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With the compliments of
Charles C. Jones, Jr.
S. C.

THE LIFE AND SERVICES

—OF—

EX-GOVERNOR CHARLES JONES JENKINS.

A MEMORIAL ADDRESS

BY

CHARLES COLCOCK JONES, Jr., LL.D.

ATLANTA, GA.:

JAS. P. HARRISON & Co., PRINTERS AND BINDERS.
1884.

THE LIFE AND SERVICES
OF
EX-GOVERNOR CHARLES JONES JENKINS.

A MEMORIAL ADDRESS

Delivered before the General Assembly of Georgia,
in the Hall of the House of Representa-
tives, at the Capitol, in Atlanta,
on the 23d of July, 1883:

BY
CHARLES C. JONES, Jr., LL.D.

II

IN ARDUIS FIDELIS.

ATLANTA, GEORGIA :
JAS. P. HARRISON & Co., PRINTERS AND PUBLISHERS.
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Resolved by the Senate, the House of Representatives concurring, that the thanks of the General Assembly be tendered to the Hon. C. C. Jones, Jr., for the learned, able, and eloquent address delivered before the General Assembly on the occasion of the Memorial Exercises in honor of Ex-Governor Charles J. Jenkins.

Resolved, further, that five hundred copies of the address be printed for distribution among the members.

JAMES S. BOYNTON,
President of the Senate.

WM. AUGUSTUS HARRIS,
Secretary of the Senate.

W. R. RANKIN,
Pro.tem. Speaker of the House of Representatives.

M. A. HARDIN,
Clerk of the House of Representatives.

MEMORIAL ADDRESS.

Mr. President, Gentlemen of the General Assembly of Georgia, Ladies, and Fellow-citizens :

The characters and acts of those who influenced the current of public events, were complimented with positions of trust and honor, maintained an exalted standard of excellence in the community in which they resided, and promoted the mental, moral, and material development of their age and State, are eminently worthy of narration. Meet it is that exhibitions of superior virtue, marked intelligence, and unusual endowments should not be forgotten. A lively remembrance and a faithful record of them will be deemed a matter of simple justice to those whose sphere of life was embellished by their display, will be regarded as a loyal acknowledgment from contemporaries who shared their confidence, were elevated by their companionship, and were witnesses of their nobleness, and will constitute an abiding ensample for the guidance and the emulation of the coming generations. Great men are the glory of the nation. Purity, honesty, courage, fidelity and patriotism are cardinal traits, and that life is precious which was dignified by a constant and illustrious manifestation of them.

Peculiarly grateful is the retrospect, most pleasing the recollection, when the virtues of which we speak were apparent in our own times; when the exalted manhood and the excellences we register appertain to our immediate annals.

And now, in the beautiful language of another, we "hardly know what measure to observe in our praises of him who was singularly averse to over-statement, who never listened approvingly to flattery when living, and whose memory asks only the white roses of truth for its funeral garlands."*

The Hon. CHARLES JONES JENKINS was born upon the paternal plantation known as the "*Grimball Hill Place*," in Beaufort District, South Carolina, on the 6th of January, 1805. His father, whose full name he bore, at the time of the birth of the subject of this memorial, was the Ordinary of Beaufort District. To that office had he been elected by the General Assembly of the State. Prior to this, he had for some years filled the office of Clerk of the Court of Common Pleas. In 1816 he removed to Jefferson county, Georgia, where he purchased a tract of land and led the quiet life of a planter.

A year or two previous to this change of residence, young Jenkins had been put to school in Savannah, where the advantages for acquiring an education were deemed most favorable. Being an only child, and of a thoughtful, studious habit, his parents were solicitous that he should enjoy instruction at the hands of the best teachers within convenient reach. To that end he was at one time a pupil of the Rev. Mr. Sweet in Bryan county; at another, of Mr. Beman at Mount Zion, in Hancock county; and finally, of Dr. Moses Waddell. When Mr. Jenkins entered the Willington Academy, in Abbeville District, South Carolina, Dr. Waddell had in large measure entrusted its conduct to his son, reserving to himself only a general supervision over it. This was and had been a noted institution of learning. John C. Calhoun, McDuffie, Pettigru, Longstreet, and others scarcely less distinguished, had sat upon its benches, and there acquired that preliminary education which con-

*Dr. O. W. Holmes' eulogy upon Emerson, May 11, 1832

Life and Services of Hon. C. J. Jenkins.

duced so surely to their intellectual development and professional success in after years.

While Mr. Jenkins was a pupil at this academy, Dr. Waddell received and accepted a call to the presidency of Franklin College, at Athens, Georgia. Accompanying Dr. Waddell, he repaired to that town and, in 1819, entered the grammar school for the completion of his preparatory studies. The following year he matriculated as a Freshman half advanced. Until February, 1822, he continued to pursue his studies as a member of Franklin College. He then took his dismissal and entered Union College, at Schenectady, New York. Dr. Eliphalet Nott was then the president of this institution, which enjoyed an enviable reputation. Graduating third on the merit roll of his class, Mr. Jenkins received his diploma from that college in 1824. He was a member of the Phi Beta Kappa Society; and, just fifty years after graduation, responding to an invitation, he delivered the anniversary address before that society within the walls of his alma mater. Senator Ira Harris, a classmate, who had borne off the first honors a half century ago, was present on this interesting occasion and introduced Gov. Jenkins to the vast audience there assembled. Intermediately he had been complimented by Union College with the degree of LL. D., and he stood before that multitude crowned with honors and full of years.

His collegiate course ended, Mr. Jenkins returned to Georgia and became a student of law in the office of the Hon. J. McPherson Berrien, in Savannah. Judge Berrien had retired from the bench of the Superior Courts of the Eastern Circuit, and was then in the enjoyment of a lucrative and influential practice. Warmly did he welcome Mr. Jenkins, and careful was the attention bestowed by this distinguished jurist upon the legal training of his young friend, who spent most of his time in the private study and law office at the residence of the Judge. Under such favoring circumstances, the progress made in mastering the principles of the learned

profession to which he had given his allegiance was rapid and satisfactory. Within the entire circle of the profession no more capable instructor could have been found. The pupil, too, was loyal to the last degree.

While Mr. Jenkins was thus pursuing his law studies in Savannah, Judge Berrien was elected to a seat in the Senate of the United States and departed for Washington. Having completed the prescribed course of reading, Mr. Jenkins was called to the Bar in Screven county, Georgia, in April, 1826. His examination was had before Judge William Schley. A month afterwards he opened a law-office in Sandersville, Washington county, where he continued to reside and to practice his profession until his removal to Augusta in April, 1829.

Washington county was then a fine agricultural region. Many wealthy planters there abode. In association with the adjacent territory, Sandersville afforded an excellent field for a young lawyer. Improving his opportunities Mr. Jenkins soon acquired honorable fame at the bar, and secured a valuable clientage in his circuit. In this he was materially assisted by his friend, the Hon. Absalom H. Chappell, who, having built up an extensive practice at Sandersville, was about changing his residence to Forsyth. He very kindly turned over to Mr. Jenkins his pending causes and unfinished business, and recommended his clients, whenever in need of legal aid, to secure the services of his young friend.

State politics, to use a common expression, were then running high, and the Troup and Clarke parties were vigorously arrayed against each other. Mr. Jenkins allied himself with the Troup party and manifested a lively interest in the issues of the day.

Much given to calm reflection, with a maturity of judgment beyond his years,—a careful and conscientious student,—scrupulous in the discharge of the obligations devolving upon him,—possessing a liberal education and an ever

present thirst for knowledge,—bold and intelligent in the expression of his convictions, and yet tolerant of the opinions of others,—public spirited, courteous and affable in his intercourse,—a ready and effective speaker, persuasive, logical, and eloquent,—and with a character pure and decided in all the elements which unite in the formation of true Christian manhood, Mr. Jenkins, upon the threshold of his professional and public life, commanded the respect and esteem of the community in which he dwelt, and exhibited those exalted traits which in after years remained unchanged, winning for him the confidence, the regard, and the honor of his fellow men.

With a view to enlarging the sphere of his professional employment, Mr. Jenkins removed to the city of Augusta in April, 1829, and there established his law-office. He continued, however, to ride his old circuit and retained, in the main, the clients he had gained during his residence in Sandersville. At the very first election at which, under the laws of Georgia, he was entitled to vote, upon this change of county abode, he was elected a member of the Legislature from Richmond county; a compliment all the more gratifying because the nomination for the office was on his part wholly unsolicited. Mr. Charles Carter was the opposing candidate.

In 1831 he was elected Attorney General of the State of Georgia and Solicitor of the Middle Circuit. The discharge of the duties appertaining to this responsible position brought him prominently into public notice, and the fidelity and the ability with which he met the obligations incident to his station confirmed and widened the reputation for probity, courage, legal acumen and eloquence which had already been so freely accorded.

Before the expiration of his term of office Attorney General Jenkins resigned and became a candidate for the Legislature. He was defeated. The following year he again offered for the same position, and failed of an election at

the hands of the voters of Richmond county. Parties had now become national in their character, and the Democrats were in the majority. Mr. Jenkins was in active sympathy with the Whigs. The tide turning in 1836, he was in that year elected a member from Richmond county of the Lower House of the General Assembly. For each of the five following years was he returned; but, in 1842, he suffered defeat on account of his connection with, and support of, what was termed the *Algerine Law*.

In 1841 a memorial, signed by many large tax-payers and influential citizens, was presented to the General Assembly praying the creation of an additional Board of Aldermen for the city of Augusta who should be charged with the administration of the finances of the city. Upon all questions involving the raising and disbursement of municipal moneys that Board was authorized to exercise a veto power. In the conduct of the ordinary affairs of the city its members could utter no voice and exercise no control. They were to be elected by the owners of real estate situated within the corporate limits of Augusta, upon whom the burden of taxation chiefly devolved. There being no opposition, a bill carrying into effect the prayer of the petition readily received legislative sanction. The Hon. Andrew J. Miller was then the Senator from Richmond, and Mr. Jenkins a member of the Lower House.

No sooner, however, was this legislation generally known and discussed at home, than there arose an adverse clamor which originated with and was principally maintained by the masses who practically had but trifling pecuniary interest in the measure. The main objection urged was that a restriction had been placed upon the freedom of the ballot box. A mechanic, by the name of Walker, denounced the act in emphatic terms and led the popular opposition to its enforcement. It was he who gave to it the name of the *Algerine Law*, which really possessed neither significance nor relevancy, save that the epithet was supposed to carry

with it a suggestion of all that was abhorrent, without warrant, and distasteful. The act was repealed at the next session of the Legislature. Believing the law to be wholesome in its provisions, Mr. Jenkins refused to bend before the popular will. He was returned to the General Assembly in 1843, and was re-elected to the Lower House in 1845, in 1847, and again in 1849. The elections which hitherto had occurred annually were now biennial.

In illustration of the esteem in which he was held, and as an acknowledgment of his influence in the legislative assemblies of the State, it will be remembered that he was elected Speaker of the House of Representatives in 1840, again in 1843, and a third time in 1845. That he presided with impartiality, dignity, courtesy, and ability, was universally conceded. It would not be an exaggeration to affirm that among the law-makers of Georgia none may be named more conservative in his views, more jealous of the public good, more liberal in the support of all measures conducive to the general welfare, or more uncompromising in his opposition to any legislation of questionable repute, than the subject of this Memorial. Instant in season and out of season in his cordial advocacy of educational, industrial, moral, and political reforms, the records of the period abound with the proofs of his constant and intelligent devotion to the best interests of his State and constituents.

With an extensive acquaintance, surrounded by warm friends and admirers, with a well-earned reputation for all that was honest in purpose, chivalrous in conduct, manly in utterance, trustworthy in conception, and attractive in demeanor—clear in his apprehension of the right, and potent in his advocacy of the true and the beautiful—he was now a central figure in the convocations of the people, alike in social gatherings, in deliberative assemblies, in occasional concourses, and at the Bar. The association of his name with the affirmative of any proposed measure was an earnest of its genuine merit and an augury of its success.

In 1836, when the construction of the Western and Atlantic Railroad was under discussion, Mr. Jenkins was numbered among the warmest supporters of the bill which gave to the State of Georgia this valuable internal improvement.

During the session of 1849-'50, the Democratic party was in the majority in the Legislature. Two bills were introduced, one suggesting changes in the Congressional, and the other modifying the Senatorial Districts. These were Democratic measures conceived with a view to strengthening the party. As the time approached for their passage, it so chanced that many of the Democratic members were absent from Milledgeville. When the first bill was up for final consideration a scheme was devised by some of the Whig members to withdraw from the House and thus leave it without a quorum. Mr. Jenkins was requested to participate in this movement, inaugurated in the interest of his own party and supported by some of his warmest political friends. He responded that in his judgment such action was revolutionary and unjustifiable. He declined to countenance the affair, and, through his influence, the contemplated action was frustrated.

When the Senatorial bill was reached, however, the Whig members did withdraw, with the exception of Mr. Jenkins, who, adhering to his convictions, remained in his seat, despite the earnest entreaties of his friends that he would adopt the course pursued by them. The withdrawal of the Whig members robbed the House of a quorum for the transaction of business, and a dead lock ensued which was broken only after the lapse of several days by the return of absent Democratic members. During this time Mr. Jenkins was the only Whig member of the House in his seat. We recall this incident in illustration of the moral heroism and conscientious adherence to duty displayed by him, not only on this occasion, but at other times and in ways even more emphatic. With him friendships

were strong and party affiliations not without their admitted claims upon his sympathy ; but, above and beyond them all, he recognized his obligations to conscience and duty, and followed, irrespective of consequences, the dictates of his calm, unbiased, enlightened judgment.

Before the close of this session of the Legislature Mr. Jenkins resigned his seat and returned home.

The year eighteen hundred and fifty was filled with political excitement and apprehension. Then were heard the mutterings of that storm which, ten years afterwards, descended like night upon a war-convulsed land. Georgia, in common with her sister Southern States, was greatly agitated upon the question of the acceptance or rejection of the pending Compromise measures. A State Convention was called to consider the emergency and to suggest a remedy for existing grievances. In the election of members of that Convention Union men were returned by a considerable majority. Among that number was Mr. Jenkins, and he it was who reported the resolutions, adopted by the Convention, which have passed into history as the "Georgia Platform of 1850."

Important as that document is, and memorable as it was in its influence at the time of its adoption, we make no apology for reproducing it now in illustration of the style of composition, thought, and statesmanship of Mr. Jenkins at an epoch of unusual political excitement and peril.

"To the end that the position of this State may be clearly apprehended by her Confederates of the South and of the North, and that she may be blameless of all future consequences,

"Be it resolved by the People of Georgia in Convention assembled,

"First: That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate. That past associations, present fruition, and

future prospects will bind us to it so long as it continues to be the safeguard of those rights and principles.

“Second: That if the Thirteen Original Parties to the compact, bordering the Atlantic in a narrow belt while their separate interests were in embryo, their peculiar tendencies scarcely developed, their revolutionary trials and triumphs still green in memory, found Union impossible without compromise, the Thirty-one of this day may well yield somewhat, in the conflict of opinion and policy, to preserve that Union which has extended the sway of Republican Government over a vast wilderness to another ocean, and proportionally advanced their civilization and national greatness.

“Third: That in this spirit the State of Georgia has maturely considered the action of Congress, embracing a series of measures for the admission of California into the Union, the organization of Territorial Governments for Utah and New Mexico, the establishment of a boundary between the latter and the State of Texas, the suppression of the slave-trade in the District of Columbia, and the extradition of fugitive slaves, and (connected with them) the rejection of propositions to exclude slavery from the Mexican Territories and to abolish it in the District of Columbia; and, whilst she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

“Fourth: That the State of Georgia, in the judgment of this Convention, will and ought to resist even (as a last resort) to a disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia without the consent and petition of the slave-holders thereof, or any Act abolishing slavery in places, within the slaveholding States, purchased by the United States for the erection of forts, magazines, arsenals, dock-yards, navy-yards, and other like purposes; or any Act suppressing the slavetrade between slaveholding States; or any refusal to admit as a State any Territory applying, because of the existence of slavery therein; or any Act pro-

hibiting the introduction of slaves into the Territories of Utah and New Mexico ; or any Act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

“Fifth: That it is the deliberate opinion of this Convention that upon the faithful execution of the Fugitive Slave Bill by the proper authorities depends the preservation of our much loved Union.”

The summer of 1851 was passed by Mr. Jenkins at the North in quest of health and relaxation. While in Charleston, South Carolina, on his journey homeward, he was advised by a daily paper that nominations of candidates for the Legislature had been made in Richmond county and that his name did not appear upon the ticket. This announcement caused no little surprise, because, prior to his departure from Augusta, he had been assured that he would be returned to the House. Arriving at home he sought an early interview with his intimate friend, Colonel Henry H. Cumming, who informed him that his name was left off the ticket at the request of his friends because they desired to press his claims upon the next General Assembly to a seat in the Senate of the United States. Judge Berrien's term of service was drawing to a close. He had rendered himself unpopular in Georgia, and the prospect of his reelection seemed more than doubtful. Under the circumstances Mr. Jenkins, in all candor, counseled Judge Berrien to retire from the contest; but, refusing to be thus persuaded, he declared his intention to maintain his candidacy to the bitter end. This determination was embarrassing to Mr. Jenkins. For Judge Berrien there was no hope of success, and such were the relations existing between these gentlemen that so long as he remained in the field Mr. Jenkins felt constrained not only to withhold the use of his name in connection with the office of United States Senator from Georgia, but also to exert his active influence in furthering

the re-election of Senator Berrien. He accordingly went to Milledgeville upon the assembling of the Legislature that he might communicate personally with the members and ascertain what could be accomplished in advancing the interests of Judge Berrien. Immediately upon his arrival he was waited upon by the Hon. Edward Y. Hill, and the Hon. Hines Holt, both classmates and warm friends of Mr. Jenkins. They were avowed candidates for the office of Senator of the United States, and were then engaged in pressing their respective claims upon the favorable notice of the members of the General Assembly. With a frankness, cordiality, and generosity quite remarkable, they stated to Mr. Jenkins that hearing his name connected with the Senatorship they sought the earliest opportunity of assuring him that if he was a candidate for that position they would not only at once and cheerfully withdraw in his favor, but unite in promoting his success. At the same time they requested an immediate answer, as any delay would prove prejudicial. Thanking them for their great kindness, and explaining to them the situation in which he found himself with regard to the candidacy of Judge Berrien, who still refused to retire from the contest, Mr. Jenkins responded that so long as Senator Berrien remained in the field he could not permit the use of his name in association with the office of Senator. He therefore, under existing circumstances, felt constrained to say to them he was not and could not be a candidate before the present General Assembly for the senatorial office. The Hon. Robert Toombs was also a candidate, but it was intimated and pretty generally understood that he would not have antagonized Mr. Jenkins.

The next morning came a letter from Judge Berrien announcing his withdrawal from the contest. Had this intelligence been received on the previous day, there is little doubt but that arrangements would have been made which would surely have resulted in the election of Mr. Jenkins to a seat in the Senate of the United States.

In organizing his Cabinet in 1850, President Fillmore tendered to Mr. Jenkins the portfolio of Secretary of the Interior. In consequence, however, of important professional engagements (among them five retainers for the accused in capital cases) he felt compelled to decline the compliment.

In 1853, Mr. Jenkins was a candidate for the gubernatorial chair. His opponent in the race was that distinguished and potent Georgian, the Hon. Herschel V. Johnson. The contest, although sharp, was conducted upon a dignified and elevated plane and resulted in the election of Governor Johnson by a majority of only a few hundred. In this canvass the question of union or disunion formed one of the issues, and was freely discussed; Mr. Jenkins espousing the tenets and being the representative of the Union Party.

During the session of the convention of 1850, a split had occurred in the Democratic Party in Georgia, and the Hon. Howell Cobb was, in 1851, elected Governor by the Union Party. In the nominating convention of that year Mr. Jenkins was urged to allow the use of his name, but he declined in favor of Mr. Cobb, whom he supported with great energy and cordiality. In their joint canvass of the State Governor Johnson was charged with being an avowed secessionist and an advocate of prompt and decided action on the part of Georgia and her sister Southern States, while Mr. Jenkins, on the contrary, was recognized as espousing the sentiments held by the Union Party, and as counseling moderation and further delay. His chances before the people were then somewhat affected and prejudiced by the absurd changes which were rung upon his connection with what was called the *Algerine Law*, and by the fact that, in 1852, he had been named as a candidate for Vice-President of the United States upon a ticket led by Daniel Webster. In his political views Mr. Jenkins sympathized with the Whig Party, and remained a member of it until it allied itself with the Abolitionist Party of the North.

The next office to which Mr. Jenkins was elected was that of State Senator to fill the vacancy caused, in January, 1856, by the lamented death of the Hon. Andrew J. Miller.

In 1860, he was appointed by Governor Joseph E. Brown an associate Justice of the Supreme Court of Georgia in the stead of Judge Linton Stephens, resigned. In due course the General Assembly ratified this selection, and he remained upon the Bench of the Supreme Court during the entire period covered by the war between the States. The other members of the Court were Chief Justice Joseph Henry Lumpkin, and Justice Richard F. Lyon.

In an eminent degree was Judge Jenkins qualified for the discharge of the duties involved in the exercise of this important office. The opinions pronounced by him during a term of rather more than five years of judicial service are scholarly, erudite, and carefully considered. It so chanced, in the distribution of the business of the court, that it fell to his lot to frame and deliver the judgment of that tribunal upon some of the most important questions springing out of the war and the abnormal condition of affairs thereby engendered. In support of this assertion we need only refer to the exhaustive and admirable opinions handed down by him in the cases of *Jeffers vs. Fair* [33d Georgia Reports, page 347] and *Jones vs. Warren* [34th Georgia Reports, page 28], in which the constitutionality of the Confederate Conscript Acts is affirmed, and the validity of the Enrolling Acts of the Confederate Congress is upheld.

President Jefferson Davis stated that he would gladly have offered Judge Jenkins a seat in his Cabinet, but he realized the fact that he could not be spared from the bench of the Supreme Court of Georgia. His labors there were invaluable to the Confederacy at crucial epochs.

Judge Jenkins always maintained the right of secession from the Union on the part of a State, for substantial cause, but he was clearly of opinion, when Georgia did secede, that no fit occasion had arisen for the exercise of that right.

He believed that the Southern States, before withdrawing from the Confederation, should have waited for some overt act committed by the Lincoln administration. When, however, Georgia passed her ordinance of secession, he recognized the fact that his supreme allegiance was due to her; and, during the long and painful struggle which ensued, he wavered not in his devotion to State and Confederacy.

The disastrous close of the Confederate war for independence found Judge Jenkins still upon the bench of the Supreme Court. In 1865 he was elected a member of the convention called to restore this Commonwealth to her Federal relations which had been sundered by the ordinance of secession and negated by a protracted and bloody appeal to arms. When nominated for the presidency of that convention he declined the honor, preferring a place upon the floor. As chairman of the committee which originated business he rendered important service and bore a leading part in the debates. The proposition to repudiate the State debt, contracted during the progress of the war, met with his unqualified condemnation. That this should be done, however, came as a mandate from the Federal Government, communicated through the Provisional Governor. An ordinance annulling that obligation finally received the sanction of the Convention. So great was the pressure from Washington that it could not at the moment be successfully resisted; and so the Convention became an instrument in the hands of Federal authorities for the perpetration of this grievous wrong.

While still a Justice of the Supreme Court, Judge Jenkins was, without opposition, elected Governor of Georgia. It was a noble expression of the confidence of the Commonwealth in the loyalty and worth of one of her most distinguished sons—a testimony most exalted to his ability to preside over public affairs at an epoch of uncommon difficulty and perplexity. Never was trust more judiciously

reposed. Never was the responsibility of high office more conscientiously or intelligently recognized. The honorable James Johnson was then acting as Provisional Governor, his warrant derived from the Federal authorities, and Georgia, as one of the States lately in arms, occupied a probationary attitude. The question of her preparedness for restoration to full fellowship with the Northern sisterhood was to be answered from a Federal standpoint. The posture of affairs was novel. The situation was encompassed by embarrassments most serious and perplexities beyond enumeration.

As the season approached for his inauguration, Governor Jenkins was informed by Provisional Governor Johnson that he had been instructed by the President to remain at his post and to communicate from time to time to the authorities at Washington whatever of moment should transpire within the limits of the State. To this intimation Governor Jenkins responded courteously but resolutely. Affirming that he would not consent to share the honor or the responsibility of the office of Governor of Georgia with any one, he declined to be inaugurated until the question should be definitely settled. Here is his manly letter:

“MILLEDGEVILLE, 12TH DECEMBER, 1865.

His Excellency, James Johnson, Provisional Governor of Georgia :

“DEAR SIR :—I have received your note of this morning conveying to me the assent of his Excellency, the President of the United States, to my inauguration as Governor of Georgia. I have also been waited upon by a Joint Committee of the Senate and House of Representatives, who have communicated to me your message of this morning and the accompanying telegram from his Excellency, the President. In that his Excellency says: ‘The Governor elect will be inaugurated, which will not interfere with you

as Provisional Governor. You will receive instructions in a few days in regard to being relieved as Provisional Governor.' In conclusion, after a very emphatic approval of your official conduct, he adds: 'You will be sustained by the Government.'

"Our condition is anomalous, and there are no precedents in history to which we can turn for light. I am ignorant of the extent of your powers as Provisional Governor. I know that since your appointment you have done many acts usually performed by the Governor elected and installed under and by virtue of the Constitution of Georgia, and have thereby promoted the convenience and interest of our people. To what extent in contemplation of the President, as understood by you, your powers will be curtailed by my inauguration I am not informed. How far the prerogatives exercised by you since the organization of the General Assembly will be abandoned, I am ignorant. Should I be inaugurated to-morrow, and should you receive no further communication from the President within a month, it is evident that during that time there will be two Governors of Georgia. It may be that as Provisional Governor of Georgia you have duties to discharge which do not come within the purview of any constitutional duties.

"You, Sir, are a Georgian, and knowing the powers that will be conferred and the duties that will be devolved upon me, when inaugurated, by the constitution and laws of the State, I most respectfully inquire whether those then remaining to you will lie to any extent within those limits? If you reply affirmatively, it is manifest that there will be danger of conflict, which I most earnestly desire to avoid. I would then prefer that my inauguration should be postponed until it be the pleasure of the President to relieve you. If you answer negatively, I shall indulge no prurient curiosity as to your position, and will ask to be installed.

"I beg to assure you, sir, that I stand upon no point of ceremony, indulge no jealous suspicions of probable inter-

ference. I simply desire a better understanding of a novel situation; and fully appreciating the kindness that induced his Excellency, the President, to yield his assent to my inauguration, propose to adopt the course which will most surely avoid all conflict.

“With many thanks for the courtesy and kindness you have extended in official intercourse with me, I am very respectfully your obedient servant,

CHARLES J. JENKINS.”

Some delay occurred. It was finally determined, however, by the General Government to interpose no obstacle to the inauguration of Governor Jenkins, and Governor Johnson was instructed, upon his induction into office, to turn over to the Chief Executive of the people all public papers and property appertaining to the State, and to retire from his position as Provisional Governor. Pending the settlement of this question the intercourse between the Governor elect and the Provisional Governor was characterized by the utmost courtesy, and all conflict of authority was wisely and happily avoided.

The General Assembly, which had protracted its session to compass the inauguration of Governor Jenkins, adjourned almost immediately after the solemnization of this important event.

The Convention of 1865 had authorized the issue of bonds to the amount of five hundred thousand dollars to meet the pressing wants of the State. These had been negotiated with different banks and the sums thence realized had been wholly expended. The treasury was empty. No taxes had been collected for the current year, and the machinery of the Commonwealth was sadly out of joint. The restoration of Georgia to good order, repose, and prosperity rested largely upon the shoulders of the Executive, and Governor Jenkins applied himself to the task with a loyalty, zeal, and ability worthy of all admiration.

Immense were the losses sustained by the State during the Confederate Revolution. The graves of her sons hal- lowed every battle-field where brave men had followed the Red Cross to the death. Her slaves had been emancipated. Her railways had been mutilated and well nigh annihilated. Her plantations had been sacked, and penury and ashes were everywhere. Of domestic animals and agricultural implements the supply was most meagre. Labor was de- moralized and the chariots of war, which had so ruthlessly swept over the land, had left in their track only ruin and desolation. The past was disappointment. The present was confused by the wreck of institutions overturned, by the uncertainties of the new order of affairs, and by appre- hensions of continued disaster. The future was enshrouded in commingled gloom, doubt, and mistrust. Painful was the period and abnormal were the circumstances. To re- create the State, to avoid further complications with the Federal Government, to heal the wounds engendered by the civil strife, to recall peace and comfort and prosperity, and so to govern that whatever of hope and happiness and welfare remained might be husbanded and augmented in the interest of the sorely smitten Commonwealth, de- manded the highest exertions of the statesman, the patriot, and the philanthropist.

The address delivered by Governor Jenkins upon taking the oath of office will long be remembered and treasured as an utterance most sage and elevated.

“In the recent remodeling of their constitution,” said he, “the people of Georgia have acknowledged the Constitu- tion, Laws, and Treaties of the United States as the supreme law. This means something more than yielding of the contest or an overture for restoration. It implies fidelity to the supreme law in all future legislative, executive, and judicial action, and in all future movements of the people *en masse*. It implies a recognition of duty to and interest in the whole country, as well as to and in the State of

Georgia. It is of course predicated upon a reciprocal obligation on the part of those to whom this pledge is renewed.

“The institution of slavery—the principal source of discord in the past—has been effectually eradicated from our social and political systems. It can never again disturb the harmony of our national deliberations without which the Federal Union must be a curse instead of a blessing. If the whole people, repressing all promptings of sectional feelings and interest, will faithfully observe and obey the Federal Constitution, coming events will lift the veil which now covers recent demonstrations of Providence, and disclose to their rectified vision, in striking contrast, ruin caused by human folly and renovation wrought by Divine wisdom.

“Let not our people yield to discouragement in view of the tardy progress of reconstruction or of the suspicion and distrust so palpably manifested towards them. Sustained by conscious rectitude, let them maintain with calm and resolute dignity the position they have taken, and await the result. A tempest of unsurpassed fury has swept over the land. The elements do not subside into their normal quiet instantaneously with the lull of the wind, the sleep of the lightning, and the hush of the thunder. The smoke of an hundred battles does not vanish in a moment. But the atmosphere will clear ere long. Those who cannot now see how men who recently fought with such desperation against the United States can so soon become its real citizens, will then look at us through a rectified medium. It will occur to them that valor and truth are twin sisters, born of magnanimity, whose womb never did nor never will conceive treachery. They will then remember and appreciate the historical fact that the States now returning never confederated against the United States until each for herself had, in open day and in the hearing of all mankind, declared herself separate from that power. And although they will still hold the act wrong in principle and void in

fact, they will find in it no taint of duplicity. They will look in vain through all the sanguinary traces of war for the trail of the serpent. In due time consistency will command confidence; and sincerity, like the diamond of the first water, will assuredly win its own recognition. Then our too suspicious judges will marvel less at our approved fealty than at their own tardiness in discerning it.

“Be the process of reconstruction long or short, when consummated, our attitude will and must be that of strict fidelity to the Union, of equality with our associates, and of dignity sustained by our inner sense of unviolated integrity.”

Referring to the status of the freedman, the Governor continued: “It is undoubtedly true that during all the years of his enslavement he has been marvelously kind, profoundly content with his condition. And what shall be said of his deportment during the last half decade of sad memories? While you strong men were in the tented field, far away from unprotected wives and children, he cultivated their lands, tended their households, and rendered all servile observances as when surrounded by the usual controlling agencies. And since the fiat of emancipation, which he neither forced nor implored, although sometimes unsettled in his purpose, and inconstant in his service by contract, (the natural results of a transition so sudden and so thorough), I take you all to witness that in the main his conduct has been praiseworthy beyond all rational expectation. Tell me not of instances of insubordination as a slave, and of indecorum as a freedman, that have transpired in certain localities or characterized particular individuals. These are exceptional cases, the general rule being quite otherwise. Do our own race render unvarying obedience to the mandates of the law? Are our own offspring through the years of minority always subordinate to parental authority? Shall then the less cultivated African be held to a stricter accountability or be judged by a

higher standard of moral rectitude? Tell me not the race is ungrateful. The assertion is against the truth of tradition and experience. I here declare that, in my judgment, their fidelity in the past, and their decorum under the distressing influences of the present are without a parallel in history, and establish for them a claim upon our favoring patronage. As the governing class, individually and collectively we owe them unbounded kindness, thorough protection, incentives by moral suasion, by appeals to their interest, and by just legal restraint, to do right that they may do well. Their rights of person and property should be made perfectly secure—so secure that they may realize their freedom and its benefits—and of it they should be encouraged and stimulated to make benefit. To this end the courts must be opened to them, and they must be allowed, in the assertion and defense therein of their rights in civil and criminal cases, the testimony of their own race. As essential to their well being, they should be guarded on the one hand against the crafty machinations of the designing, and on the other, against the fatal delusion of social and political equality.

“God is merciful. God is mighty. God in his abounding mercy and in the plenitude of his might so dispose our fortunes and theirs that each class shall be to the other a blessing and not a curse.”

We give one more extract from this noble utterance :

“Peace restored—the machinery of government once more put in operation—public and private enterprises aroused from their long slumber—educational institutions re-opened—our sacred temples and our altars with their holy ministrations frequented as of yore, and the blessing of Almighty God overspreading and vivifying all earnest effort, Georgia will illustrate the teachings of adversity by speedily achieving an enlarged prosperity.”

After a month's recess the Legislature reassembled. An appropriation of \$200,000 was made to purchase corn for

the poor of the State. A stay-law was enacted which Governor Jenkins vetoed on the ground that it impaired the obligation of contracts. Acting upon the suggestion contained in this inaugural address, the General Assembly passed an act empowering persons of color to make and enforce contracts, to sue and be sued, to give testimony in the State courts, to inherit, purchase, lease, sell, hold and convey property both real and personal, and to enjoy the full and equal benefit of all laws and proceedings requisite and customary for the security of person and estate. This legislation exerted a beneficial influence. It evoked from the General, commanding the Department in which Georgia was included, an order securing to the State a partial restoration of her civil rights and conceding jurisdiction to her courts.

So complicated was this military machinery conceived and operated for the government of the States lately associated in the Confederate Revolution—so numerous were the interferences experienced at the hands of the Freedman's Bureau—so annoying was the intervention of military commissions and treasury agents, nominally in quest of captured and abandoned property, but really, in many instances, intent upon plunder—and so oppressive the menace of martial law, that Governor Jenkins took occasion by public proclamation to advise the citizens of Georgia of the precise status of affairs, that they might, in seasons of doubt, annoyance, and distress, be the better able to govern themselves promptly and intelligently.

Within five years almost four-fifths of the entire wealth of Georgia had been either destroyed or rendered unproductive. Under the wise counsels and energetic measures suggested by the Governor and sanctioned by the General Assembly, much was accomplished in repairing the ravages of war and in the restoration of law, order, and prosperity.

After a short session, during which the attention of the members was chiefly directed to the consideration of local

matters, the Legislature adjourned to reassemble on the first of November, 1866.

It was proposed by the Congress of the United States to add a Fourteenth Article to the Constitution. Analyzing the features of the suggested amendment, Governor Jenkins, in his message to the General Assembly, said :

“I ask you to consider, however, why it is that you are called upon to vote upon its adoption whilst your State had no voice in its preparation? The Constitution secures to the States the one right as distinctly and as positively as the other. Had your representatives and those of other States similarly situated been present, aiding in giving substance and form to it, possibly it might have come before you a less odious thing. The policy seems to have been first to push it, without their participation, beyond the stage of amendment, and then say to them accept our bantling or take the consequences. The omission of any material part of the process of amendment makes the amendment itself unconstitutional, null, and void.

“Should the States especially to be affected by this amendment refuse their assent to it, it cannot be adopted without excluding them from the count and placing its ratification upon the votes of three-fourths of the now dominant States.

“It is said, however, that unless this concession be made, the now excluded States will be kept out of the halls of Congress indefinitely. Were the amendment presented with such a menace distinctly expressed, a higher motive (if possible) than any hitherto suggested would prompt its rejection.

“At the termination of hostilities it was right and proper that the previously resisting States should, in the most unequivocal and formal manner, abandon such resistance; should rescind all they had done in antagonism to, and do whatever was necessary and proper to place themselves in constitutional relation with, that government. All this, we believe, Georgia has done. Beyond this, in acting upon

any proposed change in the fundamental law, even in this critical juncture, my advice is that her legislators act with the same intelligent judgment and the same unflinching firmness that they would have exercised in the past or would exercise in the future when in full connection and unambiguous position. Any other rule of action may involve sacrifices of interest and of principle which magnanimity would not exact, and self-respect could not make."

Moved by his brave counsels and sage views, the General Assembly, after careful deliberation, declined to ratify the proposed amendment.

During the entire period of his gubernatorial career Governor Jenkins was harassed and embarrassed by the reconstruction measures of Congress, by the arrogance and annoying interference of the Military Commander assigned to the almost autocratic control of the department embracing the States of Georgia, Alabama, and Florida, and by the constant and pronounced intervention by the Federal authorities in matters which appertained legitimately to the province of home rule and the ordering of them by the duly elected officers of the State. Opposed upon principle to the Congressional plan of reconstruction, and persuaded that both the laws promulgated and the acts perpetrated under cover of them were oppressive and unconstitutional, Governor Jenkins, on the 10th of April, 1867, filed, in behalf of the State of Georgia, an original bill in the Supreme Court of the United States, praying relief by a temporary injunction restraining all proceedings under the Reconstruction Acts until the final adjudication of the case, and then asking a perpetual injunction against their enforcement in the event that they should be shown to be null and void as violating the fundamental law.

The scheme of this bill originated exclusively with the Governor. In its elaboration and attempted enforcement he enlisted the sympathies and secured the professional services of eminent counsel led by the Hon. Jeremiah S.

Black and Mr. Charles O'Connor. Upon the hearing the court was of opinion that inasmuch as there had been no encroachment upon or violation of any property right of the State of Georgia, no jurisdiction attached; consequently the bill was dismissed.

Subsequently however, when, under the operation of the Reconstruction measures, Governor Jenkins was removed by order of General Meade, and the usurping Military Governor, General Ruger, took possession of the State treasury, the public buildings, and the Western and Atlantic Railroad, Governor Jenkins filed a second bill in behalf of the State, bringing the complainant directly within the purview of the decision rendered by the Supreme Court upon the dismissal of the first bill.

The petitioner was met, however, by so many unexpected, and in most instances provoking obstacles at the hands of the Court, that before this second bill could be heard upon its merits the Bulloch Legislature came into power and ordered its discontinuance.

The truth is, the Supreme Court of the United States in both cases avoided a frank and fair consideration of the issue presented; and postponed, by every conceivable device, a decision of the questions raised by each bill.

It was truly mortifying and pitiable to behold the shifts to which that august tribunal resorted. In more than one instance the partisan was enveloped in the ermine of the judge.

While in Washington in attendance upon the Supreme Court and engaged in an earnest effort to evoke protection for his oppressed Georgia, Governor Jenkins took occasion to publish an address to the people of the State, in which he counseled non-action under the military laws until the question of their legality could be decided.

Upon his return home he was served with a communication from Major General John Pope, the military satrap, calling his attention to the general order issued by him

when he assumed command of the District, informing him that State officers must confine themselves strictly to the performance of their official duties, and "refrain from using any influence whatever to deter or dissuade the people from taking an active part in reconstructing their State Governments under the act of Congress to provide for the more efficient government of the Rebel States, and the act supplementary thereto," and requesting to be advised whether Governor Jenkins, when he issued his address to the people of Georgia, dated Washington, D. C., April 10th, 1867, had seen or acquired knowledge of the General Order alluded to.

In his response, while admitting that he had not, at the time his address to the people of Georgia was prepared and published, seen the order referred to, the Governor uses this dignified and courageous language: "I supposed I was exercising such freedom in the public expression of opinion relative to public matters as seems still to be accorded to the citizens of this Republic, not imagining that it was abridged by the accident of the speaker or writer holding office.

"So much for the past, General, and I will only add that in future I will do and say what I believe is required of me by the duty to which my oath of office binds me; and this, I trust, will not involve either conflict or controversy between us in the execution of our respective trusts; as I think it need not. Everything of this character I certainly desire to avoid."

The conduct of General Pope each day became more annoying, aggressive, and arbitrary. He intervened without sufficient cause in the ordinary details of the civil administration of the State. The Governor elected by the free votes of citizens he styled *provisional*, and constantly alluded to his tenure of office as a mere matter of his military and overruling pleasure. He interfered, even to the extent of removing the incumbents from office, with the functions

of civil officers. Odious and unequal did he render the operation of the Registration Laws. He attempted to throttle the public press; and, by published order, essayed to compel an expression of opinion alien to the sentiments of the community. He even endeavored to influence the mind of Judges; and, from his military throne, sought to play the role of a dictator.

In fine, he rendered himself so pronounced and obnoxious in his zealous and partisan enforcement of the Reconstruction measures of a Radical Congress, that his rule became intolerable to the peoples over whom he domineered, and objectionable to the better mind of the Federal Administration. Governor Jenkins, looking to the welfare and the peace of the State, had long sought his removal. On several occasions he had urged such a step upon the attention of the President. To his praise be it spoken, President Johnson, while admitting the advisability of the suggested action, freely confessed his doubt whether, in the present temper of the country and its prominent officers, a more tolerable military ruler for the Department could be found. He did yield, however, in the end, and substituted Major General George G. Meade in the stead of the doughty warrior who, *bello flagrante*, boastfully located his headquarters in the saddle, and asserted that he had never looked except upon the backs of his retreating enemies. It may not be questioned that in this whole matter of reconstruction President Johnson sympathized with the Southern States in their agony, and did what he could to lighten the miseries and the burdens of their grievous situation.

It will never be doubted that Governor Jenkins during his entire term of office exhibited on all occasions a Roman virtue—a solicitude for the welfare of the State—an energy and persistency in advocating, in the face of the greatest difficulties, such measures as, in his wise and patriotic judgment, were most expedient for the public good—an honesty of purpose,—a fidelity, and a moral heroism than which

nothing higher, nobler, or purer could have been manifested. Spotless in character, blameless in life, faithful in adversity, loyal to the traditions and the honor of his people, he lives in the respect, the gratitude, and the affection of us all. In the annals of this State he will stand side by side with the high-strung, the patriotic, and the invincible George M. Troup.

One of the earliest difficulties encountered by Governor Jenkins in administering the crippled finances of the State arose in the effort to provide for the payment of a debt which had been contracted with the United States Government during the administration of Provisional Governor James Johnson. Upon the conclusion of the Confederate war the Western and Atlantic Railroad—the property of the State—was in a deplorable condition. Bereft, to a large extent, of rolling stock, it was incapable of furnishing needed transportation. The State treasury was bankrupt. Just then the United States Government offered for sale a large amount of rolling stock concentrated in Tennessee. Governor Johnson sent an agent thither who effected a purchase in behalf of Georgia, and upon a credit of two years, of some four hundred thousand dollars' worth of cars and railway supplies.

Shortly after Governor Jenkins' inauguration a demand was made upon the State of Georgia, by the Federal officer specially charged with the sale of this railway property, for the immediate payment of one twenty-fourth part of the purchase moneys, and interest on the balance. Similar payment was to be exacted each month until the entire debt should be discharged. An alternative proposition was submitted on the part of the creditor. Should bond and security be given, the purchaser might enjoy a credit of two years from date of purchase.

The treasury of Georgia, as we have seen, was then in an empty condition, and time was requisite for the collection of taxes. Governor Jenkins was under the impression that

the original contract of purchase extended to the State of Georgia a credit of two years upon the purchase, and that no security, beyond the faith of the State, had been either contemplated or asked.

Under the pressure of the demand he communicated with Mr. Stanton, the Secretary of War, who curtly responded that if the Agent of the Government was seeking to exact anything outside the terms of the contract, he would intervene; but if, on the contrary, he was simply adopting measures for the enforcement of the contract, he could do nothing in the premises.

Governor Jenkins thereupon wrote to General George H. Thomas, who was then in command of Tennessee where the purchase had been made, stating to him what he understood the contract of purchase to be, as gathered from representations made by the Agent of the Provisional Governor of Georgia who had been charged with the negotiation, and inquiring, if the General Assembly of Georgia should authorize the Governor of the State to execute a bond in behalf of the Commonwealth conditioned for the payment of the purchase money at the expiration of two years from the date of the contract, whether such an arrangement would be satisfactory to the Federal authorities.

General Thomas responded in the affirmative. The General Assembly being in session, Governor Jenkins laid the matter before it and an act was quickly passed empowering the Governor to execute and deliver the bond. A certified copy of the Act, and the bond in proper form, were duly forwarded to General Thomas, and Governor Jenkins supposed that the affair was accommodated.

Soon, however, there came a demand for the payment of another twenty-fourth part of the indebtedness, and interest to date on the balance. Surprised, Governor Jenkins lost no time in communicating with General Thomas, who replied that he regarded the bond simply as a formal acknowledgment on the part of the State

of the existing debt, and that inasmuch as no security had been given for its payment, collection must be enforced in equal monthly payments until the obligation was discharged. Having occasion to visit the North upon a matter connected with the finances of the State, Governor Jenkins stopped in Washington and had a personal interview with Secretary Stanton. We received from the Governor's lips the following narrative of what then transpired: "After I had made my statement, to which the Secretary listened attentively, Mr. Stanton said he could recognize no distinction between a State and a private individual in the matter of the purchase, and affirmed that he could do nothing for the relief of Georgia. I responded: Well, Mr. Secretary, with your permission, I take issue with you right here. When I was a law student I was taught that there existed a courtesy between governments or nations, and that credits between them stood upon a footing different from that applicable to the transactions arising between private individuals. He had made no suggestion that Georgia was not a State. After arguing the point at some length, I said, 'Mr. Secretary, I did not think I should live to see the day when the Government of the United States would propose to send the Governor of one of the States out into the community to seek for personal security to a money contract of the commonwealth. I cannot so far lower the dignity of Georgia.' While I was speaking, Mr. Stanton sat gazing into the fire-place. As I made the remark he turned quickly upon me, and, looking me full in the eye, said: 'Governor, will you be good enough to present in writing the views you have just expressed in regard to the courtesy due to a State under the circumstances of this case, and send them to me? I will consider them.' I replied: 'I will do so, with pleasure, Mr. Secretary.' I did commit my views to paper, and I sent them to him the same day. When next I called upon him he remarked: 'Governor, the views you have submitted grow upon me, I must confess, the more I

consider them, but I cannot take the responsibility of acting without first consulting the President. Indeed, I think I shall bring the question before the Cabinet at its next meeting. Call at such a time [naming it] and I will confer further with you.' I waited upon him at the time designated, and he informed me that he had submitted the subject to the consideration of the Cabinet, and that it had been referred to the Attorney General (Mr. Stanbery) and himself, with power to act. 'Do you know Mr. Stanbery?' he inquired. 'I am not personally acquainted with him,' I replied. 'Then walk with me to his office,' rejoined Mr. Stanton, 'and I will introduce you to him and leave you with him to present the question fully, and I will see you afterwards.' We went to the office of the Attorney General, and there Mr. Stanton left me. While explaining the case to Mr. Stanbery, when I mentioned the fact that this was a purchase from the United States by an agent of the State of Georgia, and that the present question was whether the United States Government should exact security from the State for the payment of the purchase moneys agreed upon, he interrupted me with the remark: 'Governor, do you know that the proposition revolts me?' I responded: 'I am very glad to hear you say so, Mr. Attorney General. That was its effect upon me, and I gave the Secretary of War so to understand.' 'Oh,' said he, 'that will never do. Stanton must give that up. He shall give it up.' 'Well,' said I, 'Mr. Stanbery, I need not trouble you any further. I am happy to find your views so entirely in accord with my own.' In my next interview with the Secretary of War he did give it up. He ordered the terms of the bond, as delivered, to be observed, and entirely waived the demand for security."

Matters remained *in statu quo* until the fall of 1867, when the bond matured. Governor Jenkins had, by preliminary negotiations, accumulated funds sufficient for its payment. Georgia held, however, a claim against the Gen-

eral Government for its use of certain rolling-stock owned by the Western and Atlantic Railroad, and for the transportation of soldiers and supplies over that road. Major Campbell Wallace, the Superintendent, was engaged in preparing the proofs requisite for the support of that claim which the Governor desired, in all fairness, to utilize in part payment of the amount due upon the bond. Mr. Stanton had meanwhile been displaced, and General Grant was then acting as Secretary of War. Governor Jenkins advised General Thomas that he was prepared to liquidate the indebtedness arising under the bond, but suggested that the payment of a part of it (equal in amount to Georgia's probable claim) should be postponed. The General responded that while he could not pass upon the proposition, he would refer the matter to the Secretary of War. He further agreed, if the State would pay up the balance, to recommend that a sum sufficient to answer the counter-claim should be reserved, subject to future adjudication.

At this stage of the affair Governor Jenkins visited Washington and submitted the facts to General Grant, who, after considering them, replied: "If General Thomas recommends the adoption of this course, and you will pay up the excess, I will instruct him to let the balance lie over." Upon this basis was a settlement effected. The sum nominated in the bond, over and beyond Georgia's claim, was at once paid and an amount was reserved which was regarded as the equivalent of that counter-claim. It was understood that the Governor, if so required, should at any time, upon a month's notice, pay over this balance. This accommodation occurred in October, 1867, and nothing further was said about it until a few days before the removal of Governor Jenkins, when he received a communication from General Grant's Secretary stating that if his object in seeking indulgence on a part of the debt as nominated in the bond was to gain time so as to enable him to make up a claim in favor of Georgia against the United States, it was

wholly inadmissible, and Georgia must forthwith pay up the balance.

Anticipating some such complication, Governor Jenkins had instructed Major Campbell Wallace to retain in hand funds sufficient to discharge the balance of the debt irrespective of Georgia's claim. Upon receipt, therefore, of this communication from the Secretary of War, he telegraphed Major Wallace to end the matter by paying the balance due according to the letter of the bond, and this was immediately done.

In 1866 an attempt was made on the part of the United States Government to levy and collect a tax upon the Western and Atlantic Railroad, which was the exclusive property of the State of Georgia.

The Collector of Revenues for the Atlanta District notified Major Wallace, the Superintendent of the State Road, that he must at once pay a tax of two and a half per cent. upon the gross earnings of the road for the preceding year, and thereafter submit monthly returns. Persuaded that the proposed tax was utterly without warrant of law, Governor Jenkins immediately communicated with Mr. McCulloch, the Secretary of the Treasury, and protested against the proceeding. In due course he was advised by that official that he had referred the question to the Solicitor of the Treasury and that upon the incoming of his report he would respond definitely. Subsequently he did reply to the effect that the Solicitor of the Treasury was of opinion that the road was liable to taxation, and consequently, that the Department could afford Georgia no relief in the premises. Confident that this decision was erroneous, Governor Jenkins caused a bill to be filed in the District Court of the United States asking relief, and praying an injunction against the United States Internal Revenue Collector. The bill was exhibited to Judge Erskine, who, after some hesitation, granted an order to show cause why the injunction should not be allowed.

Argument was had upon the return of the Rule, and the Court reserved its decision. It was distinctly understood, however, that no further action should be taken by the Collector pending the rendition of the judgment.

Judge Erskine departed for a vacation at the North and, after some time, Major Wallace was notified by the Collector that unless the tax was paid within ten days he would issue an execution, levy it upon the rolling stock of the Western and Atlantic Railroad, and in this summary manner enforce payment. Informed of this unexpected and unjustifiable procedure, Governor Jenkins directed Major Wallace to pay the tax under protest. This was done.

As this demand would be renewed each month, and as it was very important that a stop should be put to the exaction, Governor Jenkins proceeded to Washington, and, after an interview with the Secretary of the Treasury, induced him to send instructions to the Collector staying further action until the rendition of a decision by the District Judge. Secretary McCulloch declined, however, to refund the amount of the tax which had been paid under protest. This amounted to some twenty thousand dollars. Upon his return to Georgia Judge Erskine did grant an injunction *pendente lite*. In due course, the defendant not appearing, the injunction was made perpetual and a decree was entered ordering the tax already paid to be refunded. Even after this the Secretary of the Treasury refused to return the amount collected until he had invoked and received the opinion of the Attorney General sustaining the decision of Judge Erskine. When the sum was finally refunded, no interest was allowed on the part of the Government, although more than a year had elapsed since the date of its illegal receipt.

During Governor Jenkins' administration gubernatorial intervention was not infrequently invoked to settle disputes in connection with the Freedman's Bureau—in regard to branded horses found upon the premises of planters—and

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respecting what was claimed by Treasury Agents to be either Confederate cotton or captured and abandoned property. In all instances the Governor patiently and manfully rendered every available assistance. He also labored faithfully and successfully in restoring the credit of the State to a sound financial basis. It was during his administration that the Western and Atlantic Railroad was mortgaged to support a line of bonds issued by the State. When first placed upon the market, through the personal exertions of the Governor they were made to bring ninety cents in the dollar. Their value being thus admitted, he refused to sell many of them at that figure, and advanced the price to ninety-five cents. Shortly afterwards they were eagerly sought after and regarded as a safe and desirable security. Georgia's credit had been wisely re-established.

The Congressional Reconstruction Convention of Georgia assembled in Atlanta on the 9th of December, 1867, and remained in session until the 23d of the month. It met again on the 8th of the following January. General George G. Meade, newly arrived, had supplanted General Pope in the command of the Military Department. The members of this Convention, after a rather protracted absence from home, found themselves, in many instances, with empty pockets. They grew hungry and clamored for pay. Having appointed Dr. Angier their financial agent, they passed a resolution requiring the State Treasurer to turn over to him, from the State's moneys, forty thousand dollars for the use and support of the Convention. Armed with a copy of that resolution, signed by the President of the Convention, certified by its Secretary, and indorsed by General Pope who had not then been removed, Dr. Angier repaired to Milledgeville and, exhibiting it to Mr. John Jones, the Treasurer of the State, demanded payment of the amount named. Mr. Jones declined to accede to the request unless it was fortified by an Executive warrant. Dr. Angier remained but a few hours in Milledgeville and

then returned to Atlanta without applying to the Governor for an Executive warrant. The Convention soon took a recess for the Christmas holidays, and its members returned home having received no pay for their services. Meanwhile the efforts made by Governor Jenkins and others to secure the removal of General Pope eventuated in success, and General Meade was appointed by President Johnson in his place. And now, in presenting the facts connected with the removal of Governor Jenkins from his gubernatorial office, we record the circumstances as they were narrated to us by him. It was our privilege to have conversed frequently and unreservedly with him on this interesting topic, and in regard to other incidents in his noble life. We recall his precise language.

“It had been intimated to me,” said he, “that General Meade was a Democrat, and that he was frank and manly in character. I therefore, in person, paid my respects to him soon after he reached Atlanta to assume command of the Department. The Reverend Dr. Brantley, who was personally acquainted with him, accompanied me and introduced me to him. The General received me courteously, thanked me for this early visit, and said he had proposed calling upon me as soon as he had become fairly domiciled in his new quarters. During the course of our conversation he introduced the subject of Dr. Angier’s recent visit to Milledgeville, and inquired whether he had called upon me at that time? I replied that he had not done so. Well, he rejoined, that was a mistake. It was a blunder on Pope’s part. Angier should have been instructed to have waited upon you for an Executive warrant.

“But, continued he inquiringly, I do not know, Governor, whether or not that would have caused any difference in the result! Not the least, General, I answered. What, Governor, said he, do you mean to say you would not have responded to an order for an Executive warrant? Certainly, not, General, I replied. Well, said he, I am very sorry to

hear you say so. Will you be kind enough to give me the reasons which would have influenced you in refusing? Yes, General, I answered, I will do so very cheerfully and very briefly. When I was inaugurated as the Governor of Georgia I took an oath to support and defend the constitution of the State. That constitution provides that no money shall be drawn from the Treasury except by Executive warrant upon appropriation made by law. That means of course, as you will concede, General, appropriation authorized by some law of the State of Georgia. Yes, certainly, he responded. I continued: The Legislature of Georgia had made no appropriation which authorized me to issue an Executive warrant in the case presented. Had I then drawn such a warrant upon the State Treasurer I would have violated my oath of office. Of this there can be no question. Upon this ground alone, had there been no other, I would have taken my stand. But there is another view which, it appears to me, should exert a controlling influence. The Congress of the United States, in inaugurating this policy which is without precedent, and in putting this anomalous machinery in operation, foresaw the trouble which has come upon this Convention. While Congress did not provide funds for the support of the Convention, by the act which called the Convention into being it authorized that body to levy a tax to defray its own expenses. This clearly shows that the Congress of the United States did not contemplate empowering either the Convention or the military commander to draw funds from the treasury of Georgia for that purpose. After hesitating a little General Meade replied: Governor, if you and I, as citizens, were discussing this subject, there would perhaps arise no special difference of opinion between us, but you must consider my position. I am sent here to carry out in Georgia these reconstruction measures. This Convention is an indispensable instrumentality in the accomplishment of that end, and, while in attendance upon it, its members must be

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fed and supported. I have no money for them. They have endeavored to borrow money but they cannot secure a dollar. They have no credit. Just here I interrupted him with the remark: I am not at all surprised at it, General. Well, said he, it is so. They cannot borrow any money and, as to levying a tax, that is altogether too slow a business. That will not answer, and unless you furnish the money from the treasury of the State the whole thing will come to a dead lock. My answer was: In truth, General, I do not see that either you or I would be to blame for that. The conclusion will be that Congress has set the machinery in motion and has provided no oil with which to grease the wheels.

“After a pause General Meade said: Governor, I came here with a most earnest desire to move on harmoniously and not to interfere with your functions. General, I interposed, such is my hope, and I think I have evinced it by this early call upon you. Yes, he replied, and I have thanked you for your courtesy, but this is a terrible difficulty which is interposed upon the occasion of our first interview. I most earnestly request you to reconsider the matter, for I must say to you, in all candor, that if you persist in this determination I see no alternative left me but to remove you from office. This I would be very reluctant to do. I replied: I will not be so discourteous, General, as to say to you that I will not reconsider, but I have maturely reflected upon this matter, having, after the answer given by the State Treasurer to the Financial Agent of the Convention, anticipated that a call, such as that which you now suggest, would be made upon me. I cannot see how any reconsideration could lead me to a different conclusion with regard to my manifest duty in the premises. At any rate, he responded, I will give you time to reflect. Here our interview ended.

“Prior to this conference I passed and published an Executive order suspending the collection of taxes. I also in-

structed the State Treasurer to remove the funds of the State to some secure depository, and to keep his own counsels.

“Several days elapsed and I heard nothing from the military commander.

“On the 7th of January 1868, General Meade addressed a communication to me enclosing a copy of the ordinance passed by the Convention, referring to the refusal of the State Treasurer to pay over the sum named to the Financial Agent of the Convention, and concluding with a demand upon me for an Executive warrant on the State Treasurer for the payment of the amount specified. I responded, in due course, declining to give the warrant; and, in my reply, briefly recapitulated the reasons, previously explained to him in person, which influenced me in refusing to comply with his demand. The receipt of my letter was quickly followed by this communication from General Meade:

‘ HEADQUARTERS THIRD MILITARY DIVISION,
(Georgia, Alabama, and Florida).
ATLANTA, GA., January 13, 1868.

Charles J. Jenkins, Milledgeville, Ga.:

SIR—I have received with profound regret your communication of the 10th inst. in which you decline to accede to the request made in mine of the 7th instant. As I cannot but consider your action as a failure to co-operate with me in executing the laws known as the Reconstruction Laws of Congress, and as I am further advised you have declined to pay the salary of M. S. Bigby, Solicitor-General of the Tallapoosa Circuit, on the ground that said officer having been appointed by the military commander of the Third District you cannot recognize the validity of his appointment, I am forced, most reluctantly, to view your actions as obstructions to the execution of the Reconstruction Laws, and have no alternative but to remove you from your office,

as you will see I have done by the enclosed order. I do not deem myself called upon to answer the arguments of your letter. The issue is very plain between us. I must require the acknowledgment of the validity of the Reconstruction Laws, and you plainly deny them as having any binding force on your actions. Both of us are acting from a conscientious sense of duty, but the issue is so plain and direct that all hope of harmonious co-operation must be abandoned.

With feelings of high personal respect, and with sincere regret for the course I feel myself compelled to take, I remain,

Most respectfully your obedient servant,

GEORGE G. MEADE,
Major General Commanding.'

"Shortly after my receipt of this communication by post, General Thomas H. Ruger presented himself to me at Milledgeville and stated he supposed I was aware of the object of his visit. 'Yes,' I replied, 'I have received a communication from General Meade informing me that he had removed me from office and appointed you, as Provisional Governor of Georgia, in my place, and I presume you have come to assume the duties of the office.' 'That,' he responded, 'is my business here, and I hope, Governor, you will offer no resistance.' 'Before answering you,' I replied, 'permit me to ask you a question. Are you instructed, if necessary, to use force to dispossess me of this office?' He responded, 'I am, sir, and I will show you my orders,' which he proceeded to do. 'Well, sir,' I rejoined, 'you have the army of the United States at your back, and I can summon not even a respectable police force. I therefore elect to bow out to you, rather than to a file of soldiers with muskets and bayonets, but I denounce this proceeding as an outrage upon the rights of the State; and, had I adequate force, I would resist you to the last extremity.' After

some further conversation General Ruger remarked: 'I see, Governor, you have promulgated an executive order suspending, for the present, the collection of taxes. Will you be good enough to give me your reasons for so doing?' I answered: 'Sir, you probably remember that the Convention, now in session in Atlanta, passed a resolution requesting me to do just that thing, but I scorn to rest that official act upon any such authority; and, while I disclaim any intended discourtesy to you, I must decline rendering you any account of my official acts.' Here our interview terminated."

This call was made upon the Governor at the Executive mansion in Milledgeville, where he was confined to the house, being at the time very lame from the effects of a severe fall encountered at Washington, D. C., and barely able to move about with the aid of crutches. From the executive mansion General Ruger proceeded to the office of the State Treasurer where, to his dismay and manifest displeasure, he found only an empty vault and a lot of old books. The Treasurer refused to inform him where the funds of the State were deposited, or to surrender the current books appertaining to his conduct of the public finances. His interview with Treasurer Jones ended by his ordering him under arrest. General Ruger at once revoked the existing order suspending the collection of taxes, and directed the Superintendent of the Western and Atlantic Railroad to pay over its earnings to his newly appointed Treasurer.

He courteously placed the executive mansion at the disposal of Governor Jenkins, but the Governor remained there only a few days to arrange his affairs, and then departed for his home in Augusta. The night before he left Milledgeville the citizens, in torch-light procession, waited upon him to testify their respect, love, and admiration, and to proclaim their detestation of the military usurpation which had forcibly deprived the State of Georgia of her chosen and honored chief magistrate. Governor Jenkins

responded in a farewell address replete with dignity, emotion, affection, and eloquence.

It was a mournful occasion for Georgia. In this arbitrary act of the Federal commander all her good citizens realized the hopeless, impotent condition in which the commonwealth had been plunged. They comprehended and lamented the fact that the guardian of the rights, the property, and the manhood of the State had been taken from them. The future they could contemplate only with fear and apprehension. Abnormal as were the circumstances and perplexing the difficulties which surrounded his administration of the affairs of State, they were persuaded that while Governor Jenkins remained in office nothing would be omitted which could conduce to the general welfare. Hence, even in the midst of abounding penury and uncertainty, there existed reasonable expectation of security in the present and of returning prosperity in the near future. The mailed hand of the conqueror struck down the trusted guide and counselor, the chosen friend and beloved magistrate, and substituted in his stead an instrument alien and unsympathetic, an emotionless *locum tenens* whose imposed duty it was to execute a scheme of reconstruction devised by a Republican Congress, inaugurated without judgment or the sanction of law, and enforced in opposition to the will of a coerced and protesting population.

Before quitting the Executive mansion where, for some time, because of his lameness, Governor Jenkins had transacted the business of the State, he instructed one of his secretaries to detach the seal of the Executive Department. This he placed in the hands of a trusted friend, with injunctions of secrecy, and the request that it be preserved until such time as he should call for it. He also removed the Executive documents appertaining to his term of service as Governor. These and the seal, as well as the State's moneys, were safely kept and never passed into the possession of the military usurper. Full and just account of the

public funds was rendered when Georgia was in condition to administer her own affairs, and the executive seal and books were, by Governor Jenkins, returned and surrendered to Governor Smith with a complete, manly, and patriotic statement of the reasons which influenced him in guarding them and the public treasure from the alien touch of the stranger and the plunderer.

It has been worthily said that there is no document in the archives of Georgia which surpasses in lofty sentiment and noble dignity the letter of Governor Jenkins accompanying the return of the seal of the Executive Department. It concludes thus: "The removal of the books and papers was simply a cautionary measure for my own protection. Not so with the seal. That was a symbol of the Executive authority, and although devoid of intrinsic, material value, was hallowed by a sentiment which forbade its surrender to unauthorized hands. Afterwards, whilst I was in Washington vainly seeking the interposition of the Supreme Court, a formal written demand was made upon me by General Ruger for a return of these articles, with which I declined to comply.

"The books and papers I herewith transmit to your Excellency that they may resume their places among the archives of the State. With them I also deliver to you the seal of the Executive Department. I derive high satisfaction from the reflection that it has never been desecrated by the grasp of a military usurper's hand, never been prostituted to authenticate official misdeeds of an upstart pretender. Unpolluted as it came to me, I gladly place it in the hands of a worthy son of Georgia, her freely chosen Executive, my first legitimate successor."

In acknowledgment of his noble conduct during this trying period, in recognition of the distinguished services he had rendered the Commonwealth, and in token of the profound gratitude, love, and honor of the people of Georgia, the following Preamble and Resolutions, framed and

introduced by the honorable Joseph B. Cumming, of Richmond County, were enthusiastically adopted by the General Assembly :

“ WHEREAS, The Honorable Charles J. Jenkins, when expelled by usurpers from the office of Governor of this State, had the firmness and the courage to save the public treasure from the plunderers, and applied it to the obligations of the State, and also removed the archives of the State Treasury, and saved from desecration the Seal of the Executive Department ;

“ And Whereas, his efforts to save the people of Georgia from oppression relaxed not with his hold upon the Executive office, but in the midst of discouragement were continued before the Supreme Court of the United States so long as there was any hope of success ;

“ And Whereas, preserving the archives and the seal until, in better times, he might restore them to his first rightful successor, he has delivered them to his Excellency the Governor ;

“ And Whereas, gratitude to a great and good man, deference to the feelings of the people of Georgia, and the encouragement of patriotism and virtue in the generations to come alike render it good that we should make and put in imperishable form a recognition of his fidelity to his trust ;

“ Therefore be it Resolved by the General Assembly of the State of Georgia : That his Excellency, the Governor, be authorized and instructed to have prepared, and in the name of the people of Georgia to present to the Honorable Charles J. Jenkins, a seal to be the *fac simile* of the one preserved and restored by him, except that in addition to the other devices it shall have this inscription : PRESENTED TO CHARLES J. JENKINS BY THE STATE OF GEORGIA ; and this legend : IN ARDUIS FIDELIS.”

In due season, a *fac simile* of the seal of the Executive Department—wrought of gold and of excellent workman-

ship, bearing the prescribed inscription and legend, and accompanied by a properly authenticated copy of the preamble and resolutions of the General Assembly—was, in the name of Georgia, presented to Governor Jenkins; a memento worthy alike of a grateful and happy Commonwealth, after much tribulation, restored to the protection and guidance of her own sons, and of the fidelity and Spartan virtue of him who, with a fortitude, sagacity, and dignity never excelled, maintained inviolate his high trust, and preserved the honor of his people amid circumstances without parallel, and in the face of difficulties the most perplexing.

Nineteen centuries ago did Flaccus sing of the

“Justum et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solida:”

and the dignified conduct of Governor Jenkins on this epochal occasion, and the moral heroism and tenacity of exalted purpose displayed by him, afford abundant proof that in his person and character the race of noble conservators of the rights of the people and of principles dearer than life or position had suffered no degeneration.

After remaining a few days in Augusta, Governor Jenkins proceeded to Washington City where he learned that a demand, made by General Ruger, for his arrest and return to the State of Georgia, was in the hands of Secretary Stanton. The morning after this information had been communicated, Governor Jenkins received a letter from General Ruger stating he found upon examination that the seal of the Executive Department, and the books appertaining to that department during Governor Jenkins' administration, had been removed, and requiring their instant return. To that communication Governor Jenkins promptly responded acknowledging its receipt and saying

he had been credibly advised that General Ruger had made a formal demand upon the Secretary of War for his immediate arrest and return to the State of Georgia, if to be found within the limits of the District of Columbia. This being so, Governor Jenkins admonished General Ruger that all correspondence between them, epistolary or otherwise, must be considered at an end. Nothing further was heard from the Military Governor of Georgia, and no attempt was made to arrest Governor Jenkins.

After remaining some weeks in Washington, he went to New York, and thence returned to Baltimore that he might give such attention to the second bill filed in behalf of the State of Georgia to test the constitutionality of the Reconstruction Acts, to which allusion has already been made, as the nature of the case demanded. That bill was still pending when the Bulloch Legislature came into power and ordered its dismissal.

The winter of 1867-'68, memorable for the impeachment of President Johnson, was quietly and pleasantly passed in the city of Baltimore where the Governor was the recipient of marked attention and many courtesies. During the summer of 1868 he fixed his abode in Halifax, Nova Scotia, and in the fall returned to Baltimore for the winter.

The spring of 1869 found him again in Georgia, whence, after a short sojourn among friends, he departed for Europe. Some eighteen months were delightfully spent abroad. Toward the close of 1870 he returned to his home in the village of Summerville, near Augusta, where he continued to reside until his lamented death, leading a retired, gentle life, free from care, and happy in the universal esteem, confidence, and love of this Commonwealth.

His last public service was rendered as President of the Constitutional Convention of 1877. For many years, and until a short time prior to his demise, was he President of the Board of Trustees of the University of Georgia. In the welfare of that institution he ever manifested the liveliest interest.

But twice after his return from Europe was he persuaded

to enter upon employment—once as the President of the Merchants' and Planters' National Bank, and again as the temporary President of the Augusta factory. Both these positions he held only for a short time. Advancing years and physical infirmities inclined him to a dignified repose.

For several years was Mr. Jenkins a law-partner of Judge A. B. Longstreet, author of the *Georgia Scenes*, and, in after years, famous as a clergyman and as an educator of young men. While in the active practice of his profession, the bar of Middle Georgia was remarkable for the number and ability of its leading members. It was then his honorable lot to meet, either in association or in opposition, such lawyers as Freeman Walker, Richard Henry Wilde, Thomas Flournoy, Robert R. Reid, Henry H. Cumming, John P. King, George W. Crawford, Robert Toombs, Francis H. Cone, Alexander H. Stephens, William T. Gould, A. B. Longstreet, Herschel V. Johnson, Joseph Henry Lumpkin, Andrew J. Miller, Ebenezer Starnes, the brothers Cobb, and others whose legal acumen, erudition, and forensic ability linger as approved traditions and well established memories. Not infrequently Mr. Pettigru, Judge Berrien, Judge Law, Judge Charlton, Mr. McAllister and Mr. Ward entered this legal arena as competitors for its richest prizes. To affirm that Mr. Jenkins was the peer of the knightliest of them would be to assert what no one conversant with the period will deny. Earnest and honest in the assertion of the rights of his client, careful in the preparation of his cases, well-versed in the principles of his profession, discriminating in the application of precedents and in the citation of authorities, skillful in the conduct of his causes, quick, observant, apt in the examination of witnesses, potent in the grouping and presentation of testimony, courteous to bench and bar, eloquent and persuasive in his appeals to the jury, and yet stooping not to wrest a verdict upon grounds unwarrantable, or even questionable, in Governor Jenkins were combined those mental,

moral, and legal qualifications requisite for an accomplished and successful advocate and counsellor. No safer adviser, no firmer friend could be found in the fraternity; and, when the occasion demanded and the emergency called for the exercise of his highest powers, so sonorous was his voice, so impassioned his utterance, so impressive his action, so convincing his argument, so fearless his attitude, so fine his rhetoric, so masterful his oratory, and so abundant were his resources, that he towered in the court-room as if

“The whole Law’s thunder born to wield.”

Underlying all were present an honesty of purpose, a conscientious recognition of duty, an elevated plane of thought and conduct, a purity of life and character, and a might of moral force and reputation, the want of which no intellectual gifts can supply or studied art long conceal. Confining himself to no special department of the law, Governor Jenkins’ practice was general, embracing whatever offered on the common law, criminal, and equity sides of the court. While filling the office of Attorney-General, his criminal business was extensive, but after his resignation he uniformly declined to appear for the prosecution. Numerous, however, were his retainers for the accused in capital cases, and the ability, sagacity, eloquence and success displayed by him in the conduct of such causes were conspicuous. During a large part of his professional career his voice was heard in evoking the weightiest judgments of the court, in discussing the most intricate questions of civil, constitutional, and criminal law, and in displays of intellectual rivalry and effective eloquence worthy of all admiration.

As a Judge upon a bench of last resort, he was patient, courteous, discriminating, just, and capable. In careful consideration, scholarly composition, lucidity of argument, and thorough interpretation of the law, his opinions, handed down while he was an associate Justice of the Supreme Court of Georgia, are excelled by none in the whole range of the Georgia decisions.

Although the political reputation of Governor Jenkins is

almost exclusively associated with acts done within the confines of Georgia and measures connected with her governance and welfare, he was, as a statesman and legislator, ever loyal in his devotion to the highest principles of right and justice, broad in his views of public policy, alert in his advocacy of the value of internal improvements, solicitous for the moral and intellectual elevation of the masses, and entirely above and beyond the machinations and shifts of the time-server, the demagogue, and the modern politician. At an early period, recognizing the wisdom of his views, the reliability of his judgment, his fidelity to trust reposed, and the worth of his services, the community in which he dwelt summoned him from the retirement of private life and kept him for a long time in public place. We have seen that on more than one occasion he just missed of stations that would have introduced him to the public gaze of the nation, and widened the sphere of his influence. Whatever their potentialities may have proven, we are justified in the belief that Governor Jenkins there, as elsewhere, would have compassed and enjoyed the full measure of honor, usefulness, confidence and power appertaining to them.

To his exalted and heroic administration of the gubernatorial office we have already alluded, and we can only add that his acts in this connection have become part and parcel of one of the bravest chapters in the political history of this Commonwealth. He certainly was

“ So clear in his great office that his virtues
Will plead like angels, trumpet-tongued, against
The deep damnation of his taking off.”

We are credibly informed that General Meade, in reviewing his conduct of affairs in Georgia under the Reconstruction measures of Congress, expressed sincere regret that he had removed Governor Jenkins from the gubernatorial chair.

As a public speaker Governor Jenkins was persuasive, magnetic, convincing and eloquent. He possessed the fine

presence, the luminous eye, the emotional countenance, the impressive thought, the pathetic, soul-stirring utterance, the admirable action which move the understanding, captivate the will, and command the homage and the emotions of the multitude. On the stump he was always a favorite orator. At the bar it was ever deemed a pleasure to hear him. In his more studied efforts there was a happy combination of excellent rhetoric, chaste imagination, mature reflection, and thoughtful study.

As a writer and speaker of the English language he had no superior among his companions and associates.

Public spirited—never an indifferent spectator of the causes and incidents which formed the history of the period; ready, by counsel and act, to promote the genuine welfare of the community in which he resided and give proper shape and tone to the general thought; jealous of the good name of his people and State; earnestly encouraging and maintaining an elevated standard among the legal fraternity, and sympathizing with all movements which sought to compass the intellectual, moral, and material growth of the population, Governor Jenkins on all occasions exerted his influence in support and advancement of law, order, and civilization.

Genial in his disposition, frank in his intercourse, and dignified in deportment, possessing fine conversational powers, a fund of anecdote, and a wealth of personal reminiscences of men and events most entertaining, his society was at all times engaging and his discourse instructive. He was verily a noble type of that well-approved manhood in which courtesy, kindness, dignity, cultivation, honor, and charity were happily blended.

To all these excellences were added unswerving integrity, honesty of purpose, purity of thought and act, and those crowning virtues born of an ever present and controlling religious sentiment.

We fear not the reproach of contradiction when we suggest that within the wide borders of this Commonwealth there was perhaps no one who enjoyed in such an eminent

degree the confidence, the love, the admiration and the veneration of his fellow-citizens.

As the years roll on his memory will not be forgotten.

“ His life was gentle ; and the elements
So mix'd in him that Nature might stand up,
And say to all the world, ‘ This was a Man ! ’ ”

Would to God that his pure thought, love of virtue, patriotism, devotion to truth and duty, and clear conception of all that constitutes and dignifies exalted manhood and stimulates civilization, could wholly possess our souls and abide with us as a living heritage.

Sadly of late has Georgia been afflicted in the loss of her distinguished sons. In quick succession have Ex-Governor Herschel V. Johnson, Senator Benjamin H. Hill, and Governor Alexander H. Stephens followed each other to the tomb. And now the grass is not yet green above the new-made grave of him who, in the hearts of many, was and is esteemed as the “ noblest Roman of them all.”

Bereft of wife and child, and smitten by disease, this grand old man lay for long weeks and months hovering betwixt two worlds. In this extremity his patience and fortitude were wonderful ; his Christian faith and resignation sublime. Never did a murmur escape his lips. When overborne by physical weakness his mind at times wandered and his memory ceased to dwell upon the present, visions of coming glory dispelled the gathering shadows, and his latest thoughts were of the Church and the Commonwealth. The bravest and holiest images of the past were near him, and his thoughts were intent upon all that was blessed and sublimated.

And so, when the light went out in this noble dwelling, the immortal lamp, trimmed anew by angel hands, as we believe, was borne upward and placed among the stars of Heaven.

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