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IMPEACHMENT OF WEST H. HUMPHREYS, JUDGE OF THE  
UNITED STATES DISTRICT COURT OF TENNESSEE.

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MARCH 4, 1862.—Ordered to be printed, and recommitted to the Committee on the Judiciary.

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Mr. BINGHAM, from the Committee on the Judiciary, made the following

R E P O R T .

*The Committee on the Judiciary, to whom was referred by the House a resolution of inquiry into the alleged official misconduct of West H. Humphreys, a judge of the United States district court for the several districts in the State of Tennessee, respectfully report :*

That by the letter of the honorable Edward Bates, Attorney General of the United States, of date 25th February, 1862, it appears that West H. Humphreys was commissioned United States district judge for the three districts of the State of Tennessee on the 26th day of March, 1853; that he still holds and has not resigned said commission.

Your committee further report that by the testimony of honorable Horace Maynard, Mr. Trigg, Mr. Lellyett, all citizens of the State of Tennessee, who, by order of the House, were duly examined upon oath before said committee, it is made to appear to the committee that said West H. Humphreys, in a public meeting held in the city of Nashville, in said State, on the 29th December, 1860, in a discussion then and there held, declared in favor of secession, and refused, when interrogated, to declare South Carolina subject to the laws of the United States. It also appears by said testimony that said Humphreys, about that time, published articles in the newspapers at Nashville, in which "he took strong ground in favor of secession."—(See testimony of Mr. Lellyett.)

It further appears, upon said testimony, that said West H. Humphreys has neglected his duties as United States district judge within said State ever since the adoption of the ordinance of secession by the legislature in May, 1861; that he refused to hold his court because he considered the authority of the United States *obsolete* in Tennessee, and that since that time he has officiated as judge for the rebel confederacy in that State, and has held citizens of the United States to answer before him, as such rebel judge, for disloyalty to said rebel confederacy; has advised a citizen so charged and brought before him

to forswear his allegiance to the United States by taking the oath of allegiance to the self-styled "southern confederacy," and upon refusal so to do, said judge has required of such citizen a bond in a large sum, conditioned that he would leave said State, the place of his residence, within forty days, pursuant to an act known as an "alien act," passed by the rebel congress of said confederacy.

It further appears by said testimony that said West H. Humphreys has within said State, as such judge for said southern confederacy, entertained proceedings under the treasonable acts of the congress thereof for the confiscation of the property of loyal citizens of the United States, to the use of said confederacy, and in aid of the rebellion now prosecuted by the same against the United States. The committee, in consequence of the evidence by them collected in virtue of the powers with which they have been invested by the House, and which is hereunto subjoined, recommend the adoption of the following :

*Resolved*, That West H. Humphreys, judge of the district court of the United States for the several districts of Tennessee, be impeached of high crimes and misdemeanors.

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THIRTY-SEVENTH CONGRESS, SECOND SESSION.—CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,

*January 8, 1862.*

On motion of Mr. Maynard, the following was adopted :

Whereas it is alleged that West H. Humphreys, now holding a commission as one of the judges of the district court of the United States, has for nearly twelve months failed to hold the courts for the districts of East, Middle, and West Tennessee, as by law he was required to do, and that he has accepted a judicial commission in hostility to the government of the United States, and is assuming to act under it :

*Resolved*, That the Committee on the Judiciary inquire into the truth of the said allegations, with power to send for persons and papers, and report from time to time such action as they may deem proper.

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ATTORNEY GENERAL'S OFFICE,

*February 25, 1862.*

SIR : I have received your note of the 24th instant, and, in reply to the questions put to me, would state that West H. Humphreys was commissioned judge of the three districts of Tennessee on the 26th of March, 1853, (that being the date of his confirmation by the Senate.)

I do not think that Judge Humphreys has tendered a resignation

of his office. Such a paper would be filed in this office, but none is here.

Very respectfully, your obedient servant,

EDW. BATES,  
*Attorney General.*

Hon. JOHN A. BINGHAM,  
*House of Representatives, Congress.*

CONNALLY F. TRIGG sworn :

Question by Mr. Bingham. State your age, residence, and profession.

Answer. I am in the fifty-second year of my age ; reside in Knoxville, Tennessee, and am a lawyer by profession.

Question. Are you acquainted with West H. Humphreys, United States district judge of the district of Tennessee ?

Answer. I am.

Question. State whether any session of the district court of the United States has been held since the act of secession was passed by the State of Tennessee,

Answer. The legislature passed an ordinance of secession, which was submitted to the people.

Question. When ?

Answer. I think it was in the month of August.\* There has been no United States court held in Tennessee, that I am aware of, since that act of secession. Judge Humphreys has held a court at Knoxville, which was understood to be the district court of the Confederate States.

Question. When was that court held at Knoxville, Tennessee ?

Answer. My impression is that the first confederate court was held there in September last.

Question. What judge presided at that court, and acted as judge for the southern Confederate States ?

Answer. Judge West H. Humphreys.

Question. State particularly what means you have of knowing that such court was held, and that he so presided.

Answer. Being a practicing lawyer, I was in the habit of attending his courts while he was a United States district judge, but being one of those regarded by the southern confederacy as a "traitor," I refrained from attending the sittings of the confederate court. I purposely avoided entering the court, but I was inside the courthouse two or three times while Judge Humphreys was sitting as a confederate judge. I did not mean to do anything on my part to recognize the legality of the court, or the existence, in any form, of the southern confederacy:

Question. State anything which transpired upon the bench or at

\* *Corrections, by Trigg.*—I think the act of secession was passed about the 1st of May, and submitted to the people for their ratification on the 8th day of June following,

the bar to indicate that they were pretending to administer justice in accordance with the authority of the southern confederacy.

Answer. I remember one instance distinctly. A gentleman of my acquaintance, and a wealthy merchant of Knoxville, was arrested on a warrant issued, as I understand, by Judge Humphreys, of the confederate district court. He was taken before Judge Humphreys for examination upon the charge of being an alien enemy and a dangerous citizen to the southern confederacy. I think I read the warrant, but I cannot now recollect its precise terms. He was a man of northern birth, had resided for many years at Knoxville, Tennessee, and had accumulated a considerable fortune in the mercantile business. I went into the court-house while he was before the judge. Judge Humphreys seemed to be impressing upon him the propriety or the necessity of his taking the oath of allegiance to the southern confederacy.

Question. What did he say?

Answer. I cannot remember the language he used.

Question. Can you remember the substance of what he said?

Answer. I can remember his stating that a short time previous Mr. Dickinson, the gentleman referred to, in conjunction with others, on his way to New York city, visited the encampments of federal troops upon the south side of the Potomac river. While I do not pretend to give the language which was used, I have the distinct impression that Judge Humphreys strongly indicated his enmity towards the United States, and that, in a sort of advisory way, he sought to induce Mr. Dickinson to take the oath of allegiance to the southern confederacy.

Question. Was he on the bench at the time?

Answer. Yes, sir.

Question. State what disposition he made of Mr. Dickinson.

Answer. I was not in court when the case was disposed of, but the fact was notorious, and I so understood from Mr. Dickinson himself, that Judge Humphreys decided that, inasmuch as Mr. Dickinson declined to take the oath of allegiance, he would have to leave the southern confederacy, under an act of the confederate congress, known as the "alien act," and under which the confederate president, by proclamation, gave forty days to alien enemies, within which they were to leave the southern confederacy. The forty days would expire within some five or six days from that decision; at the same time Judge Humphreys required Mr. Dickinson to give bond in the sum of perhaps \$20,000 for his good behavior during the time he was preparing to leave. That bond was executed by Mr. Dickinson, and he immediately set about making his arrangements to leave, such as disposing of his property, getting what money he could to defray his expenses, and so on. Within some two or three days, it may have been longer, I understand the judge went into the court-house and voluntarily revoked the order he had made, so that Mr. Dickinson was permitted to remain. He was there when I left.

Question. State whether you were summoned to appear before the court and disclose on oath what claims you held of northern creditors.

Answer. I was summoned at the instance of the receiver under the confiscation act. I do not know that the judge's name was mentioned in the summons, but I was required to appear at Knoxville, Tennessee, on the first day of the succeeding term, which was to be held in the month of November, to answer under oath what claims or property I had in my hands, or within my control, belonging to alien enemies, which were understood to be northern creditors. I did not appear in court, but wrote out a statement, and handed it to the receiver. The court did not meet at the time appointed, and it was postponed to a subsequent day in December. I understood that Judge Humphreys would be there to hold the court, but before that time I left.

Question. State whether on other occasions, and how often, you saw persons under arrest, if at all, and taken to this court, held by Judge Humphreys, as Union prisoners, to answer for alleged offences against the southern confederacy.

Answer. During the first sitting of the court, in September, after the act of secession was passed, and which continued for three weeks at least, I saw numbers of men, said to be Union prisoners, escorted from the military camps, along the streets, taken into the court-house, between files of soldiers, and appeared before the court then sitting, at which Judge Humphreys was manifestly presiding. I have seen ten and twenty at a time.

Question. State your opportunities of knowing what was going on at the court-house.

Answer. My office was within a hundred yards of the court-house.

Question. State how the proceedings of the court were published in the papers of Knoxville when business was transacted.

Answer. They were generally headed as proceedings of the confederate court.

Question. Have you any of those papers?

Answer. I have not.

Question. At what time did you leave?

Answer. On the night of the 7th of December last. I have not been there since. I have been trying to recollect some expression of the judge going to show that he was acting in the capacity of a judge of the confederate court, but I have not been able to do so. I can state the further fact that a man by the name of Reynolds was understood to be appointed commissioner of the Confederate States by Judge Humphreys. As such commissioner he continued to act up to the time of my leaving, hearing charges against Union men, as a committing magistrate of the confederate government, either committing or holding them to appear at court. I was present when a friend of mine appeared before that commissioner. The only evidence against my friend, upon which the commissioner seemed to found his judgment, was, that he had stated upon the street that he was a *Union* man. The commissioner declared, substantially, that it was criminal for him to make such a declaration, and accordingly required him to give a bond. I became one of his securities to appear at the confederate court, which was to be held in November. That court

failed to sit, and he was re-recognized until December. I again went his security, and concluded soon after that I would not appear myself. I understood that proceedings for confiscation of their property were instituted against loyal citizens of the United States government, but they had not been prosecuted to final judgment when I left.

Question. Was any judge present in the court besides Judge Humphreys?

Answer. None whatever. I have seen no one acting in any judicial capacity, in connexion with the Confederate States, except West H. Humphreys, and this man Reynolds, who was committing officer.

And further this deponent saith not.

CONNALLY F. TRIGG.

JOHN LELLYETT sworn :

Question. State your age and residence.

Answer. I am thirty-five years of age; reside in Nashville, Tenn.; and a merchant.

Question. State whether you know personally West H. Humphreys, United States district judge for the district of Tennessee.

Answer. I have no personal acquaintance with him, but I have known him for some fifteen years.

Question. Was Nashville one of the places for holding the United States district court?

Answer. Yes, sir.

Question. State whether he has held a term of the United States district court at Nashville since the secession of Tennessee.

Answer. I left Nashville on the 31st of July, and know nothing, of my own personal observation, since that time. The time for holding the United States court there was about the time of the surrender of Fort Sumter. I was not in court, but it is a notorious fact, and mentioned in the papers, that Judge Humphreys declined to hold any court. I do not recollect exactly the remarks which he made on the occasion, but they were indicative of strong disloyalty to the United States. He declared that the federal government no longer existed or exercised authority in Tennessee. That is my recollection of the substance of his remarks on that occasion.

Question. Were they made from the bench?

Answer. Yes, sir.

Question. Did you hear them?

Answer. No, sir. They were talked about in the city, and gave great offence to the Union men. I do not pretend to state exactly the remarks which he made.

Question. Were you present in court?

Answer. I was not. I only speak of what was noised about the streets.

Question. State whether he has held a court at Nashville any time since, as a judge for the Confederate States.

Answer. I cannot state that of my own knowledge. I do not remember of his having held such a court in Nashville. From what I

have read in the newspapers, or from what I have learned from persons coming from Tennessee since I left, there have not been many prosecutions of Union men about Nashville, but I have information about prosecutions of Union men in eastern Tennessee.

Question. What facts have you, from reliable sources, going to show that Judge Humphreys held courts of the Confederate States in Tennessee?

Answer. I saw, in a paper published at Knoxville, the remarks of Judge Humphreys in regard to Mr. Dickinson being held to bail in the sum of \$10,000. I have seen accounts, also, of other men who were brought before the confederate court presided over by Judge Humphreys. I read an extract from the Knoxville *Register*, a strong secession paper, of the proceedings in the case of Dickinson. Judge Humphreys's remarks, in substance, were as they were stated by Colonel Trigg. He took the ground, because of his personal acquaintance with Mr. Dickinson, and because of the high character the latter had maintained, that he would waive his examination if he would take the oath of allegiance to the Confederate States government, which Mr. Dickinson declined to do; and he then required him to give bail for his good behavior during the time he remained there. My understanding is, that his bail was not released when he was allowed to remain there, but Colonel Trigg will know that matter better than myself. I have seen, in the disloyal papers, reports of the proceedings in the case of Mr. Brownlow before Judge Humphreys. Mr. Brownlow was charged with having been disloyal to the southern confederate government. I have also read of proceedings before Judge Humphreys, or under the authority of his court, to confiscate the property of citizens of the United States on account of their disloyalty to the Confederate States government. One rumor says that he was regularly carrying on the proceedings of the confederate court for the confiscation of the property of the Union men. I have understood from Robert Johnson, the son of Senator Andrew Johnson, that the negroes of the latter were taken to Knoxville to be confiscated to the Confederate States government.

Question. What is the age of Judge Humphreys, and how long has he presided upon the bench?

Answer. I suppose he is a man of fifty years of age, but I really do not know how long he has been judge. It is within my recollection that on the 29th of December, 1860, at a public meeting held in Nashville, to consider the condition of the country, there was a turbulent element developed. It was a meeting of all parties. Among the speakers and agitators on the side of revolution was West H. Humphreys.

Question. Did you hear him?

Answer. Yes, sir. There was a discussion between him and ex-Senator Foote. It was a matter of notoriety that Judge Humphreys was a bitter secessionist, and on that occasion ex-Senator Foote appealed to him, as a sworn judge of the United States, whether the laws of the United States did not still extend over South Carolina, notwithstanding her act of secession. Judge Humphreys, however,

would not answer. He was silent on that point. After that I read articles in a paper—I could not swear that he wrote them, but they were published as the writings of West H. Humphreys, in the *Union and American*, of Nashville—which took strong ground in favor of secession.

Question. Where is Judge Humphreys's residence?

Answer. In the city of Nashville, or in its vicinity. I will say that I have seen it announced that West H. Humphreys was appointed by Jefferson Davis the confederate district judge for the district of Tennessee.

I wish to substitute the following as a more correct report of my answer to the fourth question :

Answer. I left Nashville on the 31st of July last, and know nothing by personal observation of the proceedings of West H. Humphreys since that time. The time for the holding of one term of the United States court there was about the time of the surrender of Fort Sumter. I was not in court at the time, but it was a matter of public notoriety that Judge Humphreys adjourned the court for that term. I do not remember exactly the remarks he was currently reported to have made on that occasion, but they were indicative of strong disloyalty. He declared, in substance, as reported, that the authority of the federal government was at an end in Tennessee, and it was no longer proper to hold his court under such obsolete authority. Such is my recollection of the substance of his remarks, as reported. I did not intend to be understood as saying that the remarks of Judge Humphreys were reported in the papers.

JOHN LELLYETT.

Hon. HORACE MAYNARD sworn :

Question. State, if you please, whether you know Judge Humphreys, United States district judge of the district of Tennessee, and what you know of his official conduct.

Answer. I have been acquainted with him for many years. He was the official reporter of the supreme court of Tennessee for several years, and his name appears to a series of reports in that connexion. I think he was appointed district judge of the United States in the year 1853, very early in the administration of Mr. Pierce. That is my recollection. We had two terms of the court a year at Knoxville, one in May and the other in November. The last time I recollect to have seen him was in November, 1860, after the presidential election, and shortly before the meeting of Congress. The public mind was beginning to be a good deal excited by the action of South Carolina on the subject of disunion, secession, and kindred topics. I had a conversation with the judge in the court room after the adjournment of the morning session of the court. It was a very long one, but the purport of it, so far as he took part, was that, being an officer of the United States government, and sworn to support the Constitution, he could not intervene actively for the purpose of destroying the government, but he regarded the destruction of the

federal Union as inevitable ; as he expressed it, it had gone too far to be under the control of individual action. He stated a great many facts, which he alleged to have knowledge of, in support of that position. At that time one of the badges, indicative of secession sentiments, worn by some persons, was a cockade fastened upon the left breast. I remember of having seen some of the jurors in the court wearing those disunion badges.

Question. Were they visible to the eye of the court ?

Answer. Yes, sir ; they were obvious, and ostentatiously so. The sympathies and sentiments of the judge were of general notoriety, and I have heard of his expressing them freely in conversation. I only recollect of having but one conversation with him on the subject. His sympathies and influence, so far as he exercised it, were on the side of disunion and the disruption of the federal government. At the May term, 1861, after the time of the action of the State legislature looking to the secession of the State, and when the people were called upon to determine the matter, my recollection is that the judge did not hold his court. I think he did not even come to Knoxville. I think it was publicly announced, through the disunion paper there, that he would not hold the court. I am not certain about that, but my impression is that the court was not held.

Question. Did he hold a court for the Confederate States ?

Answer. I left on the first day of August to attend the session of Congress, and I have not been there since. I saw from the papers that he had been appointed district judge of the Confederate States. My impression is, that that was in August. The officer who had been district attorney for the United States for eight years was also appointed district attorney for the Confederate States. I have learned from letters and personal information in various ways that the course and official action of Judge Humphreys are substantially as Mr. Trigg has stated them. I saw a detailed report of a proceeding before Judge Humphreys in the confederate court held at Nashville, where Judge Monroe, formerly the judge of the district court in Kentucky, was represented to have made a declaration as of an alien announcing his intention to become a citizen of the Confederate States. Judge Humphreys was reported to have received the declaration with marks of distinguished approbation, and to have expressed his admiration of Judge Monroe's conduct.

Question. Where was that published ?

Answer. In the newspapers of the time printed in that State.

Question. Do you know anything about his taking proceedings against the property of the venerable Judge Catron because of his adherence to his oath to the Constitution of the United States ?

Answer. That is reported to be the case. It is a matter of notoriety—a thing of common fame. I saw a statement, professing to come from a reliable source, that property amounting to over a million of dollars had been condemned in the eastern portion of Tennessee.

Question. Was it the property of loyal citizens ?

Answer. Not all of it. It was condemned and put in the hands of

Mr. Haynes, as receiver. A part of it was stock in some valuable copper mines in the lower part of East Tennessee, and which was represented to be the property of non-resident owners, and a portion of it the property of the Hon. Andrew Johnson, the senator from that State.

Question. Was it not all put in the name of citizens of the United States?

Answer. I do not know. Andrew Johnson was proceeded against, I presume, not as a citizen of the United States, but as a traitor to the Confederate States.

Question. Is it not a matter of notoriety in Tennessee that there is a statute of the Confederate States providing for the confiscation of the property of citizens of the United States who adhere to the Constitution of the United States?

Answer. I have knowledge that such a law was published.

Question. Is it not a matter of public notoriety?

Answer. It is, I suppose, a matter of public notoriety. I know it was published in the papers.

And further this deponent saith not.

HORACE MAYNARD.

Mr. TRIGG. Mr. Maynard has spoken of Mr. J. C. Ramsay as having been appointed district attorney for the Confederate States. I know that he attended and officiated in the confederate court in Knoxville, while Judge Humphreys was sitting upon the bench as confederate judge.

CONNALLY F. TRIGG.

FRANCIS M. McFALL sworn:

Question by Mr. Bingham. State your age and residence.

Answer. I am between 24 and 25 years of age, and reside in Washington county, near Jonesboro', East Tennessee.

Question. State your profession or occupation?

Answer. For the last several years I have been a clerk in the supreme court office of East Tennessee.

Question. Do you know West H. Humphreys, United States district judge for the district of Tennessee?

Answer. I know him, but I am not personally acquainted with him.

Question. State what you know touching his connexion with the present rebellion against the United States.

Answer. When I was in Knoxville, during the latter part of September, 1861, I saw Judge West H. Humphreys presiding in the confederate court which was then being there holden. While I was present the attention of the court was almost wholly occupied with the trial of men charged with disloyalty to the confederate government.

Question. Were they citizens of the United States?

Answer. Yes, sir. Most of the men having been arrested on frivolous charges, and many upon no charges at all, except that they entertained Union sentiments, were released by the court on taking an oath to support the confederate government, or giving bond in good security for their future conduct as good citizens of the confederate government. The oath was administered and the bonds taken by one William C. Kane, a lawyer, but who at that time was acting, as I supposed, as clerk of the court. I did not ask any questions about the matter, however. This was done in presence of Judge Humphreys. He stated to the prisoner, before administering the oath to support the confederate government, that he was not compelled to take it; that he would be released on giving bond with good security for his future loyalty to the confederate government; and that, in the event that he refused to do either, he would be considered as an enemy to the confederate government, and as a dangerous person to the confederacy, and as such must be imprisoned during the war.

Question. Were you present in the confederate court at the transactions to which you refer at Knoxville, East Tennessee?

Answer. Yes, sir. Judge Humphreys presided.

Question. State specifically whether all or any of these persons were charged with any crime or merely with disloyalty to the confederate government.

Answer. Most of them were merely charged with having entertained Union sentiments. Some were charged with having been in arms against the Confederate States. There had been what were called rebellions against the confederate authorities in different portions of East Tennessee, and some of the men engaged in them had been arrested.

Question. Then the charges against these men only consisted of their adherence to the Constitution and Union of the United States, and of taking up arms against the rebellion?

Answer. Yes, sir.

Question. Do you know anything further touching Judge Humphreys's active participation in this rebellion against the United States?

Answer. I believe that I have stated the substance of all I know.

Question. Do you know of his having held a confederate court at any other place than Knoxville, East Tennessee?

Answer. I do not know of my own knowledge, but I have heard that he held a confederate court at Nashville.

Question. Is it a matter of notoriety that he held a confederate court at Nashville?

Answer. It is a matter that is publicly known.

Question. At what time did he hold that court?

Answer. I think he held a confederate court in Nashville in October or November last.

FRANCIS M. McFALL.