of the Constitution, and have thus substituted for the highest forms of rational liberty and constitutional government, a central despotism, founded upon the ignorant prejudices of the masses of Northern Society, and, instead of giving protection with the Constitution to the people of fifteen States of this Union, have turned loose upon them the unrestrained raging passions of mobs and fanatics, and, because we now seek to hold our liberties, our property, our homes, and our families, under the protection of the reserved powers of the States, have blockaded our ports, invaded our soil, and waged war upon our people for the purpose of subjugating us to their will; and, whereas, our honor and our duty to posterity demand that we shall not relinquish our own liberty, and shall not abandon the right of our descendants and the world to the inestimable blessings of Constitutional Government. Therefore—

Be it ordained, That we do hereby forever sever our connections with the Government of the United States, and, in the name of the people, we do hereby declare Kentucky to be a free and independent State, clothed with all power to fix her own destiny, and to secure her own rights and liberties. And,

WHEREAS, The majority of the Legislature of Kentucky have violated their most solemn pledges, made before the election, and deceived and betrayed the people; have abandoned the position of neutrality assumed by themselves and the people, and invited into the State the organized armies of Lincoln; have abdicated the Government in favor of the military despotism which they have placed around themselves, but cannot control, and have abandoned the duty of shielding the citizen with their protection; have thrown upon our people and the State the horrors and ravages of war, instead of attempting to preserve the peace, and have voted men and money for the war waged by the North for the destruction of our constitutional rights; have violated the express words of the Constitution, by borrowing five millions of money for the support of the war, without a vote of the people: have permitted the arrest and imprisonment of our citizens, and transferred the constitutional prerogatives of the Executive to a military commission of partisans; have seen the right of "*habeas corpus*" suspended without an effort for its preservation, and permitted our people to be driven in exile from their homes; have subjected our property to confiscation, and our persons to confinement in the penitentiary as felons, because we may choose to take part in a contest for civil liberty, and constitutional government, against a sectional majority waging war against the people and institutions of fifteen independent States of the old Federal Union, and have done all these things deliberately against the warnings and vetoes of the Governor, and the solemn remonstrances of the minority in the Senate and House of Representatives. Therefore—

Be it further ordained, That the unconstitutional edicts of a factious majority of a Legislature, thus false to their pledges, their honor, and their interests, are not law, and that such Government is unworthy of the support of a brave and free people, and that we do, therefore, declare that the people are thereby absolved from all allegiance to said Government, and that they have a right to establish any Government which to them, may seem best adapted to the preservation of their rights and liberties.

SEC. 1. The supreme executive and legislative power of the Provisional Government of this Commonwealth, hereby established, shall be vested in a Governor and ten Councilmen—one from each of the present Congressional Districts, a majority of whom shall constitute a quorum, to transact

business. The Governor and Councilmen to be elected by the members of this Convention, in such manner as this Convention may prescribe.

SEC. 2. The Governor and Council are hereby invested with full power to pass all laws necessary to effect the objects contemplated by the formation of this Government. They shall have full control of the army and navy of this Commonwealth, and the militia thereof.

SEC. 3. No law shall be passed, or act done, or appointment made, either civil or military, by the Provisional Government, except with the concurrence of a majority of the Council, and approval of the Governor, except as herein specially provided.

SEC. 4. In case of a vacancy in the Gubernatorial office, occasioned by death, resignation, or any other cause, the Council shall have power to elect a Governor, as his successor, who shall not, however, be a member of their own body.

SEC. 5. The Council hereby established, shall consist of one person, selected from each Congressional District in the State, to be chosen by this Convention, who shall have power to fill all vacancies from any cause, from the District in which such vacancy shall occur.

SEC. 6. The Council shall have power to pass any acts which they may deem essential to the preservation of our liberty, and the protection of our rights, and such acts when approved by the Governor, shall become law, and as such, shall be sustained by the Courts and other departments of the Government.

SEC. 7. The Governor shall nominate, and, by and with the advice and consent of the Council, shall appoint all judicial and executive and other officers necessary for the enforcement of law, and the protection of society under the extraordinary circumstances now existing, who shall continue in office during the pleasure of the Governor and Council, or until the establishment of a permanent Government.

SEC. 8. The Governor shall have power, by and with the consent and advice of the Council, to conclude a treaty with the Confederate States of America, by which the State of Kentucky may be admitted as one of said Confederate States, upon an equal footing, in all respects, with the other States of said Confederacy.

SEC. 9. That three Commissioners shall be appointed by this Convention to the Government of the Confederate States

of America, with power to negotiate and treat with said Confederate States, for the earliest practicable admission of Kentucky into the Government of said Confederate States of America, who shall report the result of their mission to the Governor and Council of this Provisional Government, for such future action as may be deemed advisable, and should less than the full number attend, such as may attend may conduct such negotiation.

SEC. 10. So soon as an election can be held, free from the influence of the armies of the United States, the Provisional Government shall provide for the assembling of a Convention, to adopt such measures as may be necessary and expedient for the restoration of a permanent Government. Said Convention shall consist of one hundred delegates, one from each representative district in the State, except the Counties of Mason and Kenton, each of which shall be entitled to two delegates.

SEC. 11. An Auditor and Treasurer shall be appointed by the Provisional Government, whose duties shall be prescribed by law, and who shall give bond with sufficient security for the faithful discharge of the duties of their respective offices, to be approved by the Governor and Council.

SEC. 12. The following oath shall be taken by the Governor, members of the Council, judges, and all other officers, civil and military, who may be commissioned and appointed by this Provisional Government: "I, _____, do solemnly swear, (or affirm,) in the presence of Almighty God, and upon my honor, that I will observe and obey all laws passed by the Provisional Government of Kentucky, so help me God."

SEC. 13. The Governor shall receive, as his salary, two thousand dollars per annum, and the Councilmen, five dollars per diem, while in session, and the salary of the other officers shall be fixed by law.

SEC. 14. The Constitution and laws of Kentucky, not inconsistent with the acts of this Convention, and the establishment of this Government, and the laws which may be enacted by the Governor and Council, shall be the laws of this State.

SEC. 15. That whenever the Governor and Council shall have concluded a treaty with the Confederate States of America, for the admission of this State into the Confederate Government, the Governor and Council shall elect

two Senators, and provide by law, for the election of members of the House of Representatives in Congress.

SEC. 16. The Provisional Government hereby established shall be located at Bowling Green, Kentucky, but the Governor and Council shall have power to meet at any other place that they may consider appropriate.

Done at Russellville, in the State of Kentucky, this twentieth day of November, in the year of our Lord one thousand eight hundred and sixty-one.

H. C. Burnett, president of the convention, and member from Trigg.

R. McKee, secretary, and member from Louisville.

T. L. Burnett, assistant secretary, and member from Spencer.

T. S. Bryan, assistant secretary, and member from Christian.

W. M. Coffee, of Ballard County.

A. D. Kingman.

W. I. Lunsford.

I. J. Cunningham, of Grayson County.

John I. Green.

I. P. Burnside.

George W. Maxson.

Robert S. Forde, of Hardin.

William Johnston, of Hardin.

W. W. Thompson, of Hort County.

W. S. Showdy, of Hort County.

I. J. Groves, of Hort County.

I. W. Crockite, of Henderson.

B. W. Jenkins, of Henry County.

L. M. Lowe, of Hopkins County.

Green Malcolm, of Jefferson County.

B. K. Hornsly, of Jefferson County.

William K. Daniel, of Jessamine County.

D. P. Buckner, of Kenton County.

C. Bennett, of Livingston County.

C. N. Pendleton, of Logan County.

James M. Beall, of Logan County.

John W. Malone, of Logan County.

E. D. Ricketts, of Louisville, 1st District.

J. A. Penton, of Louisville, 2d District.

George P. Talbot, of Louisville, 3d District.

J. G. P. Hooe, of Louisville, 4th District.

H. W. Bruce, of Louisville, 4th District.

R. McKee, of Louisville, 4th District.
 R. L. Cobb, of Lyon County.
 William B. Machen, of Lyon County.
 George R. Merritt, of Lyon County.
 J. C. Gilbert, of Marshall County.
 William E. Ray, of Marion County.
 L. M. Ray, of Marion County.
 Michael McArty, of Marion County.
 John Burnam, of Warren County.
 J. K. D. McKee, of Anderson County.
 James A. McBrayer, of Anderson County.
 W. Towsley, of Ballard County.
 I. P. Bates, of Barren County.
 R. W. Thomas, of Barren County.
 N. A. Smith, of Barren County.
 W. K. Edmunds, of Barren County.
 C. W. Parish, of Barren County.
 I. W. Evarts, of Barren County.
 William F. Bell, of Barren County.
 S. S. Scott, of Barren County.
 W. R. Cunningham, of Bourbon County.
 Samuel H. McBride, of Boyle County.
 Dorsey D. Bowers.
 William N. Gaither.
 James W. Moore.
 Hardy S. Lypert.
 L. K. Chilton.
 John J. Thomas.
 Robert McKee.
 Stephen Edwards.
 P. C. Barnett.
 D. Mathewson, of Calloway County.
 P. S. Hamlin, of Calloway County.
 T. M. Jones, of Calloway County.
 Alexander Wesson, of Calloway County.
 Francis W. Dodds, of Calloway County.
 W. T. Mathes, of Calloway County.
 C. A. Duncan, of Calloway County.
 A. J. Holland, of Calloway County.
 H. L. Gilmer, of Calloway County.
 Thomas T. Barnett.
 Robert J. Breckinridge.
 J. L. Gibbons.
 R. B. Alexander.

- E. R. Woodward, of Medcalf County.
 E. M. Bruce, of Nicholas County.
 I. I. Conover, of Owen County.
 Owen Dorsey, of Oldham County.
 George W. Johnson, of Scott County.
 A. Keene Richards, of Scott County.
 William B. Clark, of Simpson County.
 B. W. Williams, of Simpson County.
 T. L. Burnett, of Spencer County.
 J. A. Russell, of Todd County.
 W. B. Harrison, of Todd County.
 G. Line, of Todd County.
 H. H. Poston, of Trigg County.
 W. H. Murtrie, of Trigg County.
 Robert Woldridge, of Trigg County.
 Andrew Cunningham, Jr., of Trigg County.
 I. Y. Newkirk, of Trimble County.
 William D. Ray.
 William J. Payne, of Union County.
 S. D. Blackburn, of Warren County.
 Sanford Lyne, of Wooford County.
 John W. Arnett.
 Robert A. Breckenridge, of Washington County.
 Warren Lyttleton Jenkins, of Webster County.
 Thomas S. Bryan, of Christian County.
 J. F. Bell, of Calloway County.
 A. R. Boone, of Graves County.
 H. M. Rose, of Graves County.
 I. A. Pirtle, of Graves County.
 I. D. Scaff, of Graves County.
 John Ridgway, of Graves County.
 Blanton Duncan, of Louisville.
 Philip B. Thomason, of Mercer County.
 Z. McDaniel, of Monroe County.
 W. N. Wand, of Muhlenburgh County.
 A. F. Williams, of McCroskim County.
 John M. Johnson, of McCroskim County.
 William G. Bullitt, of McCroskim County.
 H. H. Huston, of McCroskim County.
 John Q. A. King, of McCroskim County.
 William E. Miner, of Nelson County.
 John C. Brodhead, of Nelson County.
 John I. Dennis, of Calhoun, McCuin County.
 I. L. Gregory, of Calhoun, McCuin County.

COMMUNICATION FROM GOV'R OF KENTUCKY.

BOWLING GREEN, KY., NOV. 21, 1861.

His Excellency, JEFFERSON DAVIS,
President of the Confederate States of America :

SIR : The Convention which assembled at Russellville on the 18th of this month, composed of delegates from sixty-eight counties, and which organized a Provisional Government for Kentucky, appointed the Hon. Henry C. Burnett, the Hon. Wm. Preston, and the Hon. William E. Simms, Commissioners to treat with the Government of the Confederate States of America, for the recognition of this Government and the admission of this State into said Confederacy, upon an equal footing with the other States composing it. The action of the people of this State, in thus organizing a Provisional Government for the protection of their rights of person and property, was based, as a necessity, upon the ultimate right of revolution possessed by all mankind against perfidious and despotic governments. A faction, which may be called "the War Party of Kentucky," composed of most of the members of the last Congress, and a minority of the Legislature, after surrounding themselves with an army of 8,000 Lincoln troops, forced a majority of their own body into caucus, and there concocted, and afterwards enacted in the Legislature, (against the vetoes of the Governor and the remonstrances of the minority of the Senate and House of Representatives,) a series of oppressive and despotic acts, which have left us no alternatives except abject submission or manly resistance. The constitutional right of secession by the State, with organized government, from the ruins of the old Union, was not possible; because the power of adopting such manly and philosophic action

was denied us by the enslaved members of the Legislature, who not only submitted, themselves, to the despotism of the army, but betrayed their political opponents who relied upon their honor, and their own constituents and the great body of the people of Kentucky, who relied upon their pledges of neutrality. Secession being thus impossible, we were compelled to plant ourselves on a doctrine universally recognized by all nations—that allegiance is due alone to such governments as protect society, and upon that right which God himself has given to mankind, and which is inalienable—the right to destroy any government whose existence is incompatible with the interests and liberties of society. The foundation, therefore, upon which the Provisional Government rests, is a right of revolution, instituted by the people, for the preservation of the liberty, the interests, and the honor of a vast majority of the citizens of Kentucky.

Our justification, before the world, for a resort to this ultimate right of revolution, depends upon the facts constituting the necessity of its exercise. These facts will be placed before you by our Commissioners, and to these facts we fearlessly invite your attention, and that of the great government over which you preside. We considered our constitutional liberty, and our personal honor, worth more than life or property, and we have confidently staked them both upon the issue.

It is believed that the Confederate States of America will not refuse admission to a State whose sympathies and whose interests are identical with their own, and whose geographical position is so important to the Confederacy, merely because we have been unfortunately deprived of that right of constitutional secession which was so fortunately possessed, and so legitimately exercised, by themselves. There is no incompatibility between the right of secession by a State, and the ultimate right of revolution by the people. The one is a civil right, founded upon the Constitution, the other is a natural right, resting upon the law of God. Mississippi legitimately exercised the right of secession, for the preservation of her constitutional liberty. But if the State of Mississippi had corruptly refused to discharge her duty, and treacherously made herself a part of the Northern despotism, which threatens the liberties of her people, would any philosophy deny to her citizens the right of revolution, or any theory refuse her protection and admission within the Confederate States?

It is, indeed, philosophic and true that a State should exercise its right of peaceful secession for the preservation of the rights and institutions of its people; but it is neither philosophic nor true that, because a people are deprived, by a perfidious State Government, of the power of secession, that they, therefore, have no right to maintain their liberty and their honor by revolution. The admiration of mankind may be excited by a State firmly maintaining the rights of its people; but the manly determination of a people to vindicate their own liberties, at the hazard of life and fortune, against the despotic Government of the North, and against the power and resources of a base and perfidious State Government, is not less noble and praiseworthy.

The Provisional Government of Kentucky is now the index of an almost universal sentiment in the State in favor of a permanent connection with the Confederate States; and the history of the last year, attentively studied, will demonstrate the truth of this assertion, even to a stranger. Since the election of Abraham Lincoln, with the exception of a few thousand Emancipators and Abolitionists, the State of Kentucky has been divided into only two parties—the States-Right party and the Union party. It will be unnecessary to do more than assert that the States-Right party were all, and at all times, in favor of a connection with the South, for all candid men will admit it.

The first position assumed by the Union party, after the presidential election, embraced these ideas: 1st. The preservation of the Union. 2d. The protection of Southern institutions by amendments of the Constitution. 3d. Opposition to coercion of the South by arms; and 4th. A continued connection and common destiny with the South. At this period, the Union party could not have stood one day if the leaders had dared to avow themselves in favor of Northern sentiment, or an ultimate connection with the North, in the event of a permanent dissolution of the Union.

After the failure of the Peace Conference, in consequence of the refusal of the Abolitionists to vote amendments to the Constitution for the protection of Southern property, the Union leaders still avowed themselves opposed to the coercion of the South; but they now advanced the idea of neutrality and peace for Kentucky during the war, and declared themselves in favor of an ultimate connection of the State with the South by a vote of the people. Thus, after the refusal of their abolition allies to give constitutional

protection to Southern property, we have again a confession of the "Union leaders," embodied in their creed, that their party was in favor of an ultimate connection of the State with the South. This was the party creed at the last election in Kentucky, when members of Congress and members of the State Legislature were chosen.

The final change in the Union party was now near at hand. The President and his counsellors refused to respect the neutrality of Kentucky, and determined to organize a force in Kentucky, to hold the State and to pass over its territory, to strike a blow at the heart of the Southern Confederacy. Congress met; the Union members threw off disguise and voted supplies of men and money for the war. The indignation of the whole State was excited. The people were aroused, and the denunciations of the war tax and enlistments for the North were violent and extreme. The members of Congress were now secretly engaged in introducing and organizing an army. The leaders of the Union party now clearly perceived that they must shield themselves, by an army, from the indignation of the people. This idea was soon impressed upon those members of the Legislature who were really in favor of an honest neutrality of Kentucky. They met in caucus, and soon determined to protect themselves with the army, over-awe their own constituents, and to pursue, without mercy, their political opponents. This is a simple and true history of the Union party in Kentucky, and under all its phases, except the last, it *avowed* its preference for the South; and in its last, the leaders suppressed the sentiment of their own party by the sword.

This recital is made for one purpose alone, and that is, to show that the whole body of the people of Kentucky have, in the last year, repeatedly avowed themselves in favor of an ultimate peaceful connection of the State, by a vote of the people, with the Confederate States. The Union leaders avowed the same intention until they had organized an army sufficient to protect themselves against the rage of the people.

The leaders of the States-Right party in Kentucky always knew that the people were with them on this question, and they hoped to the last that they would be able to expose the designs of the war faction, and thus carry with them the State Government. The hope of being able to act with the forms of law, made them risk everything till too late. No

one could have anticipated the unparalleled audacity and treachery of the leaders of the Union party, when they violated their own position of neutrality, and deliberately determined to plunge the State in war. Up to the last moment of safety, we attempted to save the State by State action; and we did this because we knew the people were almost unanimously with us, as to the ultimate destiny of the State. This fact is also admitted by General Thomas, in his report as to the condition of Kentucky.

How, then, can your Excellency refuse admission to our State, because the State Government has itself dared to betray the people, and left them no hope, except in their own manly determination to maintain with arms their own liberty? Your own theory of government was dear to us. We were habitually accustomed to look to the State and State action, for redress of Federal wrongs. We wished to secede from the old Federal Union, with all the rights of Kentuckians guarded by all the forms of State Government. We pursued this idea to the last. We adhered to this determination until the theory itself was lost in the treachery of the Legislature; and until the State Government had abandoned its people, and indissolubly united itself with the public enemy.

For nearly two years, no election can take place in Kentucky for members of the Legislature. Should we have submitted, during all this period, to an anarchy, or to laws hostile to our people? Even then, the sword would still have to be drawn to solve the question. When hope had left us, and when, perhaps, the independence and boundaries of the Confederate States were acknowledged and established, and the struggle was over—then to inaugurate a hopeless civil war would have been criminal, and we would have been, by our own honor, forced to go in exile from our own native State.

No theory, however sound, can demand this sacrifice. We come to you *now*, when it is honorable to do so, to offer you our assistance in a common cause, while peril surrounds us both, and to share with you a common destiny. It is not possible, in an age of honor, that the strong will respect the weak, because the people have risen up to vindicate that cause which was betrayed by the State.

We, therefore, hope that you will feel disposed to throw around this Provisional Government, in its infancy, the protection of the Confederate States of America. Let the pre-

ervation of constitutional government be alike the destiny and the glory of your great Confederacy. As a people long connected with you, we ask admission to your Government. In such a struggle, however, we will not, in any event, despair; but, believing that God himself has so organized human society and interests as to implant forever, in truth, an irresistible power. Even if you abandon us, we will fearlessly struggle on to the consummation of our own destiny.

With assurances of my high regard and esteem,

I am, sir, your obedient servant,

(Signed.)

GEO. W. JOHNSON.

A BILL,

To be entitled An Act for the admission of the State of Kentucky into the Confederate States of America, as a member thereof.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the State of Kentucky be, and is hereby, admitted a member of the Confederate States of America, on an equal footing with the other States of this Confederacy.

APPENDIX

X
THE FOLLOWING SERIES OF LETTERS BETWEEN GOVERNOR MAGOFFIN AND PRESIDENTS LINCOLN AND DAVIS PROVIDE AN UNUSUAL INSITE INTO THE BEHIND THE SCENE MANEUVERING DURING THE EARLY DAYS OF THE CIVIL WAR IN KENTUCKY.

MAGOFFIN TO LINCOLN *

"COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
"FRANKFORT, AUGUST 19, 1861.

"To his Excellency ABRAHAM LINCOLN, *President of the United States.*

"SIR: From the commencement of the unhappy hostilities now pending in this country, the people of Kentucky have indicated an earnest desire and purpose, as far as lay in their power, while maintaining their original political status, to do nothing by which to involve themselves in the war. Up to this time they have succeeded in securing to themselves and to the State peace and tranquillity as the fruits of the policy they adopted. My single object now is to promote the continuance of these blessings to this State.

"Until within a brief period the people of Kentucky were quiet and tranquil, free from domestic strife, and undisturbed by internal commotion. They have resisted no law, rebelled against no authority, engaged in no revolution, but constantly proclaimed their firm determination to pursue their peaceful avocations, earnestly hoping that their own soil would be spared the presence of armed troops, and that the scene of conflict would be kept removed beyond the border of their State. By thus avoiding all occasions for the introduction of bodies of armed soldiers, and offering no provocation for the presence of military force, the people of Kentucky have sincerely striven to preserve in their State domestic peace and avert the calamities of sanguinary engagements.

"Recently a large body of soldiers have been enlisted in the United States army and collected in military camps in the central portion of Kentucky. This movement was preceded by the active organization of companies, regiments, etc., consisting of men

* Original, LC, Abraham Lincoln Papers; Davis, Rise and Fall of the Confederate Government, Vol. 1 pg. 387

sworn into the United States service, under officers holding commissions from yourself. Ordnance, arms, munitions, and supplies of war are being transported into the State, and placed in large quantities in these camps. In a word, an army is now being organized and quartered within the State, supplied with all the appliances of war, without the consent or advice of the authorities of the State, and without consultation with those most prominently known and recognized as loyal citizens. This movement now imperils that peace and tranquillity which from the beginning of our pending difficulties have been the paramount desire of this people, and which, up to this time, they have so secured to the State.

"Within Kentucky there has been, and is likely to be, no occasion for the presence of military force. The people are quiet and tranquil, feeling no apprehension of any occasion arising to invoke protection from the Federal arm. They have asked that their territory be left free from military occupation, and the present tranquillity of their communication left uninvaded by soldiers. They do not desire that Kentucky shall be required to supply the battle-field for the contending armies, or become the theatre of the war. *Warney?*

"Now, therefore, as Governor of the State of Kentucky, and in the name of the people I have the honor to represent, and with the single and earnest desire to avert from their peaceful homes the horrors of war, I urge the removal from the limits of Kentucky of the military force now organized and in camp within the State. If such action as is here urged be promptly taken, I firmly believe the peace of the people of Kentucky will be preserved, and the horrors of a bloody war will be averted from a people now peaceful and tranquil.

"I am, very respectfully, your obedient servant,

"B. MAGOFFIN."

LINCOLN TO MAGOFFIN *

"WASHINGTON, AUGUST 24, 1861.

"To his Excellency **B. MAGOFFIN**, *Governor of the State of Kentucky*

"SIR: Your letter of the 19th instant, in which you 'urge the removal from the limits of Kentucky of the military force now organized and in camp within that State,' is received.

"I may not possess full and precisely accurate knowledge upon this subject; but I believe it is true that there is a military force in camp within Kentucky, acting by authority of the United States, which force is not very large, and is not now being augmented.

"I also believe that some arms have been furnished to this force by the United States.

"I also believe this force consists exclusively of Kentuckians, having their camp in the immediate vicinity of their own homes, and not assailing or menacing any of the good people of Kentucky.

"In all I have done in the premises, I have acted upon the urgent solicitation of many Kentuckians, and in accordance with what I believed, and still believe, to be the wish of a majority of all the Union-loving people of Kentucky.

"While I have conversed on this subject with many of the eminent men of Kentucky, including a large majority of her members of Congress, I do not remember that any one of them, or any other person except your Excellency and the bearers of your Excellency's letter, has urged me to remove the military force from Kentucky, or to disband it. One very worthy citizen of Kentucky did solicit me to have the augmenting of the force suspended for a time.

"Taking all the means within my reach to form a judgment, I do not believe it is the popular wish of Kentucky that this force shall be removed beyond her limits; and, with this impression, I must respectfully decline to so remove it.

"I most cordially sympathize with your Excellency in the wish to preserve the peace of my own native State, Kentucky. It is with regret I search for, and can not find, in your not very short letter, any declaration or intimation that you entertain any desire for the preservation of the Federal Union.

"Your obedient servant, **A. LINCOLN**"

* Original, Illinois State Historical Library, Springfield; Davis, Rise and Fall of the Confederate Government Vol. 1 pg. 388.

MAGOFFIN TO DAVIS *

"COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT,
FRANKFORT, AUGUST 24, 1861.

"Hon. JEFFERSON DAVIS, *Richmond, Virginia.*

"SIR: Since the commencement of the unhappy difficulties pending in the country, the people of Kentucky have indicated a steadfast desire and purpose to maintain a position of strict neutrality between the belligerent parties. They have earnestly striven by their policy to avert from themselves the calamity of war, and protect their own soil from the presence of contending armies. Up to this period they have enjoyed comparative tranquillity and entire domestic peace.

"Recently a military force has been enlisted and quartered by the United States authorities within this State. I have on this day addressed a communication and dispatched commissioners to the President of the United States, urging the removal of these troops from the soil of Kentucky, and thus exerting myself to carry out the will of the people in the maintenance of a neutral position. The people of this State desire to be free from the presence of the soldiers of either belligerent, and to that end my efforts are now directed.

"Although I have no reason to presume that the Government of the Confederate States contemplate or have ever proposed any violation of the neutral attitude thus assumed by Kentucky, there seems to be some uneasiness felt among the people of some portion of the State, occasioned by the collection of bodies of troops along their southern frontier. In order to quiet this apprehension, and to secure to the people their cherished object of peace, this communication is to present these facts and elicit an authoritative assurance that the Government of the Confederate States will continue to respect and observe the position indicated as assumed by Kentucky.

"Very respectfully, your obedient servant,

"B. MAGOFFIN."

* Davis - Rise and Fall of the Confederate Government, Vol. 1 pg. 389.

DAVIS TO MAGOFFIN *

"RICHMOND, AUGUST 28, 1861.

"To Hon. B. MAGOFFIN, *Governor of Kentucky, etc.*

"SIR: I have received your letter informing me that 'since the commencement of the unhappy difficulties pending in the country, the people of Kentucky have indicated a steadfast desire to maintain a position of strict neutrality between the belligerent parties.' In the same communication you express your desire to elicit 'an authoritative assurance that the Government of the Confederate States will continue to respect and observe the neutral position of Kentucky.'

"In reply to this request, I lose no time in assuring you that the Government of the Confederate States neither desires nor intends to disturb the neutrality of Kentucky. The assemblage of troops in Tennessee, to which you refer, had no other object than to repel the lawless invasion of that State by the forces of the United States, should their Government seek to approach it through Kentucky, without respect for its position of neutrality. That such apprehensions were not groundless has been proved by the course of that Government in the States of Maryland and Missouri, and more recently in Kentucky itself, in which, as you inform me, 'a military force has been enlisted and quartered by the United States authorities.'

"The Government of the Confederate States has not only respected most scrupulously the neutrality of Kentucky, but has continued to maintain the friendly relations of trade and intercourse which it has suspended with the United States generally.

"In view of the history of the past, it can scarcely be necessary to assure your Excellency that the Government of the Confederate States will continue to respect the neutrality of Kentucky so long as her people will maintain it themselves.

"But neutrality, to be entitled to respect, must be strictly maintained between both parties; or, if the door be opened on the one side for the aggressions of one of the belligerent parties upon the other, it ought not to be shut to the assailed when they seek to enter it for purposes of self-defense.

"I do not, however, for a moment believe that your gallant State will suffer its soil to be used for the purpose of giving an advantage to those who violate its neutrality and disregard its rights, over others who respect both.

"In conclusion, I tender to your Excellency the assurance of my high consideration and regard, and am, sir, very respectfully,

"Yours, etc.,

JEFFERSON DAVIS."

* Davis, *Rise and Fall of the Confederate Government*, Vol. 1 pg. 390.

212

8

