

CHAPTER IV.

THE 100-3 BILL. COUPONS RECEIVABLE FOR TAXES, BONDS
TO RUN NINETY-NINE YEARS.

After the passage of this bill Savage determined to defeat it by legislation or litigation. He spent a week or more in the Library at Nashville investigating the legal question. He believed that he could file a bill and enjoin the refunding of the bonds, and had drafted a bill to accomplish this purpose, when he received a note from the "Nashville Banner" requesting to be informed what action the low tax party would take in regard to the 100-3 bill.

Meeting George Hunt, a lawyer of Nashville, in the street, he said: "Colonel, Mr. Cherry wants to see you." I said: "Who is Mr. Cherry?" He replied: "Mr. Cherry, of Cherry, O'Connor & Co." I said: "I suppose it is something about those convicts out there." He replied: "No, he said he would give you a thousand dollars to help start a low tax paper." I replied: "Well, that beats me! Cherry, O'Connor & Co. offering Savage a thousand dollars to start a low tax paper! I suppose it means that they want to keep control of the convicts at the penitentiary. My mission is to the living, and if they will help me save the living they may have those dead men out there at the penitentiary. You can make the appointment to meet Mr. Cherry. I will consult with the devil if he will help me to save the people."

I was boarding at the Nicholson. At supper Hunt told me that Mr. Cherry lived close to the Nicholson, and that we would go and see him. I had not been acquainted with Cherry. We called at his parlor and I thanked him for his offer and told him it would take twenty-five thousand dollars to start the paper, and I knew of no suitable man to edit it and besides if these bonds were once executed we

were in for ninety-nine years of slavery, with the absolute power of the United States courts to control the revenues of the State and to punish its officials, to enforce its orders with the same power over them that they would have over a violator of the internal revenue, and while I was well satisfied that this assumption of power by the United States courts was a usurpation, history taught me that courts and conquerors were alike: if a conqueror takes possession of a territory or a court assumes jurisdiction it will require years of battle to remove the usurper or correct the court, and oftentimes no remedy is ever found for the wrong; that I had been studying the question and had drafted a bill to enjoin the execution of the bonds. I then told Cherry the grounds which my bill assumed and asked him what he thought of it. He replied: "Oh, I am no lawyer; I know nothing about that." I had forgotten that I was in a gentleman's parlor and said rather excitedly: "Cherry, if you had every d——d lawyer in the State here they know no more about it than you." At this instant his little son came running in. I said: "Go back, my little son, nobody is going to hurt your pappy;" begged his pardon for my ill language and said: "Cherry, I repeat that this is not a question of law; it is a question of history, of liberty, of human rights or rather, I would say it is a shrewd guess as to how five little Tennessee judges will decide this question when there is neither law nor precedent to guide them." He replied: "Oh, that is a new idea." To which I said: "It is as true as the gospel of God. Put it in your pipe and smoke it forever," which ended the meeting.

Next day I received a message to be at my rooms at the Nicholson after supper; that some gentleman would call on me. At which time appeared Cherry, Hunt, A. E. Garner, S. A. Champion, N. N. Cox and Governor Marks. Cherry opened the discussion saying that I had presented him the grounds of my bill, and what he desired was to have the questions thoroughly examined and a bill filed if we thought

we could maintain it before the courts, and he would be very liberal in paying attorney's fees; Hunt and Champion wanted something done; A. E. Garner wanted a low tax newspaper, and hoped after examination we might be able to file the bill. Mr. Cox said: "I am a State credit man; my employment to file such a bill would be professional. I would file such a bill if I thought I could gain it, but I would be unwilling to file a bill and see it laughed out of court. I must examine this question before I am employed." Governor Marks said: "We want no newspapers. I never read them. They have no influence, and no greater misfortune could befall us than to file such a bill, because we would be sure to lose it; the authorities are positively against us."

During the discussion I suggested the various points contained in my answer to the "Nashville Banner," which was then in my pocket but had not been copied so as to be printed, and in which I suggested that all parties join in a bill that would enjoin the execution of the 100-3 bonds. When we were about to adjourn I said: "Gentlemen, I have heard you talk and have talked some myself. We are breaking up without adopting any policy for the future. I have to some extent made up my mind. I am for war." Upon which Governor Marks broke out in a big laugh and said: "Yes, colonel, we know you are for war." To which I replied: "Yes, I am for war, for if I fight the people may win, and if we don't fight the people will be no better than slaves for the next ninety-nine years, but I will not say now what I think. I will say within the next few days. A bill shall be filed."

We then had repeated meetings, in which Judge F. S. Wilson, John Vertrees, George Gantt, Henry J. Lynn, E. T. Talliferro, David Campbell, Henry Craft, S. A. Champion and Governor Marks took part. These meetings continued for a month or more. The last meeting was at Nashville. Savage had got tired of meetings and did not attend it. He saw Gantt, Vertrees and Craft coming out of the dining

room at the Maxwell, and said to them: "Gentlemen, I did not get to your meeting to-day. I had business that detained me. I am tired of meetings; I want action. We are being misrepresented daily in the press. I want to talk to you for a few minutes. I ought not to file this bill, but if you are not going to file it get out of the way—the bill shall be filed. I want to ask you a few questions. Do you not think it would be the best thing you could do for the people of the State and for yourselves to file this bill and maintain it? I want answers, gentlemen, for I do not want anybody to argue this bill whose soul and brain are not in it." The answer was in the affirmative. "I now assert that while the best thing for the people of the State and yourselves would be to file this bill and maintain it, the next best thing to that would be to file the bill and lose it." The answer came that they could not see how it would be a good thing to file the bill and lose it. I replied that one proposition was as plain to me as the other: that if this 100-3 bill was not the law of the land the sooner the people could know it the better; if it was the law of the land and the people were in for ninety-nine years of slavery, the sooner the people knew it the better they could provide against it. To which they assented, Savage saying: "The jury has agreed, after hanging a month. I don't want to draw this bill; I might put some of what is called my extreme notions in it. I can fight on the line of discussions held in our meetings. Draw this bill on that line, taking no more time than is necessary to give it the benefit of your legal skill. My name should not be signed to the bill nor should the name of Wilson, Snodgrass, Thompson or any other lawyer considered a low tax man be signed to the bill. I want leading State credit lawyers and politicians to advocate the bill whose words will have weight with the so-called high tax party." (Savage knew he and his party had become very unpopular with the courts. Some of the judges when meeting him on the street passed him in silence or with slight recognition.) "I will

give you all the assistance that I would if I had a ten thousand dollar fee, and while you are preparing this case for trial my party will go to work, will get up public meetings, will get up barbecues, and write communications for the press; and by the time the case is ready for hearing the voice of an indignant and oppressed people will fall upon the ears of that court with a power and an influence that all your eloquence cannot equal, and as I read history judges in past ages have always decided in accordance with the opinions of their kings and emperors, and we the people of Tennessee are kings and emperors in this State and your judges will register the opinion of the people when they learn what it is."

In Savage's speech in the Tennessee State Senate, made in 1879, appears the following: "I have always been respectful to courts but always knew that a judge was nothing but a lawyer and that a lawyer was not always the best man, nor did the best lawyers always get upon the bench. For argument, let us see if we can select and organize a court to decide a question for which there is neither law nor precedent. Will you go abroad for some learned Ballarrio to cut the Gordian knot, or select from men at home better known to you? Do you choose a king, Federal or State court to hear the cause? A senator (from Shelby) says: 'Lobby spiders hang around your capitol at Washington to buy members of Congress for corrupt purposes.' Politicians are as ready to go upon the Bench as to Congress. Courts and Congressmen are made of the same material. Judges are no better or worse after election than before. I would not be one of five little judges, struggling with this great question which has disturbed the people for forty years, with no law or precedent to guide me, for a million dollars, unless I wanted to make a million. The bondholders could pay each a million, and make twenty million by the bargain." This speech offended the judges.

Savage was not present when the case was argued; he

thought it best to keep out of sight. The court decreed that the 100-3 bill was not the law of the land, and prohibited the comptroller from funding the bonds, as appears in the case of "Lynn against Polk," 8 Lea. After the decision of the case, Judge Freeman, in a conversation with Savage said, that when he commenced to examine the bill his opinion was against the bill, but continuing his examination he was soon convinced that the bill was right. Savage replied: "Why, judge, I knew how you were going to decide some months before the case was heard." "Why, how did you know, sir?" "You told me, judge." He replied: "No, sir; I never did tell anybody." Savage replied: "Yes, sir, you did; you told me. Do you remember of meeting me on the street between the Nicholson House and the depot? Do you remember that the meeting was cordial and we had a pleasant conversation? From that time onward I counted you as certainly for the bill." The judge remembered the conversation and said, while I had a right to form opinions he knew he had never told me or anybody else how he would decide.

SAVAGE ON THE STATE DEBT.

LYNN vs. POLK.—The history of the filing of the bill of Lynn vs. Polk, reported in 8 Lea, page 121.

After the election of Hawkins in 1880 as governor, an effort was made by Democrats called "low tax men" to establish a paper at Nashville, which failed for want of

NOTE.—A. S. Marks: When Cherry and Savage were consulting about employing the attorney to prosecute the bill, Cherry said: "It will not do to employ ex-Governor Marks as he is opposed to the filing of the bill." Savage replied: "Yes, by all means employ Marks. It is not legal ability but popular influence that I want, and Marks is a double-barrel shotgun, and every high tax man that Marks has talked with will say that Marks is a first-class high tax man; and every low tax man that he has talked with will say that Marks is a full-blooded low tax man—as good as Thompson, Snodgrass and Wilson."

funds, soon after the passage of the 100-3 bill providing for refunding the debt in bonds to run ninety-nine years.

John H. Savage determined to prevent the execution of this law by legislation or judicial proceedings. After examining and considering the law and the question in full, he wrote a bill which was in substance the bill filed of Lynn vs. Polk.

Pending the examination Savage had received a communication from the "Nashville Banner" asking his opinion as to the probable action of the low tax party in reference to the 100-3 bill; he had prepared an answer to the "Banner" in which he advised that all good men should unite in a bill of injunction to enjoin the issue of bonds under the 100-3 bill.

TALK BETWEEN GEORGE C. HUNT AND SAVAGE AT THE NICHOLSON HOUSE, NASHVILLE.

Hunt: "Colonel Savage, Mr. Cherry wants to see you."

Savage: "What Cherry?"

Hunt: "Cherry at the penitentiary."

Savage: "I suppose it concerns some of those prisoners."

Hunt: "No; he says he will give you one thousand dollars to help establish a low tax paper."

Savage: "Incredible! This beats the devil. Cherry, of Cherry, O'Connor & Co., to give Savage one thousand dollars to help fight the bonds. You may arrange a meeting. I will talk and work with the devil if he will help me relieve the people from ninety-nine years of slavery."

Hunt said in the evening: "It is arranged for us to see Mr. Cherry at his house this evening, which is near the Nicholson Hotel."

[SAVAGE and HUNT visit CHERRY.]

Savage: "Mr. Cherry, I am much obliged to you for your offer of one thousand dollars, but it will require twenty-five thousand dollars to establish a paper, and if

these bonds are once funded, the people are in for ninety-nine years slavery and poverty. The United States Court will enforce the coupon, although I know that in so doing they are usurpers. Yet I also know that courts and conquerors are alike: when once they take possession of territory it is difficult to remove them. I am prepared to file a bill to enjoin the funding of the bonds."

(Savage here set forth the grounds for his bill and asked Mr. Cherry what he thought of it.)

Cherry: "Oh, I don't know anything about that. I am no lawyer."

Savage: "If you had every lawyer in the State here, they know no more about it than you. This is not a question of law and precedent. It is a question of history, of human rights, or rather, Mr. Cherry, I will say, it is a question of a guess as to how a Tennessee court will decide this matter when there is neither law nor precedent to guide them."

Cherry: "Well, that is a new idea."

Savage: "But it is as true as Holy Writ, and you may put it in your pipe and smoke it forever."

[Exit HUNT and SAVAGE.]

Hunt next day said: "Colonel Savage, be at your room after supper. Some gentlemen will call on you."

Savage's room at the Nicholson. Enter CHERRY, HUNT, A. E. GARNER, S. A. CHAMPION, N. N. COX, GOVERNOR MARKS.

Cherry: "Colonel Savage has told me the reasons why he thinks a bill should be filed to enjoin the funding of the bonds under the 100-3 bill. I want the question examined and a bill filed, if you think it can be done with success, and I will be very liberal in paying for the work."

A. E. Garner: "I would like to see a paper established, and a bill filed, if upon examination we think it can be maintained."

Champion: "I am ready to join in any course that we may think best."

N. N. Cox: "I am a State credit man. Any connection of mine with the matter will be professional. I would take a fee if I thought I could gain the suit. I am unwilling to file a bill and have it laughed out of court. I must examine the case before I am willing to be employed."

Governor Marks: "We want no paper. I never read them. They control no votes. No greater misfortune could happen than to file the bill. We should be sure to lose it. The authorities are positively and conclusively against it."

Savage (before adjournment): "We have all talked but have agreed upon no policy for the future. I have made up my mind. I am for war."

Marks: "Yes, colonel; we all know you are for war."

Savage: "Yes, governor; if I fight I may win, and the people will be free. If I do nothing they will live in oppression and poverty for ninety-nine years. I think a bill should be filed and can be maintained. I will not say to-night what I am sure to say in the next few days. I will be d—d if a bill shall not be filed."

[*Exeunt all.*]

Savage gave his letter next day to the "Banner" of April 23, 1881.

Repeated meetings were held for something near a month with S. F. Wilson, John Vertrees, George Gantt, Henry Croft and others. Savage became impatient. He thought it bad policy for him to file the bill, but intended to have a bill filed if he had to go at it alone. He had arranged for security by gentlemen of Warren. Savage's plan was to have none but State credit lawyers file the bill, so as to bring the State credit politicians to support the bill, which would give the leaders of that faction the honor and the offices but would also result in a united popular opinion against the 100-3 bill, which would cause the court to decide against the 100-3 bill. (See Section B.)

SAVAGE'S WINCHESTER SPEECH, HEARD BY JUDGE TURNER.

Savage attended meetings, at which neither Thompson, Wilson nor Snodgrass appeared. To influence Marks he called a meeting at Winchester and wrote Wilson and Snodgrass that they must attend. Snodgrass opened in the courthouse, but not one-third of the people could get in. The meeting was adjourned to the court yard. Wilson followed Snodgrass. Savage spoke about forty minutes, in conclusion, in substance as follows:

"History records the triumphs, the misfortunes, the rise and fall of nations and the loss and gain of liberty upon bloody battle fields. It has often happened in the past that nations have lost battles and been forced to submit to the power and rule of the conquerors. This misfortune sometimes results from want of proper military training, or inferior army or the cowardice, and ignorance of the Government and commanding officers. But it is also recorded that this same people at some future period, with a better army, better discipline, a wiser Government and more skillful generals, and with a resolution to die or be free, have risen in their might and have conquered their conquerors and regained their lost freedom.

"The judicial history of England also shows that by the undue influence of the king, or the ignorance and corruption of judges, decisions have sometimes been rendered that have wronged and oppressed the people and that have required long years of contest and battle to overrule and repeal them.

"If it so happen in our day that judges sitting in high places render a decision that will make slaves of the people and their children for ninety-nine years, I say in the language of General Jackson, *by the eternal*, the people must rise in their might and sweep these judges from the bench and put men in their places—men who have brains in their heads and humanity in their hearts."

A letter by a high tax Republican, friend to the bondholders, descriptive of Savage and his low tax policy. (Published in the "Louisville Commercial," January 22, 1881.)

"John H. Savage is to-day the living embodiment or representative of Southern intolerance in politics. A lad, he was in the Florida War; a man, he distinguished himself for bravery in Mexico, and was left in the city for months and months, wounded nearly to death, and while suffering from the effects of these wounds, a stranger in a strange city, a foreigner among foreigners, he learned to play faro. He was a representative in Congress for several years, and some of his speeches have been transferred to the school books of oratory, and some of his bursts of eloquence will live as long as the English language is spoken.

"Up to the period of the late war, he was the representative of Southern chivalry, was consulted as authority upon points of honor, and if we mistake not, settled one or two affairs while a member of Congress. He offended Mr. Davis and the joint stock company that was running the Confederacy, and was not recognized as he desired during the war. This opposition of Confederate leaders naturally led him to espouse the cause of the people, as it is called here; and for defending what he earnestly believed to be their best interests, he has been abused, vilified, slandered, and ridiculed as few men in the State have been. It was his brain that conceived the plan by which the State could go for Hancock, and his party maintain a separate organization; and his money that ran the low tax campaign."

CHAPTER V.

SAVAGE UPON UNITED STATES AND STATE DEBTS.

On April 3, 1876, at McMinnville, Tennessee, Savage had published five thousand copies of his speech then made, in which he assumed among other things that the so-called

bonds had been issued in violation of the State constitution; that the constitution of Tennessee is an express limitation of the power of the Legislature, and that there is no power granted to borrow money or issue bonds to be paid by posterity and there is no rule of construction known to lawyers that authorizes the assumption that such a power exists. The Constitution of the United States says that Congress shall have power to borrow money on the credit of the United States. The constitution of Tennessee contains no such power; the Legislature has no power, therefore, to borrow money or issue bonds. They can levy taxes and nothing more. Article I, Section 28: The Constitution is a limitation and a law to the Government, and no government has any power but those granted. (8 *Wallace, U. S. Report* 611.) In the conclusion of this speech appears the following:

"I am ready to begin if payment is the policy. To talk of repudiation or dishonor means nothing. The threats of these miserable men and papers who talk of 'eternal political oblivion' are simply contemptible. To plead for the oppressed, with a sense of duty performed, is a reward far above money or political honors. Let the organic law and principles be our guide. Precedents can be found to justify every wrong."

Bailey and Harris were both candidates then for the United States Senate. Bailey had voted for the laws under which the most of these bonds had been issued and Harris had signed seven millions of them without any warning to the people that they would some day be called on to pay them. Bailey and Harris had control of the leading papers in the State.

Savage went East and spent part of June and July at Washington and Philadelphia, attending the Centennial Exposition and other public entertainments. Returning home he found himself abused and politically outlawed. The Harris-Bailey papers, among other abusive articles, pub-

lished as follows: "General John H. Savage is justly entitled to wear the belt as champion repudiator of the State of Tennessee; unfortunately for the general, neither his facts nor his law is sufficient." Savage made a few appointments to address the people, in defense of the principles announced in his speech. He was solicited to be a candidate at the August election to represent Warren County at the General Assembly, but declined. He was recalled home from his appointments to settle a question between his friends as to whether or not he would serve in the Legislature if elected, to which he assented and was elected over a strong man a few days after his return.

When the Legislature assembled in 1877 Savage was substantially outlawed by the so-called high tax element then dominant; they gave him no chairmanship or place of importance on any committee. The first resolution introduced after the House organized was by Savage, which read as follows: "The comptroller and the treasurer are hereby directed to pay no more interest on the so-called bonds of the State until otherwise ordered, except that they will continue to pay interest on bonds now held by educational institutions within the State." A high tax man moved to lay this resolution on the table, and the motion was sustained by a big majority, forty-five to thirty. Savage submitted quietly to his defeat, but in due time entered upon the journals a motion to reconsider. He called up this motion after some days and was aggressive and defiant in the speech he made to reconsider. The motion to reconsider prevailed and the resolution was adopted by a majority of forty-six to twenty-four. This removed the burden from the people and forced the bondholders to petition for relief. This resolution stood unrepealed until the election of Governor Hawkins, the bondholders in the meantime getting no interest.

The Legislature of 1877 passed House Bills 566 and 706,

repealing the forty-cent tax, and levying a ten-cent tax only. Governor Porter vetoed both of these acts.

Governor Porter in his message communicated to the Legislature a statement by certain bondholders in England and America requesting the appointment of a committee to come to New York to consult with bondholders for a permanent adjustment of the claims of such creditors, upon which the governor recommended the adoption of the suggestion by the appointment of a committee to visit New York to consult with the bondholders. The Legislature refused to appoint the commission as recommended by the governor.

On February 22 Governor Porter sent a message to the Legislature calling attention to the meetings of certain citizens in New York, not holding any bonds of the State of Tennessee, and which was held in the clearing house in New York. This meeting passed resolutions of sympathy with the people of the Southern States, and declared there were insurmountable obstacles in the way of a full discharge of all their legal obligations, and that some method of compromise and readjustment was absolutely necessary. This meeting recommended five bank officers, to wit: George S. Coe, J. D. Vernilye, B. B. Sherman, B. B. Cómegys, and Enoch Pratt, as possessing the fullest confidence and respect of the country and eminently fitted to discharge the duty of arbitrators for the readjustment of the debts of the Southern States. Governor Porter recommended the appointment of a committee to visit New York and appear before the arbitrators, in nowise to be bound by the recommendation of the arbitrators but free to accept or reject it. H. J. Johnson, high tax, and Savage agreed to advocate the appointment of the committee to visit New York as recommended by the clearing house meeting, and amended the pending resolutions, as appears on page 517 of the House Journal.

CHAPTER VI.

SAVAGE GOES TO NEW YORK.

Savage, Shepherd and Travis were elected committee-men on the part of the House; Arledge and Martin were elected on the part of the Senate. The committee organized by electing Savage chairman and Shepherd secretary. The report of Savage as chairman, submitted to the Legislature on March 19, shows in full the proceedings had before the committee of arbitrators, and the proposition for settlement submitted by the arbitrators, which appears on page 736 in the House Journal. This report was passed over informally. A few minutes after receiving it from the arbitrators he met John F. House in the street in New York, who inquired as to the result of the conference. Savage told him it was scaled to sixty cents on the dollar, with coupons receivable for taxes. House advised its speedy adoption. Savage informed him he should oppose it, and some sharp words passed between them. Coming on to Washington the committee halted for a short time and was visited by Governor Harris, a brother-in-law of Mr. Travis. Harris advised the speedy adoption of the proposition by the arbitrators. Savage was silent.

Returning, after passing Bristol the sun was rising and illuminating the tops of those grand and beautiful mountains. He called the attention of the committee to the scene and then with as much emphasis as he could place upon his words he said: "By the eternal, while I live, by my consent no bondholder in the universe shall have a first mortgage upon a land so fair and upon the people of my State." They asked: "What do you mean, sir?" I then said to them that the coupons give the bondholders a prior mortgage upon the revenues of the State, and that the bondholders must be paid if the executive, the legislative, the

judiciary, the schools and the hospitals should starve; and it gives to the United States courts the same right to arrest and imprison the officers of the State that they had to arrest and imprison an illicit distiller.

On the morning after his return Savage had started to the capitol and met Governor Foote, of Mississippi, with whom Savage had served in Congress. Foote said: "Good morning. I congratulate you, sir. I salute you, sir, as next governor of Tennessee." I replied: "What do you mean, Governor Foote?" He replied: "You have made ten millions of dollars for your people by your trip to New York, and all you have got to do is to go up to the capitol and pass it, and your word will pass it. There is no power anywhere to keep you from being the next governor of Tennessee." I replied: "If I am never governor until I recommend the Legislature and the people to accept the proposition submitted by the arbitrators, no matter how long I live I will never be governor." Foote then said: "What do you mean?" I then explained to him the effect of the coupon—in substance confiscating the revenue of the State and giving the United States courts jurisdiction to arrest and imprison our officers charged with the collection of taxes. Foote said: "There may be something in that." Savage then and now believes that if the vote had been taken at any time before the adjournment of the Legislature the proposition of sixty cents and coupons would have been adopted by a large majority. It was his policy to avoid a vote. When talking to members and others he would say: "This proposition might possibly be a good one, but the members of the Legislature have very little time to consider it and are hard pressed with other business;" that it would be more respectful to our constituents to consult them before adopting it; that the governor could call an extra session when the members could have full time to discuss it and full time to think the matter over after talking with their constituents.

Governor Porter called an extra session of the Legislature and recommended the adoption of the award of the arbitrators. The award was rejected by the Legislature. Savage and his friends had been active in calling the attention of the people to the effect of the coupon feature of the award. Savage never wanted to be governor or judge. If he had been willing to endorse and recommend the award of the arbitrators it was his opinion that he could be easily elected governor. He believed the award wrong in principle and oppressive in practice, and if the people didn't find it out being called governor he had endorsed and recommended a policy which he believed wrong and unjust to the people.

Governor John C. Brown offered to appoint him judge to fill a vacancy. Thanking the governor for his offer he said: "If you could make me a judge for a lifetime I should decline to accept it." His friends sometimes spoke of making him governor and senator, but he neither sought or expected to fill either place. He thinks he could have been nominated and elected to Congress when General Dibble was elected, but did not desire the office. He preferred to practice law and be a free and independent citizen.

During the proceedings before the arbitrators the bankers had a reporter present who reported the proceedings and the speeches of the members, which were printed by the bankers in a little pamphlet. Savage said in substance: "I have some notions which perhaps you would think peculiar and for which I think I could give good reasons on a proper occasion, but I am here to represent what I consider the judgment and interest of the people of the State. While I might think by the law and the constitution they owed nothing, I think it better for creditor and the people that they should pay such sum to the creditor as they are able to pay without ruin. I have told my people that whatever sum was agreed upon as a settlement I wanted it paid rapidly and as soon as possible. It ought to be paid in

twelve years. I will consent to political or physical crucifixion rather than consent to the execution of fifty-year bonds. Whatever is agreed upon, if I am in public life I will exert the taxing power to the extreme limit to pay the debts. When I am dead I do not want it written on my tombstone that I consented to the making or the prolongation of debts to be paid by children now unborn, who had no agency in creating them. If I had omnipotent power I would decree that no people has the right to create debts to be paid by unborn generations, and I think we would have a better world than we have now." At the conclusion of this speech Mr. Cox drew a long breath and said, "We thank you, sir, at least for your candor."

Governor Porter called an extra session of the Legislature to meet on December 5, 1877, and so worded his proclamation as to limit the action of the Legislature to adopting or rejecting the award of the arbitrators, who sealed the bonds to sixty cents, with coupons receivable for taxes. Governor Porter became convinced that the award of the arbitrators would be rejected by the Legislature, and on December 11 requested the Legislature to adjourn that he might instantly call a second extra session, so worded as to remove the restrictions which attached to his first call, and to authorize the General Assembly to pass such laws as would enable the State to carry out any adjustment that might be made. The Legislature under the call for the second session did not adjourn until December 28, 1877. Governor Porter assumed that he had authority from certain bondholders to say that they would approve a settlement at fifty cents.

Savage demanded that any settlement that might be made should be submitted to the vote of the people for ratification or rejection. His protest against the bill sets out his policy and is as follows:

"It is not provided therein that it shall be submitted to the people for ratification or rejection, and it is the purpose

of its supporters that it shall be enforced without such submission. Its passage will repeal the action of the General Assembly at its regular session levying a ten-cent tax for 1877 and 1878, and stopping payment of interest to the bondholders; and will require a tax of more than forty cents to pay interest annually, and a reasonable sum in discharge of principal: to all of which the people are now opposed.

"Inasmuch as the bondholder has neither a law nor a court to enforce his claim, the people, as arbitrators at the ballot box, should award and say what sum (if any) they are willing to pay as equitable and just.

"Inasmuch as the proceedings of the Baltimore Convention, presided over by the Honorable Montgomery Blair, on the 20th instant, show that there are now twelve hundred thousand men known as tramps, wandering as beggars and outlaws, most of whom are in the Northern States, exhibiting a social and political evil of dangerous magnitude.

"And, inasmuch as this *grand army of misfortune* outnumbers most of those which have conquered or established empires, and it is the direct result of the action of unwise rulers, whereby legislative, executive and judicial power has been exerted in the interest of party monopoly and money, and against individual and common rights.

"And inasmuch as national bonds and national banks, though not the sole cause, stand at the head of the column of evils, and while they exist, tramps and dangers more fearful are certain to come.

"And inasmuch as bondholders wrongfully induced Congress to enact laws changing a greenback debt into a coin debt, and then a coin debt into a gold debt, which operates as an instantaneous robbery of the tax payer for the benefit of the bondholder, to the extent of one thousand millions of dollars in gold.

"And inasmuch as the power and influence of the bondholder is constantly exerted to maintain this inequality in

legislation, whereby it is made more difficult now for the laboring man to procure one dollar, than to procure three dollars in other days. And inasmuch as I am still willing to vote the bondholders 33 1-3 cents, not because of law or equity on his part, but to buy peace for the people.

"Yet in my opinion neither honesty, honor, policy nor patriotism demands that the people of Tennessee shall pay the bondholders one cent more until the oppressive legislation enacted by Congress and approved by the President, in the interest of sections and classes, shall be reformed or abolished, at which time a reconsideration of this question may be in order."

CHAPTER VII.

SAVAGE ELECTED SENATOR.

Savage, without being a candidate, was elected senator by a majority of more than three to one, over a wealthy ex-member of the Legislature who was a candidate, and canvassed the district. That Legislature, as Savage believed and charged, by undue influence, by parties on the outside and in violation of parliamentary laws, passed a bill to settle the debt at 50-4 which proposition was to be submitted to the people at a popular election for a ratification or rejection. Savage made speeches against it and it was rejected by thirty thousand votes.

Savage when solicited refused to be a candidate for election to the next Legislature. He said to those parties soliciting him to run that if he should appear in the next Legislature the bondholders, the railroads, money lenders and political aspirants of all parties would assail him and he would stand alone, and his military experience taught him that when all the batteries upon the battle field were concentrated upon one little fort it was soon demolished; that he would canvass the State in the interest of the people and create a public opinion that would force the politicians

to adopt this policy. For this purpose he continued to canvass the State until General Bate was elected governor.

Besides communications published in the newspapers, he printed and circulated four speeches, five thousand of each, as now remembered. He remembers the postage on one of these speeches was upward of fifty dollars, as reported by the clerks whom he had employed to address them. Hotel bills, railroad fare, printers' bills, postage and clerk hire demanded most of his surplus cash on hand. He never rode on a free pass and was never offered any pecuniary assistance except by a single man, Lytle Hickerson, brother of Judge Hickerson, who was esteemed a high tax man. Seeing Savage on the railroad going to meet an appointment to address the people, he said: "Brother William told me that he could not see how you could have managed the matter better than you had done to get us relief from heavy taxation, and it will afford me pleasure to give you a hundred dollars to assist in paying your expenses, which you can check for whenever you want it." Savage thanked him, but never checked for the money.

Savage hired rooms, furniture and waiters, in which the low tax members could meet and consult. He advised them to remain in the convention as long as they could without a sacrifice of the principles of the low tax party, and rather than submit to the policy of the high tax party to bolt and nominate a candidate for governor. Savage believed that he could be elected governor but also believed that his administration would be a failure, and such failure would result in the triumph of the high tax party and full payment of the bonds. Besides, he had never desired the office of governor. He favored the nomination of Wilson and believes that it was a good thing for Wilson that he was beaten, as his administration would have failed to settle the debt satisfactorily to the people. He believed that so long as Savage remained unbeaten the low tax party would pre-

serve its organization. The platform upon which General Bate was nominated and elected was a Savage platform.

Savage was appointed railroad commissioner by Governor Bate, was beaten, and the law was repealed, the railroads having by free passes and the publication of more than one hundred and sixty thousand supplements to newspapers accomplished this result.

Savage without being a candidate was elected to the Legislatures of 1885 and 1887, and formulated the assessment and tax law passed by those Legislatures. His policy was to speedily pay off the public debt as required by the Democratic platform upon which General Bate was first nominated. The result of this legislation was to increase the taxable property of Tennessee a hundred and thirty millions, adding near five hundred thousand dollars to the annual revenue. Governor Taylor, in his last message, after reciting and complimenting this Legislature, said: "If this policy is maintained the day is not distant when Tennessee won't owe a dollar." The governor, when running for election the third time, forgot to say one word about that millennial day when Tennessee will not owe a dollar, but did not forget to say that we must see that our annual interest is promptly paid.

GOVERNOR PORTER'S VETOES OVERRULED.

Governor Porter vetoed House Bill 566 and House Bill 706; the first repealed the forty-cent tax and the second fixed a tax of ten cents only. It was argued strenuously that a ten-cent tax would not pay current expenses and that the executive department, the judiciary, the schools and the hospitals would starve. Savage said in reply, he thought he had examined this question as thoroughly as Governor Porter, and understood it as well and that he felt sure that a ten-cent tax would pay current expenses, but if mistaken he would have the pleasure of knowing that proud officials would learn how a poor tax payer felt when he had no

money in his pockets. The vetoes were overruled by enormous majorities. The ten-cent tax paid current expenses, and a surplus of two hundred thousand dollars had accumulated in the treasury when Hawkins was inaugurated governor.

CHAPTER VIII.

Savage was solicited to be a candidate for reelection to the Senate. He said: "No. I will not go to the Senate. If I were to, it would be a battle between me, alone, on one side, the bondholders and leading men of both Democratic and Republican parties on the other side, and also every man who had a little money at interest would help them. These leaders teach that if my public policy prevails all private debts will be repudiated. So, my military experience tells me not to allow myself to be reelected to the Senate, for I should be in a battle with the leaders of both parties, with the bondholders, bankers, and men who had money at interest. My military experience teaches me that when all the artillery upon a battle field is turned upon one little fort, it will be destroyed. I will canvass the State and create a public sentiment in favor of my policy, and the people will rally to my standard, and as soon as the people join me, these ambitious men, Harris and others, will come and beg for a place in my line of battle." Savage canvassed the State three times, speaking at the most important points in favor of scaling the bonds, before Governor Bate was nominated.

Starting to meet an appointment to address the people, he met Governor Bate at the railroad depot, both waiting for a train but going in opposite directions. Knowing that Governor Bate had taken no sides in the battle between the bondholders and the low tax party, and that he had a reasonable amount of popularity as a lawyer and soldier, he thought Bate would be a proper candidate to reconcile all differences and would be a suitable candidate for governor.

He said to General Bate: "You once wanted to be governor and John Brown got in your way. You then wanted to be Senator and Andrew Johnson beat you. Now, if you want to be governor, all you have to do is to say so and you can be elected." Bate replied, "I do not want the office, and besides my party will be badly beaten in the next election." Savage replied: "The office of governor is not a desirable one, and I concur with you that I would not want to hold it. So far as the success of the party in the next election is concerned you are badly mistaken. The work has been done and is being done, and no matter whom we nominate, we will beat Hawkins three to one." About that time my train came up and I departed.

My military experience has taught me that it was bad policy to send an officer to take a battery who believed he could not take it; and Bate's declaration, in my estimation, rendered him unfit as a candidate for governor. I then wrote to my friends over the State, Gregg and others, that we would take up Bob Taylor; that I did not know what his position was upon the State debt question, but he could be controlled and would adopt our policy and we would elect him. So the low tax party was organized on Bob Taylor as its candidate. A few days before the convention met to nominate a candidate for governor, a Nashville paper stated that General Bate would be a candidate. Bate and Taylor were nominated as candidates before the convention, and for several ballots showed about equal strength. A lawyer of Memphis made a telling speech in favor of Bate and Bate was nominated.

The platform upon which Bate was nominated was in accordance with the doctrines taught by the low tax party, and Bate's administration was satisfactory to the low tax party. Savage when declaring for 33 I-3 always understood that if 33 I-3 was adopted, six per cent interest was implied and promised to be paid, knowing that the leaders of the Democratic and Republican parties would never allow

it or help a settlement of the State debt at 33 1-3 cents, fearing that it might result in electing Savage to some high office, governor or senator. Savage was of opinion that a settlement at 50-3 was better for the people than a settlement at 33 1-3 with six per cent interest. He made an appointment to speak at Sparta, where General Dibrell and others were 50-4 men. He said to the assembly that for a man to be talking 50-4, now after it had been beaten by thirty thousand votes by the people, showed a contempt for the people and was not a fit man to be trusted in any public office; that 50-4 was a disgraced and rejected number; that a man who wanted to talk upon the State debt question should select some other number, higher or lower than 50-4; and that he advised any young man who wanted to air his eloquence to advocate 50-3. He caused this speech to be printed in the papers at Memphis and other Western cities, and it seemed to meet the general approval, and became the platform upon which General Bate was elected.

CHAPTER IX.

After Bate's nomination for governor a meeting was called in Nashville, purporting to be for the purpose of ratifying Bate's nomination. Savage had nothing to do in calling this meeting, but being in Nashville and seeing the notice in an evening paper he went to the meeting but did not go to the stand, stopping on the outer edge of the crowd. The stand had been prepared for the speakers, and W. J. Bryan and A. S. Colyar made their speeches. They professed great friendship and respect for General Bate and said on personal grounds they should vote for him, but they should split upon the platform upon which he was nominated.

It became known that Savage was in the crowd and he was called for. He said it seemed that the gentlemen who had spoken blew hot and cold at the same time with the

same mouth; expressing great goodwill and respect for General Bate they proclaimed a policy that was certain to beat him and elect Hawkins as governor; that the candidate in fact was of small importance. The policy and principle declared by the convention which the candidate was to advocate was the matter of real importance; that the platform upon which General Bate was nominated was not in exact accordance with one he would have written, yet it was a vast improvement upon others upon which governors have been nominated and elected; that he had showed his friendship and respect for Governor Bate in the past and would in all probability do much more to elect him governor than either of the gentlemen who had spoken. His reading of history and his personal experience taught him that neither kings, emperors, conquerors nor politicians had ever been able to have things arranged to suit them, but General Bate had been fairly nominated and the party pledged to support him, and he, instead of splitting on the platform, should stand squarely on it and advocate to the extent of his ability the election of General Bate. The "New Era," at McMinnville, the accredited organ of the low tax party, in its next issue substantially adopted the speeches of Bryan and Colyar, expressing its high regard for General Bate and dissatisfaction with the platform, which created much dissatisfaction in the low tax party in the mountain country.

Savage published twelve appointments to address the people and fulfilled them before General Bate opened the campaign. The effect of these speeches removed all trouble in the mountain country, and it was so reported to Governor Bate, and John Verrees, chairman of the Democratic Executive Committee; and they requested him to write out his speech for publication, which he declined to do until the battle became hot and the high tax element engaged in supporting Governor Bate. After repeated requests to write his speech, which was intended to reconcile the low tax party to the support of General Bate, he wrote it and gave

the transcript to Cherry and Vertrees, who caused it to be published and circulated, and paid all expenses incident to the publication and circulation. This may be called Savage's fifth speech, and is the only speech of his published that was not published and circulated at Savage's expense.

Savage was appointed one of the railroad commissioners; George W. Gordon and — Turley were the other two. The Republicans nominated candidates for the railroad commission, who were elected. The railroad furnished supplements and free passes to every paper and editor who would accept them. It was estimated that one hundred thousand of these supplements were published and circulated as extras or additions to the usual paper publications of the newspapers, and that a large majority of the newspapers published these supplements. It was reported that the Republican nominees for the railroad commission declared that if elected they would not execute the office.

Savage accepted the appointment because he believed a railroad commission was a necessity to protect the people against discrimination and injustice by the railroads. As chairman of the committee, he made a report showing a necessity for a railroad commission, which was satisfactory to Governor Bate and the party.

Savage without being a candidate was elected to the Legislature at the time of Governor Taylor's first election. He was made chairman of the Committee of Finance, Ways and Means, and reported an assessment law which added one hundred and thirty millions of dollars to the State revenue for the first year. Governor Bate during his administration had never been able to show a revenue of more than two hundred and twenty-six millions. So that Savage's revenue law, instead of Bate's two hundred and twenty-six millions, produced a revenue for the State the first year of three hundred and fifty-six millions of dollars. This policy was in accordance with the promise which he made to the bankers, called arbitrators, at New York, when he told them that

whatever sum was agreed upon as a compromise, if he was in public life he would advocate a tax sufficient to make a speedy payment. Governor Taylor in one of his messages complimented this policy by declaring that if it should be maintained the day was not far distant when Tennessee would not owe a dollar. The governor in his last canvass for a third-time election forgot to tell the people of that most important day not far distant when Tennessee would not owe a dollar; but the governor did not forget to say that the interest on the bonds must be paid.

So, it seems that he who was abused to an extent beyond any other citizen of the State, called "champion repudiator" and every other hard name, was in reality a true friend to compromise and to payment of a reasonable amount to the bondholder.

CHAPTER X.

SAVAGE APPOINTED A DELEGATE TO THE BALTIMORE CONVENTION WHICH NOMINATED HORACE GREELEY,
LIBERAL REPUBLICAN, FOR PRESIDENT.

Savage did not attend any of the public meetings held by the Democrats. He thought it best to be quiet, and his practice as a lawyer demanded all his time. The convention at Nashville which appointed delegates to the convention at Baltimore appointed him a delegate to attend the Baltimore convention without his knowledge or consent. He appeared at Baltimore as a delegate from Tennessee and took an active part in support of Mr. Greeley as a candidate of the Liberal Republicans and Democrats. He served on several committees and was a member of the Committee on the Platform.

He met in the committee room Mr. Brooks, from the city of New York, who was a Whig member and served with Savage in Congress before the war.

Savage criticised the platform. Brooks said: "Savage, why don't you change it?" Savage replied: "Mr. Brooks,

considering our past history as Congressmen those words do not well become you. You know and I know that I cannot change the platform, but I have the right and the power to say that every word in it is a falsehood and a lie so far as the Southern people are concerned, and yet they will vote cordially for Mr. Greeley against General Grant, and will be pleased to see him elected." Savage, while standing upon the floor of the convention, felt the arms of a person suddenly thrown around him. They were the arms of Oscar F. Moore, with whom Savage served in Congress, and who as colonel of the Thirty-third Ohio Regiment was captured by the Sixteenth Tennessee Rebel Regiment at the battle of Perryville.

Andrew Johnson took the stump and did what he could to defeat Greeley, without saying he was for Grant. He compared Greeley to a crooked stick that might be used to kill a mad dog. He said that the Democratic party was dead and is fast being numbered among the things that were, sinking into a premature grave. Savage made several speeches showing that Johnson had proclaimed from the White House, "traitors must be made odious, punished, impoverished, and their social power destroyed, and every Union man and the Government must be remunerated out of their pockets."

Johnson was the real author of the disfranchising laws passed by the State, and directed Governor Brownlow to see that these disfranchisement laws should be faithfully executed, and authorized Brownlow to call on General Thomas for sufficient military force to execute the laws. He published what is misnamed an amnesty proclamation, but what is in fact a bill of pains and penalties, confiscating the character, intellect and property of the South. It was a cunning political device to compel the leading men of the South to bow at his feet and beg for their property and citizenship, intending thereafter to hold them as his political slaves.

Savage's speeches against Johnson were published in the newspapers during the Greeley campaign. After the war Johnson and Savage both made speeches upon public debt, State and Federal.

In discussing debts, State and United States, Savage said the only index to the future was the past. He preferred to read speeches made in years gone by, supposing it would be more satisfactory to the people than anything he might say now. A Tennessee politician (Andrew Johnson), on the 20th of May, 1874, spoke to the people as follows:

"This forty years is an incipient step to making the debt a permanent debt upon the people. When forty years elapse we find again and again, debts accumulate, taxes increase and the people become slaves—hewers of wood and drawers of water. What right have we to expend thousands and millions of dollars and say we will transmit the debt to posterity, our innocent children? Why, Mr. Jefferson in connection with other distinguished men declared emphatically that we had no right to make a debt to exist longer than a majority of the population lived. By the table of mortality in nineteen years the majority that now lives will have passed away. Postponement for forty years is tantamount to making it a permanent debt."

On September 23, 1874, this same politician declared that the national bonds should be paid by an application of the annual interest in discharge of the principle; that gold went up at one time to \$285, and many of our bonds were sold with gold at that figure. In making provision for our creditors we should not forget what is due the masses of the people. It may be assumed that the holders of our securities have already received upon their bonds full payment for the sums advanced.

On October 9 this same politician said: "No nation has ever yet been burdened with a permanent public debt and remained free. Sooner than have our posterity become a race of serfs under an immense public debt, I say throw

off every dollar of it. Our people cannot much longer bear the burden; they cry for relief and must have it. We must get clear of at least a portion of our public debt. If refusing to pay all of the debt be repudiation then the country is full of repudiators."

CHAPTER XI.

SAVAGE'S DREAM.

Savage, replying to and commenting upon Johnson's speeches made in 1873-1874, said it might be unlawful and improper for a Rebel to discuss or to propose to scale Federal or State debts, but it was lawful for all persons to dream, and he would repeat his dream.

"I went to bed thinking how strange it was for Johnson to assail State and national bonds, he having issued seven millions of State bonds, and dreamed that I stood upon the Rocky Mountains and my body had been enlarged until I was taller than the highest trees. My head seemed to reach the clouds, my sight was increased so that I could see the Atlantic Ocean and the intervening broad expanse from Maine to Texas. I heard the roar of the rivers and the ocean and the noise of the multitudes in the cities. The sun shone with a bright light, but suddenly a gloomy darkness came upon the earth and obscured the land, the rivers and the sea. A huge mountain of darkness, as black as night and equal in height and size to the one I stood upon, arose from the low lands. Vultures, like ravens and buzzards—apparently millions of them—came through the gloom, and they lighted on this dark mountain. Then there appeared upon the mountain in large letters as if written by some unseen hand, 'Lincoln's and Johnson's United States bonds—these are the instruments that have reduced the white man to the level of the negro, and made of the American people a nation of slaves.' There also arose from the foot of the mountain a form like a woman's, clad in white gar-

ments, equal in height to the dark mountain. The word 'Hope' was written in dim letters across her breast. She cried in a loud voice, 'I have placed ten thousand barrels of powder under that black mountain of bonds, and one may come after me to apply the match.'"

Savage said he hoped Johnson would have the courage to apply the match and produce an explosion that would shake the continent.

CHAPTER XII.

I quote from a speech of John H. Savage made in the Congress of the United States, on May 13, 1850, as follows:

"From the report of the comptroller of the State it appears that in 1849 her lands taxed were valued at \$77,830,788; her slaves taxed were valued at \$51,377,630; but slaves under twelve years and over fifty, are not taxed. By the census of 1840, Tennessee had 81,481 slaves under ten years; adding an average number for those between ten and twelve, I estimate the slaves not taxed to be worth \$19,000,000; which gives a slave property for Tennessee of \$70,000,000—only seven millions less than the value of all our lands. This is what Tennessee is asked to give, sooner or later, to ease the conscience of Saint Seward, Saint Mann and their fellow saints."

Now, at that time the owners of lands and the owners of slaves were jointly liable to pay by taxation sufficient revenue to support the State government. The military power of the United States set the slaves free, thereby releasing the owners of slave property from their joint obligation with the owners of lands to pay by taxation sufficient revenue to support the Government. Now, it is a universal rule of law that where two parties are jointly bound for the payment of a debt or obligation, the release of one of the obligators is a release of all. Hence, it follows that the release of the negro and his owners from the joint obligation with

the land holders to pay, by taxation, sufficient revenue to support the Government is in law and in equity a release of the people of Tennessee from the payment of all public debts, the payment of which is to be provided for by taxation.

SAVAGE'S PRAYER.

To the Great Spirit, ruler of a boundless universe, mysterious, incomprehensible, self-existing, omnipotent and omniscient, of whom men can know nothing except as revealed by the light of the sun, moon and stars, to Thee I address this, my humble prayer. I pray Thee to look in mercy on the little good I have tried to do, and pardon the many wrongs I may have committed on the earth, and when this life shall end, I pray Thee, accept my spirit, and although it be but an atom in Thy boundless universe, let it live immortal and not perish in endless night.