Rise and Fall Of the Slave Power In America

HENRY WILSON

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OF THE

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HISTORY

OF THE

RISE AND FALL OF THE SLAVE POWER IN AMERICA.

BY HENRY WILSON.

VOL. III.

BOSTON:
JAMES R. OSGOOD AND COMPANY,
LATE TICKNOR & FIELDS, AND FIELDS, OSGOOD, & CO.
1877.

PUBLISHERS' NOTICE.

The sudden death of Vice-President Wilson found him busily engaged in the preparation of the closing volume of this History. Most of the chapters had been written, and the materials gathered for the remainder. The Publishers immediately arranged with the Rev. Samuel Hunt — who had been associated with Mr. Wilson from the inception of his work, and who carried the previous volumes through the press — to complete the work and attend to the printing of this volume. By long and intimate connection with Mr. Wilson, and by thorough acquaintance and sympathy with his ideas and purposes, Mr. Hunt had peculiar qualifications for finishing this History, and the Publishers have no hesitation in assuring the public that the volume is in every respect substantially what it would have been had Mr. Wilson fortunately lived to complete it.

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On the 6th of November, 1860, Abraham Lincoln was elected President of the United States. Though he lacked nearly a million of a majority on the popular vote, yet by the desperate strategy of the secessionists which had divided the Democratic party, with the nomination of Mr. Bell, he, of the four candidates in the field, was regularly chosen according to the provisions of the Constitution. This was not only admitted but claimed by those who had adopted this violent mode of uniting the South in support of their long-sought and fiercely threatened policy of rebellion and disunion. Though this purpose had not been concealed, but openly and defiantly avowed, yet, with an audacious and brazen disingenuousness, no sooner had it become probable that Mr. Lincoln would be chosen, than these secession leaders boldly affirmed that he was a sectional candidate, and that his election was the success of a party committed to warfare upon the rights and interests of the South. Appealing to local interests, pandering to prejudices, painting in glowing colors the advantages of

nut, one of her Senators in Congress, expressed no doubt of Mr. Lincoln's election the next day, and declared that the people of that State must choose whether they would be governed by their enemies or govern themselves. "For myself," he said, "I would unfurl the Palmetto flag, fling it to the breeze, and with the spirit of a brave man determine to live and die as becomes our glorious ancestors, and ring the clarion notes of defiance in the ears of an insolent foe." Asserting the right of South Carolina to secede, he recommended immediate action; and he predicted that "the other Southern States will flock to our standard."

These treasonable utterances of a Senator of the United States were enthusiastically applauded. The next evening William W. Boyce, a Representative in Congress, responding to a serenade, defiantly declared that "the South ought not to submit," and that "the way to enact revolution is to stare it in the face." "When an ancient philosopher," he said, "wished to inaugurate a revolution his motto was: To dare! to dare!"

Edmund Ruffin of Virginia, an old gentleman, for many years the editor of an influential agricultural paper, a fanatic upon the subject of slavery, who afterwards achieved the dubious distinction of firing the first shot on Fort Sumter, and died a suicide, hastened to South Carolina to influence, as far as he could, that State to take immediate action. He expressed the opinion that, if she remained alone, she would be able to defend herself against any power that would assail her. But he contended she would not remain alone and would soon be followed by other States. "The first drop of blood," he said, "spilled on the soil of South Carolina will bring Virginia and every Southern State with her."

But notwithstanding this free and fierce enunciation of a purpose not to submit to the election of what was denominated a sectional President, and of a determination to redress what was proclaimed to be a palpable infringement of Southern rights through the violent remedy of revolution, large numbers at the North remained incredulous, and refused to believe that their Southern brethren would be guilty of such folly and resort to measures so perilous and suicidal. They preferred,

dent is perplexed"; and that "his feelings are with the South, but he is afraid to assist them openly."

Stimulated by the enthusiasm of the people and encouraged by the assurances received from other States, the legislature at once proceeded to act, boldly taking the initiative in what proved the terrible "dance of death." Members vied with each other in presenting resolutions providing for the withdrawal of the State from the Union. All were in favor of secession, but a few in both houses were in favor of awaiting the co-operation of other States; and resolutions to this effect were presented, though they received small support. In the House, Mr. McGowan reminded that body that co-operation with their Southern sisters had been the settled policy of the State for ten years. The Southern States, he contended, had more motives and greater necessity for concert and union than any people that ever lived, for they were one in soil, climate, and institutions. They alone, he said, of all the earth, had a peculiar institution, absolutely necessary for them, without which they would cease to exist, and against which, under the influence of a fanatical sentiment, the world is banded. Isolated from the whole world upon that question, he thought the outside pressure would compel the slaveholding States to unite. He would say "to Georgia, the 'Empire State' of the South," "the keystone of the Southern arch," that South Carolina would forego the honor of being first, for the sake of promoting the common cause, and would follow her lead.

Such a policy, however, was too slow and sensible to suit the fiery zeal that ruled the hour. Something more summary was demanded. "If we wait," said Mr. Mullins, "for co-operation, slavery and State rights will be abandoned, and State sovereignty and the cause of the South will be lost forever. After we have pledged ourselves to take the State out of the Union I am willing to send a delegation to Georgia or to any other Southern State." Upon information he pronounced "perfectly authentic," he said that "the representative of one of the imperial powers of Europe, in view of the prospective separation of one or more of the Southern States from the present confederacy, has made propositions in advance for the

establishment of such relations between it and the government about to be established in this State as will insure to that power such a supply of cotton for the future as their increasing demand for that article will require." But in spite of all efforts to await co-operation, a bill providing for the election of delegates on the 6th of December, to meet in convention on the 17th, passed the House on the 9th, and the Senate on the 17th. Without waiting, however, for either the election of delegates or the meeting of the convention, their Senators in Congress resigned their seats, so eager were they to consummate their fell work, and to diminish the chances of retracing the rash steps already taken.

All eyes were now turned towards Georgia. The "Empire State of the South," her size, resources, and position invested with great importance her action, and all, both the friends and the enemies of the Union, saw that her decision would have large influence in this crisis of affairs. Great efforts had been made by Toombs and Iverson, United States Senators, by Representatives in the House, and other influential men, to prepare the State for secession and secure control of the legislature, which met on the day after the presidential election. Governor Joseph E. Brown devoted his message largely to national affairs, reviewing the legislation of Northern States and discussing the duty of the South. Though opposed to the policy of secession, he counselled thorough preparation for the possible exigencies of the occasion. He recommended the appropriation of a million dollars to arm the State. He thought the time had come for bold and decided action, and proposed the enactment of a law making it a penal offence to introduce merchandise into the State from States that had passed personal liberty bills. By a large majority it voted that a sovereign State had a right to secede from the Union.

Among the voices raised for disunion none were louder and more potent than that of Senator Toombs. On the evening of the 13th he addressed the members of the legislature in a speech in the highest degree seditious and violent. Betraying his distrust of the popular feeling, he discountenanced the calling of a convention and urged the legislature to act. "I

ask you," he said "to give me the sword; for if you do not give it to me, as God lives, I will take it myself." He urged them to withdraw their sons from the army and navy and from every department of the Federal service, to keep their own taxes, buy arms with them, and "throw the bloody spear into this den of incendiaries and assassins." He called upon them to strike while it was yet time. The twenty years of toils and taxes expended in preparation, he said, would not make up for the advantages their enemies would gain.

On the evening of the 14th Alexander H. Stephens addressed a meeting of members of the legislature and the people in the Assembly chamber. His speech was in a different vein, and his counsels were milder. His object, he said, was not to stir up strife but to allay it, not to appeal to passion but to reason. To the question, Shall the people of the South secede in consequence of the election of Mr. Lincoln? he said: "My countrymen, I tell you frankly, candidly, and earnestly that I do not think they ought. In my judgment, the election of no man, constitutionally chosen to that high office, is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the Constitution and the country. To make a point of resistance to the government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong." He avowed that he did not believe the Union to have been "a curse"; that they could not find a government that better protects the liberties of the people. He denied that it had proved a failure. "Some of our public men have failed in their aspirations," he added; "that is true, and from that comes a great part of our troubles." He advocated, however, in spite of these utterances, the calling of a convention, and he avowed that he should, though reluctantly, acquiesce in her decision, should Georgia determine to go out of the Union. "I shall bow to the will of her people," he said; "their cause is my cause and their destiny my destiny." The friends of the Union welcomed and applauded these calm and patriotic utterances, and gave Mr. Stephens far more credit than subsequent events proved him entitled to. His "great and leading object," he confessed in

said that the only hope for the future security of Alabama and other slaveholding States was in secession. On the 6th of December he issued a proclamation ordering delegates to be chosen on the 24th of December to meet in convention on the 7th of January.

The legislature of Florida assembled on the 26th of November. Governor Madison S. Perry, in his message, declared that the domestic peace of that State depended upon "secession from their faithless and perjured confederates." Scouting the idea that they should wait for an overt act, he exclaimed: "My countrymen, if we wait for an overt act of the Federal government our fate will be that of the white inhabitants of St. Domingo."

Governor Morse of Louisiana called an extraordinary session of the legislature to meet on the 10th of December. In his message he said that it did not comport "with the honor and self-respect of Louisiana, as a slaveholding State, to live under the government of a Black Republican President." He declared that the question rose above ordinary political considerations, and involved their present honor and future existence. Asserting the right of a State to secede from the Union, he declared that if the Federal government should attempt to coerce a sovereign State, Louisiana would hasten to her assistance. "If I am not mistaken in public opinion," he said, "the convention, if assembled, will decide that Louisiana will not submit to the Presidency of Mr. Lincoln." The legislature called a convention to assemble on the 22d of January, appropriated half a million dollars for military purposes, and gave the governor authority to correspond with the governors of Southern States. On the 26th of January the convention adopted an ordinance, by a vote of one hundred and thirteen to seventeen, declaring that "the union now subsisting between Louisiana and other States under the name of the 'United States of America' is hereby dissolved."

Similar movements were inaugurated in the other States which afterwards seceded, but not with the same immediate success. Excepting South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, none were sufficiently ripe for

CHAPTER II.

PRESIDENT'S MESSAGE AND SENATE DEBATE.

Anxiety and alarm. — Message. — Opinion of Attorney-General. — Equivocal and unsatisfactory. — Senate. — Extreme speech of Clingman. — Lane, Iverson, Davis, and Wigfall. — Union speeches of Crittenden and Saulsbury. — Speech of Hale. — Appointment of committees.

No meeting of Congress was ever anticipated with more anxiety and apprehension than that of the 3d of December, 1860. In the feverish excitement of the hour all eyes were turned towards Washington to catch the first intimations of what was to be the policy of the government in regard to the recusant and rebellious States. The well-known sympathy of Mr. Buchanan with the South filled one section of the country with hope, the other with apprehension, and both were alike eager to ascertain what the utterances of his message would be. Nor were those utterances calculated greatly to relieve the apprehensions of the patriotic or to disturb the conclusions of the treasonable.

Alluding to the "discontent" which, he contended, was generally prevalent, and which he attributed, without equivocation, to Northern and not to Southern wrong-doing, the President affirmed that "the long-continued and intemperate interference of the Northern people on the question of slavery in the Southern States has at length produced its natural effects," which were, in the language of President Jackson, he quoted, to "stimulate" the slaves "to insurrection and to produce all the horrors of civil war." "The time of Congress," he said, "has been occupied in violent speeches on this never-ending subject, and appeals in pamphlet and other forms indorsed by distinguished names have been sent forth from this

central point and spread broadcast over the Union." The question could be easily settled, he said, by letting the South alone, and permitting it to manage its own affairs in its own way.

Thus aspersing the North and defending the South, he proceeded to the task of dissuading the section he had represented as so grievously wronged from the threatened remedy of secession. The election of Mr. Lincoln, which, though effected by a plurality and not a majority of votes, had been "held in strict conformity with the express provisions" of the Constitution, afforded, he said, no justification for "the destruction of the best system of government ever devised by mortals." In the absence of any overt acts there was, he contended, certainly no good reason for secession in the mere apprehension of what the government might do. Admitting that certain States may have been obnoxious to the charge of unfriendly legislation in the matter of the Fugitive Slave Act, he asserted that the laws of 1793 and 1850 had been the laws of the land, and that in all contested cases they had been faithfully executed. He admitted that in case of failure in that regard "the injured States would be justified in revolutionary resistance to the government of the Union."

But he combated the idea that because a State felt aggrieved, it had a right to secede. Such a principle being admitted, he contended that "the Confederacy is a rope of sand," and "the thirty-three States may resolve themselves into as many petty, jarring, and hostile republics, each one retiring from the Union without responsibility whenever any sudden excitement might impel them to such a course." Besides arguing ably and conclusively against the State-rights doctrine of the secessionists, quoting the language of Madison, and that of Jackson in his message transmitting the nullifying ordinance of South Carolina in 1833, he triumphantly referred to the manifest intention of the framers of the Constitution. "It was not intended by its framers," he said, "to be the baseless fabric of a vision which, at the touch of the enchanter, would vanish into thin air, but a substantial and mighty fabric, capable of resisting the slow decay of time, and of defy-

ing the storms of ages." After conceding the right of revolution and asserting that secession is neither more nor less than revolution, he inquired: "What in the mean time is the responsibility and true position of the executive?" "He is bound," he answers his own question, "by solemn oath before God and the country to take care that the laws be faithfully executed, and from this obligation he cannot be absolved by any human power," though, as in the case of South Carolina, where "the whole machinery of the Federal government had been demolished," he expressed the opinion that "it would be difficult, if not impossible, to replace it," except, it might be, in the collection of customs. He professed, however, his inability to find any provisions of the Constitution "to overcome the united opposition of a single State, not to speak of other States who may place themselves in a similar attitude," and he added that it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution." To the question whether, if we possessed the power, it would be wise to coerce a State, he replied by saying that "the Union can never be cemented by the blood of its citizens shed in civil war," and that "the sword was not placed in their hands to preserve it by force."

In the absence of the power to preserve the Union by force he urged upon Congress the remedy of "conciliation," and he proposed for that purpose "an explanatory amendment of the Constitution" on three points: "the recognition of the right of property in slaves in States; the duty of protecting it in all the common Territories; and the recognition of the right of the master to have his escaping slave delivered up." "Such an explanatory amendment," he said, "would, it is believed, forever terminate the existing dissension and restore peace and harmony among the States."

With his own views thus expressed, the President laid before Congress the opinion of the Attorney-General, to whom he had propounded the question of executive power in the premises. In this elaborate paper Mr. Black had laid down substantially the same principles and conclusions which the President indorsed and proclaimed. Beginning with the

assertion that both the general and State governments were restricted in their action not only within certain limits, fixed by the Constitution, but to certain modes of procedure, he contended that there was no authority to vary from the prescribed rule, no right to "accomplish a legal purpose by illegal means." He admitted that the duty of the executive to protect the public property was "very clear," as was generally acknowledged in the raid of John Brown at Harper's Ferry, in 1859. Coming, however, to the question whether or not the President had a right to coerce a seceding State, he quoted first the law of 1807 which gave him the power to use the land and naval forces to enforce the laws wherever the militia might be called out by the law of 1795. As the latter authorized the use of the militia whenever the execution of the United States laws was "obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals," so under the later law the President might use the land and naval forces for the same purpose; in other words, he was to help the Federal officers to do what they could not accomplish of themselves. But what, he inquired, is to be done if these Federal officials join in the general defection? If there are no Federal judges and marshals to be helped, then, answering his own question, he expressed the opinion that the use of troops would be "wholly illegal"; and he contended that "under such circumstances to send a military force into any State with orders to act against the people would be simply making war upon them."

"Whether Congress has the constitutional right to make war against one or more States is," he said, "a question for Congress itself to consider," though he added, "no such power is expressly given or implied." Adducing the war-making powers enumerated in the Constitution, his conclusion was that its provisions were made to protect the States and not to make war upon them. "If this view be correct," he averred, "then the Union must utterly perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the

general government in the execution of its proper constitutional functions"; and he significantly inquired, "Is any portion of the people bound to contribute their money or blood to carry on a contest like that?"

The President's message was acceptable to neither extreme. Heartily approved by few, it was sharply criticised and severely condemned by both parties in each house. His harsh language towards the North was distasteful to every sympathizer with freedom, while his decided condemnation of secession disaffected those who favored that mode of solving the great problem. His equivocal position, his nerveless and non-committal policy, his fierce denunciation of those who would preserve, and his deprecatory tone towards those who would destroy, the Union, excited both the surprise and contempt, the wrath and mirth, of those who listened to its unfounded assumptions, its inconsequential suggestions, and its hopelessly inadequate recommendations. Instead of bravely and squarely meeting the fearful issue, and proposing measures commensurate with the exigencies of the hour, he left the country wondering at its imbecility, and oppressed with the sickening conviction that in that supreme moment of the nation's history they who were intrusted with the keeping of its honor and its life were proving themselves faithless to their trust, at least helpless for good.

The delivery of such a message at such a time, with such the temper of both Congress and the country, became the signal of a long and heated debate in both houses. In the Senate the motion to print became the subject of an earnest discussion, which revealed very clearly not only the conflicting views and feelings there entertained, but the strength and positiveness with which they were entertained. Mr. Clingman of North Carolina led off in a speech of extreme opinions and extravagant language. Admitting the patriotism of the President, he intimated that he had failed of putting the case as strongly as the exigencies of the hour required. It was not, he said, simply because Mr. Lincoln was a dangerous man, that the crisis was so full of peril and of well-grounded alarm, but because he was elected for that very reason. In-

stead of the checks which, the President had intimated, would exist in Congress, should the incoming administration attempt to encroach on the rights of the South, he predicted that "the same organization that elected Mr. Lincoln must soon control both houses of Congress, the Supreme Court, and all the officers of the government." He said that the fact, on which the President dwelt, that Mr. Lincoln received but "a minority of votes" was only an "aggravation, as it turns out that little more than one third of the voters may control all the departments of the government,"—a fact, he might have added, which the long-continued domination of the Slave Power had abundantly and disastrously illustrated.

He then expatiated at some length upon the indignities and injustice which the slaveholding States had received from the arrogant North, and he asserted that both South Carolina and all the South had been "wonderfully patient." He contended that the United States "would not submit for a moment to the treatment from a foreign nation that the South has received at the hands of the North." Of the President's proposition that new guaranties should be given to the South, he said, "I do not see how any Southern man can make propositions. If propositions are made, they should come from the North"; and, unless some comprehensive plan of that kind be adopted, he counselled "a peaceable division." Alluding to the intimations that the South would suffer in case of division, he confidently affirmed that they had no fears. He said he did not understand how the President's assertion that the executive might collect the revenue in a State was consistent with the admission that he had no power to coerce a State back into the Union; for he contended that if a seceded State becomes a foreign nation by secession there could certainly be no authority in the government to collect taxes therein. Instead of waiting for overt acts, as the President had intimated, he expressed the opinion that it was best "to meet the issue *in limine*." "It is idle," he said, "for men to shut their eyes to consequences like these. If anything can be done to avert the evil, let those who have the power do it." He regarded it as one of the wisest remarks of Mr. Calhoun that "the Union could

not be saved by eulogies upon it." Joseph Lane of Oregon, the candidate for the Vice-Presidency on the ticket with John C. Breckenridge in the preceding election, led off in a very extreme and violent speech. He affirmed that the recent election had been a verdict of the people that "equality in this country shall not prevail"; that "fifteen States of this Union shall be inferiors." Assuming, too, that the election had decided that territory already free should remain free, he said that on such conditions "there can be no peace in this country, there can be no Union. It does not exist to-day." Mr. Lincoln himself, he admitted, was not an objectionable man; but he was dangerous because he was supported by a party holding such views.

Mr. Iverson of Georgia, the next day, made a very violent and defiant speech. He began by conceding that no State had any right to secede on constitutional ground. He admitted that it was only the right of revolution he urged, which it could exercise only "at its peril," liable, of course, to the infliction of war, if the remaining States should "see fit to regard it as a *casus belli*." He condemned the position of the President because he represented that "the Federal government is in fact a consolidated government; that it is not a voluntary association of States, — a position," he regarded as "altogether wrong." He affirmed, too, that the States not only had the right to secede, but that some of them had made up their minds to that policy, to go out of the Union while they had the strength. "Sir," he said, "before the 4th of March — before you inaugurate your President — there will be certainly five States, if not eight of them, out of the Union." He admitted that all promised concessions would be of no avail, inasmuch as it was the "public sentiment" of the North against slavery which they feared, and not the personal liberty bills of Northern legislation or the apprehended "overt acts" of the incoming President. Besides, he claimed that there was an enmity between the Northern and Southern people, that was deep and enduring, and which could not be eradicated. "We have not lived in peace," he said; "we are not now living in peace. It is not expected or hoped that we shall

ever live in peace." He charged that the Northern people hated the South worse than ever the English people hated the French; nor was there any love lost on the part of the South. He declared that they were going out, "peaceably if we can, forcibly if we must." But he did not expect war, for he believed the North would see it to be its true policy to let them go in peace. "But if war is to come," he said, "let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicanism everywhere upon our own soil; and, in the language of a distinguished member from Ohio in relation to the Mexican war, 'we will welcome you with bloody hands to hospitable graves.'"

Jefferson Davis of Mississippi did little more than remark that before a declaration of war is made against the State of which he was a citizen, "I expect to be out of the chamber; that when that declaration of war is made, the State of which I am a citizen will be found ready and quite willing to meet it."

Louis T. Wigfall of Texas made a characteristic speech. He dissented from the position of Mr. Iverson, that the act of secession was unconstitutional and revolutionary. He condemned the message, not for the reason which had been urged, that it was "neither one thing nor the other," but for the reason that "it is both one thing and the other," making the additional criticism that "it is difficult for men who have no well-defined ideas upon subjects which they discuss to discuss them so that they can be correctly understood." He spoke of the views of the President as "vague," of his opinions as being "on both sides." He avowed the extremest State-rights doctrines, and contended that any State had a right to secede "with or without cause." "We simply say," he added, "that a man who is distasteful to us has been elected, and we choose to consider that as a sufficient ground for leaving the Union, and we intend to leave the Union." In reply to one who intimated that he had misapprehended the President's message, he said, "I confess, sir, that I do not understand it; and the more I read it the less do I comprehend it."

The Union, however, found advocates. Among them was

Mr. Crittenden of Kentucky, who, though a slaveholder, expressed great regret at the course of remark which had been pursued. To the sentiments of the Senator from North Carolina, he entered his most earnest protest, avowing at the same time "the hope that the Union which was the glory of the fathers will not become the shame of their children." In regard to the opinion that the election of Mr. Lincoln afforded cause of alarm, even of secession, he said, "there is at least diversity, great diversity, of opinion." The President's position, he affirmed, that no State has a right to secede from the Union, and the position that "the Union has no right to interpose any obstacle to its secession, seems to me to be altogether contradictory."

Willard Saulsbury of Delaware, though from a slaveholding State, spoke earnestly for the Union. He admitted and claimed that his State had "reaped too many blessings therefrom to cause any son of hers to raise his hand against it." "Sir," he said, "when that Union shall be destroyed by the madness and folly of others (if, unfortunately, it shall be so destroyed) it will be time enough for Delaware and her representatives to say what will be her course."

It remained, however, for the Senator from New Hampshire, to give the true and patriotic response to the imbecile and equivocal counsels of the President, and to the treasonable and defiant utterances of Southern rebels. Claiming to speak only for himself, Mr. Hale declared this to be the reading of the message: "South Carolina has just cause for seceding from the Union; that is the first proposition. The second is, that she has no right to secede. The third is, that we have no right to prevent her from seceding. That is the President's message substantially"; while the power of the government is "a power to do nothing at all." Instead of recommending to Congress some rule of action, "he has entirely avoided it. He has failed to look the thing in the face." Contending that that was not the way to look at the matter, and that the only alternative presented was, "unconditional submission on the part of the majority," or war, he said, if the former be the accepted alternative, "it is a Union of a dictatorial oligarchy on the one

tion, and the subject must be removed from the excitement and publicity of the Senate and the House to the quiet and retirement of the committee-room. Accordingly, on the very day of the delivery of the President's message, a motion was made in the House for the appointment of a special committee to which it should be referred. The motion was adopted with very little debate. A similar motion was made in the Senate, which led to longer debate, but it was likewise adopted.

CHAPTER III.

SPECIAL COMMITTEES UPON THE CRISIS IN THE SENATE AND HOUSE.

General bewilderment and uncertainty. — Powell's motion in the Senate. — Debate thereon. — Preston King, Green. — Douglas's patriotic appeal. — Speech of Jefferson Davis. — Response by Green. — Speeches by Sumner, Dixon, Brown, and Pugh. — Speech of Mason. — Mr. Wade's sharp arraignment. — Appointment of the Committee of Thirteen. — Boteler's motion. — Carried, and committee appointed. — Requests and debate thereon. — Resolutions. — Reports. — Generally conservative. — That of Washburn and Tappan. — True to freedom. — Debate earnest and intense. — Corwin. — Speeches of Millson, Clemens, Bingham, Lovejoy, McPherson, Sedgwick, Stevens, Ferry, Humphrey, Wilson. — Conservative views of Charles Francis Adams. — Southern advocates of Union. — Maynard, Davis, Hamilton. — Voting. — Passage. — Senate. — Debate. — Mason's substitute. — Speeches of Chandler, Crittenden, Trumbull, Wigfall, Wilson, and Wade.

THERE can be no intelligent and appreciative reading of the opening debates of the session now under review without careful note of the general bewilderment and feeling of uncertainty that prevailed. While men were measurably clear in their own minds respecting the thing desired, they were very much at loss as to the best, or even possible, way of securing it. Whether occupying extreme or intermediate grounds, the wisest and most astute could only approximate conclusions on which they could with confidence rely. Both the friends and enemies of the government, being ignorant of the purposes and plans of each other, and much more of the Divine purpose and plan involved in the mighty events through which they were passing and toward which they were looking, their own were necessarily inchoate, tentative, and incomplete. Both houses had appointed special committees, and their reports became the subjects of debate and action. Though the House moved first, and its report became the basis of the final action of Congress,

some account of the report of the Senate's committee and its consideration is an essential part of a history of the session.

On the 10th Lazarus W. Powell of Kentucky introduced a resolution that "so much of the President's message as relates to the present agitated and distracted condition of the country, and to grievances between the slaveholding and non-slaveholding States be referred to a committee of thirteen members; and that said committee be instructed to inquire into the present condition of the country, and report by bill or otherwise." It became the subject of a long debate, and was not adopted until the 18th. The discussion, however, necessarily revealed at once the sentiments and lines of thought, the wishes and purposes of the different sections and schools at that great crisis. The mover purposely refrained, he said, from any consideration of the "causes" of "the unfortunate state of affairs," only seeking "to restore unity, quiet, and security to a distracted and divided people." Preston King of New York expressed his belief that the Republic would go "safely through the crisis," and his doubt of the necessity of "raising this committee at all"; but if there was "a fitness in it," he favored a full and free inquiry upon the various subjects proposed. James S. Green of Missouri avowed his purpose to vote for the committee, because in his esteem it was important to "use every effort not to precipitately hurry over the precipice and fall into the yawning gulf, without an effort to reason together, to pause a moment to reflect and see if something may not be done." Intimating that he had grave doubts as to the value of any amendments of the Constitution, he expressed the conviction that they were "not worth a straw," so long as "a vitiated and corrupted state of public sentiment prevails, North and South." Saying that there were but two modes of government, by "common consent" and by "physical force," he proposed a resolution "for establishing an armed police force at all necessary points along the line separating the slaveholding from the non-slaveholding States, to prevent the invasion of one State by citizens of another, and also for the efficient execution of the fugitive slave laws." Referring to the raids into Missouri, and to that of John Brown into Virginia,

he contended that it was not enough to punish invaders, the government should "prevent invasion," as also "the abduction of slaves." On the subject of the required rendition of fugitives he quoted largely from "distinguished writers and jurists on the subject" to establish the constitutionality of such rendition. Lafayette S. Foster of Connecticut, having intimated his readiness to support the proposition, the more readily because it came from the dominant party, Stephen S. Douglas of Illinois, expressed his regret at hearing any allusion to party politics. He said he was willing to "act with any party and with any individual of any party" for the preservation of the Constitution and the Union. Professing himself to be as good a party man as any man living, he said, "I do not desire to hear the word party, or to listen to any party appeal, while we are considering and discussing the questions on which the fate of the country now hangs."

Jefferson Davis, whose prominence and subsequent leadership in the secession movement invested his words with special significance, spoke briefly. "Mr. President," he said, "if the political firmament seemed to me dark before, there has been little in the discussion this morning to cheer or illumine it." Alluding to what he stigmatized the "quack nostrums" which had been proposed, he indicated his conviction that "men must look more deeply, must rise to a higher altitude" if they would relieve the evils which disturb the land and threaten its destruction. "The diagnosis of the disease," he said, "must first be stated before we are prepared to prescribe." Enunciating the doctrines of State rights, inveighing against consolidation, and praising the form and even the past administration of the government as of unrivalled excellence, he dwelt with all the force of the most intense expressions upon the utter inadequacy of any mere enactments of law, or the adoption of any mere amendments of the Constitution. The trouble lay deeper, he said, in the feelings of the people, in "sectional hostility," which had been substituted "for the fraternity in which the government was founded. . . . . Then, where is the remedy? the question may be asked. In the hearts of the people, is the ready reply." It was "rooted in

fraternity," and when that was destroyed, the government of the fathers ceased to exist. He said he could "not comprehend the policy of the Southern Senator who would substitute Federal force for State obligations and authority." "I fear," he said, "his proposition is to rear a monster which will break the feeble chain provided, and destroy rights it was intended to guard." Mr. Green, nettled by the opprobrious designation of "quack nostrums," applied to the propositions which had been made, replied with some spirit. He referred to the greater hazard and loss of the border as compared with those of the gulf States, Mississippi and Louisiana losing, he said, "but one boxed-up negro," while Missouri, Kentucky, Virginia, and Maryland had "lost thousands and thousands and thousands." Their wrongs, he contended, were real, and needed practical remedies, while those of the extreme South were rather "ideal and imaginary."

Charles Sumner spoke briefly, and contented himself with calling public attention to the testimony of General Jackson in 1833, in which he characterized the nullifiers as "wicked demagogues." "The tariff," said the hero of the Hermitage, "it is now known, was a mere pretext, ... disunion and a Southern Confederacy the real object. The next pretext will be the negro or slavery question." James Dixon of Connecticut pleaded the cause of harmony. Declaring his dissent from the idea that there was any necessary antagonism between free and slave labor, he expressed the conviction that if slavery should destroy the Union it would be because "the statesmen of the day are incompetent to the task"; and his belief that, if the matter could be left to the people, the "States would continue to be bound together in eternal union by the golden chains of mutual advantage." Albert G. Brown of Mississippi avowed his purpose to vote against the resolution because he had no faith in its efficacy, and because he would not encourage hopes among his people that he knew to be groundless. Acts of Congress, he said, could not extinguish "sectional hate." "You might as well undertake to extract a cancer with a mustard plaster as to root up this political disease by means like these." Mr. Pugh of Ohio opposed with warmth

these remarks of Mr. Brown, and pleaded earnestly for harmony and concession. He pronounced Mr. Iverson's assertion, that the two sections hated each other, "a calumny." He deprecated, however, all resort to coercive measures. "What," he inquired, "would South Carolina be worth to herself or to us, if she were dragged captive in chains? . . . . If she cannot be retained by bonds of affection, or, if estranged, cannot be brought back to us by acts of kindness, why, let her depart in sorrowful silence." Mr. Mason of Virginia would vote for the resolution, though he had no faith that Congress could do anything effective, saying that he should regret extremely if its passage should encourage or lead the non-slaveholding States to look to Congress for any hope of an adjustment of these differences. The difficulty, he said, was not the failure to execute the fugitive slave laws, nor the passage of personal liberty bills, but it was "a social war, — a war of sentiment, of opinion; a war of one form of society against another form of society." He deprecated the proposition that the executive should have the necessary power placed in his hands to execute the laws. That means, he said, that "the law is to march straight forward, like the car of Juggernaut, crushing all who may oppose it." The only ground of hope, he thought, was with the people, who, meeting in conventions at the North as they were then doing at the South, must "determine whether anything and what can be done to save this Union." The debate of the 11th turned largely upon the question whether or not the compromises of the Constitution had been carried out in good faith. Douglas and Pugh contended that they had been, while Green and Iverson maintained that practically they had not been, faithfully executed.

Near the close of the debate Mr. Wade of Ohio made a long and manly speech. With earnest and eloquent voice he vindicated the demands of justice and humanity; characterized with ability and refreshing boldness the course of those who discarded the doctrine of human rights, denied to others what they claimed for themselves, and proved traitorous to their country; and announced with unflinching firmness the purposes of those with whom he acted, and who were soon to

assume the reins of power. Referring to the complaints against the Republicans so rife, he remarked that the Republican party had never had an executive officer, while those who made the complaints, though representing a little more than one fourth of the free people of the United States, had generally had the men of their choice in every department of the government, dictating its policies and controlling its action. He alluded to the admissions of Iverson, Mason, and Brown that they had suffered little from personal liberty bills or the failure of Northern States to carry out the compromises of the Constitution; adding the specific testimonies and claims of the Democratic Senators from the North,—Pugh, Douglas, and Fitch,—that the free States had ever proved themselves faithful in that regard. Indeed, he asserted that where one slave had been lost through the unfaithfulness of Northern tribunals, ten men had been murdered by either Southern mobs, or those inspired by Southern hate. The Fugitive Slave Act was fearfully repugnant to Northern feelings, and yet it had generally been faithfully executed, though, at the same time, Northern seamen were habitually imprisoned in Southern ports. And not only had the North been thus generally innocent of the infraction of laws, even those most odious, but he claimed that the distinctive doctrines of those he represented were no "new doctrines." "We stand," he said, "where Washington stood, where Jefferson stood, where Madison stood, where Monroe stood. We stand where Adams and Jackson and even Polk stood. . . . . You have changed your opinion. We stand where we used to stand. That is the only difference." He closed his speech by avowing the purpose of the Republican party to prohibit slavery in all free territory, to oppose all further compromises, to use the power its recent victory had placed in its hands to maintain the Union, and to coerce, if needed, any seceding States to return to their indebted allegiance. If, however, he added, they should secede and maintain their independence, he warned them that those who rallied around the flag would find "in the fair fields of Mexico" an adjunct that would invite the protectorate of the United States, which "would be sevenfold

indemnified by the trade and commerce of that country for what it would lose by secession." The resolution was adopted on the following day, without a division. On the 20th the Vice-President announced the committee, which consisted of Powell, Hunter, Crittenden, Seward, Toombs, Douglas, Collamer, Davis, Wade, Bigler, Rice, Doolittle, and Grimes.

In the House, Alexander H. Boteler of Virginia moved to refer so much of the President's message as pertained to the perilous condition of the country to a committee of one from each State. The motion was promptly adopted by a vote of one hundred and forty-five to thirty-eight, although all the South Carolina delegation and most of those of Florida, Alabama, Georgia, and Mississippi refused to vote on the plea that their respective States had ordered conventions which alone had the power to settle the matter. On the announcement of the committee, a sharp debate sprang up on requests to be excused from serving thereon. George S. Hawkins of Florida, in his speech urging his request, alluded to the fact that his State had already inaugurated measures looking towards secession, and to his own belief that "the time of compromise had passed forever." He criticised the composition of the committee because it did not, he thought, represent fully the sentiment of the country. He said, too, that no Southern man should have made the proposition; that the South "should have stood aloof and assumed an attitude of self-defence, of stern defiance, awaiting an overture from the North." Clement L. Vallandigham of Ohio indorsed the sentiments of Mr. Hawkins, protested against the arrangement of the committee, and expressed his unwillingness to compel any one to serve upon it. Reuben Davis of Mississippi deprecated the appointment of the committee, and expressed the conviction that every Southern member should resign. But, as that would not be, he accepted his appointment, to "aid in preventing deception," though he regarded the measure "a tub thrown to the whale to amuse till the 4th of March next," and to "arrest the manly movement of the Southern States." But Hawkins's request was refused by a decisive vote, as was also another by Boyce of South Carolina.

John A. McClernand of Illinois, a prominent member of the conservative Democracy, approved of the committee, though he complained of its composition and of what he chose to regard a "proscription," or a discrimination against those Democrats who had stood up for Southern rights, — an advocacy and support, he thought, which rendered the course of the seceding States all the more reprehensible. "The South," he said, "whose battles we have been fighting, are about to desert us in the hour of our extremity by withdrawing from the Union. I will not believe it until I am forced to do so." But he was not compelled to wait long before the conviction was forced upon him and Northern Democrats generally, that the men who had broken faith with the government, and violated the solemn oaths of office they had voluntarily taken, would have few scruples of party fealty, or anything like adequate remembrance of past services and sacrifices in their behalf; and that they who had for generations disregarded the requirements of all laws, human and Divine, would not be held back from the realization of their long-cherished dreams and plans by any considerations of even partisan comity and obligation.

It having been voted that all resolutions and propositions upon the general subject should be referred to the committee, twenty-five such different propositions were presented and thus referred. A resolution offered by Isaac N. Morris, a Democratic member from Illinois, that the election of Abraham Lincoln did not justify a dissolution of the Union, was adopted by a vote of one hundred and fifteen to forty-four. Another, offered by Martin J. Crawford of Georgia, declaring that the Constitution recognizes property in slaves who cannot become citizens, gave rise to a two days' debate, but was finally laid on the table. During the discussion of the motion Mr. McClernand offered a substitute proposing an amendment of the Constitution; but it was voted down.

The committee was appointed, with Mr. Corwin of Ohio chairman. It held its first meeting on the 11th of December, although it did not report until five weeks later. On the 14th of January there were presented eight reports. That of the

majority, presented by the chairman, took the middle ground of compromise and comparative moderation, though its prevailing tone was that of surrender, with the manifest purpose to make every concession possible to avert the impending disruption. Though dissenting from the severe arraignment of the North by the President, as unsustained by facts, it urged strongly the importance of fulfilling all constitutional obligations in the matter of returning fugitives, and expressed the belief that a very small fraction of the Northern people was opposed to such reclamation, and also satisfaction that many of the Northern States were already reviewing and revising their statute-books to rid them of all such objectionable legislation. The resolutions proposed for adoption affirmed that all attempts of State legislatures to obstruct the working of the Fugitive Slave Act should be discountenanced; suggested that the several State legislatures should revise their statutes to ascertain whether or not any were in conflict with provisions of the Constitution; disclaimed all right to meddle with slavery in the States; affirmed that there was no sufficient ground for the dissolution of the Union; declared that the faithful observance of all constitutional obligations was essential to the peace of the country; recommended that the State legislatures should revise their laws concerning the right of the citizens of one State to travel unmolested in another; and that the States should be requested to enact proper laws against the lawless invasion of one State by the citizens of another. To assure the South that the Republican party had no ulterior designs on the institution of slavery in the States, it proposed an amendment of the Constitution denying to Congress any power to interfere with slavery "until every State in the Union, by its individual State action, shall consent to its exercise." The question of slavery in the Territories it proposed to adjust by the compromise of admitting New Mexico with its proslavery code; which, like all previous compromises, was simply another concession to slaveholding demands. Though the report appeared sufficiently Southern, containing but one seeming concession to Northern interests and wants, — its recommendation of new provisions for the protection of citizens of

one State travelling in another, — it did not answer the demands of the members from Louisiana, Missouri, Arkansas, Delaware, and North Carolina. Something more intensely Southern was requisite; and this they embodied in an elaborate report, closing with a recommendation of the "Crittenden resolutions," or a convention of the States for the amendment of the Constitution, or, in default of these, a plan for peaceful separation.

With the exception of the report signed by Washburn of Wisconsin and Tappan of New Hampshire, which alone had the true ring of freedom and fealty to human rights, each of the eight reports was apologetic and deprecatory in tone, conceding much, sacrificing Northern self-respect, and ignoring, as if they did not exist, all claims of justice and humanity. They all exhibited a feverish anxiety to escape threatened dangers, and to secure relief from the heavy pressure which had so long rested upon the nation. In the report signed by the members from Wisconsin and New Hampshire, and in those alone, was vindicated the great principle of republicanism, that the majority must rule. It affirmed, too, with dignity and a manly positiveness, the obligation resting upon the new and dominant party not to yield to the causeless clamors of those who made the election of Mr. Lincoln the pretence for their treasonable threats and arrogant demands, by granting the guaranties proposed by the majority; pleaded, against the proposed modifications of Northern statutes to calm and conciliate Southern prejudices and fears, the fact that the courts were open for appeal; and noted the marked inconsistency of Northern men who were so anxious to modify their own laws at Southern dictation, but who had never exhibited any solicitude for the repeal of Southern statutes, by which Northern men had been persistently and remorselessly deprived of the rights and immunities guaranteed by the Constitution. The amendment of the Constitution recommended by the majority it characterized as "a constitutional decree of perpetual bondage." To the proposed admission of New Mexico as a State, it adduced many grave objections, other than that of its proslavery laws. Against all the propositions of the committee,

it urged the impotence of every attempt at conciliation, because the reasons of Southern discontent, they contended, lay not in the unfriendly legislation of the North or in any real apprehension of Northern interference, but in a long-cherished purpose to leave the Union. It styled the Southern States "our sick man," for whose cure the proposed nostrums were "perfectly idle"; and it closed with the remark that the Constitution needed "to be obeyed rather than amended."

The debate upon these reports could not but be earnest and eloquent. The novelty of the situation, the impending dangers to the government, dreaded by some and desired by others, the very darkness and doubts that enveloped all things and hid everything future so impenetrably from the view that men could not even conjecture what a day might bring forth, were well calculated to arouse the most sluggish and wake up the dormant energies of those most determined to remain quiet and undisturbed. If there was sensibility, it could not but be quickened; if there was talent, it could not but be called into action; if there was eloquence, it could not but speak. They who would destroy and they who would conserve the government, they who would disgrace and they who would defend the national flag, were placed in circumstances to call forth their most effective efforts. The disunion they had hitherto talked about as something contingent and, at the worst, at a distance, seemed near at hand; the secession which had been bandied about for so many years as a threat had become an accomplished fact. The "situation," then, became the absorbing subject of debate, whatever might be the specific motion or resolution before either house. Congress became the stage, and its members actors, at least in the prelude of that awful tragedy which was soon to occupy the whole land as its theatre.

Mr. Corwin, in opening the debate, said he should confine himself mainly to "an explanation of the motives which have induced the committee" to make the recommendations of the report. These "motives," it soon transpired, were based on the supposed expediency of the plan proposed, rather than upon its justice and equity. To pacify and persuade the "wayward sisters" to return to their allegiance, and to prevent others

from following their lead, and not to vindicate and protect the rights of those States which still remained loyal, was its manifest purpose. He began by an allusion to the fact that twenty-eight years before, in the same house, he had been called to confront the nullification movement of South Carolina, based on the same underlying principles which now prompted the action of the seceding States, — dissatisfaction with the Federal government, secession its remedy. Then the tariff was the bone of contention; now, slavery.

In the prosecution of the work of pacification and persuasion, he reminded the recusant States that they had the courts to which they could resort in all cases of the infraction of the Constitution and the laws. He recognized the right of property in man, and the rightfulness of the Fugitive Slave Act, which, he admitted and insisted, should be faithfully executed, while all personal-liberty laws and other enactments should be made to conform thereto. To the argument that Mr. Lincoln's election foreshadowed the purpose and the danger of an ultimate assault on slavery in the States by an amendment of the Constitution, he interposed for reply a consideration, both statistical and geographical, showing that the party of freedom could never command the necessary two-thirds and three-fourths votes to accomplish such a purpose. The fear expressed that the people of New Mexico might be induced to root up slavery when it became a State, he sought to dissipate by the rather singular argument, for a Northern man, that the system of peonage, which he rather indorsed, would be apt to make it a slaveholding State. He closed with an elaborate argument to the effect that the Southern desire for more territory was a mistake, and that her real want was more slaves and less land.

John S. Millson of Virginia, though avowing himself a friend of slavery and "a States-rights man of the straitest sect," deprecated disunion, and pleaded earnestly for those who desired to preserve the nation intact. If a Northern State, he said, should enact the most unjust and unconstitutional laws, there were the courts and retaliating legislation, and they would involve a far less fearful and fatal course than

we are asked to compromise and conciliate. Never, as God lives, will I vote for a particle of compromise until that insult is atoned, apologized for, and avenged; never." Speaking of the Saviour, who "nestled beside the lowest form of the most degraded, and whispered, in accents of divine love, My brother," he said: "We might as well mock at the bloody agony of Christ as to jeer at the miseries of the poor slave." "Sir," he said, in closing, "it is a crime to make shipwreck of this government. Let the American people who made it preserve it consecrated to freedom." Mr. Washburn, who had signed one of the minority reports, defended its principles, closing with the declaration that, if the Union must be broken and a new one should be formed, it would be a consolation to those who survived, that they were what they never had been before, "inhabitants of a free country."

In a similar strain spoke Edward McPherson of Pennsylvania. Giving the history and purpose of secession, and subjecting the alleged reasons therefor to a most rigorous examination, he declared that they were "complaints without foundation, grievances without actuality, suffering without wounds, oppression without burdens, and apprehensions without reason." Charles B. Sedgwick of New York contended that the only settlement of the difficulty lay in the path of a vigorous and manly defence of principle. He was opposed to all compromises because, he believed, "the day of compromise has past." "Besides," he added, "I regard the alleged complaints groundless and the proposed remedies puerile." He alluded to slavery as "a perpetual weakness, a disgrace, a calamity," — not a disease to be cured by gentle remedies, but "a case for surgery." "This hour," said Charles H. Van Wyck of the same State, "witnesses the fulfilment of all we have predicted as to the encroachments and demands of slavery. From coercing the labor of one race, it places its hand on our throat, and in the language of the highwayman, demands our money or our life, our government or our principles. . . . . I think I can see the finger of the Almighty moving on the troubled waters. Men and nations will do but little in warring against his decrees."

plant an advancing footstep. Believe me, this is no 'sullen silence' that reigns on this side of the chamber when you appeal to us to offer concession to save the Union. It is a solemn fear that such concessions may prove its speedy and complete dismemberment."

James Wilson of Indiana spoke earnestly and effectively against the proposed compromises. After exposing the triviality of the Southern reasons for secession, he characterized the President's plan of conciliation as subversive of every principle of civil liberty. Of the Crittenden plan, he said: "It bristles all over with devilish enginery to guard every outpost and protect every advance of slavery." Of the committee's propositions he said that there was "not a single thing new that is important; not a single thing old that is not made worse. . . . . It is a sham; and I believe, with Carlyle, that whenever you meet a sham, smite it, and smite it, — in God's name, smite it, until it dies, or you die."

Though the report of the committee was thus severely criticised by the friends of freedom as yielding too much and as admitting principles and recommendations at war with the genius of free institutions, many with antislavery convictions and antecedents felt constrained by the pressure of the hour to speak and vote for it. Among them was Charles Francis Adams of Massachusetts, who had been long identified with the antislavery reform, and who was candidate for the Vice-Presidency on the Free Soil ticket of 1848. Speaking of the Union as "inwoven in his affections with the labors in its support of two generations, ... mingled with earnest prayers for the welfare of those who are treading after me," he pleaded for its "continuity," in the interests of "republican institutions, as well in America as over the rest of the civilized world." Admitting that the Southern "discontent" and threatened purpose were without good reason, he still counselled moderation and every reasonable effort to stem and turn the rising current of secession. The grounds of complaint he characterized as personal-liberty bills which never freed a slave, exclusion from territory which slaveholders will never desire to enter, apprehension of an event which will never

take place. He spoke of the inexpressible folly of the slaveholders breaking up a government which gave them their only reasonable hope of maintaining power over the bondmen, and of entering upon an experiment that must "ignominiously fail." Still, he would conciliate even those whose course and cause he characterized as so inexcusable and wicked, "on some fair basis like that proposed by the committee."

Among the Southern advocates of union and the report of the committee, were Horace Maynard of Tennessee and Henry Winter Davis of Maryland. Occupying middle ground, between the antislavery men of the North and the secessionists of the South, and sympathizing with neither, they mingled their pleas for the Union with bitter denunciations upon the heads of both. Mr. Maynard, alluding to the "ineradicable difference of opinion and antagonistic feeling" between the sections, and to the allegations of Mr. Lincoln that the nation could not endure "half slave and half free," of Mr. Seward that there was an "irrepressible conflict" between them, he asked and answered the question, "Can these States remain in the same confederacy part free and part slave?" by saying that he saw "no good reason why they should not continue thus." Admitting that there were "difficulties in the way," in the purpose of many to break the Union, in the unfriendly attitude of some foreign governments, and in "the imbecility of the President"; deprecating coercion and distrusting any mere "administrative expedients," he deemed the Crittenden resolutions as worthy of consideration, and proposed this impracticable solution of the momentous problem: "Listen to their grievances; remove the causes of their discontent. Whole peoples are never consciously wrong, and must not be proceeded against as criminals. They are never corrupt, and cannot be purchased with bribes."

Mr. Davis was a gentleman of culture and irreproachable character, an accomplished scholar, and an orator with few to contest his palm of superiority. Few men ever addressed either house with more commanding and thrilling eloquence. His ability and position, and the circumstances of the hour, could not but command his utmost strength, and make this

effort peerless even among his own most elaborate and eloquent productions. Belonging to the new American organization, he was prevented by no party affiliation from pronouncing the severest judgment upon both extremes. "We are at an end," he said, "of partisan license, which for thirty years has, in the United States, worn the mask of government. We are about to close the masquerade by the dance of death." Sketching with a free hand, and denouncing, in language no less bitter and biting because it was polished and parliamentary, the political profligacy and demoralization of the hour, he said the belligerent States had reached a point where they were fighting their own quarrels "without regard to the Federal government," "as if the Constitution were silent and dead," while "unconstitutional commissioners flit from State to State, or assemble at the national capital, to counsel peace or instigate war." He spoke of the President as "paralyzed and stupefied"; as "standing amid the crash of the falling Republic, still muttering, 'Not in my time; not in my time. After me the deluge,'" while we are called upon "to deal with the consequences of his incapacity." Detailing, with great force, the consequences of disruption, among which were "to sever the territory we have labored for three generations to establish; pull down the flag of the United States and take a lower station among the nations of the earth; abandon the high prerogative of leading the march of freedom, the hope of struggling nationalities, and the terror of frowning tyrants," he said that "the Constitution and laws must be sustained, and they who stand across the path of that enforcement must either destroy the power of the United States or it will destroy them." Having asserted that Maryland was still loyal to the flag, in answer to a protest of one of his colleagues against his claim to speak for the State, he declared that if she sought to "go out by convention or otherwise, their authority will be resisted and defied in arms on the soil of Maryland, in the name and by the authority of the Constitution of the United States."

During the debate there was another voice raised for the Union, equally earnest, if not equally eloquent, from the same section, though its extremest portion. A. J. Hamilton of

Texas not only pleaded, but pledged himself, for the continued integrity of the nation. Not concealing his bitter animosity towards Northern Abolitionists, he spoke in unmeasured terms against Southern extremists. With pathetic words, he described his great sorrow at the fact that though, when he travelled the two thousand miles intervening between his home and the capital, his "foot had pressed no spot of foreign territory," his "eye rested on not one material object that was not a part and parcel of my country," it would, he feared, on his return, be "changed. When I go hence it will be to find my pathway intercepted by new and strange nationalities. Without ever having wandered from my native land, I must traverse foreign countries if I would return." Speaking of the Federal government as a "shrine," he said: "Yet there are worshippers there; and I am among them. I have been called by warning voices to come out and escape the impending danger; I have been wooed by entreaties and plied with threats. But, sir, neither entreaties nor threats nor hope of reward nor dread of danger shall tear me away until I lay hold of the horns of the altar of my country, and implore Heaven in his own good time to still this storm of civil strife." And his brave record, during the war, showed that these were no empty words.

But at length the exciting debate was brought to a close, and the House proceeded to vote upon the report of the committee. Before reaching that vote it was necessary to dispose of three proposed amendments. The first, offered by John C. Burch of California, proposing a convention for amending the Constitution, was defeated by the vote of seventy-four to one hundred and nine. There was then before the House the proposed amendment of Mr. Clemens, embracing the Crittenden resolutions, to which had been proposed another amendment by William Kellogg of Illinois. The last received only thirty-three votes, and the first was defeated by the vote of eighty to one hundred and thirteen. The main question was then put and carried by the decisive vote of one hundred and thirty-seven to fifty-three. The joint resolution for amending the Constitution was then defeated, not receiving the requisite two-thirds vote. The vote, however, was reconsidered,

and the resolution received the requisite number of votes, passed the Senate, and was approved by the President.

When the joint resolution came up in the Senate, Mr. Mason offered the Crittenden resolutions as a substitute. In the debate which followed, Morton S. Wilkinson of Minnesota avowed his purpose to vote against both the resolution and the substitute, expressing the belief that the Northwest would never relinquish the free navigation of the Mississippi from its sources to its mouth; and that, should it be necessary to vindicate their rights by war, the old flag would still wave victorious. Zachary Chandler of Michigan made an earnest speech for the Union. "No concession," he said, "no compromise, — ay, give us strife, even to blood, before a yielding to the demands of traitorous violence." Mr. Crittenden, too, spoke for the Union, but in a very different spirit and strain. He deplored the spectacle presented by Congress, soon to adjourn, but making no provision for the great and imminent needs of the country; talking of war, and providing no force to carry it forward; talking of pacification, and proposing no method to secure it. His speech, however, was an earnest plea for compromise, and deprecatory of the little matter, as he claimed, that was riving the nation, — "the paltry question," as he characterized it, "which divides us," whether slavery should be recognized or excluded from New Mexico.

To the speech of the aged Senator, with its stern rebukes of the Republicans and their proposed adherence to the doctrines of the platform on which they had carried the recent election, and his attempts to belittle the "question" at issue, Lyman Trumbull made a vigorous and fitting reply. Attributing the desperateness of affairs to the irresolution and indecision of the outgoing executive, he expressed his confidence that they would "learn to-morrow, from the eastern front of the capitol, that we have a government, and that will be the beginning of the maintenance of the Union."

Louis Wigfall of Texas made a vituperative and insulting speech, well befitting the man and his cause. "The Star of the West," he said, "swaggered into Charleston harbor, received a blow planted full in the face, and staggered out.

Your flag has been insulted; redress it if you dare. You have submitted to it for two months, and you will submit forever. . . . . We have dissolved the Union; mend it if you can; cement it with blood: try the experiment." Saying that whatever measures Congress might adopt, the seven seceded States would not be persuaded to return, he added: "It is useless to talk about reconstruction. This Federal government is dead. The only question is, whether we will give it a decent Protestant burial, or whether we shall have an Irish wake at the grave." Speaking of the proposition that the seceding States should appoint commissioners to confer with the Federal authorities, he made the insolent remark: "To be very candid with you, I do not think there is any government here with which they could treat. . . . . One of the partners having withdrawn dissolves the firm."

Mr. Wilson avowed his unwillingness to vote for the resolution, because he would not thus make the nation responsible for slavery. "I cannot vote," he said, "in this age and with our lights to put into the Constitution of this Christian and democratic republic this new guaranty for slavery." Mr. Wade, with his usual force and point, expressed his distrust of the proposed remedies, and his conviction that neither Crittenden resolutions nor peace conventions could cure the evils complained of. "Before you can harmonize with us," he said, "you must learn to love liberty, learn to regard the rights of man, and cease to place confidence in the oppression and tyranny of any man. . . . . To reconstruct your institutions upon a basis that will be permanent and eternal, as you dream, you will have to reconstruct the throne of God, and change the principles on which he has chosen to govern the world."

CHAPTER IV.

SOUTH CAROLINA COMMISSIONERS. — PRESIDENT'S MESSAGE.

Disloyal attitude and treasonable acts. — Judge Smalley's opinion. — Hesitation and scepticism. — Fort Sumter. — Demand of Secession leaders. — Noncommittal attitude of the Administration. — South Carolina Commissioners. — Their visit and demand on the President. — His embarrassment and reply. — Insolent response. — Refusal to receive it. — Special message. — Howard's resolution. — Important speeches of Davis, Trumbull, and Seward. — Republican policy.

THOUGH the course of events at the South had long betokened the violent collision of hostile forces drawn up in armed array, and the mutterings of approaching storm became more and more distinct, there were hesitation and delay, on the part of the conspirators, in making the first assault and in delivering the first blow. They had indeed long indulged in utterances and preparations which admitted of no other interpretation than that of actual treason and rebellion. They had in fact been guilty of overt acts of crime, had violated the requirements of law, had infringed upon the personal rights of individuals and set at naught the chartered rights of the government. At least such was the expressed opinion of Judge Smalley of the southern district of New York, in a charge to the grand jury delivered near the opening of the year. "War, civil war," he said, "exists in portions of the Union; persons owing allegiance to the United States have confederated together, and with arms, by force and intimidation, have prevented the execution of the constitutional acts of Congress, have forcibly seized upon and hold a custom-house and post-office, forts, arsenals, vessels, and other property belonging to the United States, and have actually fired upon vessels bearing the United States flag and carrying United States troops.

such dishonor of the national flag. Still everything was equivocal, evasive, and noncommittal. The annual message of the President and the opinion of his Attorney-General had failed to satisfy either extreme. Nor were there many between those extremes who gave these papers their unqualified indorsement. Something more definite and decisive was demanded, no more by the exigencies of the occasion than by the purposes and plans of the conspirators. It was determined, therefore, by the South Carolina secession leaders to take the initiative, and impose upon the President the necessity of defining his position, for the twofold purpose of putting an end to this uncertainty, and of compelling him to provide for the formal transfer from the Federal government to the jurisdiction of the State whatever the former had hitherto held and controlled within the limits of the latter. Three commissioners were accordingly appointed to proceed to Washington to confer with Mr. Buchanan, "authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, lighthouses, and other real estate, with their appurtenances, in the limits of South Carolina; and also for an apportionment of the public debt, and for a division of all other property held by the government of the United States as agent of the Confederate States of which South Carolina was recently a member, and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relation of parties, and for the continuance of peace and amity between this Commonwealth and the government at Washington."

Proceeding at once to the capital, they addressed the President in a communication, dated December 28, 1860, in which, as if secession had already become an accomplished fact, they seemed to assume that nothing remained but an arrangement of the details of separation. Furnishing him an "official copy of the ordinance of secession by which South Carolina resumed the powers she delegated to the government of the United States and has declared her perfect sovereignty and independence," they informed him that it would have been their duty, but for an unforeseen contingency, to propose negotiation and

so inaugurate their new relations as to "avoid all unnecessary and hostile collision," and "secure mutual respect, general advantage, and a future of good-will" to all concerned. "But," alluding to the surrender of Fort Moultrie and Castle Pinckney, and the transfer of troops to Fort Sumter on the 27th, they continued, "the events of the last twenty-four hours render such an assurance impossible"; and they added, with refreshing coolness, not to say insolence, "Until the circumstances are explained in a manner which relieves us of all doubt as to the spirit in which these negotiations shall be conducted, we are forced to suspend all discussion" relating thereto. They urged, too, the immediate withdrawal of the troops from the harbor of Charleston, because, they said, their presence was "a standing menace," and rendered "negotiation impossible."

Such a communication from such a source could not but embarrass the President. His known and pronounced sympathy with the South, his lack of sympathy with the free sentiments of the North, especially as they had become crystallized into the Republican party, and were expressed in its platform and by its presses and speakers, his undoubted loyalty and his distress in view of the treason, long meditated and threatened and now in process of actual execution, rendered it, no doubt, extremely difficult to satisfy himself, much less either of the parties in the strife. Sympathizing with neither extreme, he found it impossible to trace the middle line of either safety or satisfaction. Unable to comply with their traitorous wishes, he displeased the conspirators; failing to rebuke in fitting terms their outspoken treason and insufferable insolence, he aroused the indignation of the loyal masses who could not brook with patience such craven cowardice and pusillanimity.

The President acknowledged the receipt of the communication and the enclosed ordinance of secession, and began his response by referring the commissioners to that portion of his annual message in which he had defined his position and given expression to his opinions. Quoting from that paper his disclaimer of any "authority to decide what shall be the relations between the Federal government and South Carolina, ...

much less to acknowledge the independence of that State," and his admission of the duty "to submit to Congress the whole question in all its bearings," he added: "Such is my opinion still. I could, therefore, meet you only as private gentlemen of the highest character, and was entirely willing to communicate to Congress any proposition you might have to make to that body upon the subject." Expressing his earnest desire that Congress might adopt such action as would "prevent the inauguration of civil war," he added, "I therefore deeply regret that in your opinion 'the events of the last twenty-four hours render this impossible.'" Proceeding far too apologetically for the head of a great nation which was treating with men guilty of such crimes, he narrated the circumstances of the transfer and the "startling events" that were occurring in such quick succession. He then added, "In the harbor of Charleston we now find three forts confronting each other, over all of which the Federal flag floated four days ago; but now over two of them this flag has been supplanted, and the Palmetto flag has been substituted in its stead. It is under these circumstances that I am urged immediately to withdraw the troops from the harbor of Charleston, and I am informed that without this, negotiation is impossible. This I cannot do; this I will not do."

This refusal of the President, though accompanied with language so apologetical and deprecatory, greatly excited the commissioners. In their reply, sent in on the first day of January, they sharply criticised and censured his course. They threw upon him the responsibility of the result which, they expressed the fear, had probably rendered civil war inevitable. "If you choose," they say, "to force this issue upon us, the State of South Carolina will accept it, and relying upon Him who is the God of Justice, as well as the God of Hosts, will endeavor to perform the great duty which lies before her bravely and hopefully." Referring to the President's intimation that he must defend Fort Sumter, as extinguishing all hope of maintaining peace, they insolently informed him that "we propose returning to Charleston to-morrow afternoon." The President refused to receive the offensive document, and placed

upon it this indorsement: "This paper just presented to the President is of such a character that he declines to receive it."

On the 9th of January the President sent a special message to Congress, in which he communicated to that body his general views upon the subject, the facts that had transpired since he had sent in his annual message, and the correspondence which had taken place between the South Carolina commissioners and himself, dated respectively on the 28th and the 31st of December. In it he reaffirmed the general principles advocated in the annual message, accompanied with the general statement that matters had become, and were becoming, more serious, so that, he said, "as the prospect of a bloodless settlement fades away, the public distress becomes more and more aggravated." He reasserted his conviction that, while States had no right to secede, the government had no right to declare war upon those who should secede. "I had no right," he said, "to make aggressive war upon a State; and I am perfectly satisfied that the Constitution has wisely withheld that power even from Congress"; though he admitted that military force might be used when the execution of "legal functions" were assailed. To Congress, he claimed, was committed the responsible trust of declaring war wherever the Constitution contemplated such a resort to arms, or to "remove grievances that might lead to war." He expatiated largely upon the "sacred trust" committed to them; the fearful evils that must follow an appeal to force. He begged for delay, and for time, "the great conservative power." He besought Congress to give its best thoughts to the purpose of averting the threatened evils by some "peaceful solution." The seizure of several "forts, arsenals, and magazines," already made, he admitted was "aggressive," and not in resistance to any attempt to coerce a State. He reiterated his determined purpose that no act of his should increase the excitement, and that he had long refused to send reinforcements to Major Anderson, lest it might seem "a menace of military coercion." He closed with "an explanation" of Major Anderson's removal from Fort Moultrie to Fort Sumter, and with the assurance that, though he appre-

hended no trouble in the District of Columbia before the 4th of March, then near approaching, and to which he referred, he deemed it his duty to preserve peace at the capital, and that duty, he said, " shall be performed."

Immediately on the delivery of the message, William A. Howard of Michigan introduced a resolution, that it be referred to a committee of five with instructions to report whether any Federal officer was in communication with any person or persons concerning the surrender of any forts or other public property of the government; whether any such officer had ever given any pledges not to send reinforcements to any forts in Charleston harbor; what demand for reinforcements had been made; where the ships of the government were then stationed; whether any public buildings in Charleston had been seized; whether a revenue-cutter of the United States had been seized. It provided also that the committee have power to report from time to time.

On the 10th Jefferson Davis made a very elaborate and important speech, to which his relations with the Rebellion gave special significance. He began with the remark that the days of abstract argument had passed, and that they were then mainly concerned with events, with facts. From the contemplation of the expected policy of the incoming administration, which, he affirmed, was sternly arrayed by its " platform," against all concession, he said, we turn our eyes to the administration still in power, and we see that " feeble hands now hold the reins of state," " drivellers are taken as counsellors," " vacillation is the law," and policy is changed with every " changing rumor," with " every new phase of causeless fear," while, though nothing has been done to avert the conflict, we are told the responsibility rests upon Congress. He made a strange assertion, betokening at least very singular misapprehension of the gravity of the occasion and the severity of the storm he had been so largely instrumental in raising. Had the garrison, he said, been called away thirty days before, nay, ten days, " peace would have spread its pinions over the land, and calm negotiation would have been the order of the day. But now, drifting into war, we sit discussing abstract ques-

tions, reading patchwork from the opinions of men now mingled with the dust." Drifting into a position in which this is to become a government of the army and the navy, he inquired whether they would sit still and "permit it imperceptibly to slide from the moorings where it was originally anchored, and become a military despotism."

Alluding to the President's admission that he had no power to coerce a State, and yet asserting that he had power to use military force against those resisting the execution of the legal functions of the Federal officer, he denied the latter postulate, and contended that even in extreme cases troops could constitutionally be employed only as a *posse comitatus;* and he contended that under the first two Presidents no other idea was entertained. Alluding to a former speech respecting that idea, he said that he had never admitted the right of the general government to maintain a garrison in a State against the wishes of that State. He characterized the President's annual message as "diplomatic," in the sense that "diplomacy is said to abhor certainty, as nature abhors a vacuum," while he affirmed that "it was not within the power of man to reach any fixed conclusion from that message." Alluding to the special message just received, he complained, while some historical information had been communicated, that "no countervailing proposition is presented; no suggestion is made. We are left drifting loosely, without chart or compass."

He pointed to South Carolina as, in her new attitude, a sovereign nation threatening civil war, and yet, he complained, no suggestions of a peace policy have been made, the appointment of no commissioners to treat with her has been recommended. He enlarged upon the false pride, the cruel policy, of allowing the nation to drift into civil war, rather than withdraw the forces or lower the flag. He wished to regard the flag as that of brethren, and not as waving over angry belligerents. Opposing the position of those who contended that secession was unconstitutional, he took occasion to criticise the position of Andrew Johnson of Tennessee, who had said that "the true place to fight the battle is in the Union, and within the provisions of the Constitution." Assuming that such "fighting"

was but a figure of speech, and that the revolution he proposed was "a revolution under the forms of government," he contended that such was not the policy he believed in, nor the course he would pursue. He would not embarrass the incoming administration, or "handcuff the President," by using, with captious purpose, any legislative power he and those with whom he sympathized possessed. "If I must have a revolution," he said, "I say let it be a revolution such as our fathers made when they were denied their natural rights." The rights, he contended, which the fathers wrested from the British crown in the war of the Revolution, they did not delegate to the Federal government. Had they done so, those battles would have been fought and those sacrifices made in vain. It was only in the exercise of those rights that the people of the seceded States had left the Union and formed governments for themselves; and the only really practical questions were, "Has the Federal government the right to coerce them back? and secondly, has it the power?" In speaking of the relative damage to be apprehended from a collision between the Northern and Southern States, he expressed the conviction that the South, with its sparse population and plantation system, had much less to fear than a country with populous cities and manufacturing villages.

The question now arises, he said, What shall be done? Shall this condition of affairs be perpetual, or shall it be so improved that, having learned wisdom by sad experience, the two may return to first allegiance and former union? He referred to the proposition of dual legislatures and executives which had been made, and, though he distrusted the policy of such a course, contended that it was worthy of consideration. But the grand panacea, he contended, for all their troubles was the policy of peace. The dissolution of the Union he did not regard, with others, the failure of the experiment of self-government or of constitutional government. It was only the failure of that especial trial. He alluded again to the malign influence of the vacillating policy of the administration still in power, to the obstinacy of that which was incoming, and to his growing conviction that the die was cast, and that

the separation was inevitable. He referred to his sacrifices for the Union and his love for the flag, and expressed his deep sorrow at "taking a last leave of that object of early affection and proud association."

He said there were two modes of dissolving the Union, — the one by secession, the other by consolidation, — and both were equally real and effective. In either case the Union of the fathers was destroyed. He expatiated on the fact that the platform of the new party destroyed the equality of the States, and contained doctrines that could be made as potent by proclamations and platforms as by armies and invasion. The very figures of speech employed by its friends and advocates indicated, he said, the severity of their policy and the bitterness of their hate. Having their "heel on the Slave Power, grinding it into the dust, triumphing over slavery," these and like expressions betokened the fate in store for those against whose institution such metaphors were employed. Referring to Mr. Seward as "the directing intellect of the party," he said that "with less harshness of expression, but with more of method, he indicated this same purpose of deadly hostility." He said that Mississippi had sounded the warning, but the North unheeding persisted in its purpose of electing its sectional candidate. And now, he affirmed, "the issue is not of our making. Our hands are stainless; you aggressed upon our rights and our homes, and, under the will of God, we will defend them."

Lyman Trumbull of Illinois, then among the younger members of the Senate, immediately responded. Though his reply was less elaborate and extended, it abounded with points that well exposed the sophistries and plausible utterances of the arch secessionist. "We have listened," he said, "to the Senator from Mississippi; and one would suppose, in listening to him here, that he was a friend of the Union, that he desired the perpetuity of this government. He has a most singular way of preserving it, and a most singular way of maintaining the Constitution." It is for the government to abdicate, to withdraw its forces in favor of a mob, or of the constituted authorities of Charleston. To avoid civil war, he said, nothing was wanted but a surrender to those who questioned its authority

and threatened its power. He talks of the responsibility of Republicans for the state of affairs; but it is South Carolina, Mississippi, Alabama, and Georgia that are the responsible parties. "They are making war, and modestly ask us to have peace by submitting to what they ask. . . . . The stars and stripes have been taken down from the United States buildings in the city of Charleston, and trampled in the dust, and a palmetto flag, with a snake, reared in their place; but if we would avoid civil war, we are told we must submit to this. Why, sir, any people can have peace at the price of degradation."

In reply to the argument that secession was a right because there was nothing in the Constitution that forbade it, he cited certain provisions in that instrument which inhibited States to levy imposts on imports, or to enter into compacts with foreign powers; while secession necessarily involved the right to do both. The doctrine, he contended, was fatal to anything like a constitutional government, for it invalidated all agreements, all laws, all compromises, making the statutes and guaranties of one day powerless the next, and destroying everything like confidence in the stability of legislation and in the binding force of the most sacred obligations. To the assertion that Congress could not coerce a State he replied that no such thing was claimed, but only the right to coerce the people or individuals of a State. The complaint that the exclusion of slaves from the Territories involved "the inequality of the States," he parried by the denial that any such inequality was either involved or intended. All that the Republican party insisted on was the power to prevent States from taking their own laws into the Territories. As for individuals, he insisted that the people of one State had identically the same power in them that the people of another had. "There is nothing," he said, "in this cry of inequality in regard either to the States or to citizens. We are all to have the same rights." To style the proposal of the Crittenden resolution, making the parallel of latitude of 36° 30′ the line between slave and free territory, a proposition "to restore the Missouri Compromise," involved, he contended, a grave "misapprehension." I will vote for the

Missouri Compromise, he said, to-morrow, for that would be in effect the exclusion of slavery from Kansas and Nebraska. The Crittenden proposition is a very different matter. That proposes to extend the dividing line into territory not in our possession at the time of the compromise of 1820, involving far more. To the remarks of Mr. Crittenden that the compromise of 1850 allowed New Mexico to establish slavery, and, as New Mexico had established it, he only proposed to recognize that as an established fact, he responded by the remark that he would leave the compromise of 1850 untouched, and not restrict the people of that Territory from the right to repeal that law if they saw fit. Still further, he said that if the Missouri Compromise could be restored as it was in 1854, he would stand by that of 1850.

Henry Clay had said that no human power could compel him to vote to extend slavery over a single foot of territory then free; and yet that is the very thing the Senator is now proposing to do. He expressed the conviction that the South had no cause of complaint. It had had control of the government, had dictated legislation and selected its own instruments to execute it, while the North had been willing to abide by the compromises the South had dictated, even to the execution of the most obnoxious Fugitive Slave Act. During the progress of his speech he was frequently interrupted with personal questions as to his position on the practical execution of this act. He closed with the reiteration of his belief that the South could find neither cause of complaint in the past, nor well-grounded apprehension in the future, in any policy or acts of the incoming administration.

On the 12th Mr. Seward addressed the Senate. His speech was looked for and listened to with profound interest, not to say solicitude. His eminent and statesmanlike abilities and the expectation that he was to be Mr. Lincoln's Secretary of State caused it to be regarded as foreshadowing the policy, a kind of pronunciamento, of the incoming administration. It was marked with the usual characteristics of his eloquence, with its affluence of learning and language, forceful in logic and graceful in its rhetoric, adroit, diplomatic, plentiful in words

but chary of its real commitments. Alluding to the sudden and appalling alarm which had taken such strong possession of the public mind, and the various propositions which had been made, he spoke of the duty and the privilege, "among distracted debates," of lifting up his voice for his "whole country and its inestimable Union," grateful even for the violent utterances of disunion, because of the patriotic demonstrations they had evoked. He expressed, too, the conviction that it was "the highest patriotism to endure without complaint the passionate waywardness of political brethren so long as there is hope that they may come to a better mind." His speech might be characterized as the statesman's plea for the Union.

He began by noting what would *not* save it. Among his specifications were "mere eulogiums" upon it, mutual criminations, debates on slavery in the Territories, arguments that secession was unconstitutional, discussions on the rights of the government to coerce the seceding States, and congressional compromises. While he felt that a Union saved by the sword was of little worth, he differed widely from those who counselled "a conventional or unopposed separation." "The strength of the vase," he beautifully said, "in which the hopes of the nation are held, consists chiefly in its remaining unbroken." There were two prejudices, he added, that should be discarded, — the first, that the Union could be saved by anybody in particular, and the second, that it could be done by "any cunning and insincere compact of pacification." He parried the doctrine that it was not constitutional to coerce States by the reply that the government was a government of the people and not of the States; quoting Mr. Jefferson as authority for the sentiment that "States must be kept within their constitutional sphere by impulsion if they could not be held there by attraction." Union, he said, was "the settled habit of the American people," handed down from colonial times, so that "on the same day they declared themselves independent they proclaimed themselves confederated States."

He then entered upon a labored dissuasion from disunion on the ground that there was "safety" only in remaining one people. Danger must be apprehended, he said, if disunited,

first from foreign complications. With diminished size, resources, and power, there would be demanded substantially the same machinery of government, and the same muniments against external and internal foes. The maxim of the fathers, that "the common safety of all is the safety of each of the States," was as true and applicable to the children as to them, and could be no more safely disregarded by the one than the other. Nor was there danger of foreign complications alone. Domestic strife would be seen to follow, and with that entangling foreign alliances would be sought from powers who would give protection only as they were allowed to dictate the terms. "Canada leans on Great Britain not unwillingly, and Switzerland is guaranteed by interested monarchical States."

And the loss of safety, he contended, would practically involve every other form of public calamity. "When once the guardian angel has taken flight, everything is lost." The country's greatness would be destroyed, its progress and prosperity would be arrested, "it would provincialize Mt. Vernon and give this capitol to destruction." The honor and renown paid to the flag of the thirty-three stars and thirteen stripes, the world over, could never be transferred to "the lone star, or a palmetto tree," of one of "the obscure republics of North America." And liberty, too, "our own peculiar liberty, must languish for a time and then cease to live," while in its stead, the country would be obliged to "accept the hateful and intolerable espionage of military despotism." An allusion in this connection displayed the art of the orator and the felt gravity of the occasion. "While listening to these debates," he said, "I have sometimes forgotten myself in marking their contrasted effects upon the page who customarily stands on the dais before me, and the venerable secretary who sits behind him. The youth exhibits intense but pleased emotion in the excitement, while at every irreverent word that is uttered against the Union the eyes of the aged man are suffused with tears. Let him weep no more. Rather rejoice, for yours has been the lot of a rare felicity. You have seen and been a part of all the greatness of your country, the towering national greatness of all the world. Weep only you, — and weep with all

the bitterness of anguish, — who are just stepping on the threshold of life, for that greatness perishes prematurely and exists not for you, nor for me, nor for any that shall come after us." And what, he inquired, is the cause of all this loss of safety, greatness, happiness, and freedom? The election of a President unacceptable to a portion of the people, — "a man of unblemished virtue and amiable manners, unambitious," and so hampered by the "partial success of those who opposed his election," that, without their consent, he cannot appoint a minister or even a police-agent, negotiate a treaty, or procure the passage of a law, and can hardly draw a musket from the public arsenal to defend his own person." And with such a magistrate, so restrained, who has not yet been inaugurated, and, of course, has performed no overt act, there remains the opportunity of a rehearing, and the privilege, in four years, of reversing the popular verdict. How unnatural, as well as unpatriotic, is such a course as is now proposed! Alluding to the slaveholder's dream, long cherished, of a Southern confederacy of the gulf States as "so certainly unwise and so obviously impossible of execution" as to be dismissed without further mention, he proceeded to the consideration of the "other subjects" of agitation and alarm. Concerning them he counselled moderation and concession. Here he would subordinate everything, "Republicanism, Democracy, every other political name or thing" to Union. "I can afford," he said, "to meet prejudice with conciliation, exaction with concession which surrenders no principle, and violence with the right hand of peace." On the question of the status of the slave in the slaveholding States, he recognized the supremacy of the State laws. He admitted the constitutional obligation resting upon the State to which a slave might flee to return the fugitive, though he said that prudence would modify the fugitive slave laws so as to render them as little obnoxious as possible. He even admitted that he would not alter the Constitution, if he could, to make slavery less the creature of municipal law, while he expressed his willingness to amend that instrument so that Congress should never have the power to interfere with the system. In regard to the Territorial question he ex-

pressed his willingness to adopt the same policy which obtained in regard to Oregon, Minnesota, and Kansas, — passing enabling acts without the special inhibition of slavery. He was willing, too, after the excitement of secession and rebellion had passed away, to call a convention for amending the Constitution. He, too, would vote for properly guarded laws to prevent the invasion of one State by the inhabitants of others. Believing the binding force of "physical bonds" to be greater than "mere covenants, though written on parchment or engraved upon iron," he would remain constant to his purpose for the construction of two Pacific railroads. But, as usual, the Senator was hopeful. Notwithstanding the darkness and doubts that enshrouded the minds of men, he closed his speech with these words of cheer and confident expectation. This government, he said, "shall continue and endure; and men, in after times, shall declare that this generation, which saved the Union from such sudden and unlooked-for dangers, surpassed in magnanimity even that one which laid its foundations in the eternal principles of liberty, justice, and humanity."

These words, noteworthy in themselves, were made more suggestive and instructive by the prominence and position, past and prospective, of the distinguished Senator. His long identification with the antislavery struggle, the general expectation that he would have been the Republican candidate for the Presidency, and his selection by Mr. Lincoln for the first place in the incoming administration, invested and still invests the utterances of this speech with special importance, not to say authority; and their significance is twofold. They indicate, first, the utter baselessness and the reckless effrontery of the charge so freely made then, and so persistently reiterated since even to this present writing, that the war of the Rebellion was provoked by Northern interference with Southern rights, and that the ulterior purpose and plan of the Republican organization meditated damage, if not destruction, to the slave system in the States in which it was recognized and protected by municipal law. Republicans might, indeed, have owned "the soft impeachment" of so far revolting from

slaveholding rule as to have resented and resisted the audacious proposition to make slavery national and no longer sectional. Having abolished it from their own borders, at no little cost of effort and sacrifice, there could have been no lack of comity, or proper regard for the compromises, in refusing to yield, without protest and such use of the ballot as they possessed, to that injustice and indignity. Beyond that they sought not to go; and the speech of Mr. Seward, their representative, made in the flush of victory, is sufficient answer to all charges of ulterior purposes, other than those openly proclaimed. Its disavowals, concessions, and commitments are consistent with no other theory.

It also indicates how far from general had become those antislavery ideas that contemplated any interference with slavery wherever existing. It was a part of the slaveholders' strategy to represent the new party as an Abolition party. Had that been true, the fact that Mr. Lincoln was in a minority of a million votes showed that but little more than two fifths of the people were in its favor. But in point of fact the Republican party at the outset was far from being an Abolition organization. It did, indeed, embrace the antislavery men of the nation, excepting the non-voting Abolitionists of the Garrison school. Large numbers, too, who had never joined any distinctive antislavery school or class, but who aided in the election of Mr. Lincoln, were sincerely and earnestly opposed to the extension of slavery into territory already free, and welcomed gladly the hope that, in some way, by the operations of nature's laws or the workings of Providence, it would cease where then existing; that in the good time coming and among the trophies of advancing civilization, would be the breaking of every yoke and the freedom of those hitherto oppressed: but they were prompt and earnest in their disclaimer of either purpose or wish to interfere with the system where established and cherished. Indeed, many, with Mr. Seward, were willing, by constitutional amendment if needful, to guard against any such future interference, though other Republicans doubted the policy of some of his concessions.

CHAPTER V.

DEMANDS IN THE NORTH FOR FURTHER CONCESSION AND COMPROMISE.

Northern anxiety and alarm. — Four classes. — Republican policy. — Horace Greeley's proposition. — Effect at the South. — Thurlow Weed. — Albany "Argus." — New York "Herald." — Philadelphia. — Its mayor and meeting. — Conservative utterances. — Isaac Hazelhurst. — Tweddle Hall Meeting. — Chancellor Walworth. — Horatio Seymour. — Patriotic utterance of George W. Clinton. — Conservative action. — Proposition of Fernando Wood. — Loyal action of New York legislature. — Mercantile class. — Memorial meeting and action at Cooper Institute. — Treasonable utterances. — Proposed formation of a new Union. — Letter of Ex-Governor Price. — Society for Promotion of National Unity. — Address. — Letter of Franklin Pierce. — Southern encouragement. — Responsibility.

THESE revolutionary movements at the South could not but produce the most profound impression and excite the most anxious interest and solicitude at the North. They not only excited the gravest apprehensions of threatened danger, but they involved an imperative demand for measures to avert, if it could be done, the threatened rupture, or, if that were not possible, to prepare for the unknown future big with the possibilities of evil. The opinions entertained varied largely as men were affected by their surroundings, interests, prepossessions, and prejudices. There were, with many shades of difference, four distinct classes. One class, though a small one, was composed mainly of those who had supported the Breckinridge ticket. They were in favor of complete acquiescence in the demands of the secessionists. Another class, composed mainly of the supporters of Douglas and Bell, were clamorous for new concessions and new compromises. They clamored for the repeal of the personal-liberty acts, the rigid enforcement of the Fugitive Slave Act, and for acquiescence in the decisions

of the Supreme Court, — those already made and those that might be made. There was, too, a class of Republicans, representing largely the mercantile, manufacturing, and moneyed interests, who were in favor of making calm and conciliatory appeals to the excited exponents of Southern opinion. Some of them went so far as to favor a national convention for the readjustment of the jarring interests between the free and slave States. A much larger class, composed mainly of the Republican masses who had supported Mr. Lincoln upon the distinctive issues presented in their platform, adhered firmly to the opinions enunciated in the canvass, and avowed themselves, in temperate but firm language, in favor of maintaining the unity of the country, and the authority of the government, and of putting down rebellion with arms if need be.

In addition to the natural expression of these different sentiments there were utterances and recommendations of those who allowed their individuality of character and independent modes of thinking to modify in greater or less degree their opinions and recommendations. Among them stood prominent Horace Greeley, of the New York "Tribune," perhaps at that time the leading journal of the country. Three days after the election he published a leading article intended to calm the excitement manifesting itself in South Carolina and in other cotton States. "If the cotton States," it said, "shall decide that they can do better out of the Union than in it, we insist on letting them go in peace." Admitting that the right to secede was a revolutionary one, and denying the right of any State to remain in the Union to nullify and defy its laws, it declared that "whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets." It indeed insisted that the steps to secession should be taken with "the deliberation and gravity befitting so momentous an issue," while it maintained that the measures taken in the Southern States with a view to secession had borne the unmistakable impress of haste, of passion, of distrust, and that they were calculated to precipitate the South

would probably prove the knell of its final dismemberment." Other Democratic presses expressed like sentiments. The New York "Herald," as early as the 9th of November, in its leading editorial, said that the confederation was held together only by public opinion; and that "coercion, if it were possible, is out of the question." But whatever may have been the opinions, purposes, or plans of the conductors of these journals, it was clearly seen before the meeting of Congress in December, that they had encouraged rather than discouraged the champions of secession and disunion, as did similar utterances in that body after it came together. They tended to develop and encourage a policy of concession, compromise, surrender, and abasement in the North, especially among the business classes. This was painfully manifest in the tone of public meetings and in the results of municipal elections.

The city of Philadelphia, though distinguished for its conservative tendencies, had given a small majority for Mr. Lincoln. On the 10th of December, her mayor, Alexander Henry, issued a proclamation calling a public meeting of citizens for the 13th, in Independence Square. Declaring that the Union was in peril, he counselled the people to cast off the spirit of party, avow their unfaltering fidelity to the Union, and proclaim their abiding faith in the Constitution and laws. An immense meeting was held, and a series of resolutions were adopted pledging the people of Philadelphia to recognize the binding obligation of the Fugitive Slave Act, and to abide by the decisions of the Supreme Court touching the status of slavery in the Territories; at the same time asserting that denunciations of slavery were inconsistent with national brotherhood. Mayor Henry distinctly avowed that the teachings of the pulpit and lecture-room and the appeals of the press on the subject of slavery "must be frowned down by a just and law-abiding people."

George W. Woodard, a leading Democratic lawyer, and the candidate of his party in 1863 for governor, declared that "passion for liberty had burned out all memories of compromise and compact in Northern communities." The repeal of personal-liberty bills was demanded by Theodore Cuyler, one

James S. Thayer said, amid cheers, that "if a revolution of force is to begin it shall be inaugurated at home." Referring to the announcement that the incoming administration would enforce the laws against seceding States, he said that a nice discrimination must be exercised, and that it must not go "a hair's breadth outside the mark." He averred that the "enforcement of the laws in six States is a war with fifteen." "Let," he said, "one arrow, winged by the Federal bow, strike the heart of an American citizen, and who can number the avenging darts that will darken the heavens in the conflict that will ensue." Either he talked wildly and without warrant, or there was here a recognized sacredness about slavery and its defenders which had never been accorded to freedom and its advocates, far from creditable to the people he addressed. For scores and hundreds of American citizens had fallen before the arrows of proslavery intolerance and hate, nor had there ever been one "avenging dart" sped against the miscreants stained with the blood of those martyrs of Liberty.

Ex-Governor Horatio Seymour admitted that revolution had actually begun; and he charged upon Congress "that all virtue, patriotism, and intelligence seem to have fled from our national capital." He said, "The question is simply this: Shall we have compromise after war or compromise without war?" Denouncing the use of force, he said: "Let us also see if successful coercion by the North is less revolutionary than successful revolution by the South." But all were not alike craven. Amid utterances so dishonoring to the speakers, so disheartening to the loyal, so comforting to the disloyal, there was one whose words had the true ring. George W. Clinton, a son of Dewitt Clinton, while in favor of conciliating their erring brethren of the South, declared that he would not "humble the general government at the feet of the seceding States." He denied the constitutionality of secession, and, amid cries of dissent, he pronounced it a "rebellion against the noblest government man ever framed for his own benefit or the benefit of the world." The action of this convention, representing, as it did, the conservative and Democratic parties of New York, was hailed by the secession leaders and those

to give assurances "with any required guaranties" that the Fugitive Slave Act should be faithfully executed, the personal-liberty laws be readjusted, and half the Territories be surrendered to the slave-masters, to be organized into slave States. Six days after this memorial was sent, which the signers professed to believe would "restore peace to their agitated country," on the 18th of January, a meeting of the merchants of the city was held, at which the Crittenden Compromise was recommended as a basis of settlement, and a committee was appointed to obtain signatures to a memorial which was subsequently sent to Congress embracing a list of forty thousand names. On the 28th of January a meeting was held at the Cooper Institute, and three delegates, at the head of whom was placed James T. Brady, an eminent lawyer of that city, were appointed as commissioners to the seceded States, instructed to confer with the delegates of the people in a convention to be assembled, in regard to the best measure to be adopted calculated to restore peace and maintain the integrity of the Union.

This action of the New York leaders, by no means standing alone, revealed their strong Southern proclivities, their little sympathy with the North, their strong taint of treason, and their thorough alienation from their own section of the country. It was a proposition openly entertained and freely talked about, should a separation take place and a new confederation be formed, that not only the city, but the State, of New York, the other Middle States, indeed all the Northern States except New England and some in the extreme Northwest, would forsake the old and go with the new. A Washington despatch, published in a New York paper early in December, contains the information that "the opinion seems to set strongly in favor of a reconstruction of the Union without the New England States." The twofold thought that seemed to lie uppermost was the formation of a Union in which slave-holding and slave-hunting should be legalized and protected, and from which "New England Puritanism" should be excluded.

In the spring of 1861, just before the assault on Fort Sum-

abideth forever,' as expounded by a broad and faithful recognition of His moral and providential government over the world." Referring to slavery as for the time being the "main topic," it spoke of four millions of immortal beings "providentially committed to the hands of our Southern friends." This "stupendous trust," the address avers, "they cannot put from them if they would." "Emancipation," it added, "were it possible, would be rebellion against Providence, and destruction to the colored race in our land."

In a letter, written by Franklin Pierce to Jefferson Davis near the beginning of 1860, he speaks of "the madness of Northern Abolitionism" and of the fidelity of the Democracy to the Southern cause, and assures his correspondent that if there is to be fighting it "will not be along Mason's and Dixon's line merely. It will be within our own borders, in our own streets, between the two classes of citizens to whom I have referred." It is true he miscalculated, and the event did not accord with his prediction. But is it strange that he formed the estimate he did? With such the teachings and assurances of leading men in Church and State, and the comparatively small number smitten with "the madness of Northern Abolitionism," there is little wonder, when assuming the prophet's rôle, that his vaticinations should have been such as they were. Nor was it very singular that Lawrence M. Keitt, a little later, should assure the Charlestonians he was addressing that "there are a million of Democrats in the North who when the Black Republicans attempt to march upon the South, will be found a wall of fire in the front"; nor that a member of the South Carolina convention should have said: "It is not true, in point of fact, that all the Northern people are hostile to the rights of the South. We have a Spartan band in every Northern State."

Who then caused the late Rebellion? and on whom rests the responsibility of that carnival of crime and blood? are not questions of idle curiosity merely. The common impression that that responsibility lies entirely, or mainly, at the door of the leading secessionists of the South is manifestly superficial and partial. Potent for mischief as those men showed

CHAPTER VI.

CRITTENDEN RESOLUTIONS.

Resolutions introduced. — Debate. — Mr. Crittenden's speech and explanation. — Compromise. — Question of the Constitution. — Extreme sentiments of Mr. Toombs. — His demands. — Powell's amendment. — Clarke's amendment. — Eloquent speech of Simmons. — Anthony. — Amendment adopted. — Extreme opinions of Bigler. — Cameron. — Wilson. — John Brown. — Final vote and rejection.

Among the attempts to conciliate and compose the differences that distracted and threatened to disrupt the nation which occupied so much of the time and attention of the closing session of the XXXVIth Congress, the most notable and well remembered are the resolutions offered by the senior Senator of Kentucky, commonly called the Crittenden Compromise. Their purport and the discussion to which they gave rise, amendments offered and votes thereon, their final rejection and the reasons therefor, revealed the feelings and purposes of the two sections more clearly than any measure perhaps ever introduced into the national legislature. Assigning in his preamble the reasons for his propositions, the Senator referred to the "serious and alarming dissensions concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory," and the desirableness that "dissensions which now threaten the very existence of the Union should be permanently quieted and settled by constitutional provisions which shall do equal justice to all sections." The amendment of the Constitution he proposed consisted of six articles. By the first, slavery should be prohibited in all territory of the United States "now held or hereafter acquired" north of latitude 36°30′, and be permitted and "recognized as existing" in all territory south of such line,

those who were unwilling to give it their support; so intensely Southern it hardly exhibited the pretence even of providing for other interests and feelings than those of the slaveholder. Though styled a "compromise," it was, like all the pretended compromises of the slavery question, entirely one-sided and unfair. Even the seeming concession to the demands of humanity in proposing a more rigorous execution of the laws against the African slave-trade can only appear in its true light when viewed in connection with the demand for a constitutional amendment to protect more perfectly the inter-State slave-trade, and the fact that it was the avowed policy of the border States to oppose the foreign trade because of its interference with their own more infamous domestic traffic; while the prohibition of slavery in the territory north of 36°30′ was measurably neutralized, if not by climatic considerations, by the provision that any State formed thereof might come into the Union with or without slavery "as the constitution of such State may provide." Mr. Sumner, in an address in New York the winter following their introduction, speaks of them as "this great surrender to slavery," as a proposition "to change the Constitution in a manner revolting to the moral sense; to foist into the Constitution the idea of property in man; to protect slavery in all present territory south of 36°30′, and to carry it into all territory hereafter acquired south of that line, and thus to make our beautiful Stars and Stripes in their Southern march the flag of slavery; to give new constitutional securities to slavery in the national capital, and in other places within the exclusive Federal jurisdiction; as also to the transit of slaves from State to State, opening the way to the roll-call of slaves at the foot of Bunker Hill or the gates of Faneuil Hall."

The resolutions were introduced on the 18th of December, 1860, but were not made the order of the day until the 2d of January. Though Mr. Crittenden introduced the discussion by explaining his resolutions, the debate on that day proceeded upon another series, introduced a few days previous by Andrew Johnson of Tennessee, also proposing amendments of the Constitution, on which Baker of Oregon and Benjamin of Louisiana made very eloquent and forcible speeches.

question. Singularly enough, too, he represented the territorial question — the main feature of the proposed amendments and resolutions — "but a trifle in point of territory," and as involving "no breach of any principle." Others thought otherwise; and the introduction of his resolutions became the signal of a most exciting and thorough debate.

Mr. Toombs followed, expressing himself "indifferent" as to which proposition he made the text of his discourse. His speech was defiant, and little calculated to conciliate.

He declared that the Abolitionists, under their new name of Republicans, had been sowing dragon's teeth, and had already begun to reap their crop of armed men. The Union, he said, was already dissolved. Claiming himself to be "as good a rebel and as good a traitor as ever descended from revolutionary loins," he proceeded to enunciate the demands of those he represented. He demanded for them an equal right to emigrate with their slaves into any future acquired territory and protection therein; that property in slaves should be entitled to the same protection everywhere as other property; that persons stealing property in one State and fleeing to another should be delivered up as any other fugitive from justice; that fugitives should be surrendered without being entitled to writ of habeas corpus or trial by jury; and that efficient laws should be enacted for the punishment of persons who should invade or abet the invasion of any State. These five demands, he contended, must be met, fairly considered, and in good faith granted.

He spoke in most disparaging terms of the origin of the Union. He said that the main difficulty at the outset it was designed to obviate was financial; that all talk of its being cemented by the blood of brave men was "nonsense"; that it was carried in some of the States by treachery, in others by bare majorities; and that Monroe, Henry, and even Jefferson himself, were against it. Had he lived at the time of its formation, he should have voted against it. He believed its adoption had been an injury to the South, though, being a "compact," he would abide by it, if the North would. He expatiated largely on the equality of rights of the two sections,

of that kind was that of the Texas Senator, who had said that after various things had been done by the North in that direction the South would "consider." "If we would stop the pulpits, burn the school-houses, suppress the newspapers, imprison the Abolitionists, and break up this government, everything that is here now, he would think about staying in it." While professing a willingness to do almost anything for the sake of peace, he said he could not follow the Senator of New York who had said that to exactions he would grant concessions, to threats he would offer conciliation, to hostile array the right hand of brotherhood. That would do for the millennium, but the millennium, he was sure, had not arrived. He closed with a touching allusion to the tender ties that bound Georgia and Rhode Island together, to the fact that the ashes of one of the latter's noblest "revolutionary worthies" rested in the soil of the former; and he claimed them before she left the Union. "We want to place it in his native land by his kindred. Let not that dust go out of the Union."

With a similar spirit his colleague, Mr. Anthony, followed. Deprecating disunion, he appealed to the same tender memories of past sacrifices, to heroisms in a common cause, and to the immigrations and intermarriages which so closely bound the two sections together. "Together," he said, "our fathers achieved the independence of the country, together they laid the foundations of its greatness and its glory; together they constructed this beautiful system under which we live. . . . . I will not believe that this great Power, which is marching with giant steps toward the first place among the nations of the earth, is to be turned 'backward on its mighty track.'" The vote was then taken on the amendment offered by Mr. Clarke, and it prevailed by a majority of two; which was in effect a defeat of the resolutions as reported by the Senator from Kentucky. That vote, however, was reconsidered, on motion of Mr. Cameron of Pennsylvania, by a vote of twenty-seven to twenty-four, and the original resolutions were again before the Senate for consideration.

On the 21st William Bigler of Pennsylvania addressed the Senate. Prefacing his remarks with a reference to "the sol-

utterances in that body the declaration that "slavery brought the judgment of Heaven upon a country," and "that, by an inevitable chain of causes and effects, Providence punished national sins by national calamities." By a rapid sketch of the progress of slavery in its various forms and phases, he showed how "these words of admonition and warning, uttered nearly three quarters of a century ago," had found their sad exemplification in the fact that "the treasonable words of last year have now hardened into deeds"; and "a conspiracy against the unity of the Republic" — not the work of a day, but the labor of a generation — "now startles and amazes the world by its extent and power." He quoted, too, the admissions of Madison, Jackson, and Benton, that the slavery agitation, which had "a Southern origin," with "disunion as its end," had been largely fomented, in the words of the former, "by unceasing efforts to alarm the South by imputations against the North of unconstitutional designs on the subject of slavery." He quoted the words of the latter that "the disunionists had prostituted the Democratic party," and "that they had complete control of the administration."

Alluding to the election of Mr. Lincoln and the success of the new party, he declared its policy to be, in the words of its chosen leader, "the policy of the founders of the government, nothing more, nothing less." He expressed in the strongest terms and as the results of large observation, that the North was not only loyal to the Union, but faithful to the compact of the fathers and to the compromises of the Constitution. Notwithstanding the many vociferous and bitter charges so ceaselessly as well as causelessly flung abroad against it, notwithstanding the series of unfriendly and hostile acts committed by their Southern brethren, there was cherished nothing like animosity and vindictive hate towards them. Of Massachusetts, he said, while in her heart of hearts she loves liberty and loathes slavery, she is never unmindful of her constitutional obligations. He demanded of her accusers to produce the proofs of their allegations, to file their bill of specifications, or forever hold their peace. Referring to her personal-liberty law, he said it was not designed to defeat her

tucky, that the African slave-trade should be effectually suppressed, that persons aiding slaves to escape shall be delivered up as other criminals, and that the laws of the State from which such slaves escape shall be "the test of criminality," and that Congress should pass efficient laws for the punishment of persons making or abetting insurrection and invasion, was adopted. Mr. Crittenden himself then proposed as an amendment of his own resolutions the propositions presented by the Peace Congress, but they received only seven votes. His resolutions were brought to a vote and were defeated, nineteen voting for them and twenty voting against them.

These resolutions and their history, it has been said, afford a very clear insight into the state of feeling and purpose existing both North and South. Though called a compromise, and put forth to conciliate and compose the jarring sentiments and interests of the two sections by a gentleman venerable for age, and hitherto conspicuous for his moderation and general opposition to the wild schemes of the propagandists, they took advanced Southern ground, and made demands that had been previously consented to only by a very few extreme proslavery men at the North. Its treatment of the territorial question, making the line of 36° 30′ parallel of latitude the dividing line between free and slave territory, had been twice proposed in Congress, in 1847 and 1848, and voted down by a large majority of Northern Democrats and Whigs. But now, after the election of a Republican President, the same proposition was gravely brought forward, and, what is more noteworthy, it came very near being adopted; and was actually defeated by Southern defection, by the refusal of six Southern Senators to vote therefor, because they did not desire conciliation, because they refused to be placated, because they had determined, with or without cause, to break up the Union. The adoption of Clarke's amendment had been seized upon by the secessionists and telegraphed to their Southern constituents as proof that "all hope of conciliation" was gone. But Mr. Crittenden, who had been interrogated, sent the following despatch to a North Carolina editor: "In reply, the vote against my resolutions will be reconsidered. Their failure was the result of the refusal

CHAPTER VII.

PEACE CONGRESS.

Action of Virginia. — Invitation. — Responses. — Meeting and organization. — John Tyler. — Committee. — Difficulties. — Report. — Minority reports and resolutions. — General tone conservative. — Haste. — Southern leaders. Reverdy Johnson's amendment and speech. — Seddon's speech. — Entreaties. — Boutwell. — Imperious demands. — Resisted by D. Dudley Field, Allen, and Noyes. — Coercion condemned and concession pleaded for by Rives, Seddon, Ewing, Frelinghuysen, and Dodge. — Further concession deprecated by Morrill, Field, Tuck, and Smith. — Debate. — Various amendments. — Strong speech by Chase. — Result and adjournment. — Action in Congress.

THE increasing excitement and growing intensity of feeling which pervaded the country, preceding, producing, and resulting from the election of Mr. Lincoln, suggested the idea and created in the minds of many a desire for general conference and mutual consultation. It was hoped, by many conservative men of both sections, that by such formal comparison of views and mutual concessions some further compromise might be secured, and some common ground on which all might stand could be discovered. Virginia took the lead. In February, 1861, her legislature adopted a series of resolutions, in which was expressed the opinion that, unless the unhappy controversy could be "satisfactorily adjusted," a permanent dissolution of the Union is inevitable, and "the determination to make a final effort" to prevent it, and thus "restore the Union and Constitution in the spirit in which they were established by the fathers of the Republic." For this purpose it extended an invitation to all the States to unite with her in an effort for the adjustment of "the present unhappy controversy," and for securing "to the people of the slaveholding States adequate guaranties for the security of their rights," and to send dele-

there was "no reasonable cause for this extraordinary excitement," and her purpose "not to surrender the principles she has always entertained on the subject of slavery." New York said that her acceptance of Virginia's invitation must not be construed as an indorsement of "the propositions submitted by the General Assembly of that State," while Illinois expressed the opinion that no amendment of the Constitution was needed to give "to the slaveholding States adequate guaranties for the security of their rights." A similar sentiment was expressed by Indiana. South Carolina was of course not content with a simple refusal to send delegates, but accompanied that refusal with the unequivocal expression of her want of sympathy with the proposed objects of the meeting. "We do not deem it advisable," she said with characteristic effrontery and defiant words, "to initiate negotiations when we have no desire or intention to promote the object in view." Expressing her entire lack of "confidence in the Federal government of the United States," she said the separation of South Carolina, which she now regarded "a foreign state," was "final."

The delegates met in Washington, at Willard's Hall, on the fourth day of February. John C. Wright of Ohio was made temporary chairman, and John Tyler of Virginia permanent president. A series of rules, reported by a committee, was adopted. The president, on taking the chair, made an earnest and impassioned address, depicting the perils surrounding the Republic, the difficulties of the situation, and the glory of the achievement, if they could "snatch from ruin a great and glorious confederation, preserve the government and invigorate the Constitution." He spoke of the "blunder" of the fathers "in not having fixed on every fifth decade for a call to amend and reform the Constitution, which, he said, was perfect for five millions, but not wholly so as to thirty millions."

On the third day, on motion of James Guthrie of Kentucky, Secretary of the Treasury under the administration of Mr. Pierce, a committee of one from each State was appointed, to which should be "referred the resolutions of Virginia and the

other States represented, and all propositions for the adjustment of existing difficulties." James A. Seddon of Virginia proposed, as the basis for deliberation and action, the resolutions which his State had forwarded in connection with her invitation. The next day the convention called in person on President Buchanan.

But the difficulties in the way of harmonizing the views of the committee were too great to be easily overcome. Though an earlier day had been specified in the resolutions themselves for making the report, yet on the eighth day the chairman reported its inability to agree, and asked for the extension of time two days further. The next day, however, the committee presented a report, adopted by a vote of twelve to eleven. It proposed, in substance, that the parallel of 36°30′ should separate the territory in which slavery should be prohibited from that in which it should be permitted, while under a Territorial government; that when admitted as States, slavery should be permitted or prohibited as the constitutions adopted by them should provide; that neither the Constitution nor any amendment thereof should be construed to give to Congress the right to abolish, regulate, or control slavery in any State, Territory, or the District of Columbia, or to prohibit the inter-State slave-trade; that the United States may not acquire territory without the consent of four fifths of the Senate; that the Constitution shall not be so construed as to prevent States from returning fugitives from service; that the foreign slave-trade shall be prohibited; and that the United States shall pay the full value of slaves which any marshal shall fail to return through intimidation or violent rescue. Minority reports and additional resolutions and suggestions were presented by Field of New York, Crowninshield of Massachusetts, Baldwin of Connecticut, Seddon of Virginia, and Wickliffe of Kentucky.

From these reports the general character of the convention and the probable scope of its recommendations might be inferred. While the free States were represented by some who remained true to freedom and the cause of patriotism, they were in a decided minority. Indeed, the more active and pro-

nounced antislavery men were averse to the movement, and looked upon its probable action and influence with distrust. Mr. Sumner thus characterized its action: "Forbearing all details, it will be enough to say that they undertook to give to slavery positive protection in the Constitution, with new sanction and immunity, — making it, notwithstanding the determination of our fathers, national instead of sectional; and even more than this, making it one of the essential and permanent parts of our republican system."

The general tone of the convention was strongly conservative, and its spirit was decidedly, not to say intensely, Southern. The circumstances, too, were adverse to that careful and dispassionate consideration of and firm adherence to principle which the exigency of the occasion demanded. The very haste with which the appointments of commissioners were made, — but a fortnight intervening between the date of the call and that of the convention, — the urgent pressure for immediate action, and the very haze of uncertainty which at the time enveloped and magnified everything future, forbade that calm and careful consideration which a wise and safe decision demanded. From the start extreme men took the lead, and by their determined and demonstrative manner made it difficult for the more moderate members to maintain a position even much less advanced than that demanded by the general sentiment of the North.

Among these Southern leaders was Seddon of Virginia. Well representing the pretentious school of Southern statesmen, he uttered his slaveholding demands and the doctrine of State-rights as if the Old Dominion spoke with an authority akin to that of the "divine right of kings." Not, seemingly, unmindful of all claims of patriotism or of the honor of the flag, he deprecated and sought to avert open rupture. He had not at that time taken that final leap in the dark he soon did take, when he joined his fortunes with his seceding State, and became the Secretary of War in the new Confederacy. But he always seemed chiefly solicitous lest slavery should receive detriment, and was more anxious to guard that than his country's honor and integrity. And not only for slavery as

and where it then existed was he solicitous; he would provide against all possible contingencies whenever and wherever existing.

This purpose appeared very plainly in a debate on an amendment of Reverdy Johnson of Maryland to insert the word "present" in one of the proposed amendments of the Constitution, thereby restricting its operation to territory then held. Mr. Johnson had said that he "spoke for the South and to the South," had avowed his desire to guard the system of slavery against harm, and deprecated separation and anything that would create further agitation upon the subject. Content with the present domain, he wisely counselled against further enlargement, with the dangers that must accompany it. To this restrictive policy Seddon interposed his most emphatic objections. Of Mr. Johnson's speech he said: "I listened with sadness to many parts of it. I bemoan that tones so patriotic could not rise to the level of the high ground of equality and right, upon which we all ought to stand." He inveighed bitterly against limiting the proposed amendments of the Constitution to territory already possessed. In view of the constant immigration and growth of the nation, such a restriction he stigmatized as "a farce."

With complacent and grandiloquent laudation he alluded to Virginia and her "memories," to the glorious part she had borne in the past, and to that he desired her to bear in "the great national crisis" through which they were passing. "She comes," he said, "to present to you calmly and plainly the question whether new guaranties are needed for her rights; and she tells you what those guaranties ought to be," — in substance, "security against the principles of the North and her great and now dominant party; to put an end to the discussions which have convulsed the country and jeopardized our institutions." Indulging in the common but unmeaning platitudes concerning the providential "mission" of the South towards "these colored barbarians," he, by a very natural transition, launched forth upon the usual invective against the antislavery spirit and Abolition societies of the North. Attributing them to "British instigation, put forth to disrupt

this Republic," he contended that, through their influence, the abstraction of slaves had become "a virtue," and the raid of John Brown had been celebrated as the exploit of a Christian hero. They, too, had "destroyed the grand old Whig party," had formed the "Free Soil" party, and "finally your great Republican party; in other words, your great sectional party which has come to majority and power." He closed by assuring the convention that the only way by which Virginia could be held back from following the seven States which had already seceded was by granting the additional guaranties recommended, though in his judgment they should be "fuller and greater."

But entreaty rather than menace was the underlying idea, the animating spirit of the convention. As ever, appeals to patriotism and the need of harmony constituted the staple of argument and motive. In this strain spoke Mr. Guthrie. Though avowedly devoted to Southern institutions, he deprecated revolution, counselled moderation, and expressed the hope that, "without crimination or recrimination," they would "vote in good temper and good time," and thus go before Congress and the people. Chauncey L. Cleveland of Connecticut urged similar considerations. "Let us be gentle and pleasant," he said. "Let us love one another. Let us not try to find out who is smartest or keenest. Let us vote soon, and without any feeling or quarrelling." He indorsed the report, and predicted that its adoption would preserve the peace and union of the country.

Though the advocates of slavery and compromise were largely in the ascendant, freedom and political integrity were not without defenders. Among them was ex-Governor George S. Boutwell of Massachusetts, afterwards Secretary of the Treasury and member of the United States Senate. Far from extreme in his opinions, and making concessions which many antislavery men would not have made, he met at the threshold the pretensions and policy of the imperious Virginian. Massachusetts, he said, was opposed to slavery, but she confined her opposition within constitutional limits. She loved the Union; but she would not seek its preservation by the remedies pro-

"Is it seriously contemplated now," he asked, "after gentlemen on one side have spoken two or three times and at great length,—after the questions involved in the committee's reports have been thoroughly and exhaustingly discussed on the part of the South,—and when only one gentleman from the North has been heard upon the general subject, to cut us off from all opportunity of expressing our views? Such a course will not help your propositions." Charles Allen of Massachusetts, one of the bravest and most honest men of his State, a man of clear convictions and intrepid purpose, reminded the convention that their meeting was for the very purpose of consultation on the condition of the country. "The questions before us," he said, "are the most important that could possibly arise. Before our present Constitution was adopted, it was discussed and examined for more than three months. We are now practically making a new Constitution. . . . . You may force a vote to-day, but the result will satisfy none."

It was, indeed, this radical character of the proposed amendments that seemed to arrest more particularly the attention and to excite more profoundly the few earnest friends of freedom and thoughtful lovers of their country, who were members of that convention. This was well expressed by William Curtis Noyes of New York, mild and gentle as a man, eminent as a lawyer, and a firm friend of freedom. "Sir," he said, "I speak for New York! Not New York of a time gone by! Not New York of an old fossiliferous era, remembered only in some chapter of her ancient history, but young, breathing, living New York, as she exists to-day. . . . . We are asked to consider new and important amendments to the Constitution, alterations of our fundamental law; and in the same breath we are told we must not discuss them,—that we must take them as they are offered to us without change or alteration. . . . . I submit to the conference, is it kind, is it generous, is it proper to stop here? Is it best to do so?" His colleague, Francis Granger, who had, in the presidential election, supported the so-called "Bell-Everett" ticket, had assured the convention that New York would support the report of the committee. He expressed his doubt of the gentleman's authority to

the two races. Frederick F. Frelinghuysen of New Jersey, though speaking, he claimed, in the interests of "piety and patriotism," made the strange vaunt that there were never any underground railroads in New Jersey, that she never rescued a fugitive slave from the custody of law, that no "personal-liberty" bills ever disgraced the pages of her statute-book, and "never will." He expressed the opinion that "nineteen twentieths of the North" were in favor of giving the South all the guaranties "it asks," and affirmed his belief that, in both sections, "the family prayer ascends to the Father of us all for a blessing on our common country and for the preservation of the Union." William E. Dodge of New York counselled conciliation, styled the New England delegates "obstinate and uncompromising," expressed doubts of their declaration that New England was "opposed to slavery," for the not very creditable reasons that they knew "how to get the dollars and how to hold on to them," and that they would never permit the government which had contributed so much to their wealth and prosperity to be sacrificed to a technicality, a chimera.

On the other hand, it was said, among others, by Lot M. Morrill of Maine, that "the sentiments and convictions of the North could not be trifled with nor set aside in any settlement that could be made." To the question whether the incoming administration would employ force to coerce the seceding States, he replied, though disclaiming all authority to speak for Mr. Lincoln, that if it did not "use every means which the Constitution has given them to assert the authority of the government in all the States, to preserve the Union in all its integrity, the people will be disappointed." Speaking to the same point, Mr. Field said, if the government does not use coercion it will be "disgraced and destroyed." "There is," he said, "no middle ground; we must keep this country unbroken or give it up to ruin." Amos Tuck of New Hampshire made a conciliatory but firm speech. After alluding to the conflicting claims of patriotism and fraternity on the one hand, and principle and conscience on the other, and saying that he had "listened to appeals stronger and more eloquent than I ever expect to hear again," he added: "But we

The result having been presented on the same day to the Senate, it was referred to a committee consisting of Crittenden, Bigler, Thomson, Seward, and Trumbull. On the next day the majority of the committee reported in favor of the recommendation of the convention, Seward and Trumbull dissenting. Several resolutions and amendments were offered, and a general, earnest, and acrimonious debate ensued. Joseph Lane of Oregon, Democratic candidate for Vice-President on the Breckinridge ticket, made a very violent speech, taking the most extreme Southern ground. Andrew Johnson of Tennessee replied in a strong Union speech, in which he denounced those who had seized the arsenals and other United States property as traitors. The speech made a deep impression on the country, bringing its author to favorable notice, and contributing, no doubt largely if not mainly, to his subsequent elevation. Mr. Baker of Oregon made an eloquent, earnest, and pathetic appeal in favor of compromise.

No vote, however, was taken. On motion of Mr. Douglas the report was laid aside for the purpose of taking up the House Resolution, reported by the committee of thirty-three; and the propositions of the Peace Congress, brought forth with so much labor and anxiety, if they did not fall still-born, were left to sleep in "the tomb of the Capulets."

To this discordance of views was added what was freely charged to be lack of logical consistency and consentaneousness in the opinions and purposes expressed, especially by those Republicans who were free to disclaim any purpose to infringe upon State-rights and interfere with slavery where existing, but who did not conceal impatience at their alleged constitutional obligations to share in the work of oppression, and their confident expectation that the system would soon yield to the potent influences of reform and pass away. "'A house divided against itself cannot stand,'" said Mr. Lincoln. "I believe this government cannot endure permanently half slave and half free. I do not expect the Union will be dissolved. I do not expect the house to fall. But I do expect it will cease to be divided. It will become all one thing or all the other." Similar sentiments and expectations had been freely and confidently expressed by large numbers and leading members of the new party that was soon to assume the reins of power. And all such sentiments, wishes, and expectations were well remembered and faithfully reported within hearing of those whose cherished system was thus menaced. Near the close of the session Mr. Barrett of Missouri addressed the House in a long and carefully elaborated speech, into which were introduced a mass of such utterances culled from leading Republicans. He quoted Mr. Seward as saying that "slavery is not and cannot be perpetual; that it will be overthrown either peacefully and lawfully under this Constitution, or it will work the subversion of the Constitution together with its own overthrow," with a large number of similar expressions from the same individual at different times and places. He quoted largely, too, from Mr. Lincoln, and reached the conclusion that "he was the very embodiment of the sentiments of Mr. Giddings and Mr. Curtis, and of the Abolition party generally." He quoted Mr. Sumner as saying that slavery is such a grievous wrong that it should be "encountered wherever it can be reached; and the battle must be continued without truce or compromise until the field is entirely won." He quoted Mr. Burlingame of Massachusetts as saying that after we shall have elected a President who shall be "the tribune of

supineness or the neglect of those measures demanded to meet, circumvent, or overcome what they so much feared. Nor were they neglectful. As on nothing has the Southern mind been more deeply exercised, so to nothing has Southern thought, scholarship, and statesmanship been more thoroughly devoted. It has been the staple of Southern literature, the subject on which the resources of Southern rhetoric and eloquence have been most lavishly expended. The danger to be apprehended from the growing strength of the free North, its alleged unfriendliness to slavery, and its ulterior purpose to effect its overthrow, afforded the problem that challenged investigation, and demanded remedial measures, both commensurate and prompt.

The only alternative presented, it was claimed, was secession, or some assurance that this growing preponderance of the free States should never be used, or taken advantage of, to the detriment of slavery. The secession leaders contended that the only adequate remedy was in separation. Others at the South, equally intent on conserving the system, shrunk from that violent remedy, and contended that there were strength and wisdom enough in what they termed Northern and Southern conservatism to devise and execute some plan by which slavery could be placed beyond the reach of intermeddlers, however fanatical or numerous. But what? What new contrivance could there be? For two generations the Slave Power had held control and dictated the legislation it desired, and an obsequious nation had done little less than record its edicts and clothe with the sanctions of law its behests. Even the Republican party, in its platform on which Mr. Lincoln had just been elected, had disclaimed any purpose to interfere with the system in the States where it existed, and had declared "that the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depend." What new guaranties were demanded, or required, or were possible?

Republican member from Tennessee, after avowing himself in favor of the Republican doctrine of the non-extension of slavery into free territory, justified himself for so doing, and fortified his position therein, by quoting largely from the action of political bodies, either conventions or legislatures, mostly Democratic, indorsing the same views. Confining himself to the years 1847–50, he quoted the resolutions and acts of Michigan, New Hampshire, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Vermont, Connecticut, Massachusetts (Democratic convention), Illinois, Wisconsin, Indiana, and Maine. One of the resolutions of the Massachusetts Democrats was as follows: "Resolved, That we are opposed to slavery in every form and color, and in favor of freedom and free soil wherever man lives, throughout God's heritage." And such in substance and spirit, not always in words quite so terse and trenchant, were all the quotations made,—revealing a reluctant acquiescence in the continuance of slavery where existing, but a firm and inflexible determination that it should extend no farther, and that it should be allowed to pollute no other territory then free.

There can, however, be no intelligent and appreciative writing or reading of American history, nothing at least like a philosophical examination of the subject, nothing that will correctly locate the actors, assign them their true positions, and give the proper significance to their actions, which does not recognize and keep in mind three facts which have exerted a commanding if not a controlling influence.

At the South the dominating idea and purpose were slavery and its conservation. To this, as the rule, everything else was held subordinate and was made subservient. But beneath this overshadowing idea and purpose there was great diversity of sentiment, conviction, and plan. Agreed that slavery should, if possible, receive no detriment, men differed widely upon the policy best calculated to secure that result. The more extreme of the slave propagandists favored disunion, and joined in cherishing the dream of a slaveholding confederacy; while large, probably far larger, numbers believed the policy of disunion suicidal, and wisely contended that the place to labor

of the causes that produced the results now under review, were the ambitions, aspirations, and revenges of leading men who had personal ends to gain and ulterior purposes to accomplish, and who were willing to put in peril the public interests to promote their own selfish schemes. Alexander H. Stephens, in his speech at the Georgia capital, to dissuade his fellow-citizens from joining in the secession movement, thus charged upon this class their responsibility in producing the results he so deprecated and sought to avert. "Some of our public men," he said, "have failed in their aspirations, it is true, and from that comes a great part of our troubles." Beside these there were those who, if not deserving of such severe censure, had mingled with their admitted patriotism too little firmness, too little persistence, and too little wisdom, so that if there were any alloy of ambition and self-seeking, and they were tempted, as few were not, they yielded when they should have maintained their position, and, if not openly recreant and erratic, they became inconsistent, unreliable, and far less serviceable to the cause than was hoped, and less than their first essays in their country's service gave promise of. As many military men left the field with damaged reputations, so many in the civil departments of the government suffered in the hour of trial and temptation.

The report of the committee of thirty-three contained five propositions. The first, or the joint resolution "declaratory of the opinion of Congress in regard to certain questions now agitating the country, and of measures calculated to reconcile existing differences," having been adopted on the 27th of February, 1861, the second proposition, consisting of a joint resolution to amend the Constitution of the United States, was immediately reported and "read a first and second time." As originally reported it was as follows: "No amendment of this Constitution having for its object any interference within the States with the relation between their citizens and those described in section second of the first article of the Constitution as 'all other persons,' shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing

of slavery, — if that is Republican doctrine, then I am no Republican." He still further revealed the important, or at least the apprehended, bearing which the subject and the final decision of the question would exert upon the border slave-States. "When I discussed," he added, "the political topics of the day before the slaveholders of Maryland during the last canvass," for the purpose, as he explained, of meeting the arguments of Yancey, Rhett, Toombs, and others, "I charged those men with having propagated slander against the Republican party when they charged us with a disposition to invade their rights or interfere with their domestic institutions. I ask those gentlemen who have stood with me upon that question, whether they are willing, by their votes, to fix that charge upon our party, and thereby strengthen the arms of our enemies." He contended, too, that, as their servants, the least that they could do was to submit the question to the people, "to take this proposition to their masters and submit it to them for their approval or rejection."

Mr. Stanton presented another view. He referred to the changed condition of affairs resulting from the secession of seven or eight States. If they should maintain their independence, then he contended that "if the remaining seven slaveholding States remain in this confederacy they are entitled to additional guaranties." Saying that there were then seven slaveholding States and nineteen free States, he proceeded: "In ten years more Delaware will be, for all practical purposes, a free State. That would make twenty free States and six slaveholding States. In a few years more you will have five more free States organized out of the Territories. You will then have the requisite three-fourths to change the Constitution, and to confer on the Federal government and on Congress the power to interfere with slavery in the States. Now, I hold that that power ought never to be vested in Congress, no matter if there were but one slaveholding State. . . . . I am in earnest in this business, and am sincere when I state that I do not desire to interfere with slavery in the States. I apprehend that my colleagues are equally so. I apprehend that they do not desire to interfere with slavery in the States.

now; at no place more requisite than here. The most magnificent example of self-government known to history is in imminent danger of suffering an abrupt mutilation, by reason of the precipitate violence of a few desperate men. I purpose to discuss briefly, and I trust with proper calmness, the cause and the effect of this proceeding, as well as the duty that it entails upon us."

Similar expressions of intense anxiety and alarm, and the pressing need of something to avert, if possible, the threatened catastrophe, ran through the debate of both houses. In the Senate Mr. Crittenden had thus expressed his deep convictions and earnest desire: "With that I am satisfied. It is enough for the dreadful occasion. It is the dreadful occasion that I want to get rid of. Rid me of this, rid the nation of this, and I am willing to take my chance for the future, and meet the perils of every day that may come. Now is the appointed time upon which our destiny depends. Now is the emergency and exigency upon us. Let us provide for them. Save ourselves now, and trust to posterity and that Providence which has so long and so benignly guided this nation, to keep us from the further difficulties which in our national career may be in our way." Such feelings and such convictions in such men not only indicate the stress and strain brought to bear upon them, but suggest moderation in the criticisms and censures of measures, they felt constrained to recommend and support, which may be indulged in by those who, at a safer distance, in cooler moods, and with greater light, can more deliberately and dispassionately give them examination.

There were, however, those who, though they equally appreciated the gravity of the occasion and the need of help, felt that deliverance could not wisely or safely be sought in further compromise, at least in compromise that ignored the claims of moral obligation, and set aside as if of no account the primal rights of man. Their argument was somewhat compendiously stated by Mr. Beale of New York: —

"Sir, I am opposed to any and all compromises,

"1. Because they are to be extorted from us by threats of dissolution of the Union in case we refuse. I desire to see the

CHAPTER IX.

ORGANIZATION OF SOUTHERN CONFEDERACY.

Work among the people. — South Carolina. — Convention. — Secession Ordinance adopted and signed. — Address and declaration. — Alleged causes. — Governor's Proclamation and Cabinet. — Mississippi convention and ordinance. — River blockade. — Florida. — Alabama. — Georgia. — Severe struggle. — Toombs. —Adverse vote. — Johnson, Hill, Stephens. — Strong Union speech. — Secession carried. — Louisiana. — Meeting at Montgomery. — States represented. — Howell Cobb. — Committee on provisional government. — Report. — Proffered loan. — Choice of President and Vice-President. — Committee on permanent constitution. — Confederate flag.— Provisions of constitution. — Action concerning forts, arsenals, and navy-yards. — Charleston "Mercury." —Provision for an army and navy. — Jefferson Davis. — Speeches and inaugural address. — Cabinet. — Speech of Alexander H. Stephens.

HITHERTO the work of secession had been mainly among a comparatively few of the leading citizens of the slaveholding States. Others, it was seen, prominent in Church and State must be converted to the theory and policy of disunion before the people at large could be persuaded to lend their necessary co-operation and support. This then became the next necessity, and the conspirators entered upon the work, referred to and outlined in a previous chapter, with an earnest and determined purpose.

The South Carolina convention met on the 17th of December, 1860, at Columbia. General D. F. Jamison was chosen president. During the evening session commissioners from Alabama and Mississippi were introduced. They addressed the body in favor of immediate secession, and a resolution was unanimously carried favoring that decisive act. The next day a telegram was received from the governor of Alabama counselling the convention to listen to no proposition of compromise or delay.

On the 20th an ordinance of secession was reported by Mr.

great slaveholding confederacy; and that "united together we must be a great, free, and prosperous people, whose renown must spread throughout the civilized world, and pass down we trust to the remotest ages." It invoked their aid "in forming a confederacy of slaveholding States."

Charles G. Memminger reported a "Declaration of the causes which justified the secession of South Carolina from the national government." Though unanimous in the act of secession, the debate revealed a palpable disagreement as to the causes to be assigned therefor, or which led thereto. While the formation and success of the Republican party were cited as a sufficient cause, Mr. Rhett declared that the secession of South Carolina was not the event of a day. "It is not," he said, "anything produced by Mr. Lincoln's election, or by the non-execution of the Fugitive Slave Act. It is a matter which has been gathering head for thirty years." He had himself, he said, expressed doubts of the constitutionality of the Fugitive Slave Act on the floor of the Senate, and had expressed the opinion that the States should be responsible for the rendition of fugitive slaves. Mr. Keitt, then a member of the House of Representatives, said, "I have been engaged in this movement ever since I entered political life." Mr. Parker declared it to be "no spasmodic effort that has suddenly come upon us; it has been gradually culminating for a long period of thirty years." And Mr. Inglis, who reported the ordinance, avowed that "most of us have had this matter under consideration for the last twenty years."

On the 24th of December Governor Pickens issued a proclamation. In it he declared that "South Carolina is, and has a right to be, a separate, sovereign, free, and independent State, and as such has a right to levy war, to conclude peace, to negotiate treaties, leagues, or covenants, and to do all acts whatever that rightfully appertain to a free and independent State." The convention, on the 26th, under the lead of Mr. Rhett, invited the seceding States to unite with South Carolina in convention, and to meet at Montgomery on the 13th of February, for the purpose of forming a Southern confederacy; agreed to send commissioners to each of the slaveholding

States that might hold conventions, to ask their co-operation; and authorized the governor to receive ambassadors, ministers, and consuls from foreign countries. When the question of appointing commissioners to each of the States to bear to them a copy of the South Carolina ordinance of secession was pending, Mr. Dargen proposed to send also a copy to each of the States. Affirming that it was not true that all the Northern people were hostile to the rights of the South, he said, "We have a Spartan band in every Northern State." But the proposition failed. Governor Pickens appointed a cabinet of constitutional advisers, and assumed to be the chief magistrate of a nation. After the adjournment of the convention on the 5th of January, the legislature made a call for volunteers, authorized a loan of four hundred thousand dollars, and took other measures for the defence of what they deemed a new-born nation.

The passage of the ordinance of secession was received in the cotton States with wild demonstrations and joyous declamations. Banners were unfurled, guns fired, music and song hailed and welcomed the advent.

Mississippi next followed. The 20th of December had been appointed for the election of delegates, and the 7th of January, 1861, for the meeting of the convention. The State, though united in favor of secession, was divided into two parties, "immediate secessionists" and "co-operationists." But when the convention assembled on the 7th of January, the former had complete control. The co-operationists sought to postpone action, but they were signally defeated. The committee appointed to draft an ordinance of secession reported on the 8th. The next day it was adopted by a vote of eighty-four to fifteen, and then declared unanimous. The sovereignty of the State was formally acknowledged by Judge Samuel J. Gholson of the United States District Court. In the exercise, too, of her sovereignty, the State assumed the right to dictate the terms upon which the Mississippi should be navigated. The governor ordered that the Whitman battery should be planted on the bluffs at Vicksburg, and that every vessel that should attempt to pass should be hailed and ex-

amined. Immediate measures were taken by the legislature to arm the military forces of the State. The governor of Louisiana sent muskets, cannon, and ammunition he had seized in the national arsenal at Baton Rouge. Jefferson Davis and Jacob Thompson guaranteed the payment of twenty-five thousand dollars for the purchase of arms, and Albert G. Brown sent the governor five hundred dollars.

As the politicians of Florida had rivalled those of South Carolina in favor of slavery and the slave-trade, they were now equally earnest for the formation of a Southern confederacy. On the 3d of January the State convention met at Tallahassee, and on the 10th, by a vote of sixty-two to seven, it passed an ordinance of secession, declaring Florida to be "a sovereign and independent nation." The ordinance was signed, and this action of the State was welcomed by the ringing of bells and every demonstration of joy. Her Senators in Congress did not at once resign, Mr. Yulee giving as a reason for their remaining in their places until the 4th of March, that they could thus embarrass the administration of Mr. Buchanan and prevent the Republicans from effecting any legislation which would strengthen and provide for that of Mr. Lincoln. Delegates were appointed to the Montgomery convention, the legislature authorized the issuing of half a million of treasury notes, and made the holding of office under the national government treason, to be punished with death in the event of hostilities between the State and the nation.

Delegates were elected in Alabama on the 24th of December, and the convention assembled on the 7th of January at Montgomery. Southern Alabama was in favor of immediate secession; but Northern Alabama, freer from the influences of slavery, was for co-operation or for the Union. The convention was divided, as in other Gulf States, between the immediate secessionists and co-operationists; and yet it unanimously resolved that Alabama would not submit to a Republican administration. An ordinance of secession was reported by a committee of thirteen, though there was an accompanying minority report. On the 11th the final vote was taken, and the ordinance was passed by a vote of sixty-one to thirty-nine. The

result was received with such popular demonstrations of approval that the co-operationists, who had in the convention refused to follow the lead of Yancey, pledged themselves and their constituents to the support of the ordinance, though a few delegates refused to sign it. Thomas J. Judge was appointed a commissioner to negotiate with the national government, and the convention adjourned on the 30th of January to the 4th of March, its president declaring Alabama to be "independent," and affirming that all idea of a reconstruction of the old Union should be now and forever "dismissed."

The election of delegates in Georgia was held on the 2d of January. The struggle in that State between the immediate secessionists and the co-operationists was bitter and active. A system of terrorism was organized by the secessionists. Knights of the Golden Circle, "minute-men," vigilance committees, and other disloyal associations, where they could not persuade, bullied and dragooned both before the election and at the ballot-box. Howell Cobb, who had retired from the Treasury Department, Toombs and Iverson, her Senators, and her Representatives in Congress were untiring in their efforts to commit Georgia to immediate secession. Toombs, then and always a violent and bitter secessionist, telegraphed, on the 22d of December, an address to the people of Georgia. Looking to Congress, or to the people of the North for security, he contended, was fraught with nothing but ruin. "Secession by the 4th of March next," he said, "should be thundered from the ballot by the unanimous voice of Georgia on the 2d of January next. Such a voice will be your best guaranty for liberty, security, tranquillity, and glory."

The Unionists of Georgia, who were for securing Southern rights in the Union, were alarmed by this despatch, and sought counsel and assurances from Douglas and Crittenden. While these gentlemen begged them not to despair of the Union, Toombs, the day before the election, telegraphed that the Cabinet had been broken up, that a coercive policy had been adopted by the administration, that Holt, their "bitter foe," had been made Secretary of War, that Fort Pulaski was in danger, and that "the Abolitionists are defiant." But in spite

of all these despatches and other appliances the co-operationists elected a majority of the delegates to the convention.

But the men who were engineering this movement, who despised the masses and regarded them as fit only to be used, were not to be balked by an adverse popular vote, though it was the people's response to the appeal they had made for their indorsement and support. The same policy of repression and coercion, of cajolery and terrorism, which had been resorted to with only too great, though not complete, success in the election of delegates, was now brought to bear upon them when assembled in convention. Nor were their efforts without success, and men, who were chosen to represent the moderate policy of the co-operationists, were swept, by coaxing and bullying, and by the fierce, rushing, and maddening events of the hour, into the ranks of the extremists, and compelled to do their bidding. The convention assembled on the 2d of January, and consisted of two hundred and ninety-five delegates. Two days afterward, a resolution declaring it to be the right and duty of this State to withdraw from the Union was passed by a majority of thirty-five. An ordinance of secession was reported, abrogating all laws binding the State to the Union, and declaring that she was in "full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State." Herschell V. Johnson, B. H. Hill, and Alexander H. Stephens vainly struggled against immediate secession. Stephens spoke with great eloquence and force, using language which — whatever may have been his motive or excuse for afterward joining the Rebellion, admitting in its full force the Southern claim of State rights — convicted him and his co-conspirators of acting their part without sufficient cause, if with the show of reason. Hardly any one has ever painted with darker coloring the wickedness and folly of the great conspiracy. The government of the United States, he said, is the "best and freest government, the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most inspiring in its principles to elevate the race of men, that the sun of heaven ever shone upon. Now, for you to attempt to overthrow such a government as

invited to take seats in the convention, spoke for immediate secession. John Perkins, Jr., chairman of the committee of fifteen appointed to draft an ordinance of secession, reported it on the 24th, and it was adopted by a vote of one hundred and thirteen to seventeen on the 26th. Its passage was received with tumultuous applause, and Governor Moore, accompanied by a military officer bearing the Pelican flag, which was placed in the hands of the president of the convention, entered the hall amid the cheering of the delegates. A motion to submit the ordinance to the people for ratification was lost, and it was then signed by one hundred and twenty-one of the delegates.

On the 4th of February, 1861, the delegates of six seceding States, chosen by secession conventions, but without the expressed consent of the people, met in the State House at Montgomery, Alabama. Forty-two in number, they represented South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida. Howell Cobb was chosen president. In addressing the convention on taking the chair, he declared that the separation of the States they represented from the Union was "a fixed and irrevocable fact"; that it was "perfect, complete, and perpetual." Expressing a desire to maintain friendly relations with their "late sister States as with the world," he counselled the delegates to assume the responsibility of establishing a government for the seceded States, and to inaugurate for the South "a new era of peace, security, and prosperity." The sessions of the convention were generally held in secret. Mr. Memminger of South Carolina offered resolutions in favor of forming a confederacy of the seceded States, and he moved that a committee of thirteen be appointed to report a plan for a government on the basis of the Constitution of the United States. A resolution was received from the legislature of Alabama, and the proffer was accepted, placing at the disposal of the "provisional government of the confederacy of the seceding States a loan of five hundred thousand dollars."

Mr. Memminger, chairman of the committee to report a plan for the new government, submitted a report on the 7th of February. The Constitution of the United States, with some

ment, its authors, in nearly all its parts, adopted the precise language of the Constitution of the United States, and followed the same order of arrangement in its articles and sections throughout, though the two instruments differed in several particulars, that of the Confederates being made to conform to their dominating ideas on the subject of slavery, State-rights, and the reserved privilege of secession. Thus in the preamble the words "United States" are stricken out, and the words "Confederate States, each State acting in its sovereign and independent character" are incorporated; for the words "more perfect Union," "permanent federal government" are substituted; the words "provide for the common defence, promote the general welfare" are stricken out entirely, and the words "invoking the favor and guidance of Almighty God" are inserted. The Ninth Section, Article I., of the old Constitution was changed by striking out the whole paragraph that relates to the importation of slaves, that was "not to be prohibited by Congress prior to the year one thousand eight hundred and eight," and inserting the following: "The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy." This provision, it is said, was adopted by the votes of the States of Georgia, Alabama, Louisiana, and Mississippi, against those of South Carolina and Florida. It also provided that in all new States that might hereafter be formed from "new territory" acquired, "the institution of negro slavery as it now exists in the Confederate States shall be recognized and protected by Congress," as also in any territory held by the Confederacy. Article VI. was preceded by this paragraph: "The government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers ap-

pointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished."

On the 12th of February the convention, having under consideration the question relating to the occupation of forts, arsenals, navy-yards, and other public establishments within the domain of the sovereign States of the Confederacy, and hitherto under the government of the United States, resolved that they should be under the charge of the new government; and the president of the convention was requested to communicate this resolution to the governors of the several States. This action was offensive to the South Carolina leaders, and the Charleston "Mercury" declared that Fort Sumter belonged to South Carolina: that after two efforts to obtain peaceable possession and its submission for two months to the insolent military domination of a handful of men, the honor of the State required that no further intervention from any quarter should be tolerated, and that this fort should be taken, and taken by South Carolina alone.

On the 13th the convention took the initiative and commenced preparation for war by instructing the military and naval committees to report plans for the organization of an army and navy.

Mr. Davis, who was at his home near Vicksburg when informed of his election, made a series of twenty-five speeches on his way to Montgomery. He was formally received at the railway-station amid the thundering of cannon and the enthusiastic shouts of the people. In his response, he said that the time of compromises had passed; that they asked nothing, wanted nothing, and would have no complications. "Our separation," he said, "from the old Union is complete, and no compromise, no reconstruction, can now be entertained." He declared that they would maintain the position they had assumed, and "make all who oppose us smell Southern powder and feel Southern steel."

On the 18th of February the inaugural ceremonies took place in front of the State House. In his inaugural address to the excited and enthusiastic thousands before him, Mr. Davis declared that if "passion or lust of dominion should

cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency, and maintain, by the final arbitrament of the sword, that position which we have assumed among the nations of the earth." He recommended the immediate organization of the army and navy, and reminded them that privateering, "the well-known resources of retaliation upon the commerce of an enemy, will remain to us." Robert Toombs of Georgia was appointed Secretary of State; Charles G. Memminger of South Carolina, Secretary of the Treasury; Leroy Polk Walker of Alabama, Secretary of War; Stephen R. Mallory of Florida, Secretary of the Navy; John H. Reagan of Texas, Postmaster-General; and Judah P. Benjamin of Louisiana, Attorney-General.

Mr. Davis, in his inaugural, had declared that secession was the will of the people; that union with the States from which they had separated was neither practicable nor desirable; that where homogeneity did not exist, antagonisms were engendered, that must and should result in separation. Mr. Stephens more fully developed this antagonism between freedom and slavery in a speech, on the 21st of March, to the citizens of Savannah.

As was natural, the secessionists were very anxious to justify their course, especially to their slaveholding brethren, and if possible to secure their co-operation. In pursuance of this purpose, the South Carolina convention received and considered reports on the three following subjects: "The Address of the People of South Carolina assembled in Convention, to the Slaveholding States of the United States"; "Declaration of the Causes which justify Secession of South Carolina from the Federal Union"; "Report on Relations with the Slaveholding States of North America." The papers were long and elaborate, and entered largely into allegations against the Federal Union, with the adduction of reasons for accepting the conclusion that there could be safety for the South only in separation. The speech, however, of Mr. Stephens, beside his eulogy of the new constitution and of its superiority over the old, embodies in smaller compass, in more compact form, and with more philosophic precision than elsewhere found the assumptions of the secessionists and the underlying principles of the

This was an error. It was a sandy foundation; and the idea of a government built upon it, — when the storm came and the wind blew, it fell.

"Our new government is founded upon exactly the opposite ideas; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This our new government is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It is so, even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many so late as twenty years ago. Those at the North who still cling to these errors with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is, forming correct conclusions from fancied or erroneous premises: so with the antislavery fanatics; their conclusions are right if their premises are. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights, with the white man. If their premises were correct, their conclusions would be logical and just; but their premises being wrong, their whole argument fails. I recollect once of having heard a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery; that it was as impossible to war successfully against a principle in politics, as it was in physics or mechanics, — that the principle would ultimately prevail; that we, in maintaining slavery, as it now exists with us, were warring against a principle, — a principle founded in nature, — the principle of the equality of man. The reply I made to him was, that, upon his own grounds, we should succeed; that he and his associ-

should be so. It is, indeed, in conformity with the Creator. It is not for us to inquire into the wisdom of his ordinances, or to question them. For his own purposes he has made one race to differ from another, as he has made 'one star to differ from another in glory.'

"The great objects of humanity are best attained when conformed to his laws and decrees, in the formation of governments as well as in all things else. Our Confederacy is founded upon laws in strict conformity with these laws. This 'stone, which was rejected by the first builders, is become the chief stone of the corner' in our new edifice. I have been asked, What of the future? It has been apprehended by some that we would have arrayed against us the civilized world. I care not who or how many they may be; when we stand upon the eternal principles of truth, we are obliged to and must triumph."

Speaking further of the future, and of the prospects of the new Confederacy, he said: —

"Our growth by accessions from other States will depend greatly upon whether we present to the world, as I trust we shall, a better government than that to which they belong. If we do this, North Carolina, Tennessee, and Arkansas cannot hesitate long; neither can Virginia, Kentucky, and Missouri. They will necessarily gravitate to us by an imperious law. We made ample provision in our Constitution for the admission of other States. It is more guarded — and wisely so I think — than the old Constitution on the same subject, but not too guarded to receive them so fast as it may be proper. Looking to the distant future, — and perhaps not very distant either — it is not beyond the range of possibility, and even probability, that all the great States of the Northwest shall gravitate this way, as well as Tennessee, Kentucky, Missouri, Arkansas, etc. Should they do so, our doors are wide enough to receive them; but not until they are ready to assimilate with us in principle. The process of disintegration in the old Union may be expected to go on with almost absolute certainty. We are now the nucleus of a growing power, which, if we are true to ourselves, our destiny, and our mission,

CHAPTER X.

THE OTHER SECEDED STATES.

Secessionists at first in a minority. — How their numbers were increased. — The Comte de Paris. — His testimony. — Demoralizing influence of slavery. — The process. — Three classes. — Conditions of Rebel success. — Co-operation, combination, preparation. — Central cabal. — Letter of Judge Evans. — Volunteers. — Violence, or the crushing-out process. — Contingencies. — Virginia. — Solicitude concerning her course. — Visit and estimate of Memminger. — Governor Letcher. — Legislature. — Convention against secession. — Address of Stephens. — Ruffin and Pryor. — Convention succumbs. — Treaty. — Richmond made the capital. — Letter of Mason. — West Virginia. — Admitted by Congress. — Tennessee. — Vote against secession. — Coercion opposed. — Legislature. — Yields. — Popular vote. — East Tennessee. — Brownlow. — North Carolina. — Appoints commissioners. — Joins the Confederacy. — Arkansas. — Texas. — Union meeting. — Address of governor. — Conflict. — Final success of the secessionists.

No intelligent and adequate estimate of the Rebellion and its causes, immediate and remote, can be formed without special note of the small proportion of the people of the South who were at the outset in favor of that extreme measure. Even in the six States which first seceded, South Carolina possibly excepted, there was far from a majority who originally gave it their approval. In the remaining five the proportion was much smaller; though this large preponderance was overcome by able, adroit, and audacious management. By means illegitimate and indefensible, reckless of principle and of consequences, a comparatively few men succeeded in dragooning whole States into the support of a policy the majority condemned, to following leaders the majority distrusted and most cordially disliked. As no sadder and more suggestive commentary was ever afforded of the utter demoralization of slaveholding society, and of the helpless condition of a community that accepted slavery, and accommodated itself to the

very marrow of society. . . . . But the effects of the servile institution upon the dominant race present a spectacle not less sad and instructive to the historian and philosopher; for a fatal demoralization is the just punishment that slavery inflicts upon those who expect to find nothing in it but profit and power." Proceeding to demonstrate how this demoralization "is the inevitable consequence of slavery, and how, by an inexorable logic, the simple fact of the enslavement of the black corrupts, among the whites, the ideas and morals which are the very foundation of society," and showing that "it is among what are called good slave-owners that we must inquire into the pretended moral perfection of slavery, in order to understand its flagrant immorality," he adds, with a pungent pathos that cannot but flush with shame the cheek of every thoughtful American, "What a deeply sorrowful spectacle for any one who wishes to study human nature to see every sense of righteousness and equity so far perverted in a whole population by the force of habit, that the greatest portion of the ministers of all denominations were not ashamed to sully Christianity by a cowardly approval of slavery; and men who bought and sold their fellow-beings took up arms for the express purpose of defending this odious privilege, in the name of liberty and property." Alluding to another phase of slave-holding society, he directs attention to the fact that "the servile institution, in violating the supreme law of humanity, which links indissolubly together those two words, labor and progress, and in making labor itself a means for brutalizing man, not only degraded the slave, but it also engendered depravity in the master; for the despotism of a whole race, like the absolute power of a single individual or an oligarchy, always ends by disturbing the reason and the moral sense of those who have once inhaled its intoxicating fragrance."

Speaking of the "falsehood" of slavery as having "become the basis of society," of the increase of its influence and power resulting from the prosperity produced by "the extraordinary impulse given to the cultivation of the sugar-cane and the cotton-plant, and of the change in Southern sentiment from regarding the system, with the fathers, as "a social

sore" which "the enlightenment and patriotism of their successors" would "heal" to the opinion that regarded "the social system founded upon slavery as the highest state of perfection that modern civilization had reached," he thus sets forth his estimate of Southern society as it existed at the opening of the Rebellion: "In proportion as slavery thus increased in prosperity and power, its influence became more and more preponderant in the community which had adopted it. Like a parasitical plant, which, drawing to itself all the sap of the most vigorous tree, covers it gradually with a foreign verdure and poisonous fruits, so slavery was impairing the morals of the South, and the spirit of her institutions. The form of liberty existed, the press seemed to be free, the deliberations of legislative bodies were tumultuous, and every man boasted of his independence. But the spirit of true liberty, tolerance towards the minority and respect for individual opinion, had departed, and those deceitful appearances concealed the despotism of an inexorable master, slavery,—a master before whom the most powerful of slaveholders was himself but a slave, as abject as the meanest of his laborers.

"No one had a right to question its legitimacy, and like the *Eumenides*, which the ancients feared to offend by naming them, so wherever the Slave Power was in the ascendant, people did not even dare to mention its name, for fear of touching upon too dangerous a subject. It was on this condition only that such an institution could maintain itself in a prosperous and intelligent community. It would have perished on the very day when the people should be at liberty to discuss it.

"Therefore, notwithstanding their boasted love of freedom, the people of the South did not hesitate to commit any violence in order to crush out, in its incipiency, any attempt to discuss the subject. Any one who had ventured to cast the slightest reflection upon the slavery system could not have continued to live in the South; it was sufficient to point the finger at any stranger and call him an Abolitionist, to consign him at once to the fury of the populace."

Dwelling at some length upon the plantation system and

"the inconveniences felt in a region of country yet half wild," with a mention of some of the incidents and contingencies attending the working of "their large domains" by servile labor, he noted the division of Southern society into three classes, "at the foot of the ladder the negro bowed down upon the soil he had to cultivate; . . . . at the top the masters, in the midst of an entirely servile population, more intelligent than educated, brave but irascible, proud but overbearing, eloquent but intolerant, devoting themselves to public affairs — the exclusive direction of which belonged to them — with all the ardor of their temperament.

"The third class — that of common whites, the most important on account of its numbers — occupied a position below the second, and far above the first, without, however, forming an intermediate link between them, for it was deeply imbued with all the prejudices of color. This was the *plebs romana*, the crowds of clients who parade with ostentation the title of citizen, and only exercise its privileges in blind subserviency to the great slaveholders, who were the real masters of the country. If slavery had not existed in their midst, they would have been workers and tillers of the soil, and might have become farmers and small proprietors. But the more their poverty draws them nearer to the inferior class of slaves, the more anxious are they to keep apart from them, and they spurn work in order to set off more ostentatiously their quality of freemen. This unclassified population, wretched and restless, supplied Southern policy with the fighting vanguard which preceded the planter's invasion of the West with his slaves. At the beginning of the war the North believed that this class would join her in condemnation of the servile institution, whose ruinous competition it ought to have detested. But the North was mistaken in thinking that reason would overcome its prejudices. It showed, on the contrary, that it was ardently devoted to the maintenance of slavery. Its pride was even more at stake than that of the great slaveholders; for while the latter were always sure of remaining in a position far above the freed negroes, the former feared lest their emancipation should disgrace the middle white classes by raising the blacks to their level."

Without the adduction of other particulars, or the recognition of other elements, these make the improbability of the results now under consideration seem less than they would otherwise appear. For certainly it is sufficiently obvious that a society made up of such materials could not but present an inviting field for the machinations of the shrewd, unscrupulous, and designing. With ignorance so profound, with prejudices so unreasoning, and with passions so inflammable, it was not difficult to hoodwink and commit such people to purposes and plans not only dangerous to others but destructive to themselves. But there were other causes. There were auxiliaries that gave greatly increased potency to those elements of mischief. There were combination and careful and long-considered preparation. Indeed, division of labor and assignment of parts have seldom been more carefully attended to. "Each man," says the Comte, "had his part laid out. Some, delegated by their own States, constantly visited the neighboring States in order to secure that unanimity to the movement which was to constitute its strength; others were endeavoring to win over the powerful border States, such as Virginia, Kentucky, Missouri, as well as North Carolina and Tennessee, which stood aghast, terrified at the approach of the crisis brought on by their associates; some, again, were even pleading their cause in the North, in the hope of recruiting partisans among those Democrats whom they had forsaken at the last election; while others kept their seats in Congress in order to be able to paralyze its action; forming, at the same time, a centre whence they issued directions to their friends in the South to complete the dismemberment of the Republic. Jefferson Davis himself continued to take part in the deliberations of the Senate."

Corroborative of the above, and at the same time indicative of the actual method adopted by the conspirators, is the following letter which appeared in the "National Intelligencer," at Washington on the morning of January 11, 1861. It is introduced by the editor, with the remark that it was from "a distinguished citizen of the South who formerly represented his State with great distinction in the popular branch of Con-

gress." It has since transpired that the writer was the Hon. L. D. Evans of Texas, formerly a member of the XXXIVth Congress, and subsequently a judge of the Supreme Court of his adopted State. A native of Tennessee and long resident in Texas, he ever remained true to the Union, and not only advised but encouraged and supported Governor Houston to resist the clamors of the revolutionists in their demands for an extra session of the legislature. Though overborne in this and compelled to leave the State, he rendered essential service to the Union cause and the administration of Mr. Lincoln. He writes: —

"I charge that on last Saturday night a caucus was held in this city by the Southern secession Senators from Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Texas. It was then and there resolved in effect to assume to themselves the political power of the South and the control of all political and military operations for the present. They telegraphed to complete the plan of seizing forts, arsenals, and custom-houses, and advised the conventions now in session, and soon to assemble, to pass ordinances for immediate secession; but, in order to thwart any operations of the government here, the conventions of the seceding States are to retain their representatives in the Senate and the House.

"They also advised, ordered, or directed the assembling of a convention of delegates from the seceding States at Montgomery on the 4th of February. This can of course only be done by the revolutionary conventions usurping the powers of the people, and sending delegates over whom they will lose all control in the establishment of a provisional government, which is the plan of the dictators.

"This caucus also resolved to take the most effectual means to dragoon the legislatures of Tennessee, Kentucky, Mississippi, Arkansas, Texas, and Virginia into following the seceding States.

"Maryland is also to be influenced by such appeals to popular passion as have led to the revolutionary steps which promise a conflict with the State and Federal governments in Texas. They have possessed themselves of all the avenues of infor-

mising him to have been the writer of the communication, inquired whether or not his surmise was correct. Receiving an affirmative answer, with the remark that the members of that secret conclave should be arrested, Mr. Wilson replied that they deserved expulsion and punishment for their treason, but he felt constrained to add, "There are too many of them, and to expel them will be to precipitate the revolution"; so perilous did he deem the situation, so really weak was the government, and so illy prepared to cope with its traitorous foes, and repel the dangers that threatened and surrounded it. Even such high-handed treason could be enacted with impunity, and that within the sacred precincts of the capitol.

Subsidiary to and a most important part of this preparation was the enrolment of volunteers. The chronic fear of slave-insurrections had always invested with importance the local militia of the South, which similar organizations at the North had never possessed. Under the guise, therefore, of being prepared to maintain Southern rights and protect Southern interests against all possible contingencies, agents, who were in the secret and who were carrying out purposes of the conspirators, were active in inviting and securing such volunteer enlistments. The Comte de Paris thus refers to this branch of the work of preparation that had been quietly going forward. "The volunteers," he said, "repaired to the recruiting-offices which had been opened by the initiative action of the most zealous and ambitious persons in every district. The formation of regiments which were thus spontaneously called into existence throughout the Southern States was generally the private work of a few individuals, associated together for that purpose in their respective villages or quarters. Consequently, while the North was sincerely trying to effect some kind of political compromise, companies of volunteers were seen assembling and arming in haste throughout the whole of the slave States. Their minds were bent upon war, and they went to work with the greatest energy. The zeal of the women stimulated that of the men, and in that population, essentially indolent, whoever hesitated to don the uniform was set down as a coward."

several Southern States, he had become convinced that "the South was virtually in arms and in motion northward," their objective point being the seizure of the national capital, and that General McCulloch was relied on to lead them in the threatened onset. A week later than the date of his letter to the "National Intelligencer," Judge Evans addressed another to Secretary Stanton. From "reliable information" he informed him that there were in process of formation "military associations" throughout the South; that "within the last two weeks they have reached the magnitude and solidity of an army ready and willing to move at any moment and to any point"; that "wild enthusiasm which now animates them supplies the place of a regular organization, and facilitates the greatest rapidity of communication"; that "the movement comprises almost the entire youth of the South, all the restless and ambitious spirits, and all the ever floating population." After describing the general expectation that the government was on the verge of overthrow, that Congress would be broken up before the 15th of February, and that Lincoln would not be inaugurated, he added: "How far this idea has taken form I cannot say, but certain it is that among the members of the associations the belief is universal that such an expedition is intended."

Such substantially was the state of Southern society, and such were the conditions of success, when the secession leaders resolved to make their appeal to the people to come to their support in their great and guilty treason. Though they hoped that every slaveholding State would respond to that appeal and flock to their standard, they knew that some might fail. Accordingly they resolved that such failure should be the result of no hesitation on their part to appeal to any motives or resort to any measures, however desperate or indefensible. That they did fail in some and succeed in others was due to circumstances and contingencies, agents and agencies, beyond all human prescience and control, as also to that higher agency of Him who was without doubt no less active in preventing some States from joining the Rebellion than He was, as the nation with few exceptions gratefully admitted, in preventing those

that did join from accomplishing their fell purposes of dismemberment and destruction. Enough yielded to effect the great purposes of the war, but not enough to destroy the nation. Exactly why Virginia, North Carolina, Tennessee, Texas, and Arkansas should have been taken out of the Union, while Maryland, Kentucky, and Missouri were prevented from joining, no man is wise enough to say. At least none but general reasons can be given. Exactly why the purposes of the conspirators were foiled in the one case and not in the other, exactly when the current of treason was checked and turned in the one and not in the other, the wisest can only conjecture. Detailed statements of all the movements and counter-movements, of all the plans made and the plans foiled, of the happy thoughts and timely suggestions of one and another made in some States and their conspicuous absence in the other, would aid much in reaching an adequate estimate and satisfactory conclusions. But they would require more space than can be afforded. A brief and succinct statement of the leading facts in a majority, and a more particular review of the progress of events in two or three of these States, as samples of the whole, must suffice.

There was no State concerning whose course there was greater doubt or more anxious solicitude than Virginia. Her size, position, traditional influence, and past leadership, with the knowledge that, on whichever side of the scale her great weight should be thrown, the fortunes of the threatened conflict would be seriously affected thereby, intensified the anxiety felt. Great efforts were therefore made by the conspirators to commit her to their plans, but without immediate success. As early as January, 1860, Charles G. Memminger was sent by the legislature of South Carolina to that of Virginia, as a special commissioner to enlist its members in their scheme of disunion. He met, however, with indifferent success. In a letter written near the close of the month, he speaks of the difficulty he found in "seeing through the Virginia legislature." He wrote of the Democratic party as "not a unit"; of the Whigs as hoping to "cleave it" whenever dissensions arise; of the effect of Federal politics as "most un-

fortunate"; of "this great State as comparatively powerless"; of Governor Wise and Mr. Hunter as "really with us." He closed his letter with the declaration: "But still I hope that the result will be favorable. I see no men, however, who would take the position of leaders in a revolution." The reasons of this hesitation here as elsewhere were various, though they did not embrace any lack of interest in slavery, desire for its conservation, and determined purpose to maintain it at all hazards, — a result, it was rightly concluded, more surely attainable within than without the Union. Being a border State, and linked with the free States by family and business ties, many shrunk with reasonable dread from a rupture which could not but put in immediate peril whatever they held most dear. Others had faith that the North would yet favorably respond to their demands for new guaranties, and that they might still maintain their place and ascendency in the Union. It was at least their purpose to make the trial. And then others distrusted South Carolina, which one of her leaders denounced as "a common brawler and disturber of the peace for the last thirty years"; and they hesitated about putting themselves under the lead of one who could "give no security that she would not be as faithless to the next compact as she has been to this which she is now endeavoring to destroy." Nevertheless, the conspirators did not despair. Determined, adroit, audacious, they kept at work, hopeful of success. Nor, as the event proved, did they hope without reason.

John Letcher, then governor, though in too much sympathy with the spirit and purposes of the conspirators, was not fully prepared for the extreme measures they had inaugurated. At the urgent request, however, of leading citizens, he convoked a meeting of the legislature. That body assembled on the 7th of January, 1861. In his message the governor renewed a previous proposition for a general convention of the States. While his policy of caution and inaction was distasteful to those who demanded immediate co-operation, they were gratified with his denunciation of coercion by the general government, and the declaration of the legislature that "any attempt to

coerce a State" would be resisted. Though the governor was opposed to a convention, the legislature authorized the election and assembling of one, decreeing in connection therewith that at the former the people should decide whether or not the doings of said convention should be submitted to a vote of the people. The election resulted in the choice of one hundred and fifty-two delegates, a decided majority of whom were opposed to secession. It convened on the 13th of February, and its sessions revealed the sharp conflict of opinion that prevailed within as well as without the assembly. The conspirators met with indifferent success, and on the 4th of April the convention refused, by a vote of eighty-nine to forty-five, to pass an ordinance of secession. But they were desperate, and hesitated at nothing to enkindle feelings of discontent towards the Union and to inflame the passions of its members.

Alexander H. Stephens, having been sent to Virginia to strengthen the secessionists, addressed the people of Richmond on the 23d of April. He assured his excited auditory that the fires of patriotism were blazing brightly from Montgomery to Richmond, that the constitutional liberty they had vainly sought in the old Union they had found in the new; and he predicted that Lincoln would "quit Washington as ignominiously as he entered it." "The people of Virginia," he said, "and the States of the South are one in interest, in feeling, in institutions, and in hope; and why should they not be one in government? Every son of the South from the Potomac to the Rio Grande should rally beneath the same banner. The conflict may be terrible, but the victory will be ours. It remains for you to say whether you will share our triumphs."

To the blinding appeals of sophistry, and to sectional distrust and hatred, they added attempts to reach the result aimed at by external pressure and the stimulus of Southern sympathy. Among those efforts were the purpose and attempt to goad the extreme Southern States to overt acts of violence and blood. Ruffin and Roger A. Pryor went to Charleston for this purpose. Nor did they go in vain. The jubilant correspondent who affirmed that the "ball fired by Edmund Ruffin will do more for secession in Virginia than volumes of stump

speeches" correctly forecasted the effect of such blood-letting. This, with the President's reply to the Virginia commissioners that he should "repel force by force," and his call for troops, changed very much the aspect of affairs. The feeling in Richmond, too, was contagious, and the men of the convention found it difficult to remain unaffected by the booming of cannon, the ringing of bells, the flying of flags, and the cheering of the excited multitude that were crowding the streets. Many faltered, either quailing before such menaces or seduced by such appliances, and the majority against disunion was rapidly melting away. And yet in a full convention there still remained a majority loyal to the government. But, drunk with passion and with blood, the leaders were not to be defeated, with success so near, if means, however desperate and indefensible, would prevent. In furtherance of that purpose, ten members of the convention were waited upon by leading conspirators, and informed that they had "the choice of three things, either to vote the secession ordinance, to absent themselves, or be hanged." Feeling that further resistance would be in vain, they succumbed to the pressure and were absent, and the ordinance of secession was passed by a vote of eighty-eight to fifty-five.

The convention appointed a committee, at the head of which was ex-President Tyler, to negotiate a treaty with Stephens. On the 24th of April a treaty was signed, providing the whole military force and operations, offensive and defensive, in the impending conflict, should be placed under the control of the President of the Southern Confederacy. The next day the convention adopted and ratified this treaty, appointed delegates to the Confederate Congress, and invited the Confederate government to make Richmond its capital. Thus the convention which had submitted the ordinance of secession to the people of that Commonwealth adopted the provisional government of the Confederate States, and they became, in the words of John Tyler, telegraphed to Governor Pickens, "fellow-citizens once more." While the question was pending before the people, Senator Mason, in a letter of the 16th of May to the "Winchester Virginian," contended that the ordinance of secession had an-

hold it, as either of the States called to grapple with the problem of disunion. It deprecated and dreaded the dangers of an open rupture even to slavery itself, distrusted the proposed policy, and shrunk back from the leadership of the men who were urging upon them that desperate measure. Indeed, so strong was the Union sentiment that as late as the 9th of February, on the question submitted to the people by the legislature, out of a vote of less than ninety-two thousand more than sixty-seven thousand voted against the proposed convention. And yet they were so opposed to the only measure that could prevent it, that they declared that if "any force be sent South for the purpose of subjugating the people thereof, the people of the State will join as one man to resist such an invasion at all hazards, and to the last extremity"; and the governor replied defiantly to the President's call for troops, that "Tennessee will not furnish a man for the purposes of coercion, but fifty thousand if necessary for the defence of our rights and those of our Southern brothers." An address from several leading men, including Neil S. Brown, John Bell, and others, while indorsing the position taken by the governor and legislature in refusing aid thereto, expressed the opinion that Tennessee should "not take sides against the government."

With sentiments like these it was only a question of time when the State would be found following the lead of the very men they so much distrusted, and linking their fortunes with a crusade they feared and had abundant reason to fear. They sought neutrality, but neutrality was obviously impossible.

Governor Harris called the legislature together on the 25th of April. The governor's sympathies had always been avowedly with those of the secession leaders, and in his message he called upon the legislature, notwithstanding the strong vote which the people had just cast against it, for the immediate adoption of an ordinance of secession and its early submission to the people. Henry W. Hillard of Alabama, who had been appointed a commissioner by the Confederate government, presented his views to the legislature. Assuming that the question involved was one of constitutional liberty, involving the right of the people to govern themselves, he maintained that the idea of reconstruction must be abandoned, that they would

ence in favor of disunion. The legislature passed an act for calling a convention, but providing that no ordinance dissolving the connection of North Carolina with the Federal government, or connecting it with any other, "shall have any force or validity until it shall have been submitted to, and ratified by, a majority of the qualified voters of the State." It also appointed commissioners to represent the State in the general convention at Montgomery, with instruction to act as "mediators to endeavor to bring about a reconciliation." It provided, too, for the arming of ten thousand volunteers, the reorganization of the militia of the State, and declared by resolution that if peace negotiations should fail, North Carolina would go with the South. Thus, though proverbially moderate and conservative, the people so far yielded to the malign influences of the conspirators as to become passive instruments in their hands, and to elect a convention which, assembling on the 20th of May, adopted by unanimous vote an ordinance of secession.

The secession convention of Arkansas assembled on the 1st of March. On the 16th William S. Oldham appeared before it with a message from Jefferson Davis urging the State, whose interests, he affirmed, were identical with the new Confederacy, to secede. It refused by a majority of four, though a proposition was carried that a vote should be taken on the 1st of August, on the question of secession or co-operation. But when the intelligence was received of the assault on Sumter, the convention at once passed an ordinance of secession by a vote of sixty-nine to one.

At the outset Texas was far from being united for secession. Though the secessionists were numerous and noisy, and an ordinance of secession was finally carried in convention on the 1st of February, 1861, both the governor and many of its prominent men resisted for a long time the pressure in that direction. As late as the 23d of December there was a Union meeting, said to have been the largest ever held at the capital, at which was raised a liberty-pole ninety feet high, from which floated the Stars and Stripes, and beneath which patriotic speeches were made and patriotic songs

were sung. About the same time Governor Houston issued an address to the people, assigning his reasons for not calling a session of the legislature. Disclaiming any purpose to thwart the wishes of the people, and avowing his belief that the time had come to stand up for Southern rights, he very naturally found himself powerless to resist the growing purpose to join the seceding States. A revolutionary call for a convention had been issued by sixty-one persons without even a show of authority. Though hardly more than half of the counties of the State responded to the call, a convention thus chosen assembled and adopted an ordinance of secession. A single member of the legislature took the responsibility of issuing a call for an extra session of that body. Governor Houston, to avoid a conflict, convened the legislature to meet on the 22d of January. There was, of course, little harmony of feeling between the executive and the two bodies thus convened. But the revolutionists not only effected their purposes, despite all gubernatorial protest and opposition, but saw Texas taken out of the Union, at least in form, and joined to the new Confederacy.

Such were the principles, policy, and practices, motives and measures, of the men who prepared for, inaugurated, and carried forward the great Rebellion. And certainly nothing more than their simple mention is needed to secure their sternest condemnation. No good cause ever demanded, justified, or permitted such a service. Had their vaunted doctrine of State-rights been all they claimed, had Southern grievances answered to their loudest and most bitter complaints, there was no justification for such a systematic violation of every principle of justice, honor, humanity, and fair dealing, such an organized assault upon both the amenities of life and the commonest rights of person, property, and the public weal. Done professedly in defence of Southern rights and in behalf of the people of the South, the world has never witnessed a more wanton and flagrant onslaught upon everything that men hold most dear. Done, too, avowedly in vindication of the doctrine of State rights, almost the first public act of the new government was to make Jefferson Davis virtual dictator, and place the military completely in his hands and at his sole disposal.

CHAPTER XI.

WITHDRAWAL OF MEMBERS AND ACTION THEREON.

Change of Rebel policy. — Withdrawal of South Carolina delegation. — Mississippi. — Alabama "ordinance" and call for a convention. — Speech of Cobb. — Withdrawal of Louisiana. — Speeches of Miles Taylor and Bouligney. — Scenes in the Senate. — Speeches of Yulee and Mallory. — Clement C. Clay, Fitzpatrick, and Jefferson Davis. — Southern grievances. — Action in regard to retiring members. — Diverse opinions. — Seward and Fessenden. — Leave-taking of Slidell. — Arrogant boasts. — Benjamin. — Special session. — Final action.

ALTHOUGH it had been determined by the disunion members of Congress, at their caucus of January 5, to maintain their seats in both houses until the 4th of March, that, according to the confession of Yulee of Florida, and by a policy as indefensible and discreditable as it was traitorous, they might most effectually embarrass and hamper the hands of the outgoing and the incoming administrations, they soon discovered that such a course involved too much of political as well as personal peril. They had gone too far and too fully committed themselves to the crime of treason to render it safe to remain much longer within reach of those whose duty it would be to punish as well as detect. For, however slow the North had been to accept the conclusion, it could not close the eye entirely to these accumulating evidences of a desperate and deadly aim. Nor could it well be imagined, with the prestige and resources of the government in their hands, that the friends of the Union would stand idly by and see the conspirators proceeding in their work of destruction without some effort to stay its progress and punish the would-be destroyers. Other reasons no doubt influenced them. But however affected, they were induced to change their policy and vacate seats they

could no longer hold with honor, and should have no longer held with safety. True, they calculated largely, and not without reason, on Northern pusillanimity and fear, and drew encouragement from the impunity with which they had hitherto been allowed to trample on others' rights, the provisions of law, and the requirements of the Constitution even. They calculated, too, on the weakness of the government they had done so much to dismantle and demoralize, still in the feeble hands of an administration which had indeed protested against treason, but which had accompanied that protest with public proclamation that that government had neither the purpose nor the power to coerce the obedience of the recusant States.

Instead, however, of enacting their treason covertly, as if conscious of its guilt and unworthiness, they did it boldly and defiantly; instead of slinking away secretly and silently from places they had so unworthily filled, and from which they should have been ignominiously ejected, they took occasion, with characteristic effrontery and a kind of dramatic audacity, to proclaim their purpose and defy the government at the very seat of its power.

South Carolina had taken the lead, and as early as the 24th of December her delegates sent in their resignations. The paper was signed by John McQueen, M. L. Bonham, W. W. Boyce, and J. D. Ashmore. They based their action on the "official intelligence" they had received that "the people of South Carolina, in their sovereign capacity, have resumed the powers heretofore delegated by them to the Federal government of the United States." They expressed the desire that they might go forth "with feelings of mutual regard and respect," and the hope that in their future relations they might "better enjoy that peace and harmony essential to the happiness of a free and enlightened people." On the 12th of January the Mississippi delegation, consisting of Otho R. Singleton, William Barksdale, Reuben Davis, John McCrae, and L. Q. C. Lamar, sent in their resignation, based, like that of the South Carolina delegation, on the action of their State. While they expressed regret at its necessity, they avowed their "unqualified approval" of the same, and their determination to return

to the bosom of their State, and "share her fortunes, whatever they may be."

On the 21st of the same month the Alabama delegation followed. Their paper was signed by Geo. S. Houston, Sydenham Moore, David Clopton, James L. Pugh, J. L. M. Curry, and James A. Stalworth. Like the preceding, they attributed their course to the action of their State, affirming that "duty requires our obedience to her sovereign will." On the 30th W. R. W. Cobb, another member of the same delegation, sent a longer communication to the House, containing a copy of an ordinance to dissolve the union between Alabama and the United States. This action was avowedly based on the election of Mr. Lincoln, the triumph of a sectional party, "preceded by many and dangerous infractions of the Constitution," —"a political wrong of so insulting and menacing a character, as to justify the people of Alabama in the adoption of prompt and decided measures for their future peace and security." It also extended an invitation to all the slaveholding States to meet in convention on the 4th of February, 1861, at the city of Montgomery, to consult and to secure "concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security." He closed his communication with the expression of his deep regret at the necessity of the step he felt constrained to take, and with the invocation that God would "save the country."

Mr. Cobb also made a speech in which he gave some reasons for the course he had adopted. With well-chosen words and pathos of manner he spoke of the duty which called upon him to join his fortunes to those of his State, and of his "profound" feeling as he "reluctantly" sundered the tie that had bound him to that body for fourteen years. He conjured the House to give him some token, or ground of hope, that the separation should not be final, and that the riven States might yet be reunited. He reviewed the events which had transpired since his service began. He spoke of the men of the North and the men of the South fighting upon the same battle-fields, the eagles of the Republic sweeping across the Rocky Mountains, the Stars and Stripes planted on the shores of the far

law, which would "settle and put forever at rest all pretexts for the agitation of this sectional question," could, in his esteem, meet the exigencies of the hour. He characterized the propositions of the committee of thirty-three as mere "palliatives," and he assured the House that, if they could not "raise themselves to the height of these great acts," "a permanent dissolution" of the Union was "inevitable." Nor would anything less than war, with all its most destructive appliances, be adequate to any coercion that might be attempted. And, he contended, if the nation shall thus become divided into two contending factions, it would descend from its rank among the nations of the earth, and "call for the interposition of European powers in the common interest of mankind." Alluding to the great staple of the South, which, as the basis of its manufactured products, with the cost of the raw material, had reached "the amazing sum of twelve hundred million dollars," he predicted that disunion and war would diminish the production of cotton more than one half, would give a shock to the industry of the whole world, disturb all the currents of trade, overwhelm all civilized communities in bankruptcy, and shake the whole social system of Europe to its centre. He affirmed the extreme doctrine of State rights, scouted the idea of coercion, and asserted that the blockade of a Southern port or the entrance of an army into a Southern State would be war. "The first blow struck," he said, "will cause the spirit of Southern nationality to leap from the very hearts of her people," and men will leave the peaceful pursuits of life and rush to the rescue. Though there might be many who still loved the Union and would cling to it, when that blow is struck "there will not be found," he said, "on her soil one single man who will not be ready to meet the invaders of his country and to shed his blood in her defence."

He was followed by his colleague, John E. Bouligney, in quite another strain. He said he had just received official information of the action of his State. He had received no instruction from its legislature directing him to resign; nor, he added, should he do so, had such instructions been given, for he was not elected by that body. He had taken an oath to

His colleague, Stephen R. Mallory, followed in a similar strain, asserting, but deprecating, the sad necessity of leaving the Union, to maintain Southern rights, menaced by Northern aggression. "In thus turning from the Union," he said, "to the veiled and unknown future, we are neither ignorant nor reckless of the lions in our path." Either with a fatuous misconception of the spirit and purpose of the movement and of the character of the people he represented, or a marvellous indifference to the meaning of the words he used, he claimed that it was made in the name of liberty, and would inure to the cause of freedom. "So well," he said, "are human rights and national liberty understood by our people, so deeply are they imbued with the spirit of freedom and knowledge of government, that were this Republic utterly broken and destroyed, like the shattered vase of the poet, to whose very fragments the scent of the roses still clung, its very ruins, breathing the true spirit of civil and religious liberty, would plead for and demand a wise and noble reconstruction." With a spirit of bravado which nothing but ignorance could excuse, he disclaimed any fear of the result of a conflict of arms. "Be the difficulties what they may," he said, "we stand forth a united people to grapple with and to conquer them. . . . . We seek not to war upon, or to conquer you; and we know that you cannot conquer us. Imbrue your hands in our blood, and the rains of a century will not wash from them the stain, while coming generations will weep for your wickedness and folly."

On the same day, Clement C. Clay of Alabama rose in his place in the Senate and announced that his State had passed an ordinance of secession. "In taking this momentous step," he said, "they had not acted hastily, unadvisedly. It is not the eruption of sudden, spasmodic, and violent passion. It is the conclusion they have reached after years of bitter experience of enmity, injustice, and injury, at the hands of their Northern brethren; after long and painful reflection; after anxious debate and solemn deliberation; and after argument, persuasion, and entreaty have failed to secure them their constitutional rights." With bitter and burning words he sketched

adduced for the step his State had taken was the proclamation and persistent defence of the position of the North that the doctrines of the Declaration of Independence sustained the dogma of the equality of races. He contended that these doctrines could have no reference to the slave, as he was not put on an equality with white men, even paupers and convicts, being represented in the government only in the numerical proportion of three fifths. He claimed that the principles on which the American Union was based involved the right of secession. To deny the latter was to ignore the former. Regarding himself as "the type of the general feeling of his constituents," he assured the Senate that he left with no feelings of hostility, "unencumbered of the remembrance of any injury received." He hoped for peaceful, though separate relations with each other. If, however, the reverse should follow, "we will trust," he said, "the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong hands, we will vindicate the right as best we may."

This action of the recusant States and their retiring Senators could not but lead to debate in the Senate. The next morning a motion was made that the places on the committees, left vacant by the resignation of the Senators, should be filled, which was unanimously adopted. Immediately on the declaration of the vote, the Vice-President asked instruction as to the course to be pursued, on three points, — whether the resignations should be noted on the journal of the Senate, whether their names should be called when votes were taken by yeas and nays, and whether he should proceed to fill the vacancies thus created. As there were no precedents to guide, there was much difference of opinion, some, with Mr. Wilson, regarding them as still members of the Senate, who might, if so disposed, reconsider their action and return; others, with Mr. Douglas, looking upon the step as irrevocable, so far as the individuals were concerned, whatever views might be taken of the action or condition of the States they represented. The mover, Graham N. Fitch of Indiana, gave as a reason for

his motion his desire to shun discussion of these difficult points by quietly filling the vacancies thus created. This, however, Judah P. Benjamin of Louisiana questioned, deeming it, he said, "impossible to avoid some determination of the questions presented." He expressed his great surprise that there were any who could question the fact of the absolute secession of the four States which had passed ordinances to that effect, and could maintain that they were "still members of the Union." The Vice-President having stated the fact that no entry had been made upon the journal, he moved that the record be so corrected as to state the fact. Mr. Seward of New York opposed any entry of the transaction, thinking "the less there is said about it the sooner it will be mended." He was in favor, too, of leaving the seats vacant until the retiring Senators, or some others from the States then unrepresented, should come back to occupy them. William P. Fessenden of Maine, while agreeing that the State act of secession was of no significance, admitted that there were "some difficulties" about the "legal effect" of the resigning members. They had not resigned in the method provided by the Constitution, and the question was, Were they, or were they not members of the Senate? The subject was considered at some length, but was finally, on motion of Mr. Seward, laid upon the table by a vote of thirty-two to twenty-two.

On the 4th of February John Slidell of Louisiana sent to the Secretary of the Senate a copy of the ordinance dissolving the union between his State and the United States, resuming all rights heretofore delegated to the latter, and absolving her citizens from their allegiance to the same. His speech, on taking his leave of his associates, "some forever, and others," he said, "in trust to meet again and to participate with them in the noble task of constructing and defending a new confederacy," was especially defiant and contumacious. He spoke of the seceding States as containing within themselves "the elements of greatness." With "the capacity and will, through the forms and in the spirit of the Constitution under which they have been born and educated," and with their "State governments already shaped to their hands," he predicted a

sure success, both immediate and enduring, in their new departure on their course of self-government. Those States who might not choose to unite their destiny with them, he said, shall be esteemed "as enemies in war, in peace friends." "You will find us ready to meet you," he said, "with the outstretched hand of fellowship or in the mailed panoply of war, as you may will it; elect between these alternatives." Conjecturing that the North might madly attempt coercion and inaugurate war, he assured the Senate that they would reject Northern manufactures, that the sea would swarm with their privateers, and that, though at first relatively weaker, they would soon gain the ascendency. Accusing New York and New England of furnishing the means for the rigorous prosecution of the African slave-trade, he said from the same sources would be provided the privateers that would sweep the commerce of the North from the ocean. "Your mercantile marine," he said, "must either sail under foreign flags or rot at your wharves." Repeating the remark of the French general at the battle of Fontenoy, he said, we shall not "fire first." Notwithstanding the notorious fact that the secession movement was emphatically the work of leaders, he made the gratuitous and false affirmation that it was "not the work of political managers, but of the people"; and that the cause lay not in Mr. Lincoln's election, nor in any unfriendly legislation, but in the conclusive evidence of the determined hostility of the Northern masses toward Southern institutions. He gave warm expression to the feelings of regret with which he and his associates parted company from their fellow-members on the floor of the Senate, especially from those Northern Democrats who, with diminishing numbers, had defended the South in its unequal struggle with the encroaching North. "They have," he said, "one after another, fallen in their heroic struggle against a blind fanaticism, until now but few — alas, how few! — remain to fight the battle of the Constitution."

He was followed by his colleague, Judah P. Benjamin, who, with his acknowledged ability and plausible eloquence, went as far as any of his fellows in the work of making "the worse appear the better reason." He began by indorsing most fully

of the American Union, at the South. With sarcastic contempt he spoke of "a senile Executive," proposing to secure a better execution of the laws by arming the military and blockading Southern ports. What imperial Britain could not attempt against the colonies without the vehement protest of her greatest statesmen, is now proposed "against independent States." He closed with a most eloquent peroration, pronouncing, for himself and for those he represented, his heartfelt farewell, especially grateful towards those Northern men who had made common cause against what he was pleased to stigmatize the growing tyranny of the then dominant party. With feeble foresight, as subsequent events proved, he exhibited singular misapprehension of the probable verdict of history in regard to the Northern sympathizers with the Rebellion and its cause, as he sought by confident predictions to inspire and keep alive the courage of those of whose cause he was so eloquent a champion. "When, in after days," he said, "the story of the present shall be written, — when History shall have passed her stern sentence on the erring men who have driven their unoffending brethren from the shelter of their common home, your names will derive fresh lustre from the contrast; and when your children shall hear repeated the familiar tale, it will be with glowing cheek and kindling eye, their very souls will stand a-tiptoe as their sires are named, and they will glory in their lineage from men of spirit as generous and of patriotism as high-hearted as ever illustrated or adorned the American Senate."

The subject did not come up again until the special session of Congress. On the 13th of March Mr. Fessenden of Maine introduced a resolution, reciting the names of the seceding Senators, and moving that they, having announced that they are no longer members, their seats are vacant, and that their names be stricken from the roll of members. Mr. Bayard of Delaware moved as a substitute, that the Secretary be directed to omit their names in calling the roll of the Senate. Quite an animated discussion sprung up, in which the mover, Mr. Bayard, Mason of Virginia, Douglas of Illinois, and Clark of New Hampshire took part. In vainly attempting to fix the

CHAPTER XII.

THE PERIL AND PROTECTION OF THE CAPITAL.

Prediction of Rebel Secretary of War. — Secession purposes. — Letter to Governor Hicks. — Secession Banner. — Mr. Stephens. — Statements of Southern presses and speakers. — "Richmond Examiner." — Duff Green. — Secret plot in Baltimore. — Grow's Resolution. — Committee. — Opinion of the Secretary of War. — Report of Committee. — Presence of Troops. — Branch's Resolution. — Defeated. — Cochrane and Kunkel. — President's Message. — Rebel disclaimers. — Davis and Stephens. — Anxiety still exists. — Rumors. — Meeting in Willard's Hall. — Precautions. — Facts.

Among the secession sayings frequently on the lips of the people during the Rebellion, was that of Walker, Rebel Secretary of War, made on the evening of the attack on Fort Sumter. "No man," he said, "can tell when the war this day commenced will end; but I prophesy that the flag which now flaunts the breeze here will float over the dome of the old capitol at Washington before the first of May. Let them try Southern chivalry and test the extent of Southern resources, and it may float eventually over Faneuil Hall in Boston." Though allowing something for the excitement of the hour, and that braggart style of oratory that had become chronic at the South, this vaunt only revealed the sentiment and purpose of the secession leaders. The capture of Washington was among the first things laid down upon the Rebel programme. However much they may have prated of State rights and Southern independence, the original purpose and project contemplated revolution and not separation. To seize the capital and all the departments of the government; to hold Mr. Buchanan in abject surveillance during the remainder of his term, or, if he should prove too refractory, to eject him for a more serviceable tool; to prevent the inauguration of Mr.

Lincoln, and make Jefferson Davis, or whoever should be chosen leader of the new *régime*, President, — these were the real and avowed purposes of the conspiracy. Of the truth of this allegation there is no lack of proof. The main difficulty lies in selecting from the mass of evidence pointing unmistakably to a deeply laid scheme and widespread plottings for that purpose. As early as the 24th of December, 1860, one of the editors of the Washington "National Intelligencer" addressed a confidential note to Governor Hicks of Maryland, thus apprising him of their purposes. In it he said: —

"I have every reason to believe that the disunion leaders in this city intend to make Maryland the base of their operations during the next two months. Apparently satisfied that the cotton States are sufficiently pledged to the overthrow of the Federal government, they hope to bring Maryland into the line of the seceding States before the 4th of March next. To this end they will stimulate your people by every variety of appeal calculated to undermine their loyalty to the Constitution; will, if necessary, resort to threats of violence, in case the allurements of ambition should be powerless to move you from your steadfastness; and will, by industriously manufacturing public sentiment in Baltimore, and at other points in the State, seek to give a factitious strength to their ill-omened cause.

"The motive of their labors is this: if they can succeed in hurrying Maryland out of the Union, they will inaugurate the new Southern Confederacy in the present capital of the United States. If this can be accomplished before the 4th of next March, they will succeed in divesting the North of the seat of government, and by retaining in their possession the public buildings and the public archives, they hope at once to extort from foreign governments a recognition not only of their *de facto* but also of their *de jure* pretensions."

This very well agrees with the avowals of Mr. Handy, the commissioner for Mississippi, to the citizens of Baltimore, on the 19th of the same month. "Secession is not intended to break up the present government, but to perpetuate it. Our plan is for the Southern States to withdraw from the Union for the present, to allow of amendments to the Constitution

guaranteeing our just rights. . . . . This question of slavery must be settled now or never. Many remedies have failed, we must try amputation to bring it to a healthy state. We must have amendments to the Constitution, and if we cannot get them we must set up for ourselves."

There was, of course, something of incredulity in many minds as to the existence of a purpose quite so bold and bad; and yet there was evidence soon forthcoming more than sufficient to establish it. Though but one State had actually seceded, the ulterior and ruling purpose of those who had inaugurated and consummated that act of treason soon became too manifest for doubt. Three or four days before this letter was written, at a meeting of the South Carolina secession convention, there was suspended in the rear of the president's chair a banner which clearly enough shadowed forth their designs and expectations, and which is thus described: Its base represented "a mass of broken and disordered blocks of stone, on each of which were the name and arms of a free-labor State. Rising from this mass were seen two columns of perfect and symmetrical blocks of stone, connected by an arch of the same material, on each of which, fifteen in number, were seen the name and coat of arms of a slave-labor State. South Carolina formed the keystone of the arch, on which stood Powers's statue of Calhoun, leaning upon the trunk of a palmetto-tree. . . . . On a scroll were the words 'Southern Republic.' Over the whole design, on the segment of a circle, were fifteen stars, the then number of slave-labor States. Underneath all, in large letters, were the words, 'Built from the ruins.'"

Southern papers and leaders made no concealment of both purpose and plan. A gentleman accompanying Mr. Stephens on his journey to Richmond thus writes: "At nearly every station Stephens spoke. The capture of Washington was the grand idea which he enforced, and he exhorted all to join in the enterprise; to which they heartily responded. This was the only thing talked of. 'It must be done,' was his constant exclamation." A Richmond paper said: "Nothing is more probable than that President Davis will soon march an army through North Carolina and Virginia to Washington. A Mis-

sissippi paper declared that "Major Benj. McCullock has organized a force of five thousand men to seize the Federal capital the instant the first blood is shed." The "Richmond Examiner" thus proclaimed the determination of the Southern leaders, in language that revealed the Rebel spirit as well as purpose: "The capture of Washington City is perfectly within the power of Virginia and Maryland, if Virginia will only make the effort by her constituted authorities; nor is there a single moment to lose. The entire population pant for the onset; there never was half the unanimity among the people before, not a tithe of the zeal, upon any subject, that is now manifested to take Washington, and drive from it every Black Republican who is a dweller there. From the mountain-tops and valleys to the shores of the sea there is one wild shout of fierce resolve to capture Washington City, at all and every human hazard. That filthy cage of unclean birds must and will assuredly be purified by fire. The people are determined upon it, and are clamorous for a leader to conduct them to the onslaught. The leader will assuredly arise; ay, and that right speedily. . . . . Our people can take it, — they will take it, — and Scott the arch-traitor and Lincoln the beast, combined, cannot prevent it. The just indignation of an outraged and deeply injured people will teach the Illinois Ape to repeat his race and retrace his journey across the borders of the free negro States still more rapidly than he came."

A Georgia paper said: "The government of the Confederate States must possess the city of Washington. It is folly to think it can be used any longer as the headquarters of the Lincoln government, as no access can be had to it, except by passing through Virginia and Maryland. The District of Columbia cannot remain under the jurisdiction of the United States Congress without humiliating Southern pride and defeating Southern rights. Both are essential to greatness of character, and both must co-operate in the destiny to be achieved."

Though Governor Wise was in favor of maintaining what he called Southern rights in the Union, his son, who then edited the "Richmond Enquirer," and who afterward fell in

the war, urged that Maryland and Virginia should organize a force to seize Washington, Old Point, Gosport navy-yard, and Harper's Ferry. Mr. Handy, the Mississippi commissioner, had visited Maryland in behalf of the scheme for seizing Washington, and for preventing the inauguration of Mr. Lincoln. General Duff Green, who had been the friend and confidant of Calhoun, and ever the unwavering champion of the slaveholding interest, stated to Joseph C. Lewis, in Washington, in the winter of 1861, that the secessionists intended "to take possession of the army and navy, and of the archives of the government; not to allow the electoral votes to be counted; to proclaim Buchanan provisional President if he will do as we wish, and, if not, choose another; seize the Harper's Ferry arsenal and the Norfolk navy-yard simultaneously, and send armed men down from the former, and armed vessels up from the latter, to take possession of Washington and establish a new government."

As, however, the capture of Washington involved the necessity of preventing the arrival of reinforcements for its protection, every movement in Maryland, and especially in Baltimore, hostile to the Union, was naturally, if not necessarily, prompted by, if it did not inure to, this ulterior design on the national capital. Illustrative of this purpose, and indicative of the measures employed for its accomplishment, are the facts stated in the following letter from a gentleman of Baltimore to Governor Hicks, apprising him of "a secret plot in progress in this city." In it he writes: "In conversation yesterday with men of rank secession proclivities, and who have heretofore stood high in the estimation of our citizens, I was informed that secret meetings are held and largely attended for the purpose of arranging for an insurrection in this city. The police and other functionaries are with them in their conspiracy; their intention is to rise at a certain day, and all who oppose them are to be thrown into jail or butchered as best suits their purpose. This is to take place as soon as the first blow is struck between the Rebel and United States forces; the bridges are to be burned again, so as to allow no troops to advance or escape, and the Rebel troops are to be

cognizant of all, so as to march on the city without obstruction." That the governor deemed himself cognizant of evidence sufficient to justify a similar belief appeared in both his refusal to convene the legislature and the reasons assigned therefor. In his address to the people of Maryland on the 3d of January, explaining his course, he said: "The men who have embarked in this scheme to convene the legislature will spare no pains to carry their point. The whole plan of operations, in the event of the assembling of the legislature, is, as I have been informed, already marked out; the list of ambassadors who are to visit the other States is agreed upon, and the resolutions which they hope will be passed by the legislature fully committing this State to secession are said to be already prepared."

The matter was also introduced into Congress and made the subject of discussion, the appointment of a committee, report, debate, and action. On the 26th of January, 1861, Mr. Grow of Pennsylvania introduced a resolution, "That the select committee of five be instructed to inquire whether any secret organization hostile to the government of the United States exists in the District of Columbia, and, if so, whether any official or employé of the city of Washington, or any employés or officers of the Federal government in the executive or judicial departments, are members thereof." It led to a brief and sharp debate, in which Burnett of Kentucky and Kunkel of Maryland expressed their conviction that there was no cause of alarm, and that, in the words of the former, it was not only "a direct reflection upon the patriotism and faithfulness of the government of the people of this District," but "a most miserable, contemptible mode of engendering bad feeling and making excitement throughout the country worse than it is." In the course of the debate, Craige of North Carolina expressed the wish "to have the committee instructed to inquire by what authority troops are now stationed immediately to the east of the capitol." "Is this Congress," he inquired, "to act hereafter at the point of the bayonet without protest and in silence?"

The resolution was referred to Mr. Holt, Secretary of War,

who made an elaborate report, in which he expressed the opinion that there was cause for alarm, and that precautionary measures had been demanded and wisely made. "At what time," he said, "armed occupation of Washington City became a part of the revolutionary programme is not certainly known. More than six weeks ago the impression had already extensively obtained that a conspiracy for the accomplishment of this guilty purpose was in process of formation, if not fully matured. The earnest endeavors made by men known to be devoted to the revolution, to hurry Virginia and Maryland out of the Union, were regarded as preparatory steps for the subjugation of Washington. This plan was in entire harmony with the aim and spirit of those seeking the subversion of the government, since no more fatal blow at its existence could be struck than the permanent and hostile possession of the seat of its power. It was in harmony, too, with the avowed designs of the revolutionists, which looked to the formation of a confederacy of all the slave States, and necessarily to the conquest of the capital within their limits. . . . . In view of the violence and turbulent disorders already exhibited in the South, the public mind could not reject such a scheme as at all improbable. That a belief in its existence was entertained by multitudes there can be no doubt, and this belief I fully shared. My conviction rested not only on the facts already alluded to, but upon information, some of which was of a most conclusive character, that reached the government from many parts of the country, not merely expressing the prevalence of the opinion that such an organization had been formed, but also often furnishing the plausible grounds on which the opinion was based. Superadded to these proofs were the oft-repeated declarations of men in high political positions here, and who were known to have intimate affiliations with the revolution, — if, indeed, they did not hold its reins in their hands, — to the effect that Mr. Lincoln would not, or should not, be inaugurated at Washington. Such declarations from such men could not be treated as empty bluster."

On the 14th of February the committee made report. It alluded to "the intrinsic difficulty of the inquiry," and said

the circumstances are not such as justly to allow the conclusion he has drawn. The evidence presented by the chairman of the committee is conclusive on this point, if it be conclusive on anything, that although there may now be no vestige of an organization threatening the District of Columbia and the Federal power here, yet, at no remote period of time, there were rumors and reports attracting the attention of all, of the active existence of such organizations." Mr. Kunkel of Maryland, in reply, revealed the spirit that animated the opposition in that State and the rancor of those whom its governor was compelled to encounter and contend with. Denouncing the appointment of the committee as an inquisition "originating with the War Department or the lieutenant-general of the army," or else "with the governor of Maryland or his emissaries about this capital," he said: "The governor of Maryland is the only respectable man in the State who has had the audacity to libel and calumniate his fellow-citizens by his published proclamation on the 3d of January last. He has proclaimed that he was in the possession of information not accessible to the legislature or to people of the State, and that there did exist in the State an organization of his fellow-citizens, armed and prepared to invade the District of Columbia."

The message of President Buchanan, in reply to the resolution sent in on the 2d of March, communicated the facts asked for. He said there had been ordered there "six hundred and fifty-three men exclusive of marines"; but they had been ordered "to act as a *posse comitatus* in strict subordination to the civil authorities, for the purpose of preserving peace and order in the city of Washington, should this be necessary before or at the period of the inauguration of the President elect." He then alluded to the conclusion of the committee, that there was not sufficient evidence to prove the existence of secret organizations. He reminded Congress, however, that the House had laid on the table, by a very large majority, a resolution requiring the removal of these troops. He then expressed the opinion that it would not have been right for him to "wait for proof" before taking those precautionary measures. "The safety," he said, "of the immense amount

from the States with which we have lately confederated. All we ask is to be let alone, — those who never held power over us should not now attempt our subjugation by arms. This we will, we must, resist to the direst extremity." The very next day Vice-President Stephens said to the people of Atlanta: "A general opinion prevails that Washington City is soon to be attacked. On this subject I can only say, our object is peace. We wish no aggressions on any one's rights, and will make none. But if Maryland secedes, the District of Columbia will fall to her by reversionary right, — the same as Sumter to South Carolina, Pulaski to Georgia, and Pickens to Florida. When we have the right, we will demand the surrender of Washington, just as we did in the other cases, and will enforce our demands at every hazard and at whatever cost."

But notwithstanding these disclaimers of the arch conspirators, notwithstanding the report of the House committee, notwithstanding the constant and confident asseverations which were made that there were no such purposes of violence and capture, there still existed grave apprehensions in the minds of many of hidden and impending dangers, ready to burst forth at any moment, and spring upon them from any quarter. The very darkness and uncertainty intensified the alarm, and magnified the danger they so much dreaded, and were so anxious to provide against. On the 18th of April rumors were rife that military forces from Virginia were to seize Harper's Ferry, and on the evening of that day, in co-operation with the secessionists of Washington, to capture the President and the government archives. The capital, it was known, was full of secessionists, and the District militia, it was believed, had in its ranks many who were not only lukewarm in supporting the government, but were traitorous at heart. A secret meeting was held at Willard's; committees were appointed, and loyal persons were visited. Another meeting was held that evening, in a small church in the rear of the hotel, composed of loyal and devoted men, who pledged themselves, by an oath of fidelity to the country, to aid in defending the capital at a moment's warning. Cassius M. Clay was chosen leader, and the body was known as the Cassius M. Clay

CHAPTER XIII.

INAUGURATION OF MR. LINCOLN.

Popular apprehension. — Letter of Mayor of Washington. — Counting of Votes. — Anxiety. — Assurances of Hindman. — Statement of Breckinridge. — Mr. Lincoln leaves Springfield. — Speech. — Indianapolis. — Columbus. — Pittsburgh. — New York. — Mayor Wood. — Trenton. — Philadelphia. — Flag-raising and speech. — Threats of assassination. — Statement to Mr. Lossing. — Arrival in Washington. — Apprehensions and precautions. — Inauguration. — Thurlow Weed and General Scott. — Inaugural address. — Conciliatory but firm. — Affecting peroration. — Variously received. — Southern condemnation.

THOUGH the committee had reported that there was not sufficient evidence to prove the existence of secret organizations, meditating violence to the government and the head of the incoming administration, the people were ill at ease, and the air was literally filled with rumors of impending danger and of meditated assaults upon the persons and property of the government. Nor were these felt by few. All were more or less affected. On the 1st of February the mayor of Washington addressed the following note to the president of the Baltimore and Ohio Railroad: —

"Sir, — I learn that the President elect, until very recently, contemplated passing over your road from Wheeling to this city, and that, owing to rumored intentions on the part of citizens of Maryland and Virginia to interfere with his travel to our capital, you were induced to make diligent inquiry as to the truth of these threats. If correctly informed, will you do me the favor to state the result of your inquiries touching the matter?"

In his reply, the president of the road assured the mayor that "there is not, and has not been, the least foundation for any of the rumors to which you refer"; adding that they were "the simple inventions of the agents of other lines." The result

proved either that he did not frankly state the truth as it existed, that he was ignorant, or that he sadly miscalculated.

On the 13th of February the two houses met in convention to count and declare the votes for Presidential electors. Much anxiety had been felt, as it was known that there were members of Congress who wished to seize the occasion to break up the convention by violence, so that the vote should not be announced. The words of Mr. Hindman of Arkansas, afterwards a general in the Confederate army, to Charles Francis Adams of Massachusetts, a day or two before the convention, admit of no other construction, though he assured him that at that moment the Republicans need have no further anxiety about the result. Their men, he said, shrank from the attempt, and Breckinridge would have nothing to do with it. A few days before his death Mr. Breckinridge stated to Mr. Wilson, who visited him at his home in Lexington, that a few violent men only were in favor of a disturbance, that he was not consulted in regard to it, and, had he been, he should have given no countenance to it. The vote was announced by Mr. Breckinridge, who presided over the convention. Mr. Lincoln, receiving a plurality over Douglas, Breckinridge, and Bell, was declared President elect.

On the 11th of February, two days before the vote was announced, Mr. Lincoln left Springfield for the national capital. A few trusted friends accompanied him. At the railway station the citizens of Springfield in large numbers assembled to express to him their confidence and affection. To his neighbors, assembled to bid him farewell, Mr. Lincoln spoke in words and tones of tender emotion. "No one not in my position," he said, "can appreciate the sadness I feel at this parting. To this people I owe all that I am. Here I have lived for more than a quarter of a century; here my children were born, and here one of them lies buried. A duty devolves upon me which is, perhaps, greater than that which has devolved upon any other man since the days of Washington. He never would have succeeded except for the aid of Divine Providence, upon which he at all times relied. I feel that I cannot succeed without the same Divine aid which sustained him, and on

the same Almighty Being I place my reliance for support; and I hope you, my friends, will all pray that I may receive that Divine assistance without which I cannot succeed, but with which success is certain." These sad, tender, and prayerful words reveal his deep religious convictions, and tally strangely with the charge of scepticism sometimes made.

At Indianapolis he was welcomed by Governor Morton. In reply, he referred to the temper and hot blood manifested by some in speaking of coercion and invasion. He inquired whether the professed lovers of the Union, who so spitefully resolved that they would resist coercion and invasion, understood, if the United States should merely hold and retake its own ports and collect the duties on foreign imports, that that would be invasion. At the capital of Ohio he said that it was a consoling circumstance that there was as yet really nothing that hurt anybody; and he expressed the opinion "that all we want is time, patience, and a reliance on that God who has never forsaken his people." At Pittsburgh he said that there was "no crisis, but an artificial one," such an one "as may be gotten up at any time by turbulent men, aided by designing politicians." His advice to all was to keep cool, keep their self-possession, and the difficulties would be adjusted.

Arriving at New York, he was received on the 20th by its municipal authorities. In welcoming him, Mayor Wood said: "New York is the child of the American Union. She has grown up under its maternal care, and been fostered by its maternal bounty, and we fear that if the Union dies the present supremacy of New York will perish with it." This official, who had recently suggested the idea of New York's becoming a free city, advised the President to so conduct public affairs as to preserve the Union, in which that city was so deeply interested. Assuring the city authorities and the people that he should strive to do his whole duty, Mr. Lincoln passed on. At Trenton he declared to the legislature of New Jersey his anxiety for the perpetuity of the Union, the Constitution, and the liberties of the people. He expressed his great anxiety that peace might be preserved, saying that no one would do more than himself to maintain it; but, he added, "it may be necessary to put the foot down firmly."

In Philadelphia, on the 22d of February, Washington's birthday, and in the presence of an immense crowd, he raised with his own hand the American flag over the old State House. Inspired by the day, the place, and the enthusiastic greetings of the vast assemblage, he addressed the multitude with great solemnity, and in well-remembered words. Saying that he had often pondered over the dangers incurred by those who there adopted the Declaration of Independence, and upon the toils endured by the officers and soldiers who achieved it, he added: "I have often inquired of myself what great principle or idea it was that kept this confederacy so long together. It was not the mere matter of the separation of the colonies from the mother-land, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but I hope to the world, for all future time. It was that which gave promise that, in due time, the weight would be lifted from the shoulders of all men. This is a sentiment embodied in the Declaration of Independence. Now, my friends, can this country be saved on that basis? If it can, I will consider myself one of the happiest men in the world, if I can help save it. If it cannot be saved on that basis, it will be truly awful. But if this country cannot be saved without giving up that principle, I was about to say I would rather be assassinated on this spot than surrender it." Expressing the opinion that there need be no bloodshed or war, he said, "there will be no bloodshed unless it be forced upon the government, and then it will be compelled to act in self-defence." The information conveyed to him on the evening of the 21st, that a band of conspirators in the city of Baltimore had formed a conspiracy to assassinate him, and the recollection of the warnings given him, may have caused this reference to assassination in his speech.

The speeches made by Mr. Lincoln on his way to the capital clearly indicated that he did not fully comprehend the plans and purpose of the secessionists; nor did he realize their daring and recklessness, the contempt and scorn with which they received his temperate, considerate, kind, and hopeful words.

In December, 1864, Mr. Lincoln related to Benson J. Lossing the circumstances which were connected with this clandestine journey between Philadelphia and Washington, which cannot be better stated than in his own words. "I arrived," said Mr. Lincoln, "at Philadelphia on the 21st. I agreed to stop one night, and on the following morning hoist the flag over Independence Hall. In the evening there was a great crowd when I received my friends at the Continental Hotel. Mr. Judd, a warm personal friend from Chicago, sent for me to come to his room. I went, and found there Mr. Pinkerton, a skilful police detective, also from Chicago, who had been employed for some days in Baltimore, watching or searching for suspicious persons there. Pinkerton informed me that a plan had been laid for my assassination, the exact time I expected to go through Baltimore being publicly known. He was well informed as to the plan, but did not know that the conspirators would have pluck enough to execute it. He urged me to go right through to Washington with him that night. I did n't like that. I had made engagements to visit Harrisburg and go from there to Baltimore, and I resolved to do so. I could not believe that there was a plot to murder me. I made arrangements, however, with Mr. Judd for my return to Philadelphia the next night, if I should be convinced that there was danger in going through Baltimore. I told him that if I should meet at Harrisburg, as I had at other places, a delegation to go with me to the next place (then Baltimore), I should feel safe and go on.

"When I was making my way back to my room, through crowds of people, I met Frederick Seward. We went together to my room, when he told me that he had been sent, at the instance of his father and General Scott, to inform me that their detectives in Baltimore had discovered a plot there to assassinate me. They knew nothing of Pinkerton's movements. I now believed such a plot to be in existence.

"The next morning I raised the flag over Independence Hall, and then went on to Harrisburg with Mr. Sumner, Major (now General) Hunter, Mr. Judd, Mr. Lamon, and others. There I met the legislature and people, dined, and waited until

the time appointed for me to leave. In the mean time Mr. Judd had so secured the telegraph that no communication could pass to Baltimore and give the conspirators knowledge of a change in my plans.

"In New York some friend had given me a new beaver hat in a box, and in it had placed a soft wool hat. I had never worn one of the latter in my life. I had this box in my room. Having informed a few friends of the secret of my new movements, and the cause, I put on an old overcoat that I had with me, and putting the soft hat in my pocket, I walked out of the house at a back door, bare-headed, without exciting any special curiosity. Then I put on the soft hat and joined my friends, without being recognized by strangers, for I was not the same man. Sumner and Hunter wished to accompany me. I said no; you are known, and your presence might betray me. I will only take Lamon (now marshal of this District), whom nobody knew. And Mr. Judd, Sumner, and Hunter felt hurt.

"We went back to Philadelphia, and found a message there from Pinkerton (who had returned to Baltimore), that the conspirators had held their final meeting, and it was doubtful whether they had the nerve to attempt the execution of their purpose. I went on, however, as the arrangements had been made, in a special train. We were a long time in the station at Baltimore. I heard people talking around, but no one particularly observed me. At an early hour on Saturday morning, at about the time I was expected to leave Harrisburg, I arrived in Washington."

Early on the morning of the 23d of February Mr. Lincoln, having reached Washington, was received at the station by E. B. Washburne, then a Representative from Illinois, and was by him taken to his hotel. He was there met by Senator Seward. Accompanied by him, he called on Mr. Buchanan. Giving him a cordial greeting, the President introduced him to the members of his Cabinet, then in session. After calling on General Scott, he returned to his hotel, where he received his friends, the members of the Peace Congress, and where for several days he received the welcome of official bodies and private citizens.

On Monday, the 4th of March, the inauguration ceremonies took place. Apprehensions of violence pervaded the city, which was thronged with thousands of visitors. General Scott had made all the military preparations in his power, with the small force of the army at his command and the District militia, to maintain order. It was a bright day. Tens of thousands of strangers filled the streets, and the military escort and the procession were imposing.

Arriving at the Capitol, President Buchanan and Mr. Lincoln entered the Senate chamber arm in arm. After the oath of office had been administered to Hannibal Hamlin as Vice-President, and to the new Senators, among them John C. Breckinridge, the late Vice-President, Mr. Lincoln was escorted to the eastern portico. There, in the presence of the Senate and the House of Representatives, of the Supreme Court, Foreign Ministers, and a vast multitude, Mr. Lincoln read his inaugural address. Accustomed to address masses of men, he spoke with so clear and strong a voice as to be distinctly heard even by the immense throng before him.

It was stated by Thurlow Weed, in the Albany "Evening Journal," that, after Mr. Lincoln commenced delivering his address, he retired, and in so doing, saw Generals Scott and Wool in full uniform standing by a battery. Presenting himself to these veterans and personal friends, General Scott inquired how the inauguration was going on. "It is a success," replied Mr. Weed. Hearing which, "the old hero raised his arms and exclaimed, 'God be praised! God in his goodness be praised!'"

These words, and the manner of General Scott, can be explained on no other reasonable supposition than that, in his judgment, the President elect, the capital, and the nation they represented had been in very great and grave peril, deliverance from which was providential, and a special mark of the Divine favor. His position, opportunities for knowing the facts, and his proclivities, which had hitherto been regarded as Southern rather than Northern, invest the conclusions he was forced to accept with great significance and importance. His views, therefore, of the situation, the letter of the mayor, the elaborate

the hope that this avowal would not be regarded as a menace," but as only the "declared purpose of the Union" to maintain itself. "In doing this," he said, "there need be no bloodshed or violence, and there shall be none unless it is forced on the national authority." Pledging himself that the power confided to him would be used "to hold, occupy, and possess the property and places belonging to the government, and to collect the duty on imports," he affirmed that there would be no invasion, no using of force, beyond what was necessary for these objects. Declaring that "the central idea of secession is the essence of anarchy," he reminded the secessionists that any portion of their new confederacy might secede precisely as they now claimed to do. He said the only substantial dispute was that "one section of our country believes slavery is right and ought to be extended, while the other believes it wrong and ought not to be extended." "A husband and wife," he said, "might be divorced and pass out of the presence of each other, but different parts of the country could not do it." They cannot but remain face to face. "If they went to war," he said, "they could not fight always; aliens could not make treaties easier than friends could make laws, and treaties could not be more easily enforced among aliens than laws among friends." Earnestly recommending "a patient confidence in the ultimate justice of the people," he reverently said: "If the Almighty Ruler of nations with his eternal truth and justice be on your side, of the North, or on yours, of the South, that truth and that justice will surely prevail by the judgment of this great tribunal, the American People."

He closed his address, so long and anxiously waited for by the country, with these words of tender and touching pathos: "My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive

sions of affectionate regard, and the proffered olive-branch of peace were lost upon the South, and met with no favoring responses from those who meditated disunion, and whom he would dissuade. The "Richmond Enquirer" declared that "no action of our convention can now maintain the peace, and Virginia must fight." And the Richmond "Whig," then professedly a Union paper, declared that the "policy indicated toward the seceding State will meet with stern, unyielding resistance by the united South." The Charleston "Mercury" declared it to be their wisest policy "to accept it as a declaration of war." It was denounced too, though in more measured terms, by some politicians and presses in the North. The "Baltimore Sun" said that the message was "sectional and mischievous"; that, "if it means what it says, it is the knell and requiem of the Union." The Philadelphia "Pennsylvanian," the leading organ of the Democracy of that State, declared that Mr. Lincoln had not receded a step; that he stood on the Chicago platform. "Let the border States," it said, "submit to the Abolition rule of this Lincoln administration if they like; but don't let the miserable submissionists pretend to be deceived: make any cowardly excuse but this."

CHAPTER XIV.

MARYLAND. — KENTUCKY. — MISSOURI.

Position of Maryland. — Rebel purpose. — Governor Hicks's refusal to convene the legislature. — Its importance. — Confident expectations of the Rebels. — Governor Hicks's character and avowals. — Maryland conservative and Southern. — Secession measures and menaces. — Charges of inconsistency. — Dilemma. — Patriotic support. — Anna E. Carroll. — Governor's persistency. — Neutrality. — Legislature convened. — Governor's reasons and message. — Appeals to the President. — Seward's reply. — Christian delegation. — President's reply. — Increasing loyalty. — Kentucky and Missouri desire neutrality. — Governor Magoffin's message. — Guthrie's views. — Governor's Proclamation. — Kentucky retained in the Union. — Missouri. — Large slaveholders. — Convention. — Union majority. — Francis P. Blair and Nathaniel Lyon. — Earnest and successful Union efforts. — Governor Jackson's unavailing efforts to take the State out of the Union.

Of the three border slave States, Maryland, Kentucky, and Missouri, the first-mentioned, though inferior in size, population, and resources, was, from its position, of the greatest importance to both parties in the conflict. It not only embraced originally the District of Columbia, now containing the national capital, but it stood in the track of those who would rush to the defence of that imperilled city. Very naturally, therefore, its adhesion to their cause became of prime importance to the conspirators. To secure it, as has been shown, was among the first things on the Rebel programme. Nor did they allow themselves to doubt of success. Thoroughly imbued with the Southern spirit, as it had shown itself in the long-continued antislavery conflict now hastening to its culmination; owning fifty million dollars of property in slaves, with a slave code on its statute-books, and a State government in spirit and administration in complete harmony with the other slaveholding States, the disunion leaders were confident of its support in the new policy they were inaugurating. By careful canvass,

too, they had found that a majority of the legislature was also in sympathy with them, and would vote according to their dictation, could they be convened. The plan was, therefore, to induce the governor, Thomas H. Hicks, to convene that body for the purpose of calling a convention, as it alone had the authority to do it. With such a call issued, they felt that the same system of cajolery, violence, and fraud upon which they had relied and were still relying in the other States would avail here.

They accordingly approached Governor Hicks with their demands, and urged him to call a session of the legislature. But, though a slaveholder, pecuniarily interested in the slave-system, and in sympathy with those who were defending it and what they called Southern rights, he was opposed to the policy of secession, distrusted its leaders, and refused. Thus providentially he held the key of the situation, and it depended very much, if not entirely, on his decision whether or not Maryland should join or oppose disunion. Omniscience alone knows how much really depended upon him,—how much the Union is indebted to him for its preservation, as well as how much was due to the Divine guidance, restraint, and support for that firmness and wisdom which enabled him to resist the fearful pressure to which he was subjected. How much was expected by the conspirators, and how confident were their expectations, from the strategy that would thus bar the way from the North to the capital, may be gathered from many of their utterances, and the record of those days. "I do not care," said a speaker at a public meeting in Baltimore, the day before the butchery of Massachusetts soldiers in her streets, "how many Federal troops are sent to Washington, they will soon find themselves surrounded by such an army from Virginia and Maryland that escape to their homes will be impossible; and when the seventy-five thousand who are intended to invade the South shall have polluted that soil with their touch, the South will exterminate and sweep them from the earth." "A gentleman of high position and good judgment," said a Philadelphia paper of later date, "who has taken a very prominent part in public affairs ever since the

border." "Lincoln," said Mr. Stephens, "may bring his seventy-five thousand soldiers against us; but seven times seventy-five thousand men can never conquer us. We have now Maryland, and Virginia, and all the border States with us."

The question, then, that Governor Hicks was called to answer was among the most important and crucial questions of the Rebellion. On the answer given depended largely the fortunes, if not the final issue, of the strife. There have been what are called "the decisive battles" of the world's history. Doubtless the late civil war had its decisive battle, though men may differ as to what should have that distinction. There are those, however, who incline to the belief that that battle was mental and moral rather than material and military, and that it had for its field of action the mind of Governor Hicks, beleaguered by the appeals and assaults of the friends and foes of the government, — the scene of a conflict between sentiments and motives the most diverse and antagonistic. Shall the Maryland legislature be convened? was the simple question on which hung momentous results. The nature of the conflict, the danger of an adverse decision, with the magnitude and mercy of the victory finally vouchsafed, cannot be duly estimated without some knowledge of the man, his antecedents, surroundings, as well as of the nature of the pressure to which he was subjected.

Governor Hicks was a country gentleman, a slaveholder, and a faithful representative of the slaveholding *régime*. In hearty sympathy with the South in its conflict with the North on the slavery issue, he took no pains to conceal either his preferences or his prejudices. To a memorial, addressed to him and headed by the signature of ex-Governor Pratt, urging him to convene the legislature, he replied on the 27th of November, 1860. In his reply he spoke of himself as "identified by birth and every other tie with the South, a slaveholder, and feeling as warmly for my native State as any man can do." He spoke of some of the acts of Northern legislatures, "virtually nullifying the positive provisions of the Constitution in reference to fugitive slaves" as "outrageous," and concerning

which "there can be no two opinions in Maryland." In his address to the people of his State, on the 3d of January, he gave the unequivocal expression of his own position and of what he regarded the true position of Maryland on the question that so generally divided the two sections. In assigning his reasons for not convening the legislature, he made it sufficiently clear that it was from no lack of sympathy with his section and its peculiar interests and institutions. "I have been told," he said, "that the position of Maryland should be defined, so that both sections can understand it. Do any really misunderstand her position? Who that wishes to understand it can fail to do so? If the action of the legislature would be simply to declare that Maryland is with the South in sympathy and feeling, — that she demands from the North the repeal of offensive, unconstitutional statutes, and appeals to it for new guaranties, — that she will wait a reasonable time for the North to purge her statute-books, so as to do justice to her Southern brethren, and, if appeals are vain, will make her common cause with her sister border States in resistance to tyranny if need be, — it would only be saying what the whole country well knows, and what may be said much more effectually by her people themselves, in their meetings, than by the legislature, chosen eighteen months since, when none of these questions were raised before them. That Maryland is a conservative Southern State all know who know anything of her people or her history." In a letter he subsequently wrote to the President he reminded him that, though he had done all he could properly to prevent his election, he should support his administration, because of his confidence in his honesty, patriotism, and love of the Union. He expressed, too, his regret that he did not veto the District emancipation bill, besought him to prevent, as far as he could, "the mad doings of Sumner, Wilson, Lovejoy, &c.," and informed him that he had "asseverated to our people that you will not interfere with slavery in the States." And yet he was unquestionably patriotic, was opposed to the policy of disunion, and most thoroughly distrusted South Carolina and the secession leaders. He loved both slavery and the Union, was

anxious to save both, and honestly and sensibly believed that the surest way to save the one was to preserve the other. Such was the man, such were his antecedents and surroundings, sympathies and sentiments, on whom rested the responsibility of conducting affairs at that critical juncture; of navigating the bark freighted with the priceless interests and hopes of his beloved Commonwealth over the tempestuous sea that surged around him.

It should be borne in mind, in estimating the nature and magnitude of this struggle, and the greatness of the deliverance involved in the fact that Maryland was prevented from seceding, that she was essentially a Southern State, as claimed by her governor, with its usual characteristics, impulsiveness, prejudices, and attachment to slavery, even its Unionism being largely alloyed with State-rights theories, and greatly, if not entirely, dependent upon the conservation of the peculiar institution. Indeed, the whole social atmosphere seemed surcharged, if not with actual rebellion, with what required little change to make it treason. For weeks and months the cloud, like a man's hand, hung in the horizon, presaging storm. Whether that cloud should increase, gather blackness, until it covered the heavens and poured out its deluge of destruction, or be dispersed, seemed a question that depended for its answer more upon adventitious circumstances than upon anything intrinsic in the State, more, in fact, upon the firmness of the governor than upon the decision of the people.

It is to be remembered, too, that the measures relied on by the secession leaders were the same that were sweeping the seceding States from their moorings, and engulfing them in the Rebellion. Doubtless they embraced the usual slaveholding arguments, the same very probably that Governor Hicks had often used himself in his advocacy of Southern rights against what he stigmatized as Northern fanaticism and aggression. But in addition there were those less legitimate and more violent, — appeals to sectional prejudices, to State pride, with reproachful charges, or insinuations of recreancy thereto, the pressure of social hate and ostracism, the threats and almost actual infliction of personal violence. Governor Hicks

and women who not only gave expression to correct sentiments, but offered and afforded him such moral support as was within their power, and assured him of their prayers for that Divine aid he so much needed in that great trial of his principles and purposes of action. Ex-Governor Thomas, Reverdy Johnson, Henry Winter Davis, Vickers, Crisfield, and others pleaded earnestly for the Union. But among the first and firmest of his supporters — one, too, to the value of whose service the governor always bore the most unequivocal testimony — was a woman, a daughter of ex-Governor Carroll. She had contributed largely to the discussions which had resulted in the triumph of the American party and the election of Mr. Hicks to the gubernatorial chair. From her family connections, and familiar acquaintance with the public men of her State and at the national capital, she early became acquainted with the schemes of the conspirators, and was among the first to communicate them to the governor. While the struggle was in progress, too, she wrote unwearied for the Union, and did much, during those fateful days of popular suspense, to counteract the seditious and sophistical teachings of the secessionists, and divert the thoughts and purposes of the people into safer channels and towards more patriotic results. Indeed, the governor, afterward Senator of the United States, testified that "her writings had a powerful influence in Maryland for good, and that her defence of the war and the administration of Mr. Lincoln did more to elect a Union man as my successor than all the rest of the campaign documents put together." He also spoke gratefully of her "moral and material support" during that "trying ordeal," as he regarded it, "such as no other man in this country ever went through." A report adopted by the Senate Military Committee in the XLIst Congress refers to her writings as having "done much to arouse and invigorate the sentiment of loyalty in Maryland and other border States during the darkest hours in that State's history."

The aid of religion was invoked, and he was assured that he was remembered in the prayers of Christians. A letter received by him during the month of January, after remind-

In his message to that body he thus defended his course, and set forth his views of the situation, and of the policy he deemed wisest. Nor is it the least significant fact to be noted, that, notwithstanding all he had seen and suffered at the hands of the conspirators, notwithstanding his knowledge and deprecation of their desperate schemes, his patriotism could rise no higher than neutrality between the contending parties, neither of which he would join. But notwithstanding his love of the Union, his knowledge of the imminent peril that hung over the national capital, he made it almost the condition precedent of his continued loyalty that no troops should pass through that State for the protection of that capital, and for the preservation of the Federal government. True, he acted as a representative of his State, and it is not necessary to attribute these singular demands to feelings and sentiments merely personal. But they certainly revealed the utter incompatibility between slavery and freedom, and the equivocal character of that Unionism which made fealty to the government dependent on the conservation of a system at war with the fundamental principles of that government. "Believing it to be," he said, "the design of the administration to pass over our soil troops for the defence of the city of Washington, and fearing that the passage of such troops would excite our people and provoke a collision, I labored earnestly to induce the President to forego his purpose. I waited upon him in person, and urged the importance of my request. I subsequently communicated with him and his Cabinet by special despatches, entreating an abandonment of his designs. To all my requests I could get but the reply, that Washington was threatened with attack, that the government had resolved to defend it, that there was no other way of obtaining troops than by passing them over the soil of Maryland, and that the military necessity of the case rendered it impossible for the government to abandon its plans, much as it desired to avoid the dangers of a collision. . . . .

"I honestly and most earnestly entertain the conviction that the only safety of Maryland lies in preserving a neutral position between our brethren of the North and of the South. We

public men, was the action of the religious bodies of Baltimore and vicinity. This showed how deeply the spirit of Rebellion pervaded the more respectable and responsible portion of the community. A delegation of five of the Young Men's Christian Associations, headed by Dr. Fuller of the Baptist Church, visited Washington, urging upon the President the importance of the recognition of the Southern Confederacy as a fixed fact, and expressing the hope that no more troops should be sent through Maryland. The President replied in substance: —

"I must have troops for the defence of the capital. The Carolinians are now marching across Virginia to seize the capital and hang me. What am I to do? I must have troops, I say; and as they can neither crawl under Maryland nor fly over it, they must come across it."

These facts are, indeed, anticipatory, and the practical anachronism of their introduction here can be justified only by the purpose to indicate the magnitude of the work undertaken, the serious difficulties and dangers encountered by the new administration on the very threshold of its entrance to power. All that is needful, or that space will allow, is the briefest mention of the fact that this decisive reply of the President, the advance of General Butler, his occupation of Baltimore, and the proclamation there of martial law, the growing confidence of the Unionists and the gathering forces of the North, which the great uprising was pouring forth, cowed, if they did not crush out entirely, the traitors of Maryland. Instead of fighting against the government, the State fought for it, though there were always those in sympathy with and ready to help the Rebellion; and arrests were made of some of the leading men, including Marshal Kane, the police commissioners, several members of the legislature, and other prominent citizens.

The struggle in Kentucky and Missouri revealed the same subjective conflict within the minds of its citizens that raged in Maryland. Like the latter, they were anxious to save both the government and slavery, wisely thinking that their cherished system was safer within than without the Union; and they, too, sought to achieve the impossibility of maintaining

"I hereby notify and warn all other States, separate or united, especially the United and Confederate States, that I solemnly forbid any movement upon Kentucky soil, or occupation of any post or place therein, for any purposes whatever, until authorized by invitation or permission of the legislature and executive authorities. I especially forbid all citizens of Kentucky, whether incorporated in the State guard or otherwise, from making any hostile demonstrations against any of the aforesaid sovereignties."

But neither the people nor the legislature sympathized with the governor, and as the struggle progressed the sympathy became less, until before many months of the war had transpired, the legislature voted that Confederate "invaders must be expelled," and the State wheeled into line for the defence of the Union, coupling, however, its resolution with the affirmation that "no citizen shall be molested on account of political opinions; that no citizen's property shall be confiscated because of such opinions, nor shall any slave be set free by any military commander."

Missouri had nearly one hundred and fifteen thousand slaves, a large portion of whom were held within a few miles of the Missouri River. Her slaveholders were wealthy, powerful, and aristocratic; and they wielded at that time a great influence over the small farmers of the poorer sections of the State. But there were facts and features of her situation, other than this general division, which exerted an important, if not a controlling, influence upon the fortunes of the State, and gave great intensity to the conflict. A border State, central in position and imperial in size and resources, it had invited immigrations from both sections, with their conflicting passions, prejudices, and interests, the former greatly intensified by the terrible struggle in Kansas still fresh in memory. Though the antislavery men had triumphed in that struggle, the proslavery men had not been converted. The "border ruffian" sentiment still largely prevailed. While in those portions that bordered on Illinois, Iowa, and Kansas the former preponderated, and in those lying on the borders of Arkansas and Kentucky the latter was in the ascendant, the two were com-

were most active and serviceable were Francis P. Blair, Jr., and Captain Nathaniel Lyon. The former had been chosen a Representative to Congress from the city of St. Louis. He promptly raised a regiment on the call of the President for troops. Other regiments were raised in that city in behalf of the government, and earnest efforts were made to be prepared for the threatened emergencies. The arsenal in Western Missouri was seized to arm the confederates; but the government arsenal was held by Captain Nathaniel Lyon, with a few hundred soldiers of the regular army. He was an earnest antislavery man, a loyal and brave soldier, and he took prompt means to save the government stores and munitions of war intrusted to his command. The military stores not needed were quietly transferred to Illinois. On the 10th of May Captain Lyon and Colonel Blair surrounded a State guard organizing at Camp Jackson under General D. M. Frost, and demanded the surrender of that Rebel force. For this brave act Lyon was made brigadier-general, and soon succeeded General Wm. S. Harney, who had made a truce with General Price which proved to have been in the interest of the Rebellion, and which was repudiated at Washington. The governor issued a proclamation calling for fifty thousand militia to repel the authority of the government, and he advised the people of that State that their first allegiance was due their own State, and that they were under no obligations whatever to obey "the unconstitutional edicts of the military despotism which has introduced itself at Washington. He called upon the Missourians to "rise and drive out ignominiously their invaders." This, however, was never accomplished, and Missouri never seceded from the Union. To prevent it, however, required a long, weary, distressing, and often doubtful struggle, marked by the usual vicissitudes of war, but brightened by many examples of patriotic devotion, personal prowess, and a successful strategy that defeated the counsels of the conspirators, and saved the State.

with the violation of the most solemn oaths. They professed "amity and good will" and a most earnest desire to maintain the kindliest feelings and the most friendly relations, and yet their mission was the outcome, the sequel, of a long series of measures marked with deception, fraud, violence, trifling with the most solemn oaths of office, and trampling on the most sacred rights of person and property, — a rebellion without cause and by means the most flagitious.

They requested the Secretary to appoint an early day, that they might present to the President their credentials and acquaint him with the object of their mission, which was, they intimated, the speedy adjustment of all questions growing out of separation, as "the respective interests, geographical contiguity, and future welfare of the two nations may render necessary." To that communication Mr. Seward replied on the 15th of March, stating, in the form of a memorandum, that he understood the events that had recently occurred very differently from the aspect in which they had been presented by the commission. He saw in them "not a rightful and accomplished revolution, and an independent nation with an established government, but rather a perversion of a temporary and partisan excitement to the purposes of an unconstitutional and unjustifiable oppression upon the rights and authority vested in the Federal government. He reminded the commissioners that he looked for the cure of the evil resulting from unwise, unusual, and unnatural proceedings, not to "irregular negotiations, but to regular and considerate action of the people," through Congress or conventions as contemplated and provided for by the Constitution. Referring them to the President's message, he assured them that the Secretary of State, by the principles therein announced, was prevented from assuming or admitting that the seceding States had in law, or in fact, withdrawn from the Union, or could do so; that consequently he could not act upon the assumption that the Confederate States constituted a foreign power with whom diplomatic relations ought to be established; and that he was not at liberty to recognize them as diplomatic agents, or to hold correspondence with them. He informed

else than their belief that there has been systematic duplicity practised on them throughout."

Mr. Seward ardently hoped, believed, and expressed the opinion that peace would be maintained, not on the basis of disunion, but upon the basis of the unity of the country. At the New England dinner in New York, on the 22d of December, 1860, he expressed the opinion that there would be no war, that everything would be settled in sixty days. During the session of Congress, in conferences with his political associates, he had persistently maintained the same idea. After entering upon the duties of Secretary of State, he continued to hope and believe that time, circumstances, and skilful management would prevent civil war. That he expressed himself strongly to Justice Campbell in favor of peace, and that he was in favor of evacuating Sumter, cannot be doubted. But that he expressed himself in favor of peace with disunion, either to Judge Campbell or any one else, cannot be true in any sense whatever. Neither the commissioners, Judge Campbell, nor the Federal government could have entertained the idea, from any assurances of Mr. Seward, that the United States government, even to prevent civil war, would cease to maintain its authority.

On the 9th, before leaving Washington, the commissioners addressed a communication to the Secretary of State. In it, not without the usual slaveholding assumption, and with what might pass for wounded sensibility and affronted dignity, they spoke regretfully and reproachfully of the refusal of the administration "to meet the undersigned in the conciliatory and peaceful spirit in which they are commissioned"; of its being "persistently wedded to the fatal theories of construction of the Federal Constitution always rejected by the statesmen of the South"; of its being "untaught and uncured by the ruin which has been wrought"; of closing its eyes to "the complete and successful revolution" effected, and "the existence of the government founded upon it"; of its lack "of frankness and manliness" in meeting the issues thus presented; of its "dealing with delusions and dreams," from which it would be awakened to "find them unreal and unsubstantial as others in which" the Secretary had "recently indulged."

the permission of Governor Pickens he visited the fort on the 21st of March. Ascertaining that provisions would be exhausted by the middle of April, and that Major Anderson must surrender, he returned to Washington and reported that the fort, if relieved at all, must be relieved by the middle of April. The President, anxious for peace, turned to the Virginia convention, sent for Mr. Baldwin, and proposed that, if that convention would immediately adjourn, he would direct Anderson to evacuate Sumter. He received for an answer to his proposition that "the United States must instantly evacuate Fort Sumter and Fort Pickens, and give assurance that no attempt will be made to collect revenues in Southern ports." The President, realizing at length that nothing but the complete recognition of the Confederate government and the dismemberment of the Union would be accepted by the secessionists and those sympathizing with them in the slaveholding States, overruled General Scott, gave Mr. Fox an order on the 4th of April to fit out a force for the relief of Sumter in accordance with his plan. He also sent Ward H. Lamon to Governor Pickens to inform him that he was about to send provisions to the garrison; that no troops would be sent if the supplies were received; but that supplies must go into Sumter peaceably, if possible; if not, by force. Hastening to New York, Mr. Fox, with the assistance of Commodores Stewart and Stringham, fitted out, in almost an incredibly brief space of time, several vessels for the relief of the fort, which were ordered to rendezvous at Charleston.

The Powhattan, the flag-ship of the expedition, carrying the sailors and launches for the landing of supplies, was, by an order issued by the President, sent without the knowledge of Fox to Fort Pickens, under the direction of General Meigs and Admiral Porter; a blunder, however, that was fatal to the expedition. The Pawnee, Harriet Lane, and Baltic arriving in Charleston harbor, were unable to act, owing to a severe storm, until the very evening of the surrender.

South Carolina had made large appropriations for military purposes, and for the organization of a force of ten thousand men. Two weeks before the attack on Sumter, several forts

and batteries had been erected, and one hundred and twenty cannon, with more than seven thousand men, menaced it with its small garrison of eighty. Deeming it "the bastion of the Federal Union, and that the fate of the Southern Confederacy hung upon the ensign halliards of that fortress," its citizens were clamorous for its immediate capture.

The message of President Lincoln to Governor Pickens, notifying him that supplies would be sent to Sumter, was made known to the public on the morning of the 8th of April. General Beauregard informed the Rebel Secretary of War that the governor had been notified by the President that provisions would be sent to Sumter peaceably or otherwise. On the 10th the latter replied, authorizing him to demand at once the evacuation of the fort, and, if refused, to proceed in such manner as he should determine. To this despatch Beauregard replied that the demand would be made the next day, at 12 o'clock. On the 11th of April, at 2 o'clock, Beauregard sent a staff-officer with a letter to Major Anderson, demanding the evacuation of the fort. He informed that officer that the Confederate States could no longer delay taking possession of a fortification commanding one of their harbors, and that Colonel Chestnut and Captain Lee would await his answer. Major Anderson promptly replied that his sense of honor and his obligations to his government would not allow him to surrender; but he also informed them that he would be compelled to leave the fort in a few days to avoid starvation. The Confederate commander instantly communicated to the Confederate Secretary of War Anderson's answer. The latter replied, that, if Anderson would state the time when he would evacuate, and pledge himself not to use his guns unless their guns were used against him, Beauregard was authorized to avoid the effusion of blood; but he ordered, if "this or its equivalent be refused, to reduce the fort." At 11 o'clock that night Beauregard sent to Major Anderson this order. The major said in reply that he would agree to the proposed stipulation to leave the fort at noon on the 15th, if he should not receive "controlling instructions" or additional supplies. This answer was written at half past two o'clock on the morning of the 12th, and

was handed unsealed to Colonel Chestnut. Lieutenant Talbot, having been sent to Washington, had been intrusted with notices of the intentions of the government, but he had not been allowed by the Rebel authorities to return to the fort. The staff officers consulted a few moments in the room of the officers of the guard, and decided, at twenty minutes past three in the morning, that Anderson's answer was not satisfactory. They, therefore, immediately addressed a note to Anderson, informing him that, "by authority of Brigadier-General Beauregard, commanding the provisional forces of the Confederate States, we have the honor to notify you that he will open the fire of his batteries on Fort Sumter in one hour from this time."

Whatever may have been the pretensions of the Confederate government, or of its defenders, the more violent of the secessionists were anxious to precipitate hostilities, in order that a blow thus struck might, as they confidently expected, precipitate the border slave States into rebellion. "Gentlemen," said Gilchrist, a member of the Alabama legislature to members of the Confederate cabinet a month before the attack on Fort Sumter, "unless you sprinkle blood in the face of the people of Alabama, they will be back in the Union in less than ten days." On the evening of the 10th, Roger A. Pryor of Virginia, in reply to a serenade, thanked the excited people of Charleston for annihilating this "cursed Union." He affirmed, with great positiveness, that it had been "at last blasted and riven"; that it was "gone forever"; that it had "fallen never to rise again." He invoked the people of South Carolina to give no thought to the reconstruction of the Union they had annihilated, and to proclaim to the world that South Carolina would never again enter into political association with the Abolitionists of New England. He assured them that Virginia would be a member of the Southern Confederacy. "I will tell you, gentlemen," he said, "what will put her into the Southern Confederacy in less than an hour by Shrewsbury clock, — strike a blow." For himself, he said, that if the President and Vice-President were to abdicate their offices, and were to give him a "blank sheet of paper to write the

conditions of reconstruction to the defunct Union, I would scornfully decline the overture."

If anything were wanting to prove that the Rebellion was not the deliberate work of the people, a measure adopted after a full and fair examination of the subject, it is afforded by such language of its leaders as is here quoted. "Unless you sprinkle blood in the faces of the people of Alabama they will be back in the Union in less than ten days." What will put Virginia into the Southern Confederacy "in less than an hour by the Shrewsbury clock?" Answer, "Strike a blow." These are not the words of men calm in the justice of their demands, championing the cause of an abused and downtrodden people, and appealing to the higher motives of reason, calm reflection, and the well-considered patriotism of an oppressed nationality. In spirit and purpose there was nothing of that. And yet these utterances well expressed the general feeling and sentiments of the leaders who were carrying forward this movement. Pryor's speech was applauded, and telegraphed to Montgomery, and he, accompanying Beauregard's staff-officers to the fort, counselled the rejection of Anderson's proposition, and the opening of the batteries upon Sumter upon an hour's notice.

A signal was given, and the batteries opened their fire on the fort. The first gun, as stated in another connection, was fired by the aged Edmund Ruffin of Virginia, who at the close of the war took his own life with the same hand that had fired the first gun trained against the nation's life. At 7 o'clock it replied, and a heavy and vigorous fire was kept up during the day. On the morning of the 13th the firing of the batteries was renewed. Sustained by his officers, Doubleday, Crawford, and Snyder, commanders of the parties into which his small force was divided, Major Anderson used every resource at his command for defence. Portions of the fort were set on fire. They were compelled to throw a part of their powder into the sea; the flag-staff was shot away, but the banner was fastened to a fragment of the staff and continued to fly. At half past one of that day, Senator Wigfall, who had hastened to Charleston after the adjournment of the Senate, and was a volunteer on Beauregard's staff, visited the fort, and after much trouble

held a consultation with Anderson, who agreed to surrender upon the terms he had previously offered. Believing that Wigfall spoke truthfully, and that he spoke by authority, he allowed a white flag to be raised over the fort. Several of Beauregard's staff-officers visited the fort. But Anderson, finding that Wigfall had not acted by the authority of the Rebel commander, and that he himself had been deceived, declared that the white flag should come down immediately. At the request of others, however, he left it flying, and the fire of the Rebel batteries ceased. Between seven and eight o'clock of the evening of the 13th Anderson's terms were accepted. His own brief despatch to the Secretary of War best sets forth that heroic, though humiliating act: —

"SIR, — Having defended Fort Sumter for thirty-four hours, until the quarters were entirely burned, the main gates destroyed by fire, the gorge wall seriously injured, the magazine surrounded by flames, and its door closed from the effects of heat, four barrels and three cartridges of powder only being available, and no provisions but pork remaining, I accepted terms of evacuation, offered by General Beauregard, being the same offered by him on the 11th inst., prior to the commencement of hostilities, and marched out of the fort Sunday afternoon, the 14th instant, with colors flying and drums beating, bringing away company and private property, and saluting my flag with fifty guns."

The conduct of Major Anderson, though generally applauded at the time, has not escaped criticism, and the wisdom, if not the patriotism, of this act has been called in question. But it is certainly safe to say that it is difficult to find occasion for suspicion in the above despatch. As the account of his leaving the fort carries with it no air of treason, so, too, the circumstances and conduct of his entrance therein, on the preceding Christmas night and the day following, comport not with any such traitorous purpose. At noon of the 27th of December, 1860, with his little command gathered around him and the flag-staff, "Major Anderson," it is said, "with the halliards in his hand, knelt at its foot, and the officers and men, impressed with the solemnity of the occasion, needed no orders

CHAPTER XVI.

CALL FOR TROOPS. — UPRISING OF THE NORTH. — WAR INAUGURATED.

Doubt and hesitation. — Its sudden dissipation. — President's Proclamation. — Call for troops. — Responses of governors. — Great uprising. — Meetings in Philadelphia and New York. — Speeches in Union Square. — Dickinson, Coddington, Walker, Baker, Cushing, Mitchell, Douglas. — Harmony of sentiment and action. — Conservative and unpatriotic utterances. — Southern contempt. — Mutual misapprehension. — Jefferson Davis's Proclamation. — Letters of marque. — Blockade. — Destruction of American commerce.

THE persistent doubt and hesitation and even the proclaimed reluctance of the North to attribute to the South a purpose to resort to actual hostilities was a surprise, if not to its own people, to others. The celebrated war correspondent of the London "Times," writing from New York as late as March, speaks of that city as "full of divine calm and human phlegm"; as "willing to do anything but fight"; as simply desirous "to eat her own bread and honey and count her dollars in peace." He quoted a prominent secessionist as saying that no concessions or compromises could "induce us to join any confederacy of which the New England States were members," and a prominent Republican who said that if he could bring back the Southern States by holding up his little finger, he would think "it a criminal offence to do so." No doubt this well expressed the attitude of many; but these were the sentiments of by no means a majority. A more potent and general sentiment was the prevailing conviction that neither would fight, — the South distrusting the courage of the North, and the North unable to believe that the South would be guilty of the ineffable folly of forsaking, in the interests of slavery, the Union which it had learned to regard its main, if not its only, defence.

formation? The strange and unexpected fusing into one glowing mass of the hitherto variant and discordant materials which enter so largely into the composition of American society could have been effected by nothing less potent. Not the Christian alone is compelled to recognize the Divine hand in the production of the marvellous events of those early days of the great Rebellion.

On Monday morning, the 15th of April, the day following the evacuation of Fort Sumter, President Lincoln issued a proclamation apprising the nation of this bloody assault upon its integrity, and summoning the people to its defence. He called for seventy-five thousand men to suppress, he said, combinations in the Confederate States, "too powerful to be suppressed by the ordinary course of judicial proceedings." He appealed to all loyal citizens to aid in this effort to maintain the honor, integrity, and existence of our National Union, and the perpetuity of popular government, and to "redress wrongs already long enough endured." He commanded the persons composing these lawless combinations to disperse and return to their homes within twenty days. He convened Congress to meet on the 4th of July. On the same day Mr. Cameron, Secretary of War, issued a circular, calling for ninety-four regiments, and assigning to each State that had not seceded, excepting California and Oregon, the number of men it was to furnish.

The governors of all the free States east of the Rocky Mountains were Republican, with the exception of William Sprague of Rhode Island. The governors of the eight Southern States which had not seceded, with the exception of Governor Hicks of Maryland, were Democrats. Six of these, as has been noted in a previous chapter, promptly and defiantly refused the President's demand, on the States-rights theory that the Federal government had no right to coerce a State, and the impracticable ground of maintaining an impartial neutrality between the contending parties. On the other hand the loyal governors and the States they represented responded with wonderful alacrity to the President's appeal. These responses were couched in various forms. In addition to the official replies of

the former, the latter spoke from pulpit, press, and platform, and in the individual utterances of those who thus gave voice to the grand and growing enthusiasm of the hour. Prominent among these popular demonstrations were public meetings in the cities.

Philadelphia and its mayor had been among the most obsequious to the Slave Power, and, after Mr. Lincoln's election, most prompt in demands for further concessions. That city was now the foremost in responding to the calls of the government; and her mayor promptly declared, by the grace of Almighty God, treason should never rear its head or have a foothold in Philadelphia. On the 20th of April, five days after the President's proclamation, an immense meeting, estimated at more than a hundred thousand men, was held in the city of New York. The merchants of that city, who a few weeks before had been so ready to concede everything to Southern demands, closed their places of business and hastened to Union Square. Four stands were erected, and four presidents — John A. Dix, Hamilton Fish, William F. Havemeyer, and Moses H. Grinnell — were appointed. John A. Dix emphatically declared that he regarded the "contest with the secessionists as a death struggle for constitutional liberty and law." Daniel S. Dickinson, long one of the leaders of the "Hunker" Democracy of New York, proclaimed the question to be "between union and anarchy, between law and disorder, and that there was no time for hesitation or indecision." David S. Coddington, also a member of the Democratic party, declared what secession meant. "Its policy," he said, "is to imperialize slavery and to degrade and destroy the only free republic in the world." Robert J. Walker, Secretary of the Treasury during President Polk's administration, avowed that he saw nothing to condemn in President Lincoln's efforts to save the Union; that he loved the Democratic party, but he loved the country better. "This Union," he said, "must and will be perpetual." Senator Baker of Oregon spoke with surpassing eloquence. "We have committed," he said, "no oppression, have broken no compact, have exercised no unholy power; have been loyal, moderate, constitutional, and just." He said

he was there not to speak "timorous words of peace, but to kindle the spirit of manly, determined war." He said, the national banners "leaning from ten thousand windows in your city to-day proclaim your affection and reverence for the Union." "There are," he added, "worse things than fear, than doubt, than dread and danger and blood. Dishonor is worse. Perpetual anarchy is worse. States forever commingling and forever severing is worse." He had known the President from boyhood, and he indorsed his declaration that "there are wrongs to be redressed already long enough endured." "They are wrongs," he said, "against our ensign; they are wrongs against our Union; they are wrongs against our Constitution; they are wrongs against human hope and human freedom." Professor O. M. Mitchell, a native of Kentucky, a graduate of West Point, a man of large scientific attainments, then a resident of Ohio, avowed his allegiance to be to the government of the United States. He had brothers and kindred in the South whom he loved, but they must set aside rebels and traitors when they condemned, cursed, trampled under foot, and trailed in the dust the banner of the country. We must smite, he said, in "God's name, and will smite." Reminding the meeting that the men of the South would fight with determination and power, and that there was to be no child's play, he called upon every man to take his life in his hand; avowing his readiness, in the ranks or out of the ranks, to sacrifice his life on the altar of his country. He did enter those ranks, became a general, and died in his country's defence.

Public meetings were largely attended in the other cities and towns of all the free States. Caleb Cushing, who had presided at the Charleston Democratic convention in 1860, and at the seceders' convention at Baltimore, addressed a public meeting at Newburyport, Massachusetts. He declared that he would yield to no man in faithfulness to the Union; that he stood prepared, if occasion should call for it, to testify his sense of public duty "by entering the field again at the command of the Commonwealth or of the Union." The aged General Wool, who had manifested during the winter intense

The refusal of the governors of the border States to furnish troops for the suppression of the Rebellion, the tone of the presses of those States, and the temper of the people gratified the leaders at Montgomery, and excited the hopes of the Confederates; while the patriotic responses of Northern governors to the President's call, the uprising of the people, the patriotic utterances of Northern Democrats and presses, disappointed and exasperated those who had vainly hoped that if war came, its battle-fields would be in the North, and that the Northern Democrats would give the administration work enough at home. In their pride of power the Rebel leaders received the call of the President for seventy-five thousand troops with contemptuous ridicule. The Southern press, too, teemed with defiance of the government and ridicule of Northern troops, denouncing the latter as "scurvy fellows, white slaves, peddling wretches, small-change knaves, vagrants, the dregs and offscouring of the populace." "One Southron," they contended, could "whip five of them." Robert Toombs went so far in his contempt for Northern men as to declare, in a speech at Montgomery, that he could hold in the hollow of the palm of his hand all the blood that would be shed in the war. These silly and contemptuous boastings of Southern presses and politicians evinced their ignorance of the North and of its great resources, with their thorough misapprehension of the courage, patriotism, and devotion of its people. It was, indeed, a great and grave mistake, and bitterly did they rue it, and dearly did they pay for their misconceptions and misapprehensions of Northern patriotism and power.

Nor was the North without evidences of estimates alike faulty concerning the section with which it was so soon to close in deadly grapple. Its presses and speakers betrayed a similar ignorance of the spirit and purpose, the fiery zeal and unquestioned courage, of their mistaken countrymen. Underrating Southern resources, they believed that the Confederate government and its military forces would speedily go down beneath the crushing power of the nation. Neither of the sections fully comprehended either its own resources or the resources of the other. In the long struggle that followed, however, they

came to know each other better. The devotion manifested, the endurance and courage displayed, by the men of the North and of the South, will be an inheritance of which their children and their children's children will be proud.

On the 17th of April, two days after the President's proclamation had been issued, Jefferson Davis issued a similar paper, in which he said it had become the duty of the new government to "repel the threatened invasion, and defend the rights and liberties of the people, by all the means which the laws of nations and the usages of civilized warfare" placed at his disposal. At the same time he invited privateering upon the commerce of the United States. Two days afterward President Lincoln, by proclamation, announced that he should employ force to blockade the Southern ports, and all persons, acting under the pretended authority of the Confederate States, who should molest vessels of the United States on the seas, would be held amenable to the laws for the punishment of piracy. The Confederate Congress, on the 6th of May, authorized Davis to issue to private armed vessels letters of marque and general reprisal, and a bounty of twenty dollars for each person who might be on board any vessel belonging to the United States which should be burnt, sunk, or destroyed by a privateer; and also a bounty of twenty-five dollars for any prisoner captured by a privateer and delivered to an agent of the Confederation in any of its ports.

By this proclamation of the Confederate President there was adopted a policy which has, it has been said, "no parallel on the statute-books of civilized nations," and which was tantamount to "a reward for the murder, by fire, water, or otherwise, of men, women, and children found on board of a public vessel of the United States." It also inaugurated, under the more respectable name of privateering, a system of piratical depredations on the commerce of the nation which, if it did not sweep it entirely from the high seas, inflicted incalculable damage, from which it has not yet recovered. Though the Confederates had neither the skill nor resources to construct a navy for themselves, they could steal and purchase, as they did. Within a very few weeks they had stolen six national

revenue-cutters, and purchased some dozen vessels, which they let loose on their work of mischief and destruction. They gave letters, too, to vessels fitted out in the ports of other nations.

By these declarations and measures of the President of the United States and of the chosen leader of the Confederacy was inaugurated the great civil war that has no parallel in American annals or on the American continent; a Rebellion that has no parallel in the annals of any age or of any continent.

Committee on Territories in the XXXVth Congress, he had supported with marked ability the cause of freedom in struggling Kansas. In his remarks, on taking the chair, he denounced the Rebellion as the most causeless in the history of the race, a conspiracy nurtured in secret counsels for the destruction of the Constitution and the Union. Referring to the grand uprising of the people, he declared, amid vociferous shouts of applause on the floor and in the galleries, that "no flag alien to the sources of the Mississippi River will ever float permanently over its mouth, until its waters are crimsoned in human gore, and not one foot of American soil can ever be wrenched from the jurisdiction of the Constitution until it is baptized in fire and blood." He reminded the House that they were the guardians of the rights and liberties of the people, and that a government which could not command the loyalty of its own citizens, and would not protect its loyal citizens, "deserves the contempt of the world." He summoned the House to act for the greatness and glory of the Republic. Emerson Etheridge, a Tennessee Unionist, who had supported John Bell for President, was chosen clerk; though in his subsequent conduct he did not prove himself worthy of the sympathy extended to him and the confidence reposed in him. John W. Forney, who had on several occasions, as clerk of the House, exhibited great fairness and liberality, and had gracefully yielded to the general desire to recognize the devotion of Etheridge to the Union cause, was chosen secretary of the Senate.

On the 5th the President sent in a message, reciting the action of the Rebels, explaining the course of the government, and calling upon Congress to vindicate and maintain the authority of the nation. He declared that he had looked to the exhaustion of all peaceful measures before resorting to those more stringent. He had given, he said, "repeated pledges against any disturbance to any of the people or any of their rights. Of all that which a President might constitutionally and justifiably do in such a case, everything was forborne without which it was believed possible to keep the government on foot." The secessionists, he said, have "forced

contest, he said, "is a people's contest. On the side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men, ... to lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to offer all an unfettered start and a fair chance in the race of life. Yielding to partial and temporary departures from necessity, this is the leading object of the government for whose existence we contend." Reminding Congress that "the plain people" understood and appreciated the contest, he said, "It is worthy of note, that, while in this, the government's hour of trial, large numbers of those in the army and navy who had been favored with the offices have resigned and proved false to the hand that pampered them, not one common soldier or sailor is known to have deserted his flag." He said: The people are now to "demonstrate to the world that those who fairly carry an election can also suppress a rebellion; that ballots are the rightful and peaceful successors of bullets; that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets; that there can be no successful appeal except to ballots at succeeding elections, which will be a great lesson of peace, teaching men that what they cannot take by an election neither can they take by war." He expressed the deepest regret that the duty had been forced upon him to employ the war power in defence of the government. As a private citizen, he could not betray a sacred trust confided to him by a free people. "I have no moral right," he said, "to shrink, not even to count the chances of my own life in what might follow. In full view of my great responsibility, I have so far done what I deemed my duty." He expressed the hope that Congress would act in accord, and having adopted the course to be pursued, would, "without guile and with pure purpose," renew its "trust in God and go forward without fear and with manly hearts." Recommending that Congress should give the legal means for making the contest a short and decisive one, he asked it to place at the control of the government at least four hundred thousand men and four hundred millions of dollars.

The message was admirable in all its parts. It detected the fallacies and exposed the sophistries of the secessionists, and presented to the country their fraudulent, violent, and revolutionary action. It presented in firm but temperate language the purposes, policy, and plans of the government. Loyal men, in and out of Congress, were prompt in their approval, indorsement, and adoption of its recommendations, and of the measures necessary to sustain them. Mr. Wilson, chairman of the Committee on Military Affairs, agreeably to notice given on the first day of the session, introduced into the Senate four bills and a joint resolution. The first of these bills authorized the President to call out five hundred thousand men and appropriate five hundred million dollars. The second proposed to increase the regular army. The third was for the better organization of the military forces. The fourth proposed an organization of a volunteer national guard; and the joint resolution proposed to ratify and confirm the acts of the President for the suppression of the Rebellion. They were referred to the Committee on Military Affairs.

On the 8th Mr. Wilson reported the bill to authorize the employment of volunteers. Coming up for consideration, Mr. Saulsbury of Delaware, expressing his fears that the Union would not be preserved by the mode provided in the bill and suggested in the message of the President, moved to strike out five hundred thousand men and insert two hundred thousand men, deeming that number sufficient, he said, to protect the capital and defend the States from invasion. Mr. Foster of Connecticut thought two hundred thousand men "too many to make peace and too few to make war." The amendment was rejected, and the bill was passed on the 11th, Breckinridge and Powell of Kentucky, Johnson and Polk of Missouri, voting against it.

On the same day Mr. Blair of Missouri reported from the House Military Committee a bill authorizing the employment of volunteers. Coming up on the 13th for consideration in the Committee of the Whole, Mr. Harding of Kentucky avowed his readiness to give men and money to defend the Constitution, but he would "not vote one dollar for subjugating sover-

eign States." In response to this declaration, Mr. Hickman of Pennsylvania said that the secessionists, who believed that they had a right to declare themselves out of the pale of legitimate government when it suited their interest, or whenever it was in accordance with their passions, were to be taught with a strong hand that they must regard the Constitution and laws. "We, the people of the North," he said, "of the loyal States, and all who act with the North, intend to educate these men into a different doctrine; and if we shall eventually be forced to bring them into subjection, abject subjection to the United States, ... it will be their fault and not ours." Mr. Campbell of the same State declared that he would give the executive all power; that he would "darken the ocean with our fleets and cover the land with our armies."

On the other hand, it was maintained by Mr. Burnett of Kentucky that the object of the war was the subjugation of the Southern States, and he boasted that the legislature of his State had almost unanimously indorsed the action of the governor in refusing to give men in response to the President's proclamation. Mr. McClernand of Illinois moved to reduce the appropriation to sustain the army to one hundred million dollars. Declaring his readiness to vote what was required "to enable the executive to sustain the government, not to subjugate the South," Mr. Cox of Ohio avowed his purpose to vote for the amendment. But it was rejected. It was then moved, by Mr. Vallandigham of the same State, that before the President should have the right to call out more volunteers, he should appoint seven commissioners to accompany the army and to receive such propositions as might be submitted by the executives of the Southern States, or any one of them, to the Union. He avowed himself in favor of the suspension of hostilities to try the temper of the South. Mr. Hutchins of the same State moved to amend this proposition so that the commissioners should "see that the war is vigorously prosecuted to the effectual putting down of this Rebellion." Mr. Wright, a Democratic member from Pennsylvania, declared with great emphasis that the amendment of Mr. Vallandigham held "out to rebellious men a reward for their

treason." The amendment was rejected, receiving but twenty-one votes. Mr. Burnett offered a proviso that the military force provided for in the act should "not be employed in subjugating and holding afterward, as a conquered foe, any sovereign State now or lately one of the United States." The bill was then passed without a division.

On the 16th Mr. Blair reported the Senate bill, authorizing the employment of volunteers, with the House bill as an amendment. The amendment was agreed to, and the bill passed. The Senate, the next day, on motion of Mr. Wilson, disagreed to the amendment of the House; that body insisting, a committee of conference was appointed. On the 18th Mr. Wilson and Mr. Blair, chairmen of the Senate and House committees of conference, made reports. These reports were concurred in. The House receded, and the bill introduced by Mr. Wilson on the 6th of July, authorizing the employment of five hundred thousand volunteers, was passed on the 18th and approved on the 22d.

On the 13th the Senate proceeded to the consideration of a bill, introduced by Mr. Wilson, adding eleven regiments to the regular army and increasing the number of men in the old regiments. After debate, in which King, Grimes, and others expressed their hostility to a permanent increase of the regular army, the bill was passed. In the House, Mr. Blair reported a bill which was in substance the Senate bill, though it converted the new regiments into a volunteer force, Mr. Blair stating that the Military Committee were unanimously opposed to increasing the regular army; but as something had been done by the Secretary of War in the organization of new regiments, the committee had stripped the organization of that feature which made it repugnant to the people, — a large standing army. Mr. Burnett of Kentucky, who soon after joined the Rebels, and became a member of the Confederate Congress, although his State refused to secede, protested against Kentucky's being called upon to furnish one man or one dollar to carry on the war. He declared that the President, in organizing military forces, had exercised powers that would have deprived any despot in Europe of his

crown. Mr. Holman, a Democratic member from Indiana, declared with marked emphasis that Bennett, Vallandigham, and others misapprehended the spirit of the country; that there never was an hour when the people intended to submit to the overthrow of the Union; and that, in their moderation and forbearance, he saw the evidence of an "unwavering purpose, the anchor of enduring hope." "If in this emergency," he said, "the administration had hesitated, the storm of indignation, irresistible as the sand-storm on the Lybian desert, would have swept it away." The bill was then passed, but it was not taken up in the Senate. On the 18th Mr. Blair reported the Senate bill to increase the regular army, and the House amended it by converting the regiments from regulars into volunteers. On the 22d the Senate proceeded to the consideration of the House amendment. Mr. Wilson declared that the amendment effectually destroyed the measure, and if it was sustained by the Senate, the bill had better at once be abandoned. The Senate refused to concur in the amendment, and, the House adhering, committees of conference were appointed. The House receded from its amendments, and the bill to increase the regular army was passed with an amendment that it should be reduced at the close of the war; and it received the approval of the President on the 29th.

The bill providing for the better organization of the regular army, in eighteen sections, was reported from the Committee on Military Affairs, by Mr. Wilson, on the 10th. Mr. Powell of Kentucky moved an amendment providing that no part of the army or navy of the United States should be used for subjugating any sovereign State, "or in abolishing or interfering with African slavery in any of the States." Mr. Lane of Kansas proposed to amend the amendment by adding the words, "unless a military necessity shall exist for maintaining the Constitution"; but it was rejected. Mr. Sherman moved to strike out all of Mr. Powell's amendment, and to insert the words: "the purposes of the military establishment provided for in this act are to preserve the Union, to defend the property and maintain the constitutional authority of the government." Mr. Breckinridge proposed to add to Mr. Sherman's

by the sword, and he asked if any reason could be given for the suspension of the *habeas corpus* in Maryland. Mr. Wilson replied, that a band of conspirators, who shot down in the streets of Baltimore brave men who were rallying to the call of their country, to defend the capital of the nation, afforded a complete justification of the President in authorizing General Scott to suspend the writ in and around that city. "If there ever was," he said, "in any portion of the Republic, any spot of earth, or any time where and when the writ of *habeas corpus* ought to be suspended, the city of Baltimore was the spot, and the last few weeks the time, for its suspension." Mr. Baker of Oregon, a member of the committee, speaking of the series of measures reported by Mr. Wilson, said he did not know when peace would be conquered, but he did know that "the determined, aggregated power of the people of this country, all its treasure, all its arms, all its blood, all its enthusiasm, concentrated, poured out in one mass of living valor on the foe, will conquer." "I sanction and approve," said Mr. Lane of Indiana, "everything the President has done during the recess of Congress, and the people sanction and approve it."

Polk of Missouri, Bayard of Delaware, Latham of California opposed the resolution. Mr. Powell said, that, instead of approving these wanton and palpable violations of the Constitution by the executive, the officers who committed these usurpations should be arraigned at the bar of the Senate. Mr. Breckinridge said sneeringly that the country should understand that "the Constitution of the United States is no longer to be held as the measure of power on the one side and of obedience on the other, but that it is to be put aside to carry out the purposes of the majority."

Mr. Johnson of Tennessee pronounced the cause of the Rebellion to be "disappointed, impatient, unhallowed ambition." "Certain men," he said, "could not wait any longer, and they seized the occasion to do what they had been wanting to do for a long time, — break up the government. If they could not rule a large country, they thought they could rule a small one." Referring to a declaration of Toombs, that when traitors become numerous enough, treason becomes respectable, he

On the 5th of August Mr. Wilson introduced a bill increasing the pay of non-commissioned officers and privates from eleven to fifteen dollars per month. On his motion it was so amended as to make legal and valid the acts, proclamations, and orders of the President respecting the army and navy. In the House the bill was amended, on motion of Mr. Stevens of Pennsylvania, so as to increase the pay of privates in the army from eleven to thirteen, instead of fifteen, dollars. Mr. Vallandigham moved to strike out that portion of the bill legalizing the acts of the President, but his motion received but nineteen votes. The bill then passed the House, but was laid on the table in the Senate. Mr. Wilson then introduced a new bill, increasing the pay of privates in the army to thirteen dollars a month, and, on his motion, the bill was so amended as to legalize the acts and proclamations of the President, respecting the army and navy, in calling out the militia and volunteers. Rice of Minnesota, Latham and McDougall of California, Democratic members, voted thus to legalize the acts of the President, though five Democratic Senators voted against it; and what failed as a bill was passed as an amendment.

On the 2d of August Mr. Cox of Ohio introduced in the House, by unanimous consent, a resolution of sympathy for the bereaved friends and families of soldiers who had fallen in defence of the Republic. It acknowledged in grateful and graceful terms "the faithful services and loyal devotion of our soldiers who have fought and fallen in defending our flag and in vindicating the supremacy and majesty of the Republic. Whether successful, or compelled by the overwhelming numbers of the enemy to resign a victory already won, their graves are honored, and history invests their names with unfading renown. And while the national legislature expresses the sympathy of the nation for their bereaved families and friends, we commend to a generous people and the army, which is now eager to resume the contest, the imperishable honor of their example." This resolution received the unanimous vote of both houses.

gress, nor the people or government of the non-slaveholding States, have a constitutional right to legislate upon or interfere with slavery in any slaveholding State of the Union." Nor is it doubtful that this purpose was as sincere as it was publicly and even legislatively announced. For, whatever may have been the personal views and convictions, hopes and fears, of its members, policy seemed to demand of the administration that the Unionists of the border States should, if possible, be reassured as to its pacific purposes towards them and their special interests, and be convinced that they could remain loyal to the Union without putting in peril their cherished system.

It is not enough, however, to say, nor does it fully explain the serious complications of the contest, that Northern men were restrained from interfering with what were claimed to be the rights of the slave-masters by mere constitutional scruples and an unwillingness to embarrass the Unionists of the border slave States. The plain historic truth is, and it should be borne in mind, that the proslavery or conservative sentiments of the country were by no means confined to the slave States. They too largely pervaded not merely the North, but the Republican party as well. Large numbers whose loyalty to the Union was unquestioned, who joined the Republican party because of that loyalty, and who would make any sacrifices to maintain the government, had no real sympathy with antislavery. They had learned to distrust and dread the longer domination of the Slave Power over the nation, sighed for a release from its disgraceful and dangerous control, and were honestly opposed to slavery extension, but they had no very strong desires for the emancipation of the slaves. They would accept Abolition rather than disunion, but they did not desire it. The prejudices against the negro — the growth of two generations — could not be so easily dispelled, and the convictions of his inferiority, that had been so often and so earnestly inculcated from every quarter during the long antislavery conflict, could not be at once unlearned. The soldier who wished it to be understood that he enlisted for the Union, and "not to fight for the nigger"; the Union-loving but conservative lady, who was "willing" the slaves should be freed, if that was

necessary, were representatives of large numbers in all the free States,—how large a proportion Omniscience only knows. Mr. Lincoln was sharply criticised for his famous utterance to Mr. Greeley because of its seeming indifference to the sad necessities of the slave. "My paramount object," he said, "is to save the Union, and not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some, and leaving others alone, I would do it." If in these words the President did not represent the majority of his party, the failure lay rather in his not expressing reluctance in view of even the apprehended necessity of touching slavery at all, than in taking too advanced a position.

Doubtless the army of freedom had been largely increased by the addition of those who accepted in good faith its principles, and were earnest in their support. Though coming in at the eleventh hour, they labored heartily for its triumph. Relieved from constitutional scruples which had hitherto held them back, and thoroughly cured by the atrocities with which the Rebellion had been inaugurated and by which it was accompanied of all sympathy with the slave-masters, they found themselves prepared, with more teachable spirits, to learn the lessons of the war, and accept as practical principles the primal rights of man. The fires that had burned up their prejudices and destroyed the sophistries of the past had so illumined the characters in which those lessons were written, that they found it less difficult to read them aright and to accept the conclusions to which they led. They, especially, who believed in a superintending Providence, and found in the Christian Scriptures their religious faith, rules, and motives of action, saw more clearly the national complicity with the sin of slavery, and were ready, as never before, to accept their teachings who contended that the nation could not rationally hope for victory until that sin was repented of and put away.

The number, however, who were prepared thus thoughtfully, dispassionately, and wisely to reason, it is to be feared, were in a minority, even of those who voted the Republican ticket,

and accepted in form at least the principles enunciated in its platform and proclaimed by its advocates and leaders. Accepting them as a military or political necessity, forced upon them by the exigencies of the war, was altogether another and different affair than yielding to the impulse of moral convictions with an honest, well-considered indorsement of the fundamental doctrines of human equality and its consequent rights.

This, then, was the practical problem with which Mr. Lincoln and his administration were confronted, these the difficulties with which they had to contend. They were required to persuade and hold the free States to the terrific sacrifices and expenditures of blood and treasure for the support of a war whose logical results were the vindication of the principles and the realization of the purposes which the great majority had been accustomed to oppose and treat with scorn during the long years of the antislavery struggle. More difficult still, they were required not only to retain the border slave States in the Union, but to secure from them quotas of men and means to fight the battles of a war for which they had defiantly refused at the outset to meet the requisitions of the government, — a war that was destined, if not designed, to destroy the very system they cherished equally with the seceding States, and for whose conservation the war was made. Is it wonderful that Mr. Lincoln's course should sometimes have seemed too hesitating and equivocal? But is not the wonder greater, that, surrounded with difficulties so great and peculiar, the struggle should have been so wisely managed, and that a conclusion so satisfactory should have at length been reached?

It soon became manifest, therefore, that an indeterminate policy could not be safely maintained, and that it would be impossible to strike effective blows against the Rebellion, and at the same time leave the guilty cause unharmed. Among the first developments that forced this subject upon the government was the escape of slaves within the lines of the Union forces. Several having come to the quarters of General Butler, general commanding in the department of Eastern Virginia, a Confederate officer in the neighborhood demanded their resto-

ration. The general refused on the ground that they were contraband of war and could not be given up. Flocking to him, however, in such numbers, he was compelled to report the case at Washington, and ask for instructions. The Secretary of War, while approving of his action, took occasion to define the position maintained by the government at that time. "The government," he said, "cannot recognize the rejection by any State of the Federal obligations, nor can it refuse the performance of the Federal obligations resting upon itself. Among these Federal obligations, however, none can be more important than that of suppressing and dispersing armed combinations formed for the purpose of overthrowing its whole constitutional authority. While, therefore, you will permit no interference, by persons under your command, with the relations of persons held to service under the laws of any State, you will, on the other hand, so long as any State within which your military operations are conducted is under the control of such armed combinations, refrain from surrendering to alleged masters any persons coming within your lines."

Another illustration of Northern misapprehension was afforded by the general opinion that slavery, in the case of war, would become a source of weakness to the States in which it existed. On the contrary, however, it soon became manifest that it was a source of strength and added materially to the effectiveness of their assault upon the government. Instead of availing themselves of their masters' treason to assert and vindicate their own rights by helping to maintain those of the Union, it was soon discovered that the slaves were aiding the conspirators, and that their help was utilized in various ways, by working on forts, by performing menial services for officers and privates even in the Rebel armies, and especially by remaining at their homes to perform the ordinary labor on farms and plantations, thus allowing the white population to repair to the seat of actual hostilities. How this difficulty should be met, and how slaves thus employed should be treated, became, therefore, for the moment, mainly a military question, though its moral and political elements could not be hidden from view, even if in practice they should be in great degree ignored.

In the Senate, on the 20th of July, 1861, Mr. Trumbull of Illinois, chairman of the Committee on the Judiciary, reported, by order of that committee, a bill to confiscate the property used for insurrectionary purposes. The bill provided that, if during the present or any future insurrection against the government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, any person or persons, his, her, or their agent, attorney, or *employé*, shall purchase or acquire, sell or give, any property, of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of, the same, all such property is to be declared to be lawful subject of prize and capture wherever found.

He also added, by way of amendment, an additional section,—

"That whenever any person claiming to be entitled to the service or labor of any other person under the laws of any State, shall employ such person in aiding or promoting any insurrection, or in resisting the laws of the United States, or shall permit or suffer him to be so employed, he shall forfeit all right to such service or labor; and the person whose labor or service is thus claimed shall be henceforth discharged therefrom, any law to the contrary notwithstanding."

On the 22d, the day after the battle of Bull Run, the resolution was taken up for consideration. Mr. Breckinridge characterized the amendment as "very objectionable," though he expressed the conviction that it would "command a decided majority in the Senate." He closed by calling for the yeas and nays. Mr. Trumbull replied by explaining the provisions of the amendment he had offered, and indicating the spirit and purpose that prompted it and the line of argument by which it was to be, and was, sustained. The amendment provides, he

has come for that to cease; and by the blessing of God, as far as I am concerned, I mean it shall cease. If there is anybody in this chamber that chooses to take the other path, let him do it; let him know what our purpose is. Our purpose is to save this government, and save this country, and to put down treason; and if traitors use bondmen to destroy this country, my doctrine is that the government shall at once convert those bondmen into men that cannot be used to destroy our country. I have no apologies to make for this position. I take it proudly. I think the time has come when this government, and the men who are in arms under the government, should cease to return to traitors their fugitive slaves, whom they are using to erect batteries to murder brave men who are fighting under the flag of their country. The time has come when we should deal with the men who are organizing negro companies, and teaching them to shoot down loyal men for the only offence of upholding the flag of their country. I hope further, sir, that there is a public sentiment in this country that will blast men who will rise in the Senate, or out of it, to make apologies for treason, or to defend or to maintain the doctrine that this government is bound to protect traitors in converting their slaves into tools for the destruction of the Republic."

Mr. McDougall of California, regarding the amendment "to be in the nature of confiscation for treason," favored its adoption. Mr. Ten Eyck of New Jersey said that on the previous Saturday he had voted, in the Committee on the Judiciary, against the amendment, for two reasons: first, his disbelief that the Rebels would employ slaves for the purposes indicated, and, second, because he did not know what was to become of the poor wretches if they were discharged. "God knows," he said, "we do not want them in our section of the Union. But, sir, having learned, and believing that these persons have been employed with arms in their hands to shed the blood of Union-loving men of this country, I shall now vote in favor of that amendment, with less regard to what may become of these people than I had on Saturday."

The border-State Unionists found voice in a speech of Mr. Pearce of Maryland. "It will not be surprising to the Senate,"

or shall permit him to be so employed, he shall forfeit all right to such service or labor; and the person whose labor or service is thus claimed shall be thenceforth discharged therefrom, any law to the contrary notwithstanding."

To the charge of Mr. Burnett of Kentucky that it was tantamount "to a wholesale emancipation of the slaves in the seceding and rebellious States," Mr. Bingham replied that no just court would ever so construe it, should it become a law. "By the express words of the bill," he said, "it is limited in its effect to those persons who themselves, by their own direct acts, for the purpose of overturning the powers of the government, employ, or consent that others employ, the services of slaves to that end. I aver that a traitor should not only forfeit his slaves, but he should forfeit his life as well."

The bill was strenuously opposed by Mr. Crittenden of Kentucky, who had then become a member of the House. "It has been conceded," he said, "in all time that the Congress of the United States had no power to legislate upon the subject of slavery within the States. Absence of all power of legislation in time of peace must be the absence of the same power at all times. You have no power, by your Constitution, to touch slavery at all."

To the arguments urged by Mr. McClernand, a Democratic member from Illinois, and Mr. Kellogg, a Republican of the same State, that a traitor could forfeit his claim to his slave equally as to his horse, "and yet not at all conflict with or abrogate the law that authorizes the holding of slaves," he replied, "If you have no power, there the question ends. Well, have you a power to legislate concerning a slave in Kentucky, as to his rights, present or future? Have you a right to impose any terms or conditions on the master, in time of peace, on which the slave shall be entitled to his liberty? . . . . This provision of the bill will be considered and interpreted abroad as assuring to Congress a power over slavery. If you can, on conditions, in time of war, abrogate and abolish slavery, it may be asked whether you cannot do it in time of peace, on similar conditions of supposed future crime? Are we in a condition now, gentlemen, to hazard

whom the usages of war, in no place that I have ever seen, treat as such. I proposed in committee, as a substitute for this bill, to relieve the government and the war-power of the country from the attitude in which the seizure of these men thus employed against the government would place them, by providing the simple penalty, that any man taken in arms against the government is taken as a prisoner of war, ... whatever his complexion. Afterward, when you come to determine on an exchange of prisoners, you can determine on what terms they shall be released."

In response not only to the argument of the Southern Unionists, but to the hesitating policy advocated and represented by Mr. Diven, Thaddeus Stevens replied with his usual directness and force. "When a country," he said, "is in open war with an enemy, every publicist agrees that you have the right to use every means which will weaken him. Vattel says, that in time of war, if it be a just war, and there be a people who have been oppressed by the enemy, and that enemy be conquered, the victorious party cannot return that oppressed people to the bondage from which they have rescued them. I wish gentlemen would read what Vattel says upon this subject. I wish the gentleman from New York, especially, would read the remark of Vattel, that one of the most glorious consequences of victory is giving freedom to those who are oppressed." "I agree to it," replied Mr. Diven. "Then how is it," asked Mr. Stevens, "that if we are justified in taking property from the enemy in war, when you have rescued an oppressed people from the oppression of that enemy, by what principle of the law of nations, by what principle of philanthropy, can you return them to the bondage from which you have delivered them, and rivet again the chains you have once broken? It is a disgrace to the party which advocates it. It is against the principle of the law of nations. It is against every principle of philanthropy. I, for one, shall never shrink from saying, when these slaves are once conquered by us, 'Go and be free.' God forbid that I should ever agree that they should be restored again to their masters! I warn Southern gentlemen, that, if this war is to continue, there

CHAPTER XIX.

REGULAR SESSION. — MESSAGE, AND REPORTS OF THE DEPARTMENTS.

Important meeting. — War accepted. — President's message. — Undefined policy on the slavery issue. — Hopeful. — Report of Secretary of War. — Great and rapid increase of the army. — Congratulations. — Bull Run. — No ground for discouragement. — Sanitary agencies. — Escaping slaves. — Report of Navy. — Three lines of operations. — Wide field. — Large additions. — Fugitives. — Report of Treasury. — Elaborate. — Plans announced and reasons. — Great success in raising means. — Loans. — Taxation. — Economy enjoined. — Income tax. — National banks. — Unfounded expectations. — Hopes.

It is to express the thought tamely to say that the American Congress never assembled under circumstances more profoundly solemn and significant than when it came together on the 2d of December, 1861, — never when questions more pregnant and difficult of solution were to be answered. A year previous it had met at a time, perhaps, of more vivid alarm and immediate anxiety in view of the approaching tempest, whose mutterings, yet at a distance, were rapidly advancing. At the special session in July the storm had, indeed, burst; but, as compared with subsequent developments, it was of small dimensions and slight severity, hardly more than a premonition and menace of approaching danger, — the skirmish of the advance-guard of the army behind, while of the size of that army, and of the duration of the war it was inaugurating, men knew nothing, and scarcely dared conjecture; though, it may be added, their wildest apprehensions fell far short of the actuality afterward realized.

Now the war had not only been declared, but had been in progress two thirds of a year. The people, having gradually though reluctantly relinquished all idea of further compromise,

had been forced to the conclusion that what could not be settled by diplomacy must be submitted to the arbitrament of the sword, and that the war must now be fought to the bitter end. There had been battles, too, whose unsuccessful results had greatly increased the general solicitude, and deepened impressions of danger, and of the magnitude of the work in hand. The character of the war was becoming more and more apparent, the real issues involved more plainly seen, the positions of those who claimed neutrality more manifestly untenable, and the impossibility of saving the Union, and at the same time protecting slavery, which was seeking its destruction, was seen to be increasingly evident. In seeking, therefore, peace, and a practical solution of the troublesome questions at issue, the minds of the dominant party had taken more intelligent views of the great controversy, and were reaching more or less rapidly two positions which were new, startling, and in the minds of many subversive not only of the hitherto avowed policy of the war, but of the very principles of constitutional government. These two positions were, first, the assumption that slavery was the cause of the trouble, that its interests were of secondary importance, and that it should be treated as subordinate to the higher claims of the country and its preservation; and, second, that the Constitution was of less importance than the Union, that the infractions of the former were less perilous than the rupture of the latter, and that the provisions of even the organic law of the government must be silent in the presence of the supreme law of the nation's safety. But this was untrodden ground, and opened an unexplored region, where they were compelled to move without the lights of precedents or the landmarks of former legislation. That they made mistakes, both the President and Congress, that they did not always see alike may be readily admitted without calling in question either their honesty or their sagacity. No wisdom, unless more than human, was adequate to the fearful exigencies through which they were passing.

The message of the President was particularly calm and dispassionate. Much of it would have been entirely appropri-

ate to times of profoundest peace; though he did not, of course, ignore the subject that was uppermost in every mind. Referring to Rebel efforts to secure foreign recognition, he spoke of "the ruin of our country offered" by disloyal citizens for "the aid and comfort which they have invoked abroad" as having "received less encouragement and patronage than they probably expected." Of the promptness of the people in furnishing men for the army he expressed his great gratification, affirming that "the number of troops tendered greatly exceeds the force authorized by Congress"; while he spoke of the operations of the Treasury as "having been conducted with signal success." Of naval affairs he spoke hopefully, adding "that it may almost be said a navy has been created and brought into service since our difficulties commenced." Referring to slaves who, having been freed by the confiscation act passed at the special session, "must be provided for in some way," and to the possibility that others might be released by similar enactments in some of the States, and "thrown on them for disposal," he recommended that some plan of colonization should be formed for them, as also for any other "free people of color already in the United States." Concerning the policy of freeing the slaves of Rebel owners, though saying that "the Union must be preserved, and hence all indispensable means must be employed," he added, as very clearly indicating the drift of his thought and purposes upon the subject: "We should not be in haste to determine that radical and extreme measures, which may reach the loyal as well as the disloyal, are indispensable," so fearfully did the Southern Unionists, at least large numbers of them, embarrass the government in that hour of supreme peril. Though their loyalty depended so largely on the conservation of the slave system, it was deemed in the highest degree important to conciliate and commit them to the Union cause. And yet to do it required a course upon the part of the government that seemed to many equivocal and vacillating, breathing too much of policy and too little of principle, as ready to surrender the just claims and primal rights of the many to the imperious and wicked demands of the few.

Saying that "the war continues," and that "the last ray of hope for preserving the Union peaceably expired at the assault upon Fort Sumter," he added: "What was painfully uncertain then is much better defined and more distinct now; and the progress of events is now in the right direction." He referred to the strong hopes entertained by the Rebels of Northern aid, and the fears of the friends of the Union on the same point, as having been "settled definitely and on the right side." He spoke of the struggles in the three States of Maryland, Kentucky, and Missouri, "neither of which would promise a single soldier at first," and of their having "now an aggregate of not less than forty thousand in the field for the Union." Saying that there was "no armed insurrectionist north of the Potomac, or east of the Chesapeake," and that "the cause of the Union is advancing steadily and certainly southward," he closed with these pregnant words: "The struggle of to-day is not altogether for to-day; it is for a vast future also. With reliance on Providence all the more firm and earnest, let us proceed in the great task which events have devolved upon us."

The report of the Secretary of War not only contained the statistical facts and figures that set forth the condition of the army, its wonderfully rapid growth, and its necessities still unsupplied, but it communicated information and statements, though couched in the prosaic language of a public document, in the highest degree suggestive and sentimental even. Indeed, there is hardly anything in the range of literature more poetic than the simple figures of the Secretary. Thus, after saying that at the opening of the Rebellion the entire military force at the disposal of the government consisted of sixteen thousand and six men, mostly employed at the West, he announced that "we have now an army of upwards of six hundred thousand men." "In April," he said, "seventy-five thousand volunteers were called upon to enlist for three months' service, and responded with such alacrity that seventy-seven thousand eight hundred and seventy-five were immediately obtained. Under the authority of the act of Congress of July 22, 1861, the States were asked to furnish five hundred thousand volun-

teers to serve for three years, or during the war; and by the act approved the 29th of the same month, the addition of twenty-five thousand men to the regular army was authorized." Indeed, so grandly had the country responded that he was enabled to add, "the aggregate force furnished the government, since April last, exceeds seven hundred thousand men." It was with justifiable pride he could add: "We have here an evidence of the wonderful strength of our institutions. Without conscriptions, levies, drafts, or other extraordinary expedients, we have raised a greater force than that which, gathered by Napoleon with the aid of all these appliances, was considered an evidence of his wonderful genius and energy, and of the military spirit of the French nation. Here every man has an interest in the government, and rushes to its defence when dangers beset it. . . . . So thoroughly aroused was the national heart that I have no doubt this force would have been swollen to a million had not the Department felt compelled to restrict it, in the absence of authority from the representatives of the people to increase the limited number." He referred to the effective aid he had received from the "loyal governors," and of "the creditable degree of discipline" the troops had attained in "the short time since they engaged in the pursuits of peace." Describing the magnitude of the conspiracy, "extending over more than seven hundred thousand square miles, with a coast line of three thousand five hundred and twenty-three miles, and a shore line of twenty-five thousand four hundred and fourteen miles, with an interior boundary line of seven thousand and thirty-one miles in length," he added that the effort to restore the Union, "entered on in April last, was the most gigantic endeavor in the history of civil war." He spoke of the "first successes" of the insurgents as resulting from "obvious causes," and of the disaster at Bull Run as "the natural consequence of the premature advance of our brave but undisciplined troops, which the impatience of the country demanded," but as begetting "no discouragement to our gallant people," stimulating, the rather, the massing of a mighty army "eager to precipitate itself upon the foe." The check on the Potomac, he said,

slaves of Rebels, after the close of the war, can be safely left to the patriotism and wisdom of Congress. The representatives of the people will unquestionably secure to the loyal slaveholders every right to which they are entitled under the Constitution of the country." So little did even the leaders comprehend of the real nature of the conflict on which they had entered, or anticipate the actual issues of the strife and the final outcome of the great Rebellion.

The Secretary of the Navy introduced his report by a reference to "three different lines of naval operations, upon an extended scale, demanded by the situation of the country, and which had been entered upon by the Department.

"The closing of all the insurgent ports along a coast line of nearly three thousand miles, in the form and under the exacting regulations of an international blockade, including the naval occupation and defence of the Potomac River, from its mouth to the Federal capital, as the boundary line between Maryland and Virginia, and also the main commercial avenue to the principal base of our military operations."

"The organization of combined naval and military expeditions, to operate in force against various points of the Southern coast, rendering efficient naval co-operation with the position and movements of such expeditions when landed, and including also all needful naval aid to the army in cutting intercommunication with the Rebels and in its operations on the Mississippi and its tributaries."

"The active pursuit of the piratical cruisers which might escape the vigilance of the blockading force and put to sea from the Rebel ports."

This "triple task, more arduous, it is believed, in some respects, than has before been demanded from the maritime power of any government," was at once rolled upon the Department, and at a time, too, when its little navy, intrinsically weak, was made still more so by the perfidious conduct of the conspirators in Mr. Buchanan's Cabinet. So dispersed and dismantled had it been, that "only a feeble force," the Secretary said, "of men and vessels, scarcely sufficient for ordinary police operations, was at that time available on the

long and elaborate report, setting forth with some minuteness of detail, and his reasons therefor, the policy he had recommended, and which had been adopted by Congress, for the important and essential purpose of furnishing funds for the prosecution of the war. After specifying two loans already effected, and the issue of treasury notes that had been limited to fifty million dollars, he said that his "reflections had led to the conclusion that the safest, surest, and most beneficial plan would be to engage the banking institutions of the three chief commercial cities of the seaboard to advance the sums needed, ... to be reimbursed as far as practicable from the proceeds of similar bonds subscribed by the people through the agencies of the National Loan." This plan, which he announced as having been successful, was based upon the hope, he said, "that the capital of the banking institutions and the capital of the people might be so combined with the credit of the government in a proper provision for necessary expenditures, as to give efficiency to administrative action, whether civil or military, and competent support to public credit." Without specifying the particular loans, their amounts and dates, it may be added, as additional reasons given for the policy adopted, that it was "to secure to the people equal opportunity with the banks, for participation in the loan; and to avoid competition between the government and the associated institutions in the disposal of bonds." He then recapitulates, and gives as the result of his efforts in effecting loans and in the issue of treasury-notes that the government on the 30th of November, 1861, had realized the sum, in round numbers, of one hundred and ninety-seven million dollars.

But, while success had thus crowned his efforts in borrowing money, the Secretary was compelled to add that "the receipts of revenue from duties have not, as yet, fulfilled the expectations indulged at the date of the July report." He alluded to a difference of view between Congress and himself, especially in regard to "the diminished duties on tea, coffee, and sugar," as being, "however warranted by considerations of general policy, certainly disadvantageous to the revenue." He also alludes to "the changed circumstances of the coun-

try" as having proved, "even beyond anticipation, unfavorable to foreign commerce."

He then spoke of the great increase of expenditures made necessary by the action of Congress, which, being "animated by a desire for a short and decisive contest, went beyond the recommendation of the President, and authorized the acceptance of volunteers in such numbers, not exceeding five hundred thousand, as he might deem necessary"; of its action in reference to "a large increase of the regular army"; of "the liberal additions made of pay and rations"; and of "additional sums required for the increase of the navy and other purposes." All this made increased appropriations necessary, and accordingly he specified as being required, in round numbers, the sum of two hundred and fourteen million dollars, "beyond the estimates of July."

He urged with great point and pertinacity the importance of "a reduction of expenditure within the narrowest practicable limits." He claimed that "contracts for supplies to the army and navy, as well as for public work of all descriptions, should be subjected to strict supervision, and the contractors to rigorous responsibility." "Unnecessary offices," he said, "should be abolished, and salaries and pay should be materially reduced." This, he argued, would not only lighten the burdens imposed by the war, but exert a moral benefit upon the people of special importance and value. He recommended the confiscation of the property of the conspirators, contending that "the property of Rebels should be made, in part at least, to pay the cost of rebellion."

After saying that, however much might be saved by retrenchment, and however economically the war should be prosecuted, "large sums must remain to be provided for by taxation and loans," he added, "Reflection has only confirmed my opinion that adequate provision by taxation for ordinary expenditures, for prompt payment of interest on the public debt, existing and authorized, and for the gradual extinction of the principal, is indispensable to a sound system of finance. The idea of a perpetual debt is not of American nativity, and should not be naturalized." If, at any time, the exacting

emergencies of war constrain to temporary departure from the principle of adequate taxation, the first moments of returning tranquillity should be devoted to its re-establishment in full supremacy over the financial administration of affairs." He recommended the policy of an income tax, because it "requires largest contributions from largest means." That the sum looked for from taxation, fifty million dollars, was "large," he admitted, but, he added, if the sum is large, the means of the people are also large; and the object to be attained by a consecration of them to the public service is priceless."

Repeating the remark that, after all that could be hoped from taxation the main reliance must be on loans, and saying that "the action of banking institutions in assuming the immediate responsibility of the whole advances hitherto required, as well as the final responsibility of much the largest portion of them, merits high eulogium," he adds, "the prompt patriotism with which citizens of moderate means and workingmen and workingwomen have brought their individual offerings to the service of their country must command even warmer praise."

Saying that "to enable the government to obtain the necessary means for prosecuting the war to a successful issue without unnecessary cost is a problem that must engage the most careful attention of the legislature," and adding that he had given it "the best consideration in his power," the Secretary suggested "two plans": the first "the withdrawal of the notes of private corporations, and the substitution of United States notes, payable in coin on demand"; and the second, what has been familiarly termed the "national bank" theory, which he more minutely described, to which he gave the preference, and which was ultimately adopted.

After giving his estimates of what would be required for the fiscal year ending June 30, 1862, he says, for the fiscal year ending June 30, 1863, "no reliable estimates can be made." He adds, however, notwithstanding the remark that "it is the part of wisdom to be prepared for all eventualities," this hopeful prediction: "It is earnestly to be hoped, and, in the judgment of the Secretary, not without sufficient grounds, that

CHAPTER XX.

BLACK CODE. — COUNTY JAIL. — SCHOOLS IN THE DISTRICT OF COLUMBIA.

National responsibility. — Infamous laws. — Mr. Wilson's bill. — Wilmot. — New section. — Bill passed. — County jail and its disgraceful condition. — Testimony of Wilson and Sumner. — Wilson's resolution. — Fessenden, Hale. — Mr. Clark's resolution. — Bill of Mr. Grimes. — Democratic opposition. — Powell, Pearce, Carlile. — Bill for new warden. — House. — Bingham's resolution. — Marshal Lamon. — President's order. — Enforced ignorance. — Disgraceful and unjust laws. — Mr. Grimes's bill. — Passage. — Lovejoy's supplementary bill. — Miss Miner's school. — Bill for incorporation. — Debate. — Grimes, Morrill. — Passage of Grimes's bill for education in the county. — Mr. Patterson. — Bill passed.

No complete and adequate estimate of the enormities of the slave system and of the guilty participancy of the nation therein can be formed without a knowledge of the black code of the District of Columbia, of that portion especially which lies on the left bank of the Potomac, embracing the cities of Washington and Georgetown. Coupling that knowledge with the facts that the Constitution gives to Congress "the power to exercise exclusive jurisdiction in all cases whatsoever"; that here the government has been domiciled, and for half the year representatives from all parts of the country have made it their home, and have been, of course, cognizant of its internal polity; and that no laws respecting it have validity without their sanction, — and you have materials, to be found perhaps nowhere else, for judging of the nation's complicity and consent, in spirit and purpose, in the matter of slavery, and of its consequent responsibility for the grave offences to which it has given rise.

Lying at its foundation was the act of 1801, continuing in force, for the new republic, the barbarous laws of the colony

of Maryland, though they were enacted in the darkest hour of its early history, when the mother country, fully and openly committed to slavery and the slave-trade as a source of profit and national revenue, proclaimed it a traffic not to be restrained, but cherished and protected. These laws, sufficiently barbarous for any age or any people, seem almost if not altogether to have been conceived and constructed by men without belief or conception of human rights, if not completely oblivious of all moral distinctions. As if color completely dehumanized the black man, and he had no rights the white man was bound to respect, these laws not only held in rigorous bondage those already enslaved, but reduced to slavery free persons of color for several specified and often most trivial offences. They hampered, too, and hedged around the slave-masters with arbitrary provisions against granting their slaves even the most moderate privileges to lighten their burden and relieve in the least their "dull monotony of gloom."

Illustrations are only too numerous. Thus, if one was "to allow his slave to raise cattle or hogs as the proper right of such slave, he shall pay five hundred pounds of tobacco"; if any one should "trade or barter with a slave without license of the owner, he shall pay two thousand pounds of tobacco"; and if one should harbor a runaway, or one who had "rambled" from his owner, "during an hour or longer," he should be fined one hundred pounds of tobacco, or, in default of that, he should be "whipped on his or her bare back, not exceeding thirty-nine stripes for any one offence." But if one should return such runaway he should receive two hundred pounds of tobacco, to be collected from the owner. If a slave should be guilty of the seemingly small offence of rambling, going abroad in the night, and riding horses in the daytime without leave, he should be "punished by whipping, cropping, and branding with the letter R." If a slave should strike a white man, he should be "cropped." A slave convicted of petit treason, arson, or murder should have "his right hand cut off; be hanged in the usual manner; the head severed from the body, the body divided into four quarters; the head and quarters set up in the most public places of the country."

A person "stealing a slave, or being accessory thereto, and being convicted, or who shall obstinately or of malice stand mute, shall suffer death without benefit of clergy." Runaway slaves refusing to surrender and making resistance, "it shall be lawful to shoot, kill, and destroy"; and any one thus shooting and killing "shall be indemnified from any prosecution for such killing"; and the value of such slave shall be paid by "the treasurer of the province out of the public stock." And these laws, and such as these, were standing on the statute-book of the District, for which Congress was openly and directly responsible, in the year of grace 1862.

After the adoption of the Constitution, and the District had been ceded to the government, the enactments were not as brutal and sanguinary, for, the former remaining in force, more of the same character were not needed; but the latter, like most of the slave codes, were restrictive and repressive, galling and crushing, — galling to every human and humane sensibility, crushing out everything like self-assertion, self-reliance, and self-respect. Not only were the slaves compelled to bear the burden of unremitting and unpaid toil, wanton contempt and insult, the lash of passion and of unsatisfied exaction, but whichever way they turned they encountered some statute designed to come in conflict with their free will and to deprive them of some just privilege. Under an act of Congress, adopted as late as 1820, granting and defining the powers of the corporation of Washington, a slave might be whipped for breaking a street lamp; tying a horse to any of the trees of the public grounds; injuring a house or any of its appendages; offending against any of the laws of the public markets; setting fire to straw or shavings after sundown; sending off crackers within a hundred yards of a dwelling-house, flying a kite, or bathing in the canal; and for being present at any assemblage, except a religious meeting led by a white man, and terminated before half past nine o'clock. Free negroes or mulattoes were compelled to prove their freedom, and enter into bonds, with five good sureties; or, in default of which, to pay a fine of one thousand dollars, and be sent to the workhouse. Persons of color, free or slave, visiting the capitol

grounds without necessary business, and refusing to depart, were fined twenty dollars, or confined to hard labor for thirty days for each offence. A free colored person found in the street after ten o'clock P. M., without a pass from a white person, was fined and locked up till morning; for receiving an antislavery paper he was fined twenty dollars, committed to the workhouse, and his sureties rendered void. A slave receiving such paper was to be punished with thirty-nine stripes. Under the same act, the corporation might license persons to engage in the domestic slave traffic by paying the sum of four hundred dollars.

On the 24th of February, 1862, Mr. Wilson, in pursuance of previous notice, introduced a bill for the repeal of these and other laws and ordinances of the District respecting people of color. Briefly reciting what it was proposed to repeal, he said: "Such, Mr. President, are the laws enacted or permitted by this Christian people, this republican government. A sense of decency should prompt Congress to erase these laws and ordinances from the statutes of the Republic." Mr. Wilmot expressed the conviction that the abolition of slavery, as the more comprehensive measure, would cover the whole ground. "It embraces," he said, "the bill of the Senator from Massachusetts; it embraces every question that can be raised on this subject." Mr. Wilson, however, expressed the idea that his bill was supplementary and necessary, as indeed "only following up that bill and repealing the black code of the District, — the laws applicable to all persons of color in the District." The bill was then referred to the Committee on the District of Columbia.

Subsequently, in the May following, during a debate on an educational bill in behalf of the people of color in the District, the Committee on the District of Columbia not having reported on the black code, which had been referred to it, Mr. Wilson introduced a new section to the bill under consideration; designed to cover other abuses and to remove other evils than those relating to schools. He thus explained its design and import: "We have some laws that everybody admits are very oppressive upon the colored population of this District; some

of them old laws made by Maryland; others, ordinances of the cities of Washington and Georgetown. As we are now dealing with their educational interests, I think we may as well at the same time relieve them from these oppressive laws, and put them, so far as crime is concerned, and so far as offences against the laws are concerned, upon the same footing, and have them tried in the same manner, and subject them to the same punishments, as the rest of our people."

The amendment provided that all persons of color should be amenable and subject to the same laws and ordinances to which white persons were amenable and subject; that they should be indicted, tried, and punished in the same way; and "that all acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed." The amendment was accepted, the bill, as amended, was passed; and thus by this simple act were swept from the statute-book of the District those terrible laws with their consequent abuses which had so long oppressed and distressed a prostrate race, disgraced and debauched the nation, and made the great Republic a byword and reproach throughout the civilized world, not only on account of their intrinsic inhumanity and injustice, but because of their glaring and mocking inconsistency with its vaunted principles of human equality and self-government.

Closely connected, if not as cause and effect, perhaps better, as the correlated results of a common cause, were this black code, the county jail of the District, and its fearful abuses. While the former revealed the spirit and purpose of those who accepted slavery with its natural conditions and concomitants, the latter disclosed its practical results and the utter heartlessness and cruelty of a people growing up and living where it was admitted as a dominant and controlling force. This idea was well expressed by Mr. Sumner in his remarks upon a resolution introduced by his colleague, Mr. Wilson, on the 4th of December, 1861, directing the discharge of all "persons claimed as fugitives from service or labor, confined in the county jail in the District of Columbia." "There is," he said, "a black code in this District, derived from the old legislation of Maryland, which is a shame to the civilization of

of four, and I never would have consented that one of them should be there if his life was to be perilled, exposed to sickness or other dangers, under the authority of men who ordered him to arrest fugitive slaves and return them to their masters."

"I am very glad," said Mr. Hale of New Hampshire, "that this report has been made and presented here, because it will help to answer a question that was put to me a great many times long and long ago, — what the North had to do with slavery. I think, when the Northern States find out that they are supporting here in jail the slaves of Rebels who are fighting against us; that we are keeping at the public expense their slaves for them until the war is over, — it will have a tendency to enlighten some minds in regard to the proper answer to that question. If there be any duty which this Congress owes to humanity and to itself, it is to look into the administration of justice in this District, and to see to it that those who have been ground to the earth heretofore may not be ground still more under your auspices and your reign."

Other resolutions of similar tenor were introduced. Among them one by Mr. Clark of New Hampshire, calling upon the marshal of the District to inform the Senate upon what authority he received the slaves of masters for safe-keeping in the county jail. On the 6th of January, 1862, Mr. Grimes of Iowa reported a bill for the removal of the abuses complained of, and for the better definition of the principles and rules to be adopted for the government of those who had the jail in charge. In his speech accompanying its introduction he said: "I am not very fresh in my reading of history; but, from my recollection of the descriptions of prisons I have read of, I think that there never was a place of confinement that would be compared with the Washington jail as it was at the commencement of the present session, except the French Bastile and the dungeons of Venice. When I visited the jail the other day, I had hardly entered the threshold before a colored boy stepped up to me, and tapped me on the shoulder. He happened to know who I was. Said he, 'I have been here a year and four days.' I asked him for what offence. He said

In the House a resolution was introduced by Mr. Bingham, on the 9th of December, forbidding the imprisonment of fugitives or any claimed as fugitives in the county jail, and making any such imprisonment a misdemeanor. It was referred to the Committee on the Judiciary; but it was never reported, and the House took no action upon the subject. But the exposure of the shameful condition of affairs brought redress and reform, the executive department of the government taking the matter in hand.

Among those who had gained the most unenviable reputation for his superserviceable zeal in behalf of the slavemasters was Marshal Lamon. In the absence of any legislative action for the abatement of these abuses, the President asserted his authority, and on the 25th of January, 1862, the Secretary of State addressed to the marshal an order, informing him that the President, being satisfied that by so doing he should "contravene no law in force in the District," instructed him not to "receive into custody any persons claimed to be held to service or labor within the District or elsewhere, not charged with any crime or misdemeanor, unless upon arrest or commitment pursuant to law"; and that those thus arrested were not to be detained more than thirty days, "unless by special order of competent civil authority."

But the infamous black code and the horrible condition of its jail were not the only evidences of slavery and of its doings at the capital of the nation. An army of more than three thousand colored children and youth, growing up in enforced ignorance and vice, presented a picture not only dark and revolting in itself, but made blacker and more hideous by the background of injustice and meanness it bespoke in the white population, who not only refused to make provision for their education, but took and appropriated nearly four thousand dollars from taxes paid by the colored population for the support of schools from which their own children were excluded. Nor was this a sin of ignorance. The victims had friends, though few, yet sufficient in numbers and earnest in purpose, to remind Congress of this unjustifiable and unmanly policy.

Among the efforts which were early made, after the secession of the Southern members, to reform these abuses and to relieve the government of its guilty remissness toward the colored people, was a bill, introduced into the Senate by Mr. Grimes on the 29th of April, 1862, to provide for the education of colored children in the city of Washington. Explaining the bill and its provisions, he recited the facts, and stated its purpose to be an enactment that the tax levied on the property of colored persons should be used exclusively in the education of colored children. The bill was amended and became the subject of debate. As amended, it made it the duty of the municipal authorities of Washington and Georgetown to set apart ten per cent of the taxes paid by the colored people, for the purpose of initiating a system of primary schools for the education of colored children. This, with such sums as might be contributed by benevolent persons for the same purpose, was to be expended and controlled by the board of trustees of public schools. As amended, it was passed by a vote of twenty-nine to seven. In the House it was passed without amendment, debate, or division, and was approved by the President on the 21st of May, 1862.

A few weeks later Mr. Lovejoy of Illinois introduced a bill, supplementary to the one already passed concerning the schools for the education of colored children in the cities of Washington and Georgetown, by which the duties imposed upon the board of trustees by that act should be transferred to a new board of three, whose names were inserted, "and their successors," who should have the same powers and duties in regard to the colored children which belonged to the trustees of the public schools in those cities. The bill was passed in both houses without division.

On the 17th of February, 1863, Mr. Wilson introduced a bill into the Senate to incorporate "the institution for the education of colored youth," to be located in the District of Columbia. This institution was the outgrowth of Miss Miner's school for girls, which, from small beginnings, by her unwearied labors, aided by the countenance and gifts of sympathizing friends and patrons, had achieved so much of success

and gave such promise of further usefulness as to both demand and merit this recognition of the general government. It was referred, reported without amendment, and on the 27th was made the subject of debate. But, like every subject in which the interests of the colored people were involved, it gave occasion to Southern members to vent their spleen and to show their inhumanity. Mr. Carlile of Virginia petulantly and spitefully asked whether "these negroes cannot be educated without an act of incorporation." He declared, too, that he could not "see any very good reason why the government of the United States should enter upon the scheme of educating negroes." Referring to the general assumption in the free States that education should accompany the right of suffrage, he said loftily, and with a supercilious sneer, that he presumed "we have not reached the point where it is proposed to elevate to the condition of voters the negroes of the land." He discarded, too, the principle of all government aid for schools, contending that the education of the rising generation should be left to parental support and care. Mr. Davis of Kentucky coupled his opposition with ridicule, and expressed his apprehension "that if the subject of negroes is handled much longer in the Senate there is very great danger that some Senators would be turned to negroes."

In response, however, to these arguments and appeals, sneers and insinuations, Republican members answered with becoming dignity and point. "I thank God," said Mr. Grimes, "that I was raised in a section of the country where there are nobler and loftier sentiments entertained in regard to education." Saying that those he represented believed that all human beings were "accountable," that every man should be able to read the law by which he is governed, should be able to "read the Word of God, by which he should guide his steps in this life and shall be judged in the life to come," he added that they believed in education "to elevate the human race," and to "keep our jails and our penitentiaries and our almshouses free from inmates."

Mr. Morrill of Maine, expressing his great surprise that "the Senator from Virginia puts his opposition upon the

set free in our midst. The question now is, What is our first duty in regard to them? . . . . I think there can be no difference of opinion on this, that it is our duty to give to this people the means of education, that they may be prepared for all the privileges which we may desire to give them hereafter."

The Senate accepted the House amendment and passed the bill. It received the President's signature on the 25th of June, 1864. By this enactment nearly four thousand children, instead of living in enforced ignorance, with no provision for their education, compelled to stand by and see those with lighter complexion, and because of that complexion, attending schools from which they were excluded, though supported, in part at least, from taxes paid by their own parents, were advanced at once to the same privileges and permitted to claim by law what had been for generations so wickedly and so meanly withheld.

this felt by the friends of freedom, that petitions to Congress and motions for the abolition of slavery in the District of Columbia were for thirty years among the prominent and persistent measures of the antislavery movement. But the tyrannical oligarchy, appreciating the vast value of such a standing testimony by the general government in behalf of slavery, always made it a condition precedent of allegiance to a national party that slavery should not be interfered with in the District. It was "so nominated in the bond"; it was "the pound of flesh" to be insisted on at all hazards. Deaf to all entreaties, impervious to all appeals, with inexorable pertinacity, it used its political power to protect it, and to shield it from every assault.

Among the early fruits of the secession of the propagandists from their seats in Congress were efforts by the friends of freedom in that body to remove this great offence, and wipe away the stain that had so long disgraced the nation. On the 4th of December, 1861, immediately after the announcement of the standing committees, Mr. Wilson introduced into the Senate a resolution, that all laws in force relating to the arrest of fugitives from service, and all laws concerning persons of color within the District, be referred to the Committee on the District of Columbia; and that the committee be instructed to consider the expediency of abolishing slavery in the District, with compensation to loyal holders of slaves. The committee to which this resolution was referred consisted of Grimes, Dixon, Morrill, Wade, and Anthony, Republicans; Kennedy and Powell, Southern Democrats. Of these, Grimes, Morrill, and Wade were pronounced antislavery men; Dixon and Anthony were regarded as conservative Republicans; Kennedy was a representative of the respectable Whigism of a Southern border State, but was soon borne into the ranks of the Democracy; and Powell, an earnest and able advocate of the slaveholding school, was soon to become identified with the Rebel cause. On the 16th Mr. Wilson introduced a bill for the immediate emancipation of the slaves of the District; for the payment to their loyal owners of an average sum of three hundred dollars; for the appointment of a commission to

assess the sum to be paid; and the appropriation of one million of dollars. This bill was reported back on the 13th of February, 1862, with amendments. On the 24th he introduced a bill which, he said, was supplementary to that already before the Senate, to repeal the act extending the laws of Maryland over the District, and to annul all those statutes which gave the cities of Washington and Georgetown authority to pass ordinances discriminating against persons on account of color. On the 12th of March it came up for debate in committee of the whole.

The debate on these resolutions, the bill, and other cognate measures exhibit elements of interest hardly found in any other session of the American Congress on record. It was emphatically a new departure. New facts, new arguments, new modes of speech, and, above all, a manifest emancipation of the Northern mind and tongue from the painful thraldom in which they had always been held, give it a character peculiarly its own. While it is difficult to prevent feelings of sympathy for those called to confront the grim realities of the occasion, the war assuming every day more and more gigantic proportions, the fearful questions its continuance and prosecution were forcing upon them, and the increasing difficulty of giving those questions practical and satisfactory answers,—these feelings are largely mingled with those of gratulation that its members were really ignorant of the extreme gravity and pregnant issues of the hour. A blindness, no doubt kindly given, hid from their view what, clearly seen, would have appalled; and their ignorance relieved them from a pressure they could have hardly borne, had they fully comprehended the momentous issues involved in the questions discussed, and the consequences dependent upon the conclusions reached. No longer hampered by the compromises of the Constitution and their acknowledged allegiance to their "Southern wing," rid of the hateful espionage of their Southern "brethren," whose prejudices and fancied interests must be consulted at all hazards and at almost every sacrifice, Northern members snuffed the air of freedom from coming events, though profoundly ignorant of those events, and spoke, as never before, with un-

bated breath and unwonted self-assertion. And yet they spoke with no double meaning, nor did they cloak ulterior purposes under pretences of local and immediate results. Though accused by Southern men of making it an entering wedge of something more comprehensive and radical, — in the language of Mr. Willey of Virginia, "a part of a series of measures already initiated, all looking to the same ultimate result, the universal abolition of slavery by Congress," — they meant only the abolition of slavery in the District of Columbia, ridding the Federal capital of its guilt and odium, and absolving the nation of its past complicity therein. In the advocacy of this particular measure they indeed enunciated principles of wider application, principles that would logically lead to general emancipation, and no doubt many hoped to see such a result in due time; but then their immediate object was the simple removal of slavery from Washington and its environs. In the debate, too, was witnessed, with much that was earnest and impassioned, the absence, already noted, of any definite and comprehensive policy. If not groping, they were feeling their way in the new and untried circumstances in which they were placed. The friends of freedom spoke for the bill, and enunciated many grand and pregnant principles; the advocates of slavery, still remaining in Congress, opposed it, and with ill-concealed dread of the future, deprecated everything that threatened harm to their cherished system; while the larger number between these extremes revealed their state of incertitude and doubt by the tentative and ill-digested suggestions that fell from their lips.

In favor of the bill, Mr. Wilmot spoke of the great importance of improving the opportune moment, saying, "We should be the most derelict in our duty of any body that ever sat in the seats of power, if we adjourn this Congress without the abolition of slavery in the District of Columbia." Mr. Wilkinson of Minnesota spoke of the existence of slavery in "the capital of this free Republic" as "an insult to the enlightened public sentiment of the age." He spoke of "the contumely and contempt" with which "the representatives of the loyal and free North were treated for the performance of

whole brood of brutal, vulgar, and indecent statutes; and if this bill shall become the law of the land, it will blot out slavery forever from the national capital, transform three thousand personal chattels into freemen, obliterate oppressive, odious, and hateful laws and ordinances, which press with merciless force upon persons, bond or free, of African descent, and relieve the nation from the responsibilities now pressing upon it."

The bill, however, encountered bitter opposition from the slaveholders and their sympathizers, who thus not only revealed the alarm and intense hatred that rankled within of everything just and equal, but foreshadowed much that subsequent events soon developed. Among them the most violent and rancorous was Garrett Davis of Kentucky. "You have originated," he said, "in the northeast Mormonism, and free love, and that sort of ethereal Christianity which is preached by Parker and by Emerson and by others, and all sorts of mischievous isms; but what right have you to force your isms on us? What right have you to force your opinions on slavery or upon any other subject on an unwilling people? What right have you to force them on the people of this District? Is it from your love to the slaves, your devotion to benevolence and humanity, your belief in the equality of slaves with yourselves? Why do you not go out into this city and hunt up the blackest, greasiest, fattest old negro wench you can find and lead her to the altar of Hymen?" In a similar, though more decorous strain asked Mr. Kennedy of Maryland: "Why seek to impose on us principles and measures of policy which we do not want, and which tend only to still derange and embarrass us, — tend further to surround us with complicated questions from which we have no escape?" Without disguise he revealed his apprehension of the effect upon his State of such a movement in the District as he impatiently inquired: "What possible benefit can occur to the North by the abolition of slavery in this District, when it is to be so deleterious and so injurious in its results to a sister State of the Union? What earthly consideration of good is to result to the people of the North, that does not bring a tenfold corresponding evil,

not only upon the people here, but upon the people of my State?" "Senators," exclaimed Mr. Saulsbury of Delaware, "abandon now, at once and forever, your schemes of wild philanthropy and universal emancipation; proclaim to the people of this whole country everywhere that you mean to preserve the Union as established by the fathers of the Republic, and the rights of the people as secured by the Constitution they helped to frame, and your Union can never be destroyed; but go on with your wild schemes of emancipation, throw doubt and suspicion upon every man simply because he fails to look at your questions of wild philanthropy as you do, and the God of heaven only knows, after wading through scenes before which those of the French revolution 'pale their ineffectual fires,' what ultimately may be the result." "I regard the bill," said Mr. Powell of Kentucky, "as unconstitutional, impolitic, unjust to the people of the District of Columbia, and in bad faith to the people of Virginia and Maryland." Bayard of Delaware deprecated its passage as "deleterious, and most deleterious first to the city of Washington, next to the State of Maryland, then to the State of Virginia, and then, by the effect of its indirect influence, to the State of Kentucky and the State of Missouri; and if you succeed by force of arms in compelling the other slaveholding States to return to the Union, the effect will permeate through the entire mass of those States."

Another form of opposition was that of proposed amendments, factious or other, designed to embarrass or defeat. Among them was one, offered by Mr. Davis, that all persons liberated by this act should be colonized out of the United States, and that a hundred thousand dollars should be appropriated for that purpose. In defence of this amendment he made a furious speech. Mr. Doolittle of Wisconsin having moved as an amendment that only those should be colonized who "desired to go," he replied, and in his reply enunciated sentiments, feelings, and purposes with which the nation afterward became too painfully familiar. "I am better acquainted," he said, "with negro nature than the honorable Senator from Wisconsin. He will never find one slave in a hundred that will consent to be colonized when liberated. The liberation of

slaves in this District and in any State of the Union will be just equivalent to settling them in the country where they live; and whenever that policy is inaugurated, especially in the States where there are many slaves, it will inevitably and immediately introduce a war of extermination between the two races. . . . . The negroes that are now liberated, and that remain in this city, will become a sore and a burden and a charge upon the white population. They will be criminals. They will become paupers." And "the power which undertakes to liberate them ought to relieve the white community in which they reside. . . . . Whenever any power, constitutional or unconstitutional, assumes the responsibility of liberating slaves, where slaves are numerous, they establish as inexorably as fate a conflict between the races that will result in the exile or extermination of the one race or of the other." Assuming the office of prophet, he predicted that no Southern State would "submit to have those slaves manumitted and left among us." He declared, too, that the moment "you reorganize the white inhabitants of those States as States of the Union, they would reduce those slaves again to a state of slavery, or they would expel them and drive them upon you or south of you, or they would hunt them like wild beasts, and exterminate them. . . . . I know what I talk about. Never, never will they submit, by unconstitutional laws, to have their slaves liberated and domiciled with them; and the policy that attempts it will establish a bloody La Vendée in the whole of the slave States, my own included." This foreshadowing of the fiery Southron subsequent events have shown to be only too faithful, while lack of power has alone prevented the accomplishment of what he claimed to "know" would follow the policy of emancipation. Mr. Saulsbury favored the idea of uniting colonization with the emancipation, but he denied the "constitutional" right of Congress to do either, and avowed his purpose to vote against both the amendment and the bill.

Mr. Hale of New Hampshire made a very forcible speech in favor of the bill, in which he criticised with becoming dignity the too general practice of arguing and deciding the question

and striking thoughts. It of course encountered opposition; but that only served to render the debate more pointed and piquant. Mr. Crittenden deprecated the "mischief" the measure must produce. It would create, he said, "discontent" and be regarded as "an augury of what is to come afterward." Mr. Wickliffe of Kentucky opposed the amendment that no witness should be excluded "on account of color," and expressed the hope that the friends of the bill would "not so far outrage the laws of the District as to authorize slaves or free negroes to be witnesses in cases of this kind." He also moved the amendment, or substitute, offered in the Senate by Mr. Wright, providing for the gradual extinction of slavery. Mr. Vallandigham, after saying that there were not ten men in the XXXVIth Congress who would have recorded their votes in favor of the measure, added: "We have this bill brought forward as the beginning of a grand scheme of emancipation; and there is no calculation where that scheme will end." Mr. Wickliffe's amendment received but thirty-four votes.

Mr. Bingham of Ohio spoke eloquently, and with more than his usual force and fervor. "We are deliberating," he said, "upon a bill which illustrates the great principle that this day shakes the throne of every despot on the globe; and that is whether man was made for government, or government was made for man. Those who oppose this bill, whether they intend it or not, by recording their votes against this enactment, reiterate the old dogma of tyrants, that the people are made to be governed, and not to govern. I deny that proposition. I deny it because all my convictions are opposed to it. I deny it because I am sure that the Constitution of my country is against it. I cannot forget, if I would, the grand utterance of one of the illustrious men of modern times, — of whom Guizot very fitly said that his thoughts impress themselves indelibly wherever they fall, — standing amid the despotisms of Europe, conscious of the great truth that all men are of right equal before the law, that thrones may perish, that crowns may turn to dust, that sceptres may be broken and empires overthrown, but that the rights of men are perpetual, who proclaimed to

this provision of the Constitution here upon the hearthstone of the Republic, where the jurisdiction of the government of the United States is exclusive, without State limitation, this sacred guaranty of life and liberty and property to all, has been wantonly ignored and disregarded as to a large class of our natural-born citizens."

This measure, said Mr. Van Horn of New York, "needs no defence. Upon its face it bears the marks of humanity and justice. Every line and every syllable is pregnant with a just and true sentiment, and already hallowed with the sublime spirit of a noble purpose. Throughout there breathes a spirit akin to that which runs through all the wonderful teachings of Him who spake as never man spake, and inspired the hearts of those whose immortal sayings will outlast all the monuments that time can erect." "The struggles and hopes of many long years," said Mr. Ashley of Ohio, "are centred in this eventful hour. The cry of the oppressed, 'How long, O Lord, how long?' is to be answered to-day by the American Congress. . . . . The golden morn, so anxiously looked for by the friends of freedom in the United States, has dawned. A second national jubilee will henceforth be added to the calendar."

"A great truth," said Mr. Riddle of Ohio, "is weakened by what men call elucidation. Illustration obscures it; logic and argument compromise it; and demonstration brings it to doubt. He who permits himself to be put on its defences is a weak man or a coward. A great truth is never so strong as when left to stand on its simple assertion." Mr. Fessenden of Maine, saying the time for discussion had passed, added: "The hour in which to put upon the bill the seal of the nation has come. I trust it is indeed the harbinger of that brighter, brightest day at hand, when slavery shall be abolished wherever it exists in the land. This will be the one finality which will give us a righteous and a lasting peace."

"Our fathers," said Mr. Hutchins of Ohio, "honestly supposed that slavery would disappear before the march of Christian civilization. They were mistaken. While we strive to imitate their wisdom, and seek to emulate their patriotism, let

us be warned by their mistake. This bill will make the national capital free; and then the statue of Liberty, fashioned by our own Crawford, will be a fitting monument on the finished dome of the capitol." "It is our duty to abolish slavery here," said Mr. Blake of the same State, "because Congress, by the Constitution, has the power to do it; and slavery being a great wrong and outrage upon humanity, we should at once do right, and pass the bill. . . . . That it will elevate us in the eyes of all civilized nations, is not doubted; that it will awaken a thrill of patriotic pride and enthusiasm in the great heart of the nation, no man doubts."

"It is one of the most beautiful traits of human nature," said Mr. Rollins of New Hampshire, "that while the sons of men are struggling to bear the burdens of human life, and perform the works assigned to our common nature, they sometimes step aside, or stop in their way, to minister to the wants of the needy who, sitting by the wayside, lift their eyes and hands to beg for charity. This nation, which, like a giant, walks along the pathway of nations, girded as with iron, sternly to meet and overwhelm its fratricidal foes, while marching steadily on to its work, feels it no hindrance to listen to the humble cry of a few hundred of its feeblest children who grind in the prison-house of its deadly foe."

The temper and purpose of the House were also indicated by several amendments that were proposed, and the votes thereon. Mr. Wright, a Democratic member from Pennsylvania, moved an amendment, providing that the act should not go into operation unless a majority of the qualified voters shall "approve and ratify the same." His amendment did not pass; nor did it escape the keen satire of his colleague, Thaddeus Stevens, who recommended a like "amendment to another document." "It is somewhere provided," said Mr. Stevens, "that the wicked shall be damned. I would suggest to my colleague that he propose a proviso to that, 'providing that they consent thereto.' It would be just as decent an amendment as the one which he has proposed." Mr. Wadsworth moved to strike out the phrase "loyal to the United States," but this motion was rejected. Mr. Train of Massa-

chusetts moved that any person "feeling himself aggrieved" by the award of the commissioners should be entitled to an appeal to the Circuit Court. His amendment was lost by a vote of fifty-three to sixty-three. Mr. Harding of Kentucky moved to strike out the proviso limiting the sum appraised to three hundred dollars. "You do not consult the people of the District," he said, "as to whether they are willing to sell or not. Not at all. You have the power to buy, and you will buy; you have the power to fix the price, and you will fix it." "The gentleman," said Mr. Lovejoy in reply, "thinks it is worse to take a thing for one half of its value than it is to rob a man of his property outright, if I understood his remarks. I wonder which is worse, to rob a man of his horse or to rob him of his wife and child? That is the question I would like to ask him." Referring to a case of slaveholding atrocity which had just transpired in the District, he said: "And yet here brazen men stand up and talk about robbing, because we give only three hundred dollars apiece, on an average, to deliver these poor oppressed beings from a condition of brutism." The amendment was lost, as also another offered by Mr. Menzies of Kentucky, proposing a scheme of gradual emancipation. The bill then passed the House by a vote of ninety-two to thirty-eight, and received the approval of the President on the sixteenth day of April, 1862.

The President, in his message accompanying his approval of the bill, had stated some objections to it. These objections were that certain classes, such as married women, minors, and persons absent from the District, were not sufficiently protected and provided for; and he suggested that these defects should be remedied by additional legislation. On the 12th of June Mr. Wilson introduced a bill for the purpose, which was referred to the committee, reported back with amendments, and made the subject of debate on the 7th of July. Mr. Grimes explained its provisions, and after remarks of a few of the members, and the adoption of an amendment offered by Mr. Sumner, that there should be no exclusion of any witness on account of color, the bill was passed by a vote of twenty-nine to six. It was taken up in the House on

CHAPTER XXII.

THE SURRENDER OF FUGITIVE SLAVES BY ARMY OFFICERS.

Repressive character of slavery. — Universal desire to be free. — Escape of slaves to the Union camps. — General Butler. — Contraband of war. — Different policies of different commanders. — Prejudice of soldiers against the negro. — Trying position of the President. — Lovejoy's resolution at extra session. — Regular session. — Resolutions in both houses. — Sumner's resolution. — Cowan's speech. — Mr. Wilson's bill, and action thereon. — Saulsbury's amendment. — Collamer, Wilson, Pearce. — Action in the House. — Bill reported by Blair. — Mallory, Wickliffe, Grider. — Change of policy inevitable. — Speech of Bingham. — House bill in the Senate. — Saulsbury's amendment. — Davis, Anthony. — Bill making new rule of war passed. — Resolution offered by Mr. Wilson. — Debated. — Grimes, Sumner, Saulsbury.

SLAVERY was never without a witness of its restrictive and repressive character. Sometimes, indeed, it had done its work so effectually, and had so thoroughly emasculated the bondman of his manhood, that there appeared the solecism of a contented slave. Either stupefied by its potent poison, or wearing a chain gilded by personal favoritism, he felt not its galling. But such cases were exceptional. Generally the iron of slavery had so entered his soul, that he never failed to feel the unpardonable indignity and wrong inflicted. As with compressed air, and the accumulated waters of a reservoir, there were never wanting tokens of this internal struggle to be free, indications that its victims felt their restraint, revolted against the unrighteous tyranny, and were always ready, if not on the lookout, for some means and way of escape. Not only were there always occurring individual attempts in that direction, but the underground railroad was an organized protest against the government that protected such a system, against laws that so hampered human beings, reduced them to such straits, and made such sacrifices and risks needful for even the chance of regaining their freedom.

When, then, the civil war was raging, which had been inaugurated by the slavemasters for the destruction of the government and the subversion of the very Constitution on which they had hitherto relied for both authority and aid to recover the fleeing fugitive, slaves were not slow to perceive the logic of events, and to hope that in the *mêlée* they might effect their longed-for escape. From the outset there were such escapes, and the fugitives sought refuge within the Union lines, and the question was at once propounded to the government and its ministers, "Shall they, or shall they not, be returned to their masters?" The traditions of the past, the admitted provisions of the Constitution, even the proclaimed policy of the Republican party, pointed to an affirmative reply, while attending circumstances and other considerations pointed more decidedly in the opposite direction, and led finally to the adoption of a different and more worthy policy.

Among the first, perhaps the first, demonstrations of the kind, involving the question, the answer, and the argument somewhat curtly expressed on which that answer was based, was that at Fortress Monroe, in connection with the demand, already referred to, made on General Butler near the outset of the war. Three slaves presented themselves at the general's camp, and informed him that their master, Colonel Mallory, had gone to the Rebel army, and was about to send them to North Carolina to help in building fortifications. General Butler, in need of laborers, set them at work. He was soon waited upon by an agent of their owner, who demanded that they be given up. The general refused. "Do you mean to set aside your constitutional obligations?" inquired the agent. "Virginia passed an ordinance of secession, and claims to be a foreign country," replied Butler. "I am under no constitutional obligations to a foreign country." "You say we cannot secede," replied the agent, "and so you cannot consistently detain them." "You contend you have seceded, and you cannot consistently claim them," responded one who seldom lacked shrewdness to make fitting reply, or courage to express it. "You are using negroes on your batteries. I shall detain them as contraband of war." This

epigrammatic reply was seized upon by the public generally, however lawyers may have viewed it, as a practical solution of the vexed problem that had so long puzzled the wisest, who found it difficult to fulfil at once obligations imposed by the Constitution and those by the higher law of humanity. It also furnished for a time a name for those who were thus made free by the stern exigencies of war, though it was afterward supplanted by the more appropriate designation of freedmen.

Similar examples were occurring all along the line of the Union forces, and slaves thus sought refuge within the Federal camps, as they stretched their length from the eastern shores of Virginia to the western borders of Missouri. In the absence of any clearly defined policy on the part of the general government, the different commanders gave answers very much according to their previous prejudices, opinions, social forces, or the pressure of circumstances, brought to bear upon them in their respective localities. In Missouri General Halleck forbade their entrance, and issued an order that they should not be permitted to "enter the lines of any camp or any forces on the march." A similar order was issued by General Williams at Baton Rouge. Generally, however, the Union commanders adopted a more worthy and humane policy, like that of Hunter in South Carolina, Curtis in Arkansas, and Fremont in Missouri, and the fugitives were welcomed and protected; though such a policy was far from being universally acceptable either in the army or at the North. Of the sentiments which too generally obtained, the action of the non-commissioned officers and privates of a company in a Kansas regiment, and of a public meeting in Chicago in the summer of 1862, afford examples. In August of that year the general commanding in Tennessee received a letter from Company G of First Regiment Kansas Volunteers, signed by thirty-six of its members, in which they request the transfer of a colored man from their company for the cause they thus succinctly state: "Our reasons are, firstly, we believe him to be a 'nigger'; secondly, that he was never properly assigned to our company, but, after being refused in several

harm from the measure than I could believe would follow. Yet, in repudiating it, I gave dissatisfaction, if not offence, to many whose support the country cannot afford to lose. And this is not the end of it. The pressure in this direction is still upon me and is increasing."

From the first there were members of Congress who felt that this was a subject on which the legislative branch of the government should speak, and that the responsibility rested upon that body to define the policy to be pursued. Even at the extra session Mr. Lovejoy introduced into the House a resolution, in which it was affirmed that, "in the judgment of this House, it is no part of the duty of the soldiers of the United States to capture and return fugitive slaves." But even a proposition so manifestly correct and proper was at that time beyond its reach, and a Republican Congress summarily laid it on the table by a vote of sixty-six to eighty-one, so faintly did its members comprehend the situation and the real significance of the conflict to which they had been summoned; and, although their attention had been called thereto, they separated without taking any action upon this really vital question of the war.

Immediately on the assembling of Congress at its regular session in December, Mr. Wilson gave notice in the Senate of his intention to introduce a bill to punish officers and privates of the army for arresting, detaining, or delivering up persons claimed as fugitive slaves. On the same day Mr. Lovejoy introduced into the House a bill for the same purpose, and in almost identically the same language. Neither of the bills, however, embodied the final action reached, and they are noteworthy now mainly because they indicate the anxious desire that so promptly introduced the subject in both houses on the third day of their assembling, indicating the drift of thought and purpose that was destined to find expression in specific enactments; but only after large comparison of views and earnest debate. Concerning the end desired there was not much of disagreement, but its members were too much in earnest not to differ on a subject so new and so beset with difficulties as to the means best suited to reach that end.

willing to submit to your guardianship in this behalf, take him, in God's name, and be away with him.' Suppose the claimant says, 'He will not go, and I want to force him,' what then? I would say to him, 'No, you cannot do that; because that presumes that I decide the very question which I am incompetent to decide. I cannot allow you to use force here, because I am the constable of the nation, and I am the repositary of its force in this behalf, and you cannot use it.'" The resolution was agreed to.

On the 23d Mr. Wilson introduced a bill to remedy the evil complained of. After reciting facts setting forth that officers in the service, without authority of law and against the plainest dictates of justice and humanity, had delivered up such fugitives, it provided that any officer in the naval or military service who should be guilty of such offence should be "deemed guilty of a misdemeanor, and shall be dishonorably discharged and forever ineligible to any appointment in the military or naval service of the United States." The bill was referred to the Committee on Military Affairs. On the 6th of January, 1862, it was reported back with an amendment in the form of a substitute, "That it shall be unlawful for any officer in the military or naval service of the United States to cause any person claimed to be held to service or labor by reason of African descent to be seized, held, detained, or delivered up to or for any person claiming such service or labor; and any officer so offending shall be discharged from service, and be forever ineligible to any appointment in the military or naval service of the United States." A motion for its indefinite postponement, by Mr. Saulsbury of Delaware, was lost by a vote of thirteen to twenty-three. Coming up on the 23d, Mr. Collamer of Vermont said, "Without criticising at all the form of expression of the proposed amendment, I offer a substitute for it, which I send to the Chair: 'No officer of the army or navy of the United States, or of the volunteers or militia in the service of the United States, shall assume or exercise any military command or authority to arrest, detain, hold, or control any person, on account of such person being holden to service as of African descent; and any such officer

ing a slave." An amendment of Mr. Saulsbury's amendment, offered by Mr. Rice, a Democratic Senator from Minnesota, adding the words, "who may be a loyal citizen of the United States," was adopted. Mr. Collamer expressed the thought that, under Mr. Saulsbury's amendment, "if any soldier wanted to get dismissed from the service, he would have nothing to do but to entice a slave, and he would get himself and the slave both dismissed."

"I am opposed," said Mr. Wilson, "to this amendment in every shape and form, and to any legislation protecting, covering, or justifying slavery for loyal or disloyal masters. The laws on that subject are all that ought to be given at this time. What I want to do is to put upon the statute-book of this country a prohibition to the officers of the army of the United States from arresting, detaining, and delivering up persons claimed as fugitives by the use of military power. There is no law for it. They have acted in violation of law. Some of these officers have dishonored the profession, and disgraced the country; and I mean, if God is willing and I have the power, to reject their confirmation here for that reason; and I give them the notice now." Mr. Pearce thus presented the not unnatural perplexities of slaveholding Unionists: "The Senator from Massachusetts objects to a proposition which forbids officers and soldiers of the army from enticing, harboring, or preventing the recovery — that is the amount of it — of a fugitive slave, known to be such, upon the application of his master, known to be his lawful owner, according to the laws of the State in which he lives. What is the effect of that? It is an invitation to all the slaves of the State of Maryland, who can do so, to resort to the camp, sure of protection there, first, because no officer of the army can order their delivery up to their master, however loyal or however indisputable his title may be to that slave. It is an invitation, therefore, to all such people to resort to the lines of the army as a harbor of refuge, a place of asylum, a spot where they can be safe from the operation of the undoubted legal rights of the owner. That is the effect of it; and that is an invitation to the whole body of such people, within the loyal

informed," said this gentleman, "that within three counties in my district, the Rebel army has impressed and run off slaves to the value of three hundred thousand dollars. Now, sir, does this article of war propose that these servants shall not be returned, and shall not be intercepted?" Is it singular that, in the presence of such facts, and confronted by such questionings, men whose antislavery convictions were not very strong, and whose antecedent associations had been rather among the enemies than the advocates of such convictions, should have hesitated, and sought some middle course, in the hope, though vain, that it would be the safer path?

But the nation had reached, or was rapidly approaching, the position where it was seen that it was dealing with sterner facts and more inexorable laws than were involved in any vested rights of property or questions of political expediency. Men saw, or were beginning to see, that there was something more potent than the statutes of men, or the compromises of the Constitution, sacred as they had been deemed and faithfully observed; that there were higher laws than any of human enactment, and these not alone of the Decalogue; that even the laws of physical force could not be ignored or set aside by political considerations, or the desire, however strong, to conciliate their Southern brethren and carry out in good faith the provisions and promises of former days. It was becoming every day more and more apparent that the race of slaves embodied not only a vast physical force that could not be safely overlooked, but a higher moral potency involved in the answer given by the American people to the question whether or not that race should be treated justly or unjustly; and, if risks must be run, it was safer to risk the displeasure of the slaveholding Unionists than the displeasure of the Almighty.

As ever, during the debates of those years, was heard, among the loudest and most pronounced, the clarion voice of the member from Ohio. Denouncing the practice of arresting and returning fugitives "as a military despotism the American people should not tolerate for a moment, nor lose a moment in ending, by the enactment of a law" to prevent it, Mr. Bingham added: "I say that a military officer who assumes,

the subject of debate on the 10th. Mr. Davis of Kentucky moved to amend by adding the words, "and also from detaining, harboring, or concealing any such fugitive"; but his amendment received but ten votes. As in the House, it was destined to meet the persistent opposition of the border slave-State members. Mr. Saulsbury moved to so amend as to exempt the States of Delaware, Maryland, Missouri, and Kentucky; but his amendment received but seven votes. Mr. Carlile asked the same question that had been propounded in the House, whether the adoption of such an additional rule was not in conflict with the provisions of the Fugitive Slave Law. Mr. Saulsbury wished to amend by inserting a provision inhibiting any attempt to decoy the slaves of loyal masters. A question from Mr. Anthony of Rhode Island, whether officers of the army and all others were not already prohibited by existing laws from enticing and decoying slaves, evoked from Mr. Howard the reply that they were, by "the severe and almost inhuman penalties of the slave law of 1850." "In voting against the amendment, which I shall do," said Mr. Anthony, "I certainly do not wish to be understood that I would vote to give any officer liberty to entice a slave from a loyal master; but I understand the law already prohibits it; it is already an offence, and we are only re-enacting another law." Mr. Saulsbury's amendment only received ten votes, and the bill was passed by a vote of twenty-nine to nine; and was approved by the President on the 13th of March, 1862.

But members were still anxious, and fearful that the disgraceful and, as they were beginning to view it, dangerous practice would still go on, unless some new safeguards were devised. Accordingly on the 14th of April, on motion of Mr. Wilson, the Senate proceeded to the consideration of a resolution previously presented by him, "to consider and report whether any further legislation is necessary to prevent persons employed in the military service" from returning fugitives. The resolution was never adopted, but the debate thereon indicates very clearly both the facts that excited and the feelings that were excited by the unseemly practice. Mr. Grimes moved to amend the resolution by adding to it the words,

slaves, claimed by a lieutenant-colonel in the Rebel army. Shortly afterwards the master despatched an agent, with instructions to seize the slaves, and convey them within the Rebel lines; whereupon the Iowa officer himself seized them, and reported the circumstances to headquarters. The slaves soon understanding the full import of General Halleck's celebrated order No. 3, two of them attempted an escape. This was regarded as an unpardonable sin. The Iowa officer was immediately placed under arrest, and a detachment of the Missouri State militia — men in the pay of this government and under the command of General Halleck — were sent in pursuit of the fugitives. The hunt was successful. The slaves were caught, and returned to their traitor master, but not until one of them had been shot by order of the soldier in command of the pursuing party. . . . . How long, think you, will this method of dealing with the Rebels be endured by the freemen of this country? Are our brothers and sons to be confined within the walls of the tobacco-warehouses and jails of Richmond and Charleston, obliged to perform the most menial offices, subsisted upon the most stinted diet, their lives endangered if they attempt to obtain a breath of fresh air or a beam of God's sunlight at a window, while the Rebels captured by those very men are permitted to go at large on parole, to be pampered with luxuries, to be attended by slaves, and the slaves guarded from escape by our own soldiers?"

On the 1st of May the Senate, on motion of Mr. Wilson, resumed the consideration of the resolution; the pending question being the amendment moved by Mr. Grimes. Mr. Sumner was "grateful to the Senator from Iowa for the frankness with which he exposed and condemned the recent orders of our generals." He then examined and condemned severely the orders of Generals Hooker, McCook, Buel, Halleck, and the provost-marshal of Louisville. He contrasted and commended the action of General Doubleday and General McDowell. He closed his speech by saying, "Sir, we are making history now. Every victory adds something to that history; but such an order is worse for us than a defeat. More than any defeat, it will discredit us with posterity, and with the

CHAPTER XXIII.

AIDING THE BORDER STATES.

Difficult and delicate position of the President. — His proposition. — Debate in Congress. — Democratic opposition. — Division of sentiment among Republicans. — Stevens, Bingham, Olin. — Senate. — Opposition by Saulsbury, Latham, McDougall, Davis. — Resolution defended by Morrill. — Passed. — Other propositions. — Deep feeling. — Resolutions of Wilson, White. — Committee of Nine. — Bill. — Noell's bill and speech. — Clements, Wickliffe. — Debate. — Henderson, Kennedy, Turpie, Richardson. — Questions of time and compensation. — Harris, Sherman, Foster. — Amendments. — Howard. — Speeches of Wilson, Cowan, Sumner. — Bill passed. — Lost in the House. — Conferences with border State representatives. — President's letter. — Majority and minority replies.

THE difficult and delicate task imposed upon President Lincoln in attempting to adjust his policy in the matter of slavery to the jarring interests and conflicting claims of Northern antislavery and Southern Unionism has been frequently referred to in the preceding pages. Beginning his administration with the simple purpose to save the Union, without regard to slavery except to fulfil with punctilious exactness all constitutional obligations, but gradually awaking to what soon became incontrovertible, that the nation could no more be saved than it could "endure half slave and half free," he was confronted with the grave problem of so far satisfying and conciliating both extremes as to keep them actively and vigorously engaged in the work of prosecuting the war, with its immense cost and fearful sacrifices. Plainly he could not satisfy both, if either. "Few great public men," it has been said, "have ever been the victims of fiercer denunciations than Abraham Lincoln was during his administration. He was often wounded in the house of his friends. Reproaches came thick and fast from within and

without, and from opposite quarters. He was assailed by Abolitionists; he was assailed by slaveholders; he was assailed by the men who were for peace at any price; he was assailed by those who were for a more vigorous prosecution of the war; he was assailed for not making the war an Abolition war; and he was most bitterly assailed for making the war an Abolition war."

During the first year he did not relinquish the ruling idea, so firmly and freely expressed at the outset by both himself and party, that the only end for which the war was prosecuted was the vindication of the authority of the Federal government and the maintenance of the Union, with no designs whatever upon the peculiar institutions of the South. Indeed, for that time the policy of his administration had been so sedulously guarded in that direction that it was deemed far more favorable to the Southern than to the Northern side of the great question at issue. So far had this purpose given color and direction to his policy that he felt constrained to take special pains to disavow by words and actions any intention of interfering with the system, not only allowing generals to return fugitives to their masters, but modifying the proclamation of Fremont, who had declared the slaves of Rebels free, and relieving him of his command. General Hunter in South Carolina had gathered from the slaves, whose masters were fugitives, a regiment of colored soldiers; but Congress adopted a resolution calling him to account therefor. Before that, too, Mr. Seward, as Secretary of State, had been still more explicit in his despatch to Mr. Dayton, Minister to France. After saying that "the condition of slavery in the several States will remain just the same whether the war succeed or not," he added "to this incontestable statement the further fact that the new President, as well as the citizens through whose suffrages he has come into the administration, has always repudiated all designs whatever and whenever imputed to him and them, of disturbing the system of slavery as it is existing under the Constitution and the laws."

But the progress of events and the purposes of Providence were stronger than the plans and policies of politicians; and

the administration, if so disposed, could not longer repress or ignore this growing sentiment of the loyal States that this immunity of slavery should be at least considered, and made the subject of discussion. But the difficulty in the way of either moving or standing still was great and every way serious. "Mr. Lincoln," said Mr. Hickman of Pennsylvania, "has found himself between two swords,—the sword of the party looking to a particular policy to be pursued towards a Rebellion springing from slavery; and the sword in the hands of the border States, who insist all the time that the war shall be prosecuted in such a way as to save their peculiar, divine, and humanizing institution."

But Mr. Lincoln, more cautious and chary, if not wiser, than his censors and assailants, sought the object desired by more gradual approaches. He would persuade and aid the slaveholders of the border States to do voluntarily what he hesitated to attempt by coercion. On the 6th of March, 1862, he sent a special message to Congress recommending the adoption of a resolution pledging the United States government to co-operate, by appropriate legislation and pecuniary aid, "with any State which would adopt a system of the gradual abolishment of slavery." In this message, after saying that if the proposition did not "meet the approval of Congress and the country, there is the end," he frankly avowed his purpose, and gave his reasons for making such a recommendation. Alluding to the hope of "the leaders of the insurrection" that the Federal government would be obliged to acknowledge the independence of some part of the disaffected region, and that, in that case, "the slave States north of that part" would choose to "go with the Southern section," he said he would disappoint that hope if possible by persuading these border States to abolish slavery, which would "make it certain to the more Southern that in no event will the former ever join the latter in the proposed confederacy. . . . . To deprive them of this hope substantially ends the Rebellion." To guard against the assumption that its ultimate purpose was universal emancipation, he said: "The point is, not that *all* the States tolerating slavery would

stand," said Mr. Voorhees of Indiana, "in the name of the people I represent, against it. If there is any border-slave-State man here who is in doubt whether he wants his State to sell its slaves to the government or not, I represent a people that is in no doubt as to whether they want to become purchasers. It takes two to make a bargain; and I repudiate, once and forever, for the people whom I represent on this floor, any part or parcel in such a contract."

The border-State men were divided; or, at least, they were not all equally opposed to the resolution. Wickliffe, Wadsworth, and Crittenden of Kentucky opposed it. The latter, after according purity of intention to the President, and no disposition to interfere with slavery in the States, added: "Do I not know, that although the President will abstain from interfering, there are many others, who, knowing it is a favorite policy of his, desiring themselves to be in his favor, would stir up an emancipation party" in these border States? Mr. Fisher of Delaware announced his purpose to vote for the resolution. Mr. Grider of Kentucky remarked that he had not decided how he should vote, and Mr. Mallory of the same State asked for time in which the representatives of the border States might consult.

Several Republicans opposed it very strenuously. Thaddeus Stevens thought it "the most diluted, milk-and-water-gruel proposition that was ever given to the American nation." Mr. Hickman said it was "rather an excuse for non-action than an avowed determination to act." "Neither the message nor the resolution," he said, "is manly and open. They are both covert and insidious. They do not become the dignity of the President of the United States. The message is not such a document as a full-grown, independent man should publish to the nation at such a time as the present, when positions should be freely and fully defined." He made the important statement that he could "not discover a difference in views" on slavery "between a man from Maryland and a man from South Carolina. . . . . Wherever the negro is, there is an undivided loyalty to slavery; and every day's proceedings here show it."

But the message and resolutions had able advocates. Mr. Bingham of Ohio, in answer to the question where in the Constitution could be found the clause giving to Congress the power to "appropriate the treasure of the United States to buy negroes or to set them free," referred to the words of Madison, the "father of the Constitution," that the power conferred on the national legislature by that instrument for the common defence had "no limitation, express or implied"; that "it is in vain to oppose constitutional barriers to the impulse of self-preservation; it is worse than in vain." Mr. Diven of New York hailed "the introduction of this, coming from the executive of the country, as a bow of hope and promise," and he called upon the loyal men of the border States to rally around the President, who "never thought of violating one of their constitutional rights," to bring this country out from this fiery ordeal unscathed, with every star upon her flag undimmed. "What is this resolution, in its whole scope and intent?" asked Mr. Olin of New York. "Why, simply, that if you gentlemen of the slave States are willing to get rid of slavery, the general government will aid you to do it by giving you a compensation for any loss you may sustain." And this he characterized as "the magnanimous, the great, the godlike policy of the administration." The resolution was passed by a vote of eighty-nine to thirty-four.

It was reported to the Senate on the 20th, and made the subject of debate on the 24th. Mr. Saulsbury of Delaware made a furious speech against it. "It is," he said, "the most extraordinary resolution that was ever introduced into an American Congress: extraordinary in its origin, extraordinary in the object which it contemplates, mischievous in its tendency; and I am not at all sure that it is anywise patriotic even in its design." Mr. Powell of Kentucky, remarking that he regarded the message as artfully and cautiously worded, really containing a threat of ultimate coercion if the proffered aid was not accepted, said: "I regard the whole thing, so far as the slave States are concerned, as a pill of arsenic, sugar-coated." Mr. Latham, though he regarded the President's

motion "a proper and patriotic one," was not prepared to pledge the people of the Pacific States "to submit to any kind of taxation that the government may see fit to impose in a general scheme of emancipation." Mr. McDougall of the same State urged the same objection, and he denied the right of Congress to tax the people on the shores of the Pacific "for the purpose of emancipating the slaves of Kentucky, Missouri, and Maryland." Mr. Davis of Kentucky offered an amendment which coupled the idea of colonization with that of emancipation; but it was rejected.

The debate in the Senate was brief, and yet the considerate and conciliatory proposition of the President found advocates who spoke earnestly and effectively. "I cannot conceive," says Mr. Morrill of Maine, "that such a proposition is offensive, or can be offensive, to any man or any class of men who have not made up their minds that, above all things, — Constitution, country, everything, — they hold slavery to be supreme, and that they will stand on that, no matter what becomes of the country." Treating with scorn and contempt "every invitation to consider the subject," Senators "are indignant that the President proposes that these States in their own way shall consider whether it is not expedient to get rid, in the future, of the cause of our present troubles." Even the slave State of Missouri found voice, and spoke words of commendation in a speech of Mr. Henderson. "I regard it," he said, "as no insult to the people of my State, no threat, but a measure conciliatory and looking to the future peace and harmony of the country, and to the early restoration of the Union. If this spirit had been more largely cultivated in days gone by, we would not this day be forced to witness a ruined South and a deeply oppressed North. Why, sir, ninety-six days of this war would pay for every slave in the States of Kentucky, Missouri, Maryland, and the District of Columbia." On the conclusion of the debate the resolution was adopted by a vote of thirty-two to ten; and it received the President's approval April 10, 1862.

While this resolution was before Congress there were various other propositions of a like tenor introduced and considered.

and passed to a second reading, but was never called up again. On the 19th of the same month Mr. Henderson of Missouri introduced a bill granting aid to his State to emancipate its slaves. It was referred to the Committee on the Judiciary, which subsequently reported it with a recommendation that it should not pass.

In the House the subject had been introduced on the 7th of April, 1862, by a resolution, offered by Mr. White of Indiana, for the appointment of a select committee of nine members, the chairman and a majority of whom should be members from the States of Delaware, Maryland, Virginia, Kentucky, Tennessee, and Missouri, to make inquiry and to report a plan for the gradual emancipation of slaves and extinction of slavery in those States. It was also authorized to "extend the same inquiries as to the other slaveholding States, and to report thereon." But it, too, encountered Democratic opposition from the start, Mr. Mallory denouncing it as "an unconstitutional absurdity." The resolution was adopted by a majority of fifteen, and White of Indiana, Blair of Missouri, Fisher of Delaware, Lehman of Pennsylvania, Leary of Maryland, Whaley of Virginia, Wilson of Iowa, Casey of Kentucky, and Clements of Tennessee were appointed members of that committee. On the 16th of July the committee reported a bill for a system of emancipation of slaves and colonization of free negroes. The bill provided that, whenever the President shall be satisfied that any State shall have emancipated the slaves therein, he shall deliver to such State an amount of United States bonds "equal to the aggregate value of all its slaves at the rate of three hundred dollars each," excluding any owner who had given aid to the Rebellion, said sums "to be delivered at once if the emancipation shall be immediate, or in ratable instalments if it shall be gradual." In his accompanying speech, Mr. White said that the committee had adopted it with great unanimity, differing only in matters of detail. "It is addressed," he said, "not to the politician of an hour, but to historic men, conscious of the peril of their country, who know that great sacrifices must be made to save it, and look upon this as the most hopeful, as it will be the noblest, in its results." The bill, however, never came up for action.

measure we will, in time, get rid of the evil of slavery in all the border States, and finally of the institution throughout the government." During the debate a statement was made by Wickliffe, if true, of great historic value. Indeed, as it stands, it is the testimony of a prominent Southerner to the little progress that had been made toward the removal of slavery by moral means alone, — to the utter demoralization of the Southern mind, even among the Union men of the most intelligent of the border States, on the subject of human rights. Denying that there had been any change "in favor of these miserable Abolition schemes," he declared "in the face of Heaven," before Congress and the nation, that there was "not one in every three hundred men in Kentucky in favor of such a measure." "There is no division of sentiment," he said, "on this question of emancipation, whether it is to be brought about by force, by fraud, or by purchase of slaves out of the public treasury."

The bill was reported in the Senate, with an amendment substituting "twenty millions" for "ten millions," and leaving out so much of the original bill as referred to the "deportation of such emancipated slaves." Mr. Henderson, after saying that the bill now before them was substantially the one he had introduced, made an eloquent plea for its adoption. "The decree," he said, "has gone forth that slavery must be destroyed." Saying that Missouri presented her "regrets" for any agency of hers in bringing about "the unfortunate feud," he added: "She may at least claim the honor of fidelity to her pledge in the darkest hour of the nation's existence. If it be said that slavery is the cause of this Rebellion, she answers by placing slavery upon the altar of the country."

The bill was, of course, opposed by the few remaining Democrats in the Senate. Garrett Davis declared that negroes were "reclaimed savages," and yet, he said, "you want to put them in a position where they will relapse into savagism." Mr. Powell asked: "Is there any morality in it? What kind of morality is that, that will take from the people of a State, against their will, their property, not for the purpose of benefitting the State, but for the purpose of gratifying the fanatical zeal of a party temporarily in power." "Let us alone," said

against their Southern brethren, culminating at length in a Rebellion as causeless as it was terrible, how noticeable is the absence of all traces of angry and vengeful feelings in members from the free States, how marked their magnanimity of purpose to make common cause in ridding the nation of an evil foreign to themselves and for which they were at most only remotely responsible!

Mr. Harris of New York said he regarded it as the most important measure of the session. "Forty years ago," he said, "the first great conflict between slavery and freedom took place in reference to the admission of the State of Missouri. In that conflict slavery was successful. It secured a predominance of political power which was never effectually checked until the election of 1860. I desire exceedingly that in reference to this very State, we should begin to roll back the tide of slavery. There is a peculiar fitness in it." "If Missouri," said Mr. Morrill of Maine, "that great State lying in the centre of the continent, would speak the word, 'We are on this side in this great contest; we are on the side of freedom, free men, and free labor,' it would be worth ten million dollars to have the word spoken, and have it spoken now, and would place that State on the side of the government of the country." "I believe," said Mr. Sherman of Ohio, "that the condition of slavery, as a fixed and permanent relation in Missouri, tends to keep up civil war in the State; and that the very moment she enters upon the path of gradual emancipation, all her sympathies and all her interests will be opposed to the present Rebellion, and in favor of the preservation of the Union." For this purpose, he said, he was willing to vote the money of the people to aid in this object; though he thought the object desired would be better accomplished by gradual than by immediate emancipation. "In my opinion," said Mr. Foster of Connecticut, "no more grave question can be raised in this body. I think the decision of that question affects directly, more directly than any other question before us, the existence and perpetuity of the government. . . . . If we actually make Missouri a free State, we do more to perpetuate the existence of the Republic than we can do in any other way."

join in those centennial "festivities" he so exultingly forecasted.

The amount to be paid was the subject of various amendments; one proposing to substitute for the "twenty millions" of the bill "ten millions," another "eleven millions," another "fifteen millions," and another still "twenty-five millions." Those who were in favor of immediate emancipation proposed to graduate the amount given by the time employed. Mr. Clark of New Hampshire said he was willing to give more for immediate than for gradual emancipation, and he offered as an amendment, giving fifteen millions for immediate emancipation, and ten for emancipation in 1876. Mr. Wilson said, he wished the "alternative" to be presented: "Emancipation in 1865, twenty million dollars; emancipation, 1876, ten million dollars." He had said in regard to the main proposition: "I am ready to give my vote to tax the toiling men of my State — to tax the farmers, the mechanics, the merchants, the fishermen on the coasts of New England — to blot slavery out of the State. Yes, sir, I am ready to tax my own barren New England, so as to more effectually crush out this Rebellion, give domestic tranquillity, increase of population and of wealth to that great 'Empire State' of the West; but, sir, it must be emancipation now or within a few years. I care far less for the money than for the time. I am for making it a free State with free influences in my day and generation." On another occasion he said: "Let us stamp upon her now desolated fields the words, 'Immediate emancipation,' and these blighted fields will bloom again; and law and order and peace will again bless the dwellings of her people."

Mr. Cowan having expressed his doubt as to the need of any appropriation in a system of gradual emancipation, because the "usual mode" was to declare children free, born after a certain period, and Mr. Sherman having responded by affirming that "the right to the increase of slaves" was "a property right," Mr. Wilson replied to the latter: "The Senator announces that he is willing to tax the people of America to pay for children not yet born; no, not yet begotten. I am not.

good than any other equal number of members," he told them that the measure proposed would prove "one of the most potent and swift measures of ending the war." The seceding States, he said, seeing that the border States, having abolished slavery, or adopted measures looking to that end, would never of course join them, the former could not "much longer maintain the contest." "Can you," he asked, "for your States do better than to take the course I ask? Discarding *punctilio* and maxims adapted to more manageable times, and looking only to the unprecedentedly stern facts of our case, can you do better in any possible event?" Alluding to their claim and desire that the constitutional relation of the States should be restored "without disturbance of the institution," he reiterated his wish that it should be so effected; but he added: "If the war continues long, as it must, if the object be not sooner attained, the institution in your States will be extinguished by mere friction and abrasion, by the mere incidents of war. It will be gone, and you will have nothing valuable in lieu of it." He then expressed in terse and timely phrase the true and sensible policy, as the event so abundantly proved, of seizing the opportune moment, while their slave property had a commercial value and the nation was willing to be a purchaser, to realize something of that value, and not to wait until it should be wholly destroyed by that "friction and abrasion" produced by the fratricidal war, every hour assuming larger and more alarming proportions. Saying that he did "not speak of emancipation at once, but of a *decision* at once to emancipate gradually," and hinting that there was plenty of room in South America for colonization, he begged of them, before they left the capital, to consider and discuss it among themselves, and to commend it to the consideration of their "States and people." Appealing to them as "patriots and statesmen," he urged them with mingled pathos and dignity to address themselves to the great work of saving the imperilled government. "Once relieved," he said, "its form of government is saved to the world, its beloved history and cherished memories are vindicated, and its happy future fully assured and rendered inconceivably grand. To you,

more than any others, the privilege is given to assure that happiness and swell that grandeur, and to link your own names therewith."

But his appeals met no answering response, his overtures were received with apathetic indifference, and no attempts were made to persuade their constituents to accept the proffered measure of deliverance. In the midst of the appalling dangers that beset the Republic, which they could not fail to see, if they did not fully comprehend, they preferred to cling to their cherished system and take the fearful risks involved. They met in council to deliberate on their reply. On the 14th they sent a long and elaborate paper signed by twenty of the twenty-seven present. Among the names appended were those of Wickliffe, Davis, Crittenden, and Mallory of Kentucky, Crisfield and Thomas of Maryland, Phelps and Price of Missouri. This paper seemed, more than the individual utterances on the floor of Congress, the final and deliberate conclusion of its members, a kind of pronunciamento of the border slave States to their countrymen in this supreme moment of the nation's history. They spoke in respectful terms of the President and of his "earnestness," of "the overwhelming importance of the subject," of "the dangerous heresies of the secessionists," and of the wickedness of the war they were waging. They spoke approvingly of the President's opening message and the policy of the war he announced therein, and of their readiness "to vote all supplies necessary to carry it on vigorously." They spoke of the enlistments they had encouraged, and of "the cheerfulness and alacrity" with which their people were bearing the burdens of the war. But, they added, "we have done all this under the most discouraging circumstances and in face of measures most distasteful to us and injurious to the interests we represent, and in the hearing of doctrines, avowed by those who claim to be your friends, most abhorrent to us and our constituents." Admitting that a few of the border-State representatives had voted for the President's proposed resolution, but that "the greater portion of us did not," they proceeded to assign their reasons for their refusal. They were, substantially, that, though proposing "a radical

change of our social system," it was "hurried" through Congress without sufficient time for its consideration; that it proposed "interference with what exclusively belonged to the States"; that they doubted "the constitutional power of Congress" to make such an appropriation; that "our finances are in no condition to bear the immense outlay"; and that the resolution was rather "the annunciation of a sentiment" than a "tangible proposition." They took issue with the President's assertion, that had they voted for his resolution, the war would be "substantially ended," and gave their reasons for so believing; as also their doubts of the President's declaration that slavery was "the lever" of the Rebels' "power." They urged upon the President the importance of confining himself and his subordinates within the limits of "constitutional authority," and the necessity of conducting the war "solely for the purpose of restoring the Constitution to its legitimate authority." "Do this," they said, "and we are wedded to you by indissoluble ties, and you touch the American heart and invigorate it with new hope." They closed, however, by assuring the President that if Congress would make a definite and distinct proposition, and provide the necessary funds for carrying it into effect, their States would "take it into respectful consideration." Seven members sent another and different paper. Without admitting all the President had said, but asserting that there could be no successful prosecution without hearty union and co-operation between all loyal citizens, they professed their willingness to "ask the people of the border States calmly, deliberately, and fairly to consider your recommendations." But that was not the Divine method; nor was it the way in which slavery was to be removed. Consequently neither the proposition of the President nor this response of the minority ever resulted in anything further. It was a knot no peaceful measures, however patriotic and patient, could untie. The sword of war could alone cut it.

most fully the wrongfulness of the system, its bald and gross inconsistency with their new and vaunted declaration of first principles and of the primal rights of man, they admitted into the proposed Constitution the "guilty fantasy that there could be property in man," and made provision in their organic law and by early legislation for its recognition and protection. But it was distinctly regarded as a compromise, referring to something then existing, and to territory then in possession of the nation. No enlargement of existing limits was contemplated, and the idea that slavery would ever demand additional area was, if entertained by any, most solemnly repudiated by the majority. This was evidenced by the ordinance of 1787, consecrating to freedom in perpetuity the mighty Northwest territory, on whose vast and unexplored expanses were to repose the imperial States of coming generations. But the invention of the cotton-gin and the increasing production of Southern staples had made slavery more valuable as a means of wealth, a source of political power, and more important as a domestic system; and so the idea that it was to be temporary gradually gave place to the thought and purpose to protect and strengthen it. Instead of resting under the stigma implied by restriction and prescribed limitations, it was determined that its area should be enlarged, and that its continued existence should be made less precarious and more sure. As additional territory was secured, it became a question of persistent and sharp debate, and of angry conflict, whether or not that territory should remain free, or be opened to the introduction of this legalized oppression.

Indeed, no question during the existence of the Republic has excited so profound and intense an interest. The vast extent of these territorial possessions, the prospective power of the rising commonwealths which were to be carved therefrom upon the destinies of the nation, rendered this question one of intense solicitude alike to the friends and foes of slavery; though, till the Republican victory of 1860, with fortunes generally adverse to freedom. By the election of Mr. Lincoln the friends of free territory achieved a national triumph in the choice of a President fully and unreservedly pledged to their policy.

interests and prejudices, whatever they may have been, for quieting the fears of their constituents and keeping out of the mouths of the secessionists of their States the argument that the government had ulterior purposes against the system of slaveholding. Nor did it require any great captiousness or hair-splitting to detect apparent and real conflict between the sweeping measure reported by the committee and what might be called the plighted faith of the fathers and the vested rights resulting therefrom. This was more noticeable in the debates upon those specifications of the bill concerning vessels on the high seas, national highways, forts, magazines, and arsenals. Indeed, so sharp was the criticism of some of the friends of the bill on these particulars, that it was moved, as a final substitute, that the prohibition of slavery should apply to the "Territories" only.

The Democracy, true to its instincts and traditions, could not allow such a proposition to remain unassailed, or pass, without placing on record its earnest and emphatic protest. On a motion to recommit, Mr. Cox of Ohio promptly moved an amendment, the design of which was to defeat the measure entirely. Accompanying his motion with a speech indicative of both his spirit and design, he said: "I move to add to the motion to recommit instructions that neither this bill nor any similar bill shall be reported back to the House. I believe it to be a suicidal bill, — a bill for the benefit of secession and Jeff Davis. The army and the people are against all such aids to the enemy of the country. The conservative men of the House have the power, and ought to 'squelch' out the whole negro business. They are responsible for this continuous agitation. From the very commencement of the session we have had these bills before us in one shape or another, postponed from time to time, and delayed by dilatory motions and adjournments. Now I want to see the conservative element of the House, if there is any such thing left here, come up and vote this thing right down. I therefore hope the House will send this back to the committee; and, in sending it back to the committee, let us give it such a death-blow as will destroy all similar measures." He closed

by moving to recommit the bill, with instructions "to report it back at the next session, on the very last day." Mr. Wickliffe suggested that it be recommitted with instructions "not to report it back until next session, during the cold weather." He also read largely from the opinion of Justice Story of the Supreme Court "for the benefit of the country people," he said, and for the sake of showing, "he was fool enough to believe that there was property in slaves."

Mr. Crisfield of Maryland made a very violent speech in denunciation of the bill. He characterized it as "an indirect attack upon slavery in the States," as "doing by indirection that which you acknowledge you have no power to do directly." "It is not keeping, in word or in spirit, the pledge which you have made to the country; nor is it consistent with that instrument which we have all sworn to support." Alluding to the naval station at Annapolis, which his State had "confidingly granted to this government for a great national object," he said: "You say to Maryland that you will plant in her very heart a system in violation and destruction of the policy she thinks fit to establish, as of right she may, for her own interests. . . . . Are constitutional guaranties nothing? Are solemn pledges nothing? Sir, I denounce this bill as a palpable violation of the rights of States, and an unwarrantable interference with the rights of property. I denounce it as a fraud upon the States which have made cessions of land to this government, a violation of the Constitution, and a breach of the pledges which brought the dominant party into power. I denounce it as an usurpation and a tyrannical exercise of power destructive of the peace of the country. Sir, I denounce it to this House and to the American people. I denounce it before the civilized world. I declare that those who seek to accomplish the great wrong this bill perpetrates seek the ruin of all constitutional government on this continent, and are the foes of regulated liberty everywhere."

In a very different strain spoke Mr. Fisher of Delaware, though in opposition to the bill. He avowed his hatred of slavery, expatiated at length on the relative advantages of freedom over slavery as exemplified by the States "on the right

and left banks of the Ohio," spoke of "the great and good man whom the providence of God had called to preside over affairs"; approved of and voted for his resolution proffering aid to States for the abolishment of slavery; expressed the hope that he should soon see the day when it was in the process of gradual but sure extinction; and yet he doubted the necessity of any such bill, and deprecated its effect upon the people of his and the other border States, leading them, he feared, "to suspect that you intend more than this, — that you intend, either directly or indirectly, to invade the prerogative of State sovereignty." He deprecated the course of the majority as yielding too much to the cry and pressure of the radicals. "With the taunts of doughface," he said, "and weak-kneed Unionist upon your lips for us who try to hold up the hands of the administration in the border States, you are driven by a selfish, servile, slavish fear of the ultraists among your constituents at home to vote for measures which you admit should not have been brought forward, and to be unwise and impolitic. . . . . If you want to have men in the slave States co-operate with you in the arduous struggle of breaking down the ultraism and madness of proslavery in the border States, you must not yourselves run into the ultraism and madness of Abolition. If you expect to cross the slave line with a party in favor of emancipation, and achieve any sort of success, you must yield something to us in policy, while we acknowledge the justice and humanity of your principles. You must not take extremists for your leaders. If you do, let me warn you that, instead of breaking the fetters of the slave, you will but rivet them more tightly." Alluding again to the President, and the wisdom of his recommendations, he said: "You have in him one whom the people have come to regard as the savior, just as they regard Washington the father, of his country; one whom, if you attempt to ostracize from the leadership of your party, to follow after men of more erratic genius or less purity of purpose, it will be only because, like the fickle and foolish and wicked Athenians, you shall have become tired of hearing him called 'The Just.'" Thus earnestly, frankly, and with no little force, did this representa-

was made to such a sentiment, as being a breach of trust and good faith. Speaking for such, Mr. Olin of New York said, that much as he desired to see slavery crippled and destroyed, he would not "consent to step an inch beyond the plain guaranties of the Constitution to accomplish even that purpose." "Our only justification," he said, "in the eyes of the civilized world for this warfare going on in our midst is that we stand here in obedience to law, in defence of the Constitution and law; and the moment we lay aside that shield of protection, and prosecute the war for other purposes, whatever result may be wrought out by the prosecution of the war, it would be a wicked war. It would be, on every principle of Christianity, an unjustifiable war. Our only defence before God, posterity, and the world is that we fight in defence of the laws, not for their subversion. The wickedness of this Rebellion consists not in the fact that it is treason, always held to be a crime all the world over. Its chief enormity consists in the fact that it is treason against such a government as this, based on the common consent of the governed, with provision in the fundamental law to alter, change, or modify that government in a peaceful way and by forms of law. If such a government can be overthrown by force and violence, there is an end to all government except that of despotism and the sword. Hence it is that rebellion against such a government as this is of a deeper and more damnable dye than any other that has yet stained the annals of history."

Mr. Sheffield of Rhode Island, although expressing his hatred of slavery, his conviction that freedom was the common law of the Territories, that positive law alone could "carry slavery there," and that we might "as well undertake to re-enact the Decalogue as to enact this law," opposed any action that would violate the good faith of the government. "Because," he said, the Southern States have "cruelly wronged us, are we justified in doing wrong to them? The gentleman seems to think that it is not a great matter for the government to violate the faith on which it received the cession of this land from the States." Mr. Arnold denied that the bill did involve such violation of plighted faith, though he conceded

outcome of its diabolical spirit and purpose; and he closed by saying: "While I am unwilling to cast a vote to impair the sanctity of the Constitution of the country, I am no less unwilling to cast one that shall favor slavery in any degree or direction. The Constitution does not create it; the Constitution does not in terms recognize it; it only tolerates it, and this law does not propose to interfere with that toleration. It does not propose to abolish slavery anywhere. It only proposes to say to the slave owner, 'Keep these slaves out of these places as *employés;* do not interfere with the system of free labor and attempt to force the free mechanic into companionship with your slaves, or we will protect his dignity and interests by making freemen of your instruments.'"

The difficulties, however, real or seeming, constitutional or other, were too great to secure the united action of the friends of the underlying principle of the bill as reported by the committee. Mr. Lovejoy, therefore, moved a substitute restricting its action entirely to the Territories. The substitute was accepted, and the bill as thus amended was carried by a vote of eighty-five to fifty. The preamble was so amended as to read, "An act to secure freedom to all persons within the Territories of the United States."

In the Senate, on the 15th of May, Mr. Browning reported the bill from the Committee on Territories with an amendment that, from and after the passage of the act, there should be neither slavery nor involuntary servitude in any existing Territory, or in any Territory thereafter formed or acquired. It was, substantially, the application of the principle of the ordinance of 1787 to all the territory then possessed or thereafter to be acquired. On the 9th of June the Senate proceeded to its consideration, adopted the amendment, and passed the bill by a vote of twenty-eight to ten. The House agreed to the Senate amendment, and the bill thus amended was passed on the 17th, and approved by the President on the 19th of June, 1862.

By this action the nation retraced the footsteps by which it so long and so lamentably wandered from the position and policy of the fathers, and practically re-enacted the ordinance

CHAPTER XXV.

EMANCIPATION OF THE SLAVES OF REBELS.

Simple question. — Mr. Pomeroy's resolution. — Mr. Trumbull's bill. — Long and earnest debate. — Great divergence of views. — Speeches of Morrill, Howard, Wilmot. — Strong opposition. — Davis, Powell, Willey, and Saulsbury. — Henderson, Cowan. — Responses of Mr. Hale and Wade. — Hale's constitutional scruples. — Differences among friends of the measure. — Hale, Wilson, Wade, Sumner, Clark. — Committee's report. — Debate. — House. — Eliot's bill and speech. — Harding, Conway. — Various propositions. — Reports. — Select committee. — Report and debate. — Division of sentiment. — Southern views. — Crittenden, Mallory. — Northern opposition. — Cox, Law, Thomas. — Noell, Loomis, Julian, Beaman, Rice. — Southern utterances. — Menzies, Price. — Eliot's speech and substitute passed. — Senate. — Committee of Conference. — Bill becomes a law.

THOUGH Congress had adopted antislavery measures and passed several acts offensive to slavemasters, and in derogation of what had hitherto been regarded their rights, it had never grappled squarely with the single question, free from all complications, Shall treason, pure and simple, work the forfeiture of all slaveholding rights under the Constitution? In the measures hitherto adopted or under debate, there had been special reasons, side issues, which afforded of themselves considerations why such action should be taken, and which were urged as arguments in vindication of their adoption. It was, however, inevitable that this question would present itself, to be met, considered, and answered. Indeed, the right answer and a definite and accepted policy upon this one single issue had become a necessity, and it could not but simplify matters much in regard to these other subordinate and more complicated inquiries to give that answer.

Accordingly, in the special session and soon after Congress came together, Mr. Pomeroy of Kansas introduced into the

Senate a bill for the abolition of slavery, as a military necessity, "in any of the States that claim to have seceded from the government." It was, however, only read twice, and referred, but never acted on. But immediately on the assembling of that body at its regular session in December, Mr. Trumbull of Illinois introduced a bill, providing that the slaves of all who had taken up arms against the United States should "become forever thereafter free, any law to the contrary notwithstanding." In his speech, on introducing his bill, Mr. Trumbull set forth with great clearness and force the reasons why it should become a law. Saying that the right to take slaves as "property," as they were professedly held, by the rules of war was undoubted, he spoke of it "as one of the most efficient means for attaining the end for which the armies of the Union had been called forth, the right to restore to them the God-given liberty of which they had been unjustly deprived." It was, he said, only a question of "policy"; and of that he had no doubt. He spoke of the mistaken "leniency" with which they had treated treason, as if it were a "trivial offence," which could be atoned for by "a promise to do so no more."

On the 25th of February it came up for general debate, which was very extended, and partook largely of both a discussion of the principles involved, and criticisms on matters of detail contained in the separate sections. Mr. Pomeroy having taken exception to the third section, for what appeared to him an implied indorsement of the Fugitive Slave Act in the case of loyal slaveholders, Mr. Sumner expressed his concurrence, saying, "I have never called that a law, or even an act. I regard it simply as a bill; still, a bill having no authority under the Constitution of the United States." He moved an amendment, which Mr. Trumbull promptly accepted. Thus was opened a discussion which continued for nearly five months, before the final vote was reached. In it were revealed, by the motions, amendments, and substitutes offered, and in the speeches made, the intrinsic difficulties of the measure and the wide diversity of opinion that obtained thereon. Even at the great crisis and momentous juncture

in the history of the Republic, and among those who regarded it as the opportune moment to strike for freedom, to vindicate the primal truths of human rights, — the foundation principles of free institutions, — and to break the chains that bound the slave, and the nation as well, did this diversity appear. Mr. Trumbull spoke again in its behalf, defending it from the assaults that had been made upon it. He spoke of "the opportunity to strike a blow for freedom" which a wicked Rebellion presented, "thereby destroying to a great extent its source and origin, and the only thing which has ever seriously threatened the peace of the Union." Mr. Morrill of Maine, who had offered a joint resolution to confiscate the property of Rebels, and to satisfy the just claims of loyal persons, involving the emancipation of slaves, contended, when slavery made war on the nation, that its right was "lost in its audacious revolt and armed assault on the government," and that any cry "to be let alone" amid the cannonading of Sumter was "a shallow pretence to conceal a wicked purpose."

Mr. Howard of Michigan spoke with great force of thought and expression in favor of the bill, finding arguments therefor in the deleterious influence which the slaveholding interest had always exerted upon the Federal government. He spoke of the "traitorous eloquence" of those who had lost "the balance of power" through their "incautious haste in forcing the Northern Democracy to adopt obnoxious measures that had united the Northern people to resist the further attempts of their ambition." He said that "God's innocent air was loaded with execrations against a government which had never harmed a hair of their heads, and whose only fault was that it had loved them, not wisely, but too well." Mr. Wilson said he did not "expect to realize any large amount of property from any confiscation bill," for he presumed, after the war was over and the "din of battle had ceased," that they should "deal gently with the masses of the people engaged in the Rebellion." The emancipation of the slaves of Rebels he confessed to be his "chief object of solicitude." "Slavery," he said, "is the great rebel, the giant criminal, the murderer striving with bloody hands to throttle our government, and destroy our

"Sir," he said, "the evil will be unendurable; and the result will be the re-enslavement of the slaves thus manumitted, as well as those already free." Mr. Saulsbury of Delaware was more pronounced in his opposition, not only predicting but defending the policy of the re-enslavement of not only those set free but the whole race. Saying that he did not suggest what he did not favor, and that he took all the responsibility for his utterance, he added: "I say to you, sir, and I say to the country, that if you send five thousand slaves into Delaware, — we have got about two thousand slaves now, and we have about twenty thousand free negroes, — if you send five thousand more of that class among us, contrary to our law, contrary to our will, I avow upon the floor of the American Senate that I will go before my people for enslaving the whole race, because I say that this country is the white man's country." He spoke of the "filthy negro," and of the impossibility of raising him "to the elevation of the white man." Mr. Carlile of Virginia made a similar threat. "Self-preservation," he said, "would compel the State within which slavery now exists, if the slaves were emancipated, either to expel them from the State or re-enslave them." Alluding to the constitutional provision in several of the Northern States against the entrance of free negroes, he asked: "What follows? Extermination or re-enslavement. Can it be possible that the Christian sentiment of the North, which, it is said, demands the abolition of slavery, desires the extermination of the negro race?"

Mr. Henderson of Missouri deprecated such action on constitutional grounds, and because, in his judgment, it was "useless." Of slavery, he said: "The shells that passed from Rebel batteries to Fort Sumter, twelve months ago, wrote its doom upon the Southern skies. If they will destroy themselves, let all the responsibility rest upon the authors of the war." Mr. Browning of Illinois and Mr. Collamer of Vermont opposed the bill on the grounds of the Constitution and on the score of expediency. Mr. Cowan of Pennsylvania made a very earnest and impassioned appeal against the policy of the measure. "If it passes," he said, "I think it will be the great historic event of the times. Perhaps the fate of the American Repub-

it will not be because I am going to move anything in that direction; but it is because I see the hand of God taking hold of your delinquency to overrule for good what your rulers meant for evil."

The difficulty of finding some common ground of agreement, even among antislavery men, was shown, too, in the opposition to the bill and an amendment of Mr. Wilson, avowed with a good deal of earnestness by Mr. Hale. "I think," he said, "I have been as anxious and as earnest as anybody to advance the cause of free principles, but it seems to me that the amendment of the Senator from Massachusetts is not in accordance with the Constitution." To this Mr. Wilson replied. After referring to the "past overshadowing power of slavery, so omnipotent in these walls and over this government," that, notwithstanding all the evils of the war, in its waste of life and treasure, in its agonies of pain and grief, "when we are called upon to deal with it, such is its lingering power over even us, that we can take Rebel lives, take Rebel property, take anything and everything, but are reluctant to touch slavery, the cause of all." "I am willing," said Mr. Hale, in reply, "to go as far as anybody, within the limits of the Constitution, to cripple slavery; and I think the government ought to make use of that as a physical agency in suppressing the Rebellion," not as "a punishment for crime," but "as a war measure." He said that he hoped the Republican party would not "split on the rock on which our predecessors did." Saying that it had "declared often, early, and long its fidelity to the Constitution," he expressed the hope that now it would not do what it had so persistently condemned. "No, sir," he said, "let us — under the flag, the old flag; under the Constitution, the old Constitution — carry on the warfare in which we are engaged."

These divergences of views, even among those who had been most prominent and pronounced in their antislavery action, and the general drift of the discussion, seemed to preclude any reasonable hope of agreement upon any motion or measure then before the Senate. It was therefore moved by Mr. Clark of New Hampshire to refer the whole matter, the

original bill, and all motions, amendments, and substitutes, to a select committee. This, too, gave rise to a sharp debate. Mr. Wade said: "The recommittal of this bill, after it has been for four months under our consideration, and at a period which I hope is towards the end of the session, will be a proclamation to the people that will fill them with more despondency for your government than the loss of half a dozen battles; and it will be viewed with as much regret by all the loyal people in the seceded States as by those in the Northern States." Mr. Sumner expressed his regret at differing from the Senator from Ohio, and gave his assent to the proposed recommitment. Mr. Trumbull was opposed to Mr. Clark's motion; "but," he said, "as Senators favorable to the bill insist upon it, I can only acquiesce, and that I desire to do gracefully." The motion was carried by a vote of twenty-four to fourteen; and the committee, consisting of Clark, Collamer, Trumbull, Cowan, Wilson, Harris, Sherman, Henderson, and Willey, was appointed. Mr. Trumbull declining, Mr. Harlan was appointed in his place.

The committee reported "a bill to suppress insurrection, and punish treason and rebellion"; and on the 16th of May it came up for consideration. Its main provision was that at any time after the passage of the act, the President might issue his proclamation that the slaves of persons found, thirty days after the issuing of the proclamation, in arms against the government, will be free, any law or custom to the contrary; that no slave escaping from his master shall be given up, unless the claimant proves he has not given aid or comfort to the Rebellion; and that the President shall be authorized to employ persons of African descent for the suppression of the Rebellion." Mr. Davis moved an amendment, the point of which was indicated by his remark that he did not object to the emancipation of the slaves of Rebels, but that the government should not sell them. He moved another amendment, that the manumitted slaves should be colonized outside of the United States. Mr. Wilson moved that the bill be so amended as to make it the immediate and imperative duty of the President to issue a proclamation, based on the policy of immediate

surrender or the emancipation of the slaves of Rebel masters. Mr. Cowan objected to congressional action in the premises, because he contended that "the President and his generals, under the war power, were clothed with ample power." The bill was further debated, but did not reach a vote.

In the House a substantially similar course was pursued. On the first day of the regular session Mr. Eliot of Massachusetts introduced a resolution confiscating the property and freeing the slaves of those engaged in the Rebellion. It did not, however, come up for consideration till the close of the following week, when the mover made a vigorous speech and pleaded earnestly for the action proposed. "It is no time," he said, "for set speech. The times themselves are not set. Speech is demanded, but such as shall crystallize into acts and deeds." He deprecated the modification of Fremont's proclamation, because by it the government failed to secure auxiliaries, ready and anxious to help. Mr. Steele, a Democratic member from New York, made a furious proslavery speech, declaring that it was not slavery, but "the unnecessary agitation of slavery," that was the cause of the war. Mr. Harding of Kentucky spoke in earnest opposition to the measure, predicting the most fearful and fatal consequences therefrom. "A war upon the institution of slavery," he said, "will be not only unconstitutional and revolutionary, not only a criminal violation of the plighted faith of Congress and of the administration, but utterly at war with every principle of sound policy. Whoever lives to see that fearful and mad policy inaugurated will see the sun of American liberty go down in clouds and darkness, to rise no more." He predicted that if a war "righteously begun for the Constitution and the Union should be changed to an antislavery war," then Kentucky would "resist to the last extremity." Mr. Conway of Kansas made an eloquent speech elucidating and enforcing the sentiment that it was only as the nation adopted the policy of emancipation that the war could be any other than "a bloody and brutal encounter between slaveholders for dominion, — a war justly offensive to the enlightened and Christian sentiment of the age."

execute this law. Others thought that on so grave a matter something more was necessary, and that the legislative branch of the government should alone assume the responsibility. Others still advocated the dual action of both the executive and legislative branches of the government, the latter devising and adopting, and the former executing, its enactments. The confessed fact that the Constitution was silent, or far from being explicit, on some points involved in the required action afforded occasion for the utmost diversity of sentiment, which was largely improved by both those who approved and those who condemned the proposed measure. They who condemned indulged in the most gloomy forebodings, the most frantic appeals, the most menacing threats. To those who advocated the measure it afforded opportunity and occasion for greater and more grateful variety. Differing in details, there was opened a wide range of remark and argument, as they proclaimed the stern demands of personal and political justice, gave voice to the plaintive expostulation of suffering humanity, portrayed the varied evils of slavery and the slave system, descanted upon the blissful fruits of freedom and those victories of peace whose "trophies," in the words of Mr. Sumner, "instead of tattered banners, will be ransomed slaves," and pleaded national honor and safety, all embellished with the charms of graceful rhetoric and enforced with vigorous and impassioned eloquence.

Speaking in opposition, Southern members entered their earnest protests against any policy that tampered with the rights of the masters to their slaves. Mr. Crittenden of Kentucky expressed the conviction that the whole tendency of the bills was to create the idea "that our whole aim is to make the war an Abolition measure." Mr. Mallory of the same State entered his "solemn protest" against the charge that slavery was the cause of the war, and expressed the conviction that it "is the very best condition in which you can place the African race." Mr. Wickliffe of the same State charged John Quincy Adams with being the original founder of the Abolition party. He affirmed that it was upon "his wild, heated, and monstrous doctrine" that the advocates of the

slave States. Said Mr. Noell of Missouri, with forceful and suggestive words, in reply to Mr. Thomas: "I was charmed with the eloquence of the distinguished gentleman from Massachusetts. . . . . But when I heard his impassioned language, my pleasure was not unmixed with pain. My mind ran back to the ruin and desolation of my own section. I wondered how it could be that a gentleman hailing from a district in the old Bay State, which has furnished so many jewels in the crown of our national glory, could find no balm in the Constitution to cure the ills of patriots and loyalists, or guaranties for their security and protection. Sir, must I go back to the persecuted Union men of Missouri, who have been robbed and plundered without mercy by their Rebel enemies, and tell them that the Constitution is in the way of any effective legislation that would hold the enemy's property as security for their safety? Must I tell them that their wives will have again to do like the mother of Ishmael, — take up their little ones and flee to the wilderness?" In the same connection he thus revealed what should not be lost sight of, the fearful price the Union men of the South were compelled to pay for remaining loyal to the government. "Perhaps in standing up here," he said, "for the safety and security of the loyal people there, I may be signing my death-warrant; but, sir, if I go down, I will go down with the heroes of the Cumberland, with my flag still flying."

Referring to this constitutional argument, Mr. Loomis of Connecticut said: "We are told that the Constitution is in the way. But I remember how the Constitution has been perverted from the first in aid of these conspirators against the life of the nation." Saying that every step of the national government in the assertion of its rightful prerogatives had been met by the cry that they were violating the Constitution, and that there had seemed to be a deliberate purpose from the first "to emasculate our organic law, to make secession easy," he added: "The Constitution was all bristling with vitality and power to guarantee, protect, and extend slavery, although slavery was nowhere named in that sacred instrument; while liberty, though everywhere guarded by the most

Mr. Hanchett of Wisconsin, speaking of the unnatural relation of slavery, said that he who chose to enter it took it with all its chances. He buys human brains and human legs "with the full knowledge that brains were made to think and legs to run. He takes his risk for time and eternity, for peace and for war, for good or for evil, subject to all the incidents of his unnatural tenure." Slavery, said Mr. Rice of Maine, "has 'sown the wind'; let it 'reap the whirlwind.' By the laws of peace, it was entitled to protection, and had it; by the laws of war, it is entitled to annihilation. In God's name, let it still have its right." Even some who opposed the measure expressed their complacency at any injury slavery might receive as the legitimate consequence of the treason it prompted. "We are not bound," said Mr. Menzies of Kentucky, "to prevent the escape of the slaves of Rebels, if they are in the way of our armies. If slavery is necessarily and incidentally injured in the progress of the war," and slaves "desert such silly masters," the injury is "chargeable to those who make war upon the government." Mr. Price of Missouri, after asserting that the war was due to something "quite behind the negro," in "the unrepublican fondness for distinction, parade, and display" of "South Carolina politicians and wealthy planters," who with the "madman's purpose" inaugurated a revolution, added: "I shall shed no tears of pity, if the bold traitors who invoked this storm should be whelmed forever beneath its fiery waves. It would only be poetic justice if that pestilent triangle that has never grown anything but vice, tar, and treason, should be doomed by the fires of its own kindling."

On the 26th of May Mr. Eliot closed the debate, and the two bills he had reported from the special committee were brought to a vote. The first, or that providing for the confiscation of Rebel property, was passed by a strong majority. The second, or that freeing the slaves of Rebels, coming up for action, the first business was the disposal of the several amendments that had been offered. The amendments having all been voted down, the original bill was lost by a vote of seventy-four to seventy-eight. That vote was, however,

reconsidered and the bill was recommitted. On the 18th of June Mr. Eliot moved a substitute for the bill reported by the committee, which was accepted by the House, and the bill, as thus amended, was passed by a vote of eighty-two to fifty-four. The gist of this bill consisted in the provision, that all slaves of persons found in rebellion sixty days after the President shall issue his proclamation should be free; and the President should appoint commissioners to carry its provisions into effect.

The House confiscation bill was taken up in the Senate on the 23d of June. An amendment was moved by Mr. Clark combining confiscation and emancipation. The amendment was sharply debated, but was adopted on the 28th. The bill as amended was adopted by a vote of twenty-eight to thirteen.

The bill as thus amended was taken up in the House on the 3d of July, and the House non-concurred in the Senate's amendment by a vote of eight to one hundred and twenty-four. The Senate insisted and asked for a committee of conference. A committee of conference was appointed, which reported, on the 11th, in substance the Senate amendment. The report was accepted by both bodies, — in the House by a vote of eighty-two to forty-two, in the Senate by a vote of twenty-seven to twelve, — and the President gave it his approval on the 17th. It provided that all slaves of Rebels coming into the possession or under the protection of the government should be deemed captives of war, and made free; that fugitive slaves should not be surrendered; that no person engaged in the military or naval service should render fugitives on pain of being dismissed from the service; and that the President might employ persons of the African race for the suppression of the Rebellion in such manner as he might deem best.

CHAPTER XXVI.

HAYTI AND LIBERIA. — FOREIGN AND DOMESTIC SLAVE-TRADE.

Public commitment of the government to slavery. — Refusal to recognize Hayti and Liberia. — President's message. — Mr. Sumner's bill and speech. — Davis's opposition. — Passage. — House debate. — Gooch, Cox, Biddle, Thomas, Maynard. — Passage. — Slave-trade never effectively opposed. — Lincoln's message thereon. — Treaty with England. — Seward's despatch. — Sumner's bill. — Adopted and approved. — Foster's bill. — Domestic slave-traffic. — Sumner's bill. — Amendment concerning coastwise slave-trade. — Debate and failure. — Again reintroduced. — Passage.

No more marked, seemingly unnecessary, and apparently wanton display of their ascendency in the control of the Federal government was ever made by the slave-masters than in the foreign policy they demanded and dictated. Instead of concealing the nation's shame, inconsistency, and weakness, they seemed to take special pains to call public attention thereto. Instead of keeping slavery where the fathers placed it, as exceptional, sectional, and temporary, — an evil to be tolerated for the time, because of their exhausted condition, their dread of anarchy, and the threats of the slaveholders of Georgia and South Carolina, that they would "not confederate" unless it were recognized and provided for in the new government, — a kind of domestic arrangement which reflected little honor upon the actors, and the public proclamation of which was far from creditable, — they determined it should appear to the world national and not sectional, not a thing allowed by sufferance, but the dominant element of the government. They desired not only the fact, but the form of control; not the substance alone, but the show. Not satisfied with the immunity and protection accorded their nefarious business at home, they determined that it should be known

abroad that they numbered the nation as well as their slaves among their vassals.

No other theory satisfactorily accounts for the persistency with which they opposed every attempt to secure from the government of the United States an acknowledgment of the independence of Hayti and Liberia. The inhabitants of those republics belonged to the despised and tabooed race, and that outweighed the consideration that their governments, modelled like their own, had special claims for republican recognition. President Lincoln, therefore, the representative of another spirit and purpose, in his first annual message to Congress, at its session convened in December, 1861, called its attention to the subject, and urged the adoption of a more benign and worthy policy. In his simple and quiet way he thus alluded to it: "If any good reason exists why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti and Liberia, I am unable to discover it. Unwilling, however, to inaugurate a novel policy in regard to them without the approbation of Congress, I submit for your consideration the expediency of an appropriation for maintaining a *chargé d'affaires* near each of those new states. It does not admit of doubt that important commercial advantages might be secured by favorable treaties with them."

On the 4th of February, 1862, Mr. Sumner, from the Committee on Foreign Relations, to which was referred so much of the President's message as related to that subject, reported a bill authorizing the President to appoint diplomatic representatives to the republics of Hayti and Liberia. Coming up on the 22d of April, Mr. Sumner addressed the Senate in an elaborate and well-guarded speech. "The independence of Hayti and Liberia," he said, "has never yet been acknowledged by our government. It would at any time be within the province of the President to do this, either by receiving a diplomatic representative from these republics, or by sending one to them. The action of Congress is not necessary, except so far as an appropriation may be needed to sustain a mission. But the President has seen fit, in his annual message, to invite such action. By this bill, Congress will associate itself with

him in the acknowledgment, which, viewed only as an act of justice, comity, and good neighborhood, must commend itself to all candid minds. . . . . A full generation has passed since the acknowledgment of Hayti was urged upon Congress. As an act of justice too long deferred, it aroused even then the active sympathy of multitudes; while, as an act for the benefit of our commerce, it was ably commended by eminent merchants of Boston and New York, without distinction of party. It received the authoritative support of John Quincy Adams, whose vindication of Hayti was associated with his best labors in the other House. The right of petition, which he steadfastly maintained, was long ago established. Slavery in the national capital is now abolished. It remains that this other triumph shall be achieved. Petitioners who years ago united in this prayer, and statesmen who presented the petitions, are dead; but they will all live again in the good work which they generously began."

The measure could not but encounter the opposition of Mr. Davis of Kentucky, who moved an amendment, in the nature of substitute, authorizing the President to appoint a consul to Liberia and a consul-general to Hayti; and he based his opposition to the measure simply on considerations of prejudice and the invidious distinctions of caste. He said: "I am weary, sick, disgusted, despondent, with the introduction of the subject of slaves and slavery into this chamber; and, if I had not happened to be a member of the committee from which this bill was reported, I should not have opened my mouth upon the subject. If, after such a measure should take effect, the republic of Hayti and the republic of Liberia were to send their ministers plenipotentiary or their *chargés d'affaires* to our government, they would have to be received by the President and by all the functionaries of the government upon the same terms of equality with similar representatives from other powers." Continuing in a strain of ridicule, he borrowed an illustration of his wit from the presence of the Haytien ambassador at the court of France, "a big negro fellow dressed out with his silver and gold," adding that he wanted "no such exhibition as that in our capital." He quoted — and by

assured, that little of argumentation was called for in its support. Freed, for the moment at least, from the disturbing and distorting influence which had for so long clouded the judgment, paralyzed the sensibilities, and deadened the conscience of the American people, their representatives found little difficulty in comprehending the logic of the case, and the justice of a refusal to ostracize people for the color of their skins. Mr. Gooch said: "Justice, sound policy, political wisdom, commercial interest, the example of other governments, and the wishes of the people of our own, all demand that we recognize the independence of Hayti and Liberia, and that, in our intercourse with them, we place them on the same footing as other independent nations. . . . . Why shall we, in our intercourse with the world, make discriminations in relation to color not recognized by the other leading powers of the earth? Certainly the fact, that the great body of slaveholders in this country are to-day in rebellion against this government, and seeking its overthrow, because they have not been able to control all its departments to promote the extension and perpetuation of slavery, does not make it obligatory upon us to do so." Mr. McKnight of Pennsylvania said: "It has been to our glory that we planted the seeds of freedom, civilization, and Christianity on the shores of heathen Africa, and to our shame that we have so long abandoned the culture and nurture of the plant to others." "The whole argument of Mr. Cox," said Mr. Fessenden, "centred in this: Hayti and Liberia are not to be acknowledged, — no matter what reasons may be given to the contrary, — because, if otherwise, we shall see black ambassadors in Washington. In my opinion, the speech of the gentleman was unworthy of his head and heart." Mr. Thomas of Massachusetts, though conservative in his principles and position, spoke eloquently in favor of the bill. "I have no desire," he said, "to enter into the question of the relative capacity of races; but if the inferiority of the African race were established, the inference as to our duty would be very plain. If this colony has been built up by an inferior race of men, they have upon us a yet stronger claim for our countenance, recognition, and, if need be, protection. The

demned; the conviction and punishment of two mates of vessels engaged in it, and one man who had equipped a vessel for it; and also added that "one captain of a vessel with a cargo of slaves had been convicted and sentenced to the punishment of death." So great was the difference between an earnest purpose to execute the law, and to carry out in good faith the pledges made, and an equally, if not more, earnest purpose to find out "how not to do it."

On the 8th of April, 1862, Mr. Seward sent a despatch to Mr. Adams, our minister to Great Britain, in which he used these words: "I have just signed, with Lord Lyons, a treaty which I trust will be approved by the Senate and the British government. If ratified, it will bring the African slave-trade to an end immediately and forever. Had such a treaty been made in 1808, there would now have been no sedition here, and no disagreement between the United States and foreign nations."

The President having communicated the treaty to Congress on the 12th of June, Mr. Sumner, from the Committee on Foreign Relations, reported a bill to carry into effect the provisions of the treaty, and on the 26th it was taken up for consideration. It was provided that the President should appoint, by and with the advice and consent of the Senate, a judge and also an arbitrator to reside at New York; similar officers also to reside at Sierra Leone and at the Cape of Good Hope. It excited little debate beyond a brief exposition of its provisions by the mover, and a protest from Mr. Saulsbury of Delaware, who, though disclaiming any objection to the suppression of the traffic, denied the constitutional power to negotiate such a treaty or to establish such a court. But the bill was soon put upon its passage, the yeas and nays were ordered, and only four were found ready to record their votes against it. The bill was adopted in the House without debate or division, and approved by the President on the 11th of July, 1862.

On the 8th of the same month Mr. Foster of Connecticut introduced a bill to amend an act relating to the slave-trade, and on the 15th the Senate proceeded to its consideration. By this bill the President was authorized to enter into an arrange-

of Maryland, because, he contended, "the repeal of these sections of the act of 1807 would leave the slave-trade open to unrestrained abuses"; and by Mr. Hendricks, because he regretted to see "all the laws made by the fathers to carry out the Constitution fall, one after the other."

Mr. Sumner replied somewhat sharply. Saying to Mr. Sherman that he had abundant precedent for attaching it to an appropriation bill, he added: "I propose to remove from the statute-book odious provisions in support of slavery. Whoever is in favor of those provisions, whoever is disposed to keep alive the coastwise slave-trade, or whoever wishes to recognize it in our statutes, will naturally vote against my motion. And yet, let me say, that I am at a loss to understand how at this moment, at this stage of our history, any Senator can hesitate to unite with me in this work of expurgation and purification." In reply to Mr. Johnson he said: "I differ radically from the Senator from Maryland. He is always willing to interpret the Constitution for slavery; I interpret it for freedom. He proceeds as if those old days still continued, when slavery was installed supreme over the Supreme Court, giving immunity to slavery everywhere. The times have changed, and the Supreme Court will yet testify to the change. To me it seems clear, that, under the Constitution of the United States, no person can be held as a slave on shipboard within the national jurisdiction, and that the national flag cannot cover a slave."

Mr. Collamer of Vermont spoke earnestly in favor of its passage. Among other considerations which he urged, he said: "In my judgment, all laws, I do not care when they are attempted to be made, nor when they were made, that undertake to deal with slaves, who are persons under the Constitution and our laws, as articles of merchandise in any form, under any regulations of trade whatever, are unconstitutional; and I believe to make a law now to prohibit the carrying of slaves from one State to another for sale is totally unauthorized."

The measure, however, failed in the Committee of the Whole, and was lost by a vote of thirteen to twenty. When it came

CHAPTER XXVII.

COLORED SOLDIERS. — PAY.

Speech of General Thomas. — Purpose — New policy. — President's testimony. — General hesitation. — Protests. — Secretary's Report. — Modified. — President vindicates his course. — Sincerity. — Bill to amend the act of 1795. — Growing conviction of need of colored soldiers. — Protest of border States. — Saulsbury, Carlile, Davis. — Change of sentiments. — Sherman, Fessenden, Rice, Wilson. — Long and violent speech of Garrett Davis. — Difficulties of detail. — Slaves of loyal men. — Browning, Harlan. — New bill. — Adopted. — Scruples of antislavery men. — Hale, Collamer, Doolittle. — Passed and approved. — President still hesitates. — Public opinion. — Change. — Mansfield French. — Visits Washington. — Secretary of War's order. — Colored troops in free States. — Governor Andrew. — Large results. — Stevens's amendment for enrolling colored troops. — Amendments. — Loyal masters. — Debate. — Great diversity. — Kelley, Higby. — Opposition. — Stevens's amendment adopted. — Pay of colored soldiers. — Wilson's bill and resolution. — Various amendments. — Fessenden, Sumner, Conness, Wilson. — Cowan's substitute. — Davis's amendment. — Differences. — Collamer, Foot. — Prolonged debate. — New bill. — Passed Senate. — Fierce debate in the House. — Amendments. — Senate disagrees. — Committee of Conference. — Final action.

On the 8th of April, 1863, General Thomas, who had been commissioned to have charge of enlisting colored soldiers in the Southwest, addressed a company of Union troops, stationed at Lake Providence, Louisiana. In the course of his remarks he said: "You know full well, for you have been over the country, that the Rebels have sent into the field all their available fighting men, — every man capable of bearing arms, — and you know they have kept at home all their slaves for the raising of subsistence for their armies in the field. In this way they can bring to bear against us all the strength of their so-called Confederate States, while we at the North can only send a portion of our fighting force, being compelled to leave behind another portion to cultivate our fields and supply the

"More than a year of trial now shows no loss by it in our foreign relations, none in our home popular sentiment, none in our white military force, — no loss by it anyhow or anywhere. On the contrary, it shows a gain of quite a hundred and thirty thousand soldiers, seamen, and laborers. These are palpable facts, about which, as facts, there can be no cavilling. We have the men, and we could not have had them without the measure. And now, let any Union man who complains of this measure test himself by writing down in one line that he is for subduing the Rebellion by force of arms, and in the next, that he is for taking these one hundred and thirty thousand men from the Union side and placing them where they would be best for the measure he condemns. If he cannot face his case so stated, it is only because he cannot see the truth." And yet it required two years to grasp what seemed at the outset, to many at least, so reasonable, and what the trial so conclusively established.

Nor did this hesitation result from any lack of advocates of a contrary policy. For not only did the antislavery men of the North urge with great earnestness and pertinacity the employment of negro soldiers, but several of the generals of the army, and even Mr. Lincoln's first Secretary of War, advocated it as a policy essential to success. In the preparation of his annual report for the assembling of Congress in December, 1861, Mr. Cameron had asked: "Shall the negroes, armed by their masters, be placed in the field to fight against us, or shall their labor be continually employed in producing the means for supporting the armies of the Rebellion? . . . . It is, therefore, madness to leave them in peaceful and secure possession of slave property, more valuable and efficient to them for war than forage, cotton, and military stores. Such policy would be national suicide. . . . . If it shall be found that the men who have been held by the Rebels as slaves are capable of bearing arms and performing efficient military service, it is the right and may become the duty of the government to arm and equip them." This was, however, a policy too clearly defined, if not too sensible, for the popular sentiment at that stage of the war. Neither the President, Congress, nor the

The bill was taken up the next day, in Committee of the Whole, and gave rise to an animated and able debate, which arose on two amendments moved by Mr. Grimes of Iowa and Mr. King of New York. The main provisions of these amendments were for calling into the service of the Union "persons of African descent"; and providing that, when such person should be employed, then "he and his mother and his wife and children shall forever thereafter be free."

The first to speak were the representatives of the border slave States, who, in addition to personal interests, were greatly hampered at home by the Rebel element in maintaining their loyalty, which they sought to do by showing that men could be true to both the Union and slavery. Mr. Saulsbury spoke contemptuously of the attempt "made on every occasion to change the character of the war, and to elevate the miserable nigger not only to political rights, but to put him in your army and to put him in your navy." He stigmatized the amendment of Mr. Grimes as "a wholesale scheme of emancipation." Mr. Carlile of Virginia asserted that "the negro" constituted "no part of the militia" of his State; expressed the belief that it was "an effort to elevate him to an equality with the white man"; and added, that "the effect of such legislation will be to degrade the white man to a level of the negro." The voice of Mr. Davis of Kentucky was raised in frantic expostulation against the policy of putting arms into the hands of negroes, and of putting them in the army. Saying that they had nearly a hundred thousand slaves, and that the policy contemplated putting arms into the hands of the men, and manumitting "the mass, men, women, and children," to be left "among them," he asked: "Do you expect us to give our sanction and our approval to these things?" "No, no!" he answered the question himself, "we would regard their authors as our worst enemies; and there is no foreign despotism that could come to our rescue that we would not joyously embrace, before we could submit to any such condition of things as that. But before we had invoked this foreign despotism that could come to our rescue, we would arm every man and boy that we have in the land, and we would meet

you in a death-struggle, to overthrow together such an oppression and our oppressors."

There were members, however, who, though not unmindful of the importance of the continued loyalty of the border States, regarded the price demanded as too great, and the dangers involved too imminent. Among them were Mr. Sherman of Ohio and Mr. Fessenden of Maine, though neither of them had been prominent in the antislavery struggle. Indeed, the former, in his speech on this very measure, disavowed all "sympathy with the general policy of the emancipation of slaves, or any interference with the rights of the Southern people," especially of the "loyal" Southern people.

"This proposition," he said, "is one of the most important that has been presented to Congress, and the times are meet for its consideration. The question must be decided whether the negro population of the United States shall be employed to aid the Rebels. Hitherto they have been the mainstay of this Rebellion. Their labor has furnished food; they have built intrenchments, they have relieved the Rebel soldiers of the burdensome duties of the camp, and have left their masters to perform simple military duty. . . . . The policy heretofore pursued by the officers of the United States has been to repel this class of people from our lines, to refuse their services. They would have made the best spies, and yet they have been driven from our lines. They would have relieved our soldiers from many a hard task, many an irksome duty; but instead of that, our soldiers have been required to guard the property of the owners of slaves. . . . . This must no longer be." After admitting that the whites and the blacks must always be "separate," that the latter must always be "inferior," and that "the law of caste is the law of God," and yet affirming that, if permitted, they would help the Union cause "heartily," he added: "Now, shall we avail ourselves of their services, or shall the enemy alone use them? That is the question." Saying, too, that the nation was "somewhat saddened by recent disasters," and that "the whole country is now a scene of mourning," he added, "and yet the spirit and determination are not checked in the least."

Mr. Fessenden, speaking of Union soldiers being required to guard Rebel property, said: "They do not like it; they do not feel easy that they should stand protecting a traitor, sleeping quietly in his bed, when they need repose themselves; that they should be employed in digging trenches in the swamps about the Chickahominy, when there are numbers already acclimated," ready and glad to do it for them. Referring to his reputation as a "conservative" man, he said: "I believe I am one; that is, I am a tolerably prudent, cautious man," and yet he was prepared to say, because it ought, in his judgment, to be said, and said publicly, that "this mode of white kid-glove warfare will not do." "Our adversaries do not hesitate in these matters; why should we?" He who refuses to employ men to render an important service — men, too, who are ready and anxious to render such service — because they are negroes, "makes me feel," he said, "a doubt whether there is not something wanting after all in the heart of such a man." Speaking of the proposed measure, he said: "I tell the President from my place as Senator, and I tell the generals of our army, they must reverse their practices and their course of proceeding upon the subject. . . . . Treat your enemies as enemies, as the worst of enemies, and avail yourselves, like men, of every power which God has placed in your hands to accomplish your purpose, within the rules of civilized warfare." Mr. Rice, a Democratic Senator from Minnesota, was no less unequivocal. "Not many days can pass," he said, "before the people of the United States North must decide upon one of two questions: we have either to acknowledge the Southern Confederacy as a free and independent nation, and that speedily, or we have as speedily to resolve to use all the means given us by the Almighty to prosecute this war to a successful termination. The necessity for action has arisen. To hesitate is worse than criminal." "We may as well meet this question directly," said Mr. King, "and see whether we are prepared to use for the defence of our country the powers which God has given it, — the men who are willing to be used to preserve it."

Mr. Saulsbury and others had insinuated that the white

To this appeal to the precedents of the Revolution and of the "war of '12" Mr. Davis made an elaborate reply, which, if not a complete refutation of the arguments of those he attempted to answer, was a revelation of the embarrassments, apprehensions, and inconsistencies of those who adhered to both slavery and the Union, and who sought to save the one without detriment to the other. He began by referring to the want of "analogy" between the case under consideration and that of employing slaves in the wars of the Revolution and of 1812. In the first of those wars, he said, "the struggling States were in the greatest possible strait, pressed by an overpowering enemy," the number of slaves was small, and the only persons to be injured were "men in arms in the cause of a foreign tyrant." In the war of 1812, he said, the case was "analogous" to that of the Revolution. In the case under consideration he contended that they were "invading the Southern States," in which the slaves "in the aggregate are about equal to the white population," the great mass of whom are "women, children, and aged and defenceless men." "We remonstrate," he said, "against the employment of slaves in this case, because they will be called upon to precipitate themselves against and upon a helpless population, and from their nature and disposition, and from the manner in which their passions can be inflamed and maddened, they having been heretofore in a state of slavery to the people against whom they are to be armed, they could not be restrained with the rules and usages of civilized war." He made a point, too, that in the original draft of the Declaration of Independence, Mr. Jefferson had included among the charges against the British king the fact that he had excited the slaves to "rise in arms among us," and that they were now proposing to do the very thing for which the fathers so severely censured George III.

He disclaimed any objection to the appropriation by the general government of negro labor, like that of the ox, "as other property is applied to military purposes." What he protested against was "the making discrimination between that and other property." Of the effects of the proposed

policy upon the Rebel mind he thus spoke: "Why, sir, there is not a secessionist in the State of Kentucky but what is greatly and sincerely gratified at your measures, but what will not be more gratified when he hears of the propositions that have been presented to-day, and the speeches that have been made in regard to arming the negroes. There is not a Rebel in all secessia whose heart will not leap when he learns that the Senate of the United States is originating such a policy. It will strengthen his hopes of success by an ultimate union of all the slave States to fight such a policy to the death." Rehearsing the history of the Southampton insurrection, of the St. Domingo revolt, the John Brown raid, and other risings of the slave population, and noting the lessons to be deduced therefrom, he thus appealed to Northern members: "Ah, gentlemen, you can smile very derisively and very securely, — you who inhabit the regions of the North, where there is no danger of servile war, where the secessionists will never tread your sacred homesteads"; but we on the borders are exposed to all these dangers, liable to be set upon by the secessionists themselves, and then by "the upheaving of this domestic foe, demoniac in its character when it has once tasted blood." Speaking of "the spell of some sinister and fatal delusion in relation to the slave," that had fallen upon the majority, and of himself as having "no party but my country, no creed but the Constitution," and of the value of the Union as "inestimable," he said: "All my hopes are in it; all my affections are given to it. Come weal, come woe, I am for the Union and the armies of the Union, and I want victory always to perch upon the standard of those armies." Mr. Davis also moved an amendment to strike out the words, "or any military or naval service for which they may be found competent"; but his motion received but eleven votes.

But it was not alone the principle of the bill that caused earnest and even angry discussion. There were subordinate considerations and matters of detail on which arose great divergence of views, and which found expression in several amendments and remarks thereon. Among those who demurred at the sweeping character of the bill was Mr. Henderson of Mis-

souri, who claimed that loyal slaveholders should be exempted from its workings. Saying that there were many loyal slaveholders in his State who were "carrying the flag of their country," he complained of the "absolute injustice" of such legislation towards them, and of the "irritation, resentment, and ill feeling" it would occasion. He therefore moved an amendment, "confining the proposition to free persons of color and to the slaves of Rebels." "I think," he said, "Senators might yield that much at least to the feelings of loyal men in the slave States." His amendment was rejected by a vote of thirteen to twenty-two. Another amendment, providing for compensation to legal owners for such loss of service was adopted by a vote of twenty to seventeen. Mr. Sherman also moved to restrict the operation of the bill to the slaves of Rebels, and this was adopted by a vote of twenty-two to sixteen.

Mr. Browning of Illinois moved to amend by striking out the words "his mother, and his wife and children," which provoked a brief and sharp debate; but it was rejected by a vote of seventeen to twenty-one. Mr. Harlan of Iowa made an elaborate and eloquent argument for the bill, urging the imperative demand that was then challenging their most serious attention. "If I read," he said, "the signs of the times correctly, this has become a necessity. We cannot, if we persist in our folly, thwart the ultimate purposes of the Almighty. By his providential interposition he has thrown open the door for the liberation of the nation of bondmen; he has removed the constitutional impediment, he has caused their assistance to be necessary to the perpetuity of the Union and the integrity of the nation." The bill, on motion of Mr. Wilson, was postponed, and was not again taken up.

The next day Mr. Wilson, from the same committee, introduced a new bill, substantially the same, but containing some additional matter, in regard to enrolment, rations, and pay; making, however, no discrimination between the slaves of loyal and disloyal citizens. Mr. Sherman immediately moved that such discrimination be made. It excited sharp opposition, but was ultimately carried by a majority of one. Mr. Lane

from abroad, we, the representatives of American States and of the American people, standing fast by the Constitution and the Union, here and now renew our pledge before high Heaven, and swear by Him who liveth and reigneth forever, that we will put down this Rebellion, we will sustain this Constitution, and preserve this Union forever."

The bill was taken up in the House on the 16th, and a motion by Mr. Holman, a Democratic member from Indiana, to lay it on the table was defeated by a vote of thirty to seventy-seven. The previous question was then moved and sustained, and the bill was passed to be engrossed, and received the President's signature July 17, 1862.

But, notwithstanding this action of Congress, little use was made of negroes in the Union army during the first two years of the war. The President had not become convinced that the time had arrived for the general adoption of the policy authorized thereby. They were employed to some extent, but mainly confined to Hilton Head, South Carolina, and New Orleans. "Public opinion," said a contemporaneous writer as late as the opening of 1863, "had not yet decided that they could become an integral portion of the army, and as such be available for every species of military service, notwithstanding that Congress by two acts passed in July, 1862, had expressly authorized the employment of colored men as troops." But events were strongly tending in the right direction, and both the administration and the country were being rapidly educated up to the true policy. Among those who interested themselves most strenuously in securing a reversal of the policy hitherto pursued was Rev. Mansfield French, a Northern clergyman who had been appointed a chaplain of a regiment in South Carolina. Having been long identified with the antislavery movement, he was prepared to appreciate and use the arguments in favor of summoning the black man to join in the desperate conflict, and he determined to secure from the administration an order for the enlistment and organization of colored regiments for the Federal service. During the month of August, with a despatch from General Saxton, commanding at Hilton Head, he waited upon the Secretary

of War with the request that he would give the requisite order. At first unsuccessful, he finally prevailed, and received on the 25th the long-desired order, directed to General Saxton, to raise five thousand troops, accompanied with the suggestive remark that "this must never see daylight, because it is so much in advance of public sentiment." The order contained seven sections, the first two pertaining mainly to "laborers, not exceeding fifty thousand"; of the remaining five, three were devoted to matters of detail, and the third and seventh were as follows: —

"3d. . . . . You are authorized to arm, uniform, equip, and receive into the service of the United States such number of volunteers of African descent as you may deem expedient, not exceeding five thousand; and may detail officers to instruct them in military drill, discipline, and duty, and to command them. The persons so received into service and their officers to be entitled to, and receive, the same pay and rations as are allowed by law to volunteers in the service. . . . .

"7th. By the recent act of Congress all men and boys received into the service of the United States, who may have been the slaves of Rebel masters, are, with their wives, mothers, and children, declared to be forever free. You and all in your command will so treat and regard them."

This was the first formal order from the War Department for the enrolment of colored soldiers to become "an integral portion of the army"; though it was not until the beginning of 1863 that the administration entered in earnest upon the enrolment of colored troops. The initiative of raising colored soldiers in the free States was an order from the War Department, dated January 20, 1863, to Governor Andrew of Massachusetts. It was a general order for the enlistment of troops, and the clause inaugurating the new and grand policy for which the friends of humanity and equal rights had been struggling for more than two years was couched in these simple and unpretending words: "Such volunteers to be enlisted for three years, unless sooner discharged, and may include persons of African descent, organized into separate corps."

The rest is known. How grandly they responded to the sum-

mons, how effectively they served their country's imperilled cause, and how nobly they answered the expectations and fulfilled the hopes of their friends, and at the same time disappointed and confounded the predictions of their enemies, is matter of record, testified to by the President, as already noted, and will constitute a part, and no unworthy part, of the nation's history.

In the House Thaddeus Stevens, on the 10th of February, 1864, moved to amend the Enrolment Act by striking out one of its sections and substituting therefor a provision for enrolling persons of African descent, of suitable age and health, whether citizens or not, and paying to the masters of such as were slaves three hundred dollars each, such slave becoming free thereby. A motion was made, and accepted by the mover, that only loyal masters should be paid. Mr. Boutwell moved to substitute "twenty-five dollars" for the sum specified. In connection with his motion he said: "I desire to say, in reply to the gentleman from Kentucky, that we have reached that emergency when men in the border States should understand, at least so far as I am concerned, that slaves, as inhabitants of the country, are to be used as other men are used to put down this Rebellion. No constitution or law of any State shall stand between me and what I believe to be my duty to my country." Mr. Creswell of Maryland indorsed Mr. Stevens's amendment, and Mr. Davis of the same State moved to strike out the proposed compensation to the masters of drafted slaves, on the ground that the slaves, like others, owed allegiance and duty to the government, and, consequently, that the government owed nothing to masters therefor. Mr. Mallory of the same State contended, on the other hand, that the slave was "property," and that the proposed amendment ignored the principle entirely, and was "contrary to the Constitution of the United States." The next day the debate was resumed, and Mr. Stevens accepted the amendment of Mr. Davis, who also moved to amend by authorizing the Secretary of War to appoint a commission to adjust the compensation for slaves who might volunteer, and his amendment was accepted. Mr. Kasson of Iowa expressed his willingness to make this dis-

Wood called "attention to the fact that, while we are discussing a measure clearly and palpably in violation of the Constitution, the Confederate House of Representatives is discussing measures of peace, reunion, and conciliation." A motion was made that such troops should be organized into companies and regiments of their own color, and be commanded by white officers; but it was rejected. Mr. Stevens's amendment as amended was then adopted, providing that colored men, free or slave, when enrolled, should be considered a part of the national forces, the loyal masters of slaves receiving the hundred-dollar bounty to each drafted man on freeing their slaves.

When the bill came up in the Senate it failed of receiving a concurrent vote, and was referred to a Committee of Conference. The committee agreed upon a substitute, which was adopted by both houses. The bill, as finally adopted, enacted that every slave, whether drafted or a volunteer, shall be free on being mustered into the service. To the loyal master of a drafted slave there should be paid one hundred dollars; while the Secretary of War was charged to appoint a commission in each slave State represented in Congress, to award for each colored volunteer "a just compensation, not exceeding three hundred dollars, to each loyal person to whom he may owe service."

While the enrolment of colored soldiers was under consideration, other parts of the same general policy became subjects of earnest debate and legislation. Thus, as early as the 8th of January, Mr. Wilson had introduced a bill for the promotion of enlistments, that was referred to the Committee on Military Affairs, which reported it back with amendments, and made the subject of debate on the 21st. As amended, it provided that all of African descent who were mustered into the military service should receive the same pay, emoluments, and perquisites as "the other soldiers of the regular and volunteer forces," with "two months' pay in advance." This last condition was amended by striking out the "two months' pay," and substituting a bounty "not exceeding one hundred dollars." On the 3d of February Mr. Wilson introduced a joint

resolution, providing that all soldiers of color shall have the same pay, emoluments, and perquisites, "other than bounty," as other soldiers, "during the whole term in which they shall be or shall have been in such service," and every person of color who shall hereafter be mustered into the service should receive like pay and perquisites, and bounty "not exceeding one hundred dollars."

In the debate upon the resolution, Mr. Fessenden of Maine and Mr. Conness of California questioned the propriety of the proposed retrospective action in paying these men for services already rendered; the latter expressing the opinion that neither the condition of the treasury nor the public credit could "afford" such "acts of justice," and moving an amendment that the pay should begin "from and after the passage of this act." The proposition, however, was vigorously opposed. Wilson, Ten Eyck of New Jersey, Lane and Pomeroy of Kansas, pleaded for the retrospective feature, contending that to strike it out would be unjust, would occasion "great dissatisfaction, not only in the minds of the troops, but of all their friends at home," and that the true policy would be to place colored soldiers in precisely the same position as white soldiers. Mr. Sumner would not press the retroactive principle, "unless where the faith of the government is committed"; and there he would not "hesitate." "The treasury," he said, "can bear any additional burden better than the country can bear to do an injustice"; and Mr. Foster of Connecticut sustained the same position, remarking that "justice is always the highest expediency."

Mr. Lane of Indiana, having coupled the idea that placing the colored soldiers "hereafter on an equality with the white troops" was all that could be expected, with the remark that "no man in his sober senses will say that their services are worth as much, or that they are as good soldiers," Mr. Wilson interposed for reply the testimony of the colonel of a colored regiment to the good conduct of his soldiers, and that of other officers who "took these troops with prejudices against them," to their industry, deferential manners, and "zeal, and an earnestness unsurpassed." And he added: "There is a

reason for all this. Take a colored man who has been degraded by popular prejudice, or by law, or in any other way, put the uniform of the United States upon him, and let him follow the flag of the country, and he feels proud and elevated. They are fighting for the elevation of their race, as well as for our country and our cause, and well may they perform their duty." Mr. Sumner expressed his surprise at the remarks of Mr. Lane, and commented on "his lack of generosity and his lack of justice toward these colored soldiers." Mr. Conness withdrew his amendment.

Mr. Sumner then moved that, in regard to all past services, if the Secretary of War shall become convinced that these colored soldiers believed "that they were mustered into the service under the act of July 22, 1861, they shall receive full pay." Mr. Anthony of Rhode Island expressed his doubts whether that would "cover the case"; and Mr. Grimes and Mr. Howe expressed the apprehension that the matter was "being compromised by attempting to cover some individual cases in a general law." Mr. Wilson, despairing of getting his resolution through in the shape reported, moved an amendment, that the act should take effect "from and after the first day of January, 1864"; and his amendment was agreed to.

Mr. Cowan of Pennsylvania moved to strike out all after the enacting clause, and to substitute an act providing that all soldiers "of the same grade and service shall be entitled to the same pay, rations, and pension." "I am in favor," he said, "of treating the negro precisely the same as any other man. He is a citizen of the United States. When I say that the negro is a citizen, I do not mean to say that he is equal to the white man." Mr. Saulsbury entered his protest against such sentiments, and the general substitution of the term "colored soldiers" for the usual term "negro." "Now, lo and behold," he said sneeringly, "in the advancement of civilization and Christianity and refinement, of which we hear so much, the negro has got to be a 'colored person'; and when you come to provide for calling him into the public service, there must be perfect equality."

Several amendments having been made and lost, on the 23d

upon." Mr. Sumner moved an amendment, which was adopted adding that those who were enlisted under the act of July, 1861, should receive "the pay promised by that enlistment."

The debate was prolonged through several days, and elicited much plain and straightforward speaking. "Pass the bill," said Mr. Fessenden, "and settle the principle as it ought to be settled; place the colored troops on the same level with the white troops in all cases; let them receive the same pay and rations and everything else." Mr. Howard of Michigan spoke strongly. Condensing his thought, he described with terse and truthful words the essential injustice and iniquity of slavery, and the little real credit due to the nation for decreeing its abolishment. Concerning the policy that would discriminate against the colored man, he said: "You call him to your aid in your wars; your necessities remit him to the condition in which Nature herself placed him. The hand of robbery becomes palsied. Freedom, his birthright, accrues to him as a responsible being; and he again enjoys what it was not yours to give, and which human force and crime have withheld. The Almighty, not you, restores to him the gift of liberty. He owes you nothing for it; not even gratitude." But disagreement on the details of the proposed measure was too great to allow the passage of the resolution; and the whole subject was recommitted.

On the 2d of March Mr. Wilson reported a new bill, placing all soldiers on an equality from the 1st of January, 1864; giving the same bounties to all under the call of October, 1863; giving to all persons of color enlisted into the service the pay allowed to other volunteers from the date of muster, if promised by any authorized persons, it being left with the Secretary of War to decide all questions of fact. Mr. Davis offered an amendment, which received but six votes; and the bill was passed by a vote of thirty-one to six. On the 22d of April Mr. Wilson offered this bill as an amendment to the army-appropriation bill. In support of his amendment he spoke of the failure of Congress to increase the pay of colored soldiers as "not only checking enlistments but disastrously affecting the men in the field." "Sir," he said, "can we, dare we,

the House insisting, a Committee of Conference was appointed, but it failed to agree. Another committee was appointed, but their report was rejected by the House. A third committee was appointed, and reported that the House recede from its amendment reducing the bounty of volunteers under the call of October, 1863; that all persons of color, free on the 19th of April, 1861, and enlisting and being mustered in, shall receive what was allowed to such persons by the laws existing at the time of their enlistment; and the Attorney-General was authorized to determine any question of law arising under this provision, and the Secretary of War was authorized to make all necessary regulations required thereby. This report was subjected to sharp criticism. Mr. Sumner did not "think it creditable to Congress," Mr. Pomeroy thought it "unjust to regiments from his State," Mr. Conness complained of its "unjust discrimination," and Mr. Johnson said it was not "intended to settle anything, except contingently." It was, however, accepted by both houses and became the law of the land. Substantially it provided that colored troops were placed on the same footing with white after the 1st of January, 1864; colored volunteers in the loyal States were allowed the same bounty as white; all colored soldiers, free on the 19th of May, 1861, were to receive full pay, and the Attorney-General was authorized to decide whether such as were not free at that time were entitled to the same, which in a subsequent decision he admitted to be their rightful due.

Though opposed to slavery from principle, never remembering, he said, the time when he was "not antislavery," his constitutional scruples, which were very strong, and perhaps the prejudice against color, so general among his countrymen, and of which he was not altogether free, held him back from a policy to which he could not without hesitation give his consent. A brief *résumé* of the leading facts, some of which have already been referred to, will make this more apparent, beside making the final result more intelligible.

On the 9th of July, 1861, Major-General John C. Fremont was appointed to the command of the Western Department. He reached St. Louis on the 25th, which he made his headquarters. The battle of Bull Run had been fought and lost. The slaveholders of Missouri were untiring in their efforts to strengthen the Rebel cause and to increase the Rebel forces in that State; guerilla bands were organized, and the Union cause was seriously menaced. General Lyon was defeated on the 9th of August, and affairs wore a threatening aspect. General Fremont fortified St. Louis and other important points, and sought, in every available way, to strengthen himself against these formidable encroachments and preparations of the enemy. In pursuance of this purpose, he issued, on the 31st of August, a proclamation, confiscating the property and making free the slaves of all citizens of Missouri who had taken or should take up arms against the government.

This bold action of General Fremont, though it was but the enunciation of a conclusion to which events seemed rapidly tending, was very differently received even by those equally intent on saving the Union. Antislavery men received it with joy as the approaching culmination of a struggle in which they had been long engaged, the realization of their fondly cherished hopes, an answer to their prayer, an omen of good, and a new claim to his title of "pathfinder" for the general who had shown the sagacity of discovering that way to success. Others, who had not sympathized in these views of slavery, but were equally intent on saving the Union, accepted the policy proposed as the probable solution of the great problem they were seeking to solve. But the Union men of the border States

local institutions." Major-General David Hunter, succeeding in command and having his headquarters at Hilton Head, proclaimed the States of Georgia, Florida, and South Carolina under martial law, and issued, on the 9th of May, 1862, an order in which occur these words: "Slavery and martial law in a free country are altogether incompatible. The persons in these States — Georgia, Florida, and South Carolina — heretofore held as slaves are therefore declared forever free." Though the President was by no means unmindful of the feeling elicited by his retraction of Fremont's proclamation, had felt the full force of the pressure that had been brought, and was then brought, to bear upon him to adopt the policy of emancipation, and could readily apprehend the additional disappointment that would be felt, and the odium that would attach to his administration for so doing, he resolved to revoke the order. Accordingly, a few days afterward, he issued a proclamation for that purpose. In it he stated that the government had no knowledge of any intention of General Hunter to issue such an order; that "neither General Hunter nor any other commander or person has been authorized by the government of the United States to make proclamation declaring the slaves of any State free." "I further make known," he continued, "that whether it be competent for me, as Commander-in-chief of the army and navy, to declare the slaves of any State or States free; and whether, at any time or in any case, it shall have become a necessity indispensable to the maintenance of the government to exercise such supposed power, are questions which, under my responsibility, I reserve to myself, and which I cannot feel justified in leaving to commanders in the field." He then referred to a special message he had sent to Congress in March recommending national aid to any State or States which would adopt any plan for the "gradual abolishment of slavery," and to its adoption by "large majorities" of both houses. By this action and proffer of the general government in behalf of gradual emancipation he felt himself estopped from indorsing the more summary process of General Hunter. Add now the above-mentioned fact that he was personally favorable, and had been

previously committed, to the policy of gradual abolishment, coupled with that of colonization, and it becomes clearly apparent why he was exceedingly anxious that the great problem before them should find this mode of solution. He closed his message by an appeal to "the people of these States," with an eloquence and pathos seldom found in official documents or state papers. Reminding them of the signs of the times, to which they could not be "blind," he sought for his proposal "a calm and enlarged consideration," ranging "far above personal and partisan politics." "I do not argue," he said, "I beseech you to make the arguments for yourselves." Saying that the proposal made common cause for a common object, that it cast no reproaches, that it did not "act the Pharisee," that the change it contemplated "would come gently as the dews of heaven, not rending or wrecking anything," he asked with paternal earnestness: "Will you not embrace it? So much good has not been done by our effort in all past time as, in the providence of God, it is now your high privilege to do. May the vast future not have to lament that you have neglected it."

Not only did he make this formal and open appeal, but within a short time he sought interviews with the representatives of the border States, reiterating and pressing with still greater earnestness his entreaty for the adoption of his proposal. To one of these delegations he presented, in writing, his views and wishes, which has been referred to and quoted from in another connection. In this paper he elaborated more at length the considerations he deemed so important. He spoke of the "unprecedentedly stern facts of our case," of the necessity of "discarding the maxims of more manageable times," of the diminishing value of their slaves, and of the better policy of realizing something before that value was completely extinguished.

There cannot be better indexes of the obscurity resting upon public affairs, as well as the conflicting views that obtained among the leaders at that stage of the Rebellion, than are afforded by these proclamations of Fremont and Hunter, and the papers of the President annulling them. Fremont

and Hunter would make free the slaves by the simple fiat of a military proclamation; Buell and Hooker actually allowed slave-masters to come within the Union lines to search for their slaves; Butler declared them contraband of war; Wool would employ them and pay them for their service; while Halleck drove them from the Union lines, and McClellan avowed his purpose to put down anything like servile insurrection "with an iron hand." Mr. Cameron, as Secretary of War, would employ slaves, and actually instructed generals thus to employ them, while the President modified and in a measure actually countermanded this order of his Secretary. Meanwhile there was a growing conviction at the North that all this tenderness toward the provoking cause of the war was misplaced and wrong, and that it was putting in extremest peril the nation's life. This impatience and importunity found voice from pulpit and press in unsparing measure and in thunder tones. On the 19th of August the editor of the New York "Tribune" addressed an open letter to the President, over his own signature, entitled "The Prayer of Twenty Millions." In it he urged, if not a proclamation of emancipation, the rigorous execution of such laws as Congress had already enacted on the subject. He denounced all attempts to put down a Rebellion of which slavery was the provoking cause, without touching that cause, as "preposterous and futile." A large delegation of the Protestant clergy of Chicago visited Washington and called upon the President with a like errand. Similar delegations of clergymen and others pressed upon him the importance and necessity of adopting the proposed policy. While he received them courteously, he gave them little encouragement of listening to their prayers or of adopting their suggestions. Indeed, his arguments all pointed in the opposite direction. His reply to Mr. Greeley was very widely read, produced a profound impression, and was particularly disrelished by antislavery men. Saying that his paramount object was to save the Union, and not either to save or destroy slavery, he added the famous epigrammatic utterance already quoted in these pages, and which was so often repeated, that if he could save it with or without touching slavery, or by

man expected. God alone can claim it. Whither it is tending seems plain. If God now wills the removal of a great wrong, and wills also that we of the North, as well as you of the South, shall pay fairly for our complicity in that wrong, impartial history will find therein new causes to attest and revere the justice and goodness of God." Seldom have reverent loyalty to God and an unselfish and unpartisan fealty to equity found simpler or sweeter expression.

The President, observant of both the Divine and human, the moral as well as the military, aspects of the conflict, taught by disasters in the field and the poor success of his overtures to the border States, was learning fast. None can ever know all that passed through his mind during those sleepless vigils of which he spoke to the Chicago clergymen; but it is safe to conjecture that there were not only sharp conflicts between opposing policies, but grave questionings concerning the course he had hitherto pursued, the seemingly deaf ear he had turned to the importunities and expostulations of antislavery men, his repeated interference with the action of those generals who had proclaimed the freedom of slaves, his expressed willingness that slavery might continue if the Union could be preserved. With the views he entertained and so often expressed of the Divine justice and the reason the nation had to fear the full force of its righteous workings, it can hardly be doubted that he sometimes coupled in his own mind his course towards Fremont and Hunter with the sad defeats of the Union cause, the terrible disasters of the Chickahominy, the repulse of Pope so near the capital, and other reverses, so distressing in their immediate results and so depressing in their influence upon the popular mind and heart. He might perhaps have used the same language he employed a month previous in his letter, which grated so harshly upon Northern ears, to Mr. Greeley, but it is probable he would have used it with less confidence and with greater mental reservation. He knew, too, that not alone the antislavery men and women of the land were thus intent upon a change of measures, but that the religious sentiment of the loyal States was deeply moved, and that prayer unceasing was offered by the churches of the North and the

slaves of the South for him, and in behalf of a policy that would suppress the Rebellion by striking at the guilty cause.

But whatever may have been the workings of the President's mind, and however he may have been moved thereto, he was rapidly reaching the conclusion that, however contrary it may have been to his prejudices and preconceived opinions, and whatever may have been the risks involved in the new departure, to this complexion it must come at last. Indeed, it has since transpired that in June, before the letter of Mr. Greeley and the visit of the Chicago clergymen, to whose appeals he had given replies so little satisfactory, he had prepared a draft of the proclamation he afterward sent forth. This draft, before submitting it to his Cabinet, he read to Hiram Barney, collector of the port of New York. Near the close of July or the first of August Mr. Lincoln summoned his Cabinet for the purpose of reading the document which he had prepared. He told its members that he had not called them together to ask their advice on the general question, for on that his mind was made up, but to apprise them of his purpose, and to receive suggestions on minor points as they might make. Among the suggestions was one by Mr. Seward that, while he approved of the measure proposed, the time was not opportune. Referring to recent reverses and the consequent depression of the public mind, he said, "It may be viewed as the last measure of an exhausted government, — a cry for help, — the government stretching its hand to Ethiopia, instead of Ethiopia stretching forth her hands to the government; our last shriek on the retreat." Mr. Lincoln admitted the force of the suggestion; and the document was held in abeyance, awaiting more cheering fortunes, which, however, did not come till the public heart had been repeatedly saddened by the retreat of Pope on Washington and the invasion of Maryland. But the good tidings came at length in the national success at the battle of Antietam.

True to his convictions, and obedient to the promise which, he told Mr. Chase, he had made to God if he would grant success to the Union arms, he sent forth the paper which has immortalized his name, and which, more than any act of his

administration, has signalized both it and the age of which it formed the great event. The battle of Antietam was fought on the 17th of September, 1862, and on the 22d the President sent forth to the nation and the world his Proclamation of Emancipation, bearing his own signature, that of his Secretary of State, and the great seal of the Republic. In it he declared, what he had so often declared before, that "the object of the war is that of practically restoring the constitutional relation between the United States and each of the States" in which that relation had been or might be "disturbed"; that at the next meeting of Congress he should recommend another proffer of national aid to any States which should "voluntarily adopt immediate or gradual abolishment of slavery within their respective limits"; that "all persons held as slaves on the 1st of January, 1863, in any States or parts of States then in rebellion, should be then, thenceforward, and forever free," and that the government "will recognize and maintain the freedom of such persons"; that "the Executive will, on the 1st of January aforesaid, by proclamation designate the States and parts of States, if any, in which the people thereof shall be in rebellion"; and the fact that any State is represented in Congress in good faith and without countervailing testimony shall be deemed conclusive evidence that they are not in rebellion. He called attention to and quoted the acts of Congress of March 13, 1862, and of July 16, 1862, prohibiting the military and naval service from returning or permitting the seizure of fugitives from slavery, and he enjoined upon all persons connected with the army or navy to obey and enforce said legislation. He also announced his purpose to recommend that all persons who had remained loyal should, on the suppression of the Rebellion, be "compensated for all losses by acts of the United States, including the loss of slaves"; so tender was he of vested rights, so anxious was he to carry out in good faith any pledges of his own or of the party which had elected him.

This unheralded and, for the moment, unexpected announcement of the Executive purpose startled the nation, and evoked very different responses. Antislavery and Christian men,

claimed for the full period of one hundred days . . . . order and designate as the States and parts of States wherein the people thereof respectively this day are in rebellion against the United States." Specifying such States and parts of States to be affected by the measure, he then proclaimed that all persons held as slaves therein "are and henceforward shall be free," and that the government in all its branches "will recognize and maintain the freedom of said persons." Enjoining upon the people so declared to be free that they should "abstain from all violence unless in necessary self-defence," and that, "when allowed, they labor for reasonable wages," he declared that they might be "received into the armed service of the United States." "And upon this act," he said, "sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God." This last clause was suggested by Mr. Chase, and readily accepted by the President.

Though the immediate effects of the Proclamation might not have answered all that was expected of it, it was not many months before its happy influences became manifest. Its tendency from the first was to unify and consolidate the antislavery and Christian sentiment of the land, to give dignity and consistency to the conflict. It took away the reproach, which had been freely cast upon the government, that the war was a mere sectional strife for ascendency, and made it appear what it really had become,—a struggle for human rights, and a vindication of the primal truths of the Declaration of Independence. It strengthened, too, the cause immensely with other nations, secured the sympathy and moral support of Christendom, and diminished, if it did not entirely remove, the danger of foreign intervention.

And yet there were many at the North who continued inflexibly and violently hostile to the measure, and who permitted no opportunity to pass unimproved of holding it up to popular odium. Not only did the Democrats universally condemn it in their conventions and through their presses, but Union men, even some Republicans, of whose loyalty there

could be no question, doubted the expediency, if they did not deny the right, of its issuance. Even in the President's own State there was a mass meeting, in September, 1863, of those opposed. To this meeting he addressed a letter, in which, with much force and point and in his own inimitable manner, he vindicated his course, and showed how indefensible was the position of those whose carping criticisms he thus noticed. Assuming that they were all equally anxious for peace, he said that there were but three possible ways in which it could be secured, — by the force of arms, which he was trying to effect; by giving up the Union, to which he was unalterably opposed; and by some compromise, which he deemed impossible with a maintenance of the Union, at least so long as the whole South was under the control of the Rebel army. Alluding to a probable difference that existed between them in their estimate of the negro, he admitted that personally he certainly desired his freedom, but claimed that he had adopted or proposed nothing for that purpose inconsistent with a simple desire to preserve the Union. To the wish that the Proclamation should be retracted on the plea that it was unconstitutional and unauthorized, and that it put in greater peril the Union cause, he replied that he had no question of his right to do it as Commander-in-chief in the exercise of the war power. Continuing his response to this objection, he said it was, or was not, valid. If it was not valid, it needed no retraction. If it was valid, it could not be retracted, "any more than the dead can be brought to life." To the plea that its retraction would increase the chances of Union success, he said that the war had been prosecuted a year and a half without it, and that it had certainly "progressed as favorably for us since the issue of the Proclamation as before." To their avowed refusal to fight for negroes, he caustically replied: "Some of them seem willing to fight for you"; adding that what the black soldiers had done left "just so much less for the white soldiers to do to save the Union." But like others, he said, they did not act without motives; and he asked why they should do anything for us if we will do nothing for them. "If they stake their lives for us," he said, "they must be

prompted by the strongest motive, even the promise of freedom, and the promise being made must be kept." Saying that the signs looked better, and that peace did not appear as distant as it did, and expressing the hope that "it will soon come to stay; and so come as to be worth the keeping in all future time," he closed with this sharp and significant rebuke: "And there will be some black men who can remember that with silent tongue and clenched teeth, and steady eye and well-poised bayonet, they have helped mankind on to this great consummation, while, I fear, there will be some white ones unable to forget that with malignant heart and deceitful speech they have striven to hinder it."

CHAPTER XXIX

that men should do to you, do ye even so to them"; but this law, with impious audacity, held up the slaveholders' edict forbidding that very thing, making it a penal offence, to be expiated by severe punishment, to give even a cup of cold water or a piece of bread to the trembling fugitive. No law had ever grated more harshly and aroused feelings of deeper indignation. It was but natural, therefore, that among the first acts of their new-born power should be attempts to sweep this and kindred laws from the statute-book.

As early, therefore, as the assembling of Congress at its first regular session after the inauguration of Mr. Lincoln, memorials began to come in, praying that body to repeal the iniquitous law; and before the close of December, 1861, Mr. Howe of Wisconsin introduced into the Senate a bill for its repeal. In presenting his bill he said: "This act has had its day. As a party act it has done its work. It probably has done as much mischief as all the acts ever passed by the national legislature since the adoption of the Federal Constitution." It was referred to the Committee on the Judiciary, which, however, did not make its report, and that adverse, till February, 1863. In May, 1862, Mr. Wilmot introduced a bill requiring owners of fugitives from service to take the oath of allegiance to the government; to swear that they have never given aid or comfort to the enemy; while any alleged fugitive should have the right to summon witnesses, without respect of color, to give testimony in his case. The bill was referred to the Committee on the District of Columbia, and reported back without amendment. Near the same time, Mr. Wilson introduced a bill to amend the act of 1850, giving to the alleged fugitive the right of trial by jury, with the same safeguards as were allowed on an indictment; the right of bail; requiring evidence of the claimant's loyalty; and repealing several sections of the act. It was taken up on the 10th of June, briefly considered, when the Senate adjourned, and the bill never came up again for consideration. Though there existed a growing desire and imperious demand for some such legislation, there were too many difficulties attending any effective action, and the XXXVIIth Congress adjourned without enacting any law upon the subject.

mained of binding force. "The thunder of Sinai," he said, "is silent, and the ancient judgments have ceased; but an act of Congress which, beside its direct violation of this early law, offends every sentiment of Christianity, must expect the judgments of Heaven. Perhaps the sorrows and funerals of this war are so many warnings to do justice." "Unhappily," he said in closing, "the statute must remain in the pages of our history. But every day of delay in its repeal is hurtful to the national cause and to the national name."

The minority report, signed by Buckalew and Carlile, referring to the assumption of the majority that the act was both "unconstitutional and inexpedient, took, what they termed, the "proper occasion for restating the grounds" of such legislation, and made an earnest argument in defence of the general principle of reclaiming fugitives, and of the act of 1850 in particular. Concerning the "expediency and policy" of such legislation, they said significantly and sneeringly that they were points which they only needed to take into consideration, "whose views of constitutional duty are unfixed, or formed upon principles of political philosophy which were unknown to, or, at least, unaccepted by, the illustrious men who established the government of the United States." Beside its argumentative portions, the minority report well represented the Democratic and slaveholding spite against the negroes and their friends. It spoke of the former as "an injurious and pestilential element to the State," and of the latter and their "fanaticism scenting blood and carnage in the distance."

The bill came up for consideration on the 19th, was reported to the Senate, ordered to be engrossed, and read a third time. Mr. Foster of Connecticut said he was "not prepared to see the bill pass just now." Mr. Sumner disclaimed all desire to speak, for, he said, "it seems to me perfectly plain. It is like a diagram; it is like the multiplication-table; it is like the Ten Commandments." "It may be," said Mr. Hendricks of Indiana, on the other hand, "that our fathers erred in the agreement among themselves that a fugitive slave should be returned; it may be that it was a mistake on their part; but while their agreement stands, and while my oath is on my

over the land. An arrogant and defiant party, in their pride of power, passed that bill through both houses of Congress. It has the forms of law, and has stood unrepealed to this day. From the first day I had the honor of a seat in this body until now, I should have voted cheerfully for its repeal at any time."

The subject came up again on the 21st when, among other motions to amend and postpone, was a speech of Mr. Van Winkle of West Virginia, in opposition to the "series of projected measures now pending in one or both houses of Congress"; as also in favor of a proposition to organize West Virginia as a State, abolishing slavery therein. Mr. Howard of Michigan moved to amend by a provision that no person in any Territory or in the District of Columbia should be held a slave, or removed under the act of 1793, and that "the fourth section of said act should be repealed." Various other motions were then made, and the whole subject was deferred to the 27th of April; but it was never called up again for consideration.

In the House the several bills which were presented on the subject of the fugitive-slave acts on the 14th of December, 1863, and one subsequently presented by Mr. Spaulding had been referred to the Committee on the Judiciary. On the 6th of June, Mr. Morris of New York reported for them a substitute entitled "A bill to repeal the Fugitive-Slave Act of 1850, and all acts and parts of acts for the rendition of fugitive slaves." He moved its recommitment, and his motion was adopted. But the vote for recommitment was reconsidered, and the bill was put on its passage. On the demand for the previous question Mr. Mallory of Kentucky made an earnest and deprecatory speech. "Kentucky is the only State," he said, "still adhering to the Union, which has not abolished or taken the initiatory steps to abolish slavery. . . . . I demand, as an act of justice to my State, that the Fugitive-Slave Act be permitted to remain on the statute-book. . . . . If the Fugitive-Slave Act is repealed, and your provost-marshals and recruiting-officers draft and recruit the slaves of Kentucky, if this policy is continued, what need, think you, will there be to

faith. You are destructionists: you would tear down all that is valuable and sacred in the past, and build up nothing in their place. You are revolutionists."

But those who spoke for the bill were equally emphatic and undisguised. "I make," said a member, "no distinction whatever between the act of 1793 and the act of 1850. To-day they are equally obnoxious, and, in my opinion, equally infamous. I revere the memory of the founders of the Republic; but I am not so infatuated as to believe that the fathers would ever have passed the act of 1793 had slavery then been in rebellion against them. It is fit that American statesmen in this age of the world, at this period of the great American war, at a time when the Republic is smarting and bleeding, if not reeling, under the blows that slavery has given it, and at a time when a hundred thousand black men are fighting for the flag, and not one against it, — it is fit that American statesmen, here assembled to deliberate and act upon this momentous question, should have an opportunity to record their votes for posterity to read." Mr. Morris made, near the close of the debate, a brief and earnest speech in advocacy of the right and duty of adopting some such measure. "These statutes," he said, "are repugnant to the sense of every good man who has not been educated to believe that the slave code is more imperative than the Constitution itself. I say, sweep out a law which no man respects who is not a votary of human slavery. It is an abomination."

The previous question was then ordered, and the bill was adopted by a vote of eighty-two to fifty-seven.

It was taken up in the Senate, on motion of Mr. Sumner, on the 21st of June, though Mr. Hendricks of Indiana interposed objection, and Mr. Saulsbury of Delaware expressed the belief that "no practical good can result from it." The near approach of the close of the session, with its pressure of accumulating business, the anxiety of members to secure action on bills intrusted to their care, and the fear that the debate to which the bill would give rise would consume time they desired for other subjects led to opposition and counter-motions. Even Mr. Hale opposed it. "There are several very impor-

tant bills," he said, "relating to the navy on the calendar; and I have received urgent and pressing letters from the Secretary of the Navy to call the attention of the Senate to them." Mr. Powell had in charge an important bill to secure freedom in elections, and he said that he did "not see what good armies or navies are going to do us, if we have no freedom of elections." A vote, however, to take it up was secured.

The next day it met with the same opposition, and several of what Mr. Sumner styled "dilatory motions" were interposed against taking it up. Among them was one by Mr. Powell to postpone the further consideration of the bill "till the first Monday of December next." But he withdrew it on the proposition of Mr. Sumner to "meet Senators half-way," and the bill was reported to the Senate without amendment. Coming up again the next day, Mr. Davis of Kentucky made a speech against it, and Mr. Saulsbury moved to strike out all but the enacting clause, and insert the words of the Constitution concerning fugitives, "and that Congress shall pass all necessary laws for the rendition of all persons who shall escape," and nine voted for his amendment. Reverdy Johnson also proposed an amendment, which received seventeen votes. The bill was then passed by a vote of twenty-seven to twelve. The President approved it on the 28th, and thus was swept from the pages of the statute-book the heartless and iniquitous, inhuman and infamous, fugitive-slave acts of 1793 and 1850.

CHAPTER XXX.

MAKING FREE THE FAMILIES OF COLORED SOLDIERS.

Colored soldiers. — Confederate threats. — Bill by Mr. Wilson freeing families. — Henderson's amendment and speech in behalf of loyal slavemasters. — Opposed by Grimes and sustained by Johnson. — Testimony against slavery. — Sherman's amendment and speech. — Doolittle. — Brown's proposition and speech. — Wilson's substitute. — Wilkinson, Pomeroy, Lane, Grimes. — Constitutional amendment. — Proposition to recommit. — Conness, Howard, Fessenden. — Slaves "property." — Davis, Willey. — Joint resolution. — Failure. — New session. — Resolution introduced. — Motion to commit. — Democratic opposition. — Mr. Sumner. — Davis's confession. — Wade. — Powell's amendment. — Carlile. — Resolution adopted. — Reported in the House. — Debated. — Passed.

THE President in his annual message, December, 1863, had estimated the colored soldiers in the service at "nearly one hundred thousand." They were mostly from the border States, and the slaves of loyal masters. While they were fighting the battles of the country, their masters, who were generally opposed to their enlistment, could sell into perpetual slavery their wives and children. To deter slaves from enlisting, or to punish them when they did enlist, slave-masters made merchandise of the wives and children of colored soldiers, and often sold them into a harsher bondage.

To put an end to a practice so cruel, unjust, injurious, and dishonorable to the country, Mr. Wilson introduced into the Senate on the 8th of January, in his bill to promote enlistments, a provision declaring that when any man or boy of African descent, owing service or labor in any State, under its laws, should be mustered into the military or naval service of the United States, he, and his mother, wife, and children, should be forever free. When the Senate proceeded to the consideration of the bill, Mr. Powell of Kentucky, pronouncing the section giving freedom to the wife, mother, and children of

rance; and out of that, immorality of every description arises; and among other immoralities is, that the connubial relation does not exist." This admission of the distinguished Senator from Maryland revealed the inhuman and demoralizing tendencies of the slave system. It was for the perpetuation of such a system the land was reddened with the blood of civil war.

Mr. Sherman addressed the Senate upon the general question of employing colored men as soldiers, and of emancipation. "On the subject of emancipation," he declared, "I am ready now to go as far as any one. Like all others, I hesitated at first, because I could not see the effect of the general project of emancipation. I think the time has now arrived when we must meet this question of emancipation boldly and fearlessly. There is no other way. Slavery is destroyed, not by your act, sir, or mine, but by the act of this Rebellion. I think, therefore, the better way would be to wipe out all that is left of the whole trouble, — the dead and buried and wounded of this system of slavery. It is obnoxious to every manly and generous sentiment. From the beginning, we should have armed the slaves; but before doing so, in my judgment, we ought to secure them by law, by a great guaranty, in which you and I, and all branches of the government, would unite in pledging the faith of the United States, that forever thereafter they should hold their freedom against their old masters." Mr. Carlile followed Mr. Sherman, in opposition to the bill. He emphatically declared, that, "if it shall become necessary in this struggle for the confederates to arm their slaves, they will arm and emancipate them too."

Mr. Doolittle of Wisconsin opposed the bill, but favored an amendment of the Constitution. "Slavery," he said, "is dying, dying all around us. It is dying as a suicide dies. It is dying in the house, and at the hands, of its own professed friends. The sword which it would have driven into the vitals of this Republic is parried and thrust back into its own." In opposing the bill, Mr. Richardson of Illinois asserted that Senators who were struggling for the rights of the negro forgot the rights of the white race.

Mr. Brown of Missouri moved to strike out the section mak-

that great power to strengthen the government in putting down the Rebellion. We have enlisted many thousands of colored men, and we are continuing to enlist colored men, in all parts of the country. But, sir, the enlistment of colored men causes a vast deal of suffering; for a great wrong is done to their families, and especially is that so in the State of Missouri. Those wives and children who are left behind may be sold, may be abused; and how can a soldier fight the battles of our country when he receives the intelligence that the wife he left at home, and the little ones he left around his hearth, were sold into perpetual slavery, — sold where he would never see them more? If there be a crime on earth that should be promptly punished, it is the crime of selling into slavery, in a distant section of the country, the wives and children of the soldiers who are fighting the battles of our bleeding country. Now wife and children plead to the husband and father not to enlist, — to remain at home for their protection. Pass this bill, and the wife and children will beseech that husband and father to fight for the country, for his liberty, and for their freedom."

Mr. Wilkinson moved to strike out so much of the amendment as proposed to pay the estimated value of the wives and children of colored soldiers; and Mr. Pomeroy proposed so to amend it as to "settle the account between each person made free and his or her owner, and to award to each party such just compensation as may be found due." It was then moved by Mr. Sherman to postpone the bill for the purpose of acting on the amendment to the Constitution to abolish slavery throughout the United States. Mr. Wilson opposed delay. "I think it is a measure to fill up our armies," he said, "and ought not to be postponed an hour. Then, as a matter of justice, how can you ask a man to enlist and fight the battles of his country, when he knows that the moment his back is turned his wife and children will be sold to strangers?" Mr. Sumner said the main question was to hit slavery wherever and whenever it could be found; and Mr. Lane of Kansas declared that this was a bill that should be voted upon at the very earliest day, or else "we should stop enlisting black

and could only be taken for public use by paying a just compensation. The party in power are grinding us to the dust by the weight and tyrannies of an organized military despotism. These usurpers and oppressors are seizing upon our able-bodied negro slaves, and organizing them into a standing army already numbering nearly one hundred thousand men, and to be augmented far beyond those figures, to hold us in hapless and hopeless political, social, and commercial servitude to themselves. Belshazzar and his host are now drunk and feasting; but Cyrus and the Persians will soon be upon them. The aroused American freemen will effect their own deliverance at the ides of next November." "This bill," said Mr. Wilkinson, "is to give freedom to the wives and children of the soldiers who fight our battles for the government and for freedom. It has been claimed that if this bill shall pass, it will work the emancipation of the whole negro race within the United States. While the noblest and the best sons of the loyal States were reddening every rivulet in Virginia with their blood, and almost every sod of the Old Dominion was pressing upon the grave of a blue-eyed soldier of the North, we turned our backs coldly upon the only friends we had in the rebellious States, and said to them, 'You are black, and are not worthy to suffer and die for freedom; we would rather lose our own liberties than to give freedom to a nation of slaves.'"

Mr. Willey of West Virginia maintained that the cases of vindictive cruelty to which allusion had been made were more attributable to the pending universal emancipation in Missouri than to the exasperation of the masters growing out of the enlistment of the slaves. He thought the enactment would lead to very distressing difficulties, and made the strange point and argument, for a Christian gentleman, that there could be "in Virginia, between slaves, no legal marriage; there can be no wife in the eye of the law; there can be no children of slaves in the eye of the law."

Failing to bring the bill to a vote, Mr. Wilson, on the 18th of May, introduced a joint resolution to encourage enlistments by making free the wife and children of any person who had

"if you pass this measure, you will have to do it by walking over the plain provisions of the Constitution of your country." The reference was advocated by Mr. Doolittle, who doubted the constitutionality of the measure, and who preferred to wait for the adoption of the constitutional amendments, which would finally settle the question forever by the supreme judgment of the American people.

It was maintained by Mr. Saulsbury of Delaware, that Congress had no power to decree the freedom of the wives and children of negro volunteers in the army, nor could they give permanent freedom to the negro volunteer himself.

"All must confess," said Mr. Sumner, "the humanity of the proposition to enfranchise the families of colored persons who have borne arms for their country. All must confess the hardship of continuing them in slavery. . . . . But every argument, every consideration, which pleads for the enfranchisement of the slave, pleads also for the enfranchisement of the family. There is the same practical necessity for doing it, and the same unutterable shabbiness in not doing it. . . . . Concede that the soldier may be enfranchised, and it follows that by the same constitutional power his family may be admitted to an equal liberty. Any other conclusion would be as illogical as inhuman; discreditable alike to the head and the heart. There is no argument, whether of reason or humanity, for the enfranchisement of the soldier, which does not plead equally for that of his family. Nay, more: I know not how we can expect a blessing on our arms while we fail to perform this duty."

Failing by four majority to secure the reference of the resolution to the Committee on the Judiciary, Mr. Davis moved so to amend it as to make its operation prospective. He made the singular confession that it was the first time that he had ever ventured to utter a voice in the name of humanity in the Senate; but, in the name of humanity, he did protest that a degraded and helpless race of beings, who were unable to support themselves, should not be deprived of the support of their masters, and thrown helpless upon the world, without the means of supporting themselves. To this suggestion Mr.

and father sixteen dollars a month to support his wife and children. We clothe and feed the colored soldier, and we pay him sixteen dollars a month, and with that pay he can support wife and children. Make them free, and not only will his wages go to their support, but the labor of their own hands will go to their support."

Mr. Davis's amendment, to make the bill prospective, was rejected, and Mr. Powell then moved that no slave should be emancipated by virtue of the resolution, until the owner should be paid a just compensation. He emphatically declared that those who looked upon African slavery as the cause of the war were sadly mistaken; that it was the distempered and fanatical ideas of men who had "negro on the brain," and who were prominent among "the old maiden ladies who get up societies, and those white-cravatted preachers who go about, and instead of preaching Christ crucified, preach Sambo in chains."

Mr. Powell's amendment was rejected, and so was Mr. Saulsbury's amendment providing that the resolution should not be operative in any State that had not assumed to secede from the Union.

Mr. Carlile emphatically denied "all power to put a negro, the property of his master, into the service of the United States in any capacity, with the power to liberate him." Mr. Trumbull agreed with all the appeals that had been made in favor of the measure for humanity's sake. If he could give the vote or utter the word, consistently with his oath, he would free every human being "on God's earth." But believing that there could be no genuine liberty except liberty regulated by law, and no government worth preserving unless they stood by the Constitution, he declared that he must vote against the resolution. The joint resolution to make free the wives and children of colored soldiers passed the Senate by a vote of twenty-seven to ten.

In the House of Representatives the resolution was referred to the Committee on the Judiciary. On the 22d of February Mr. Wilson of Iowa reported it without amendment. "Does the gentleman believe," inquired Mr. Mallory of Kentucky,

CHAPTER XXXI.

MEETING OF XXXVIIIth CONGRESS. — WAR LEGISLATION.

Army organized and disciplined. — Determination of the loyal masses. — Democratic sympathy with the Rebellion. — Fierce demands for peace. — Hendricks and Vallandigham. — Action of Ohio Democrats. — Fourth of July speeches of Pierce and Seymour. — Democratic condemnation of Lincoln and his emancipation policy. — "Journal of Commerce." — Northern reaction. — Enrolment Act. — New York riots. — "Tribune." — Northern fears. — Republican leaders firm. — President's message. — Abrogation of slave-trade. — Retrospection. — Proclamation of Emancipation. — Effects immediate and remote. — Results on the whole encouraging. — Colored soldiers. — State action on slavery. — Oath of allegiance. — Mr. Sumner's motion. — Saulsbury's amendment. — Republican criticisms and diverse opinions. — Constitutionality questioned. — Bayard, Collamer, Johnson. — Resignation and speech of Bayard. — Montana. — Bill and amendments. — Debate. — Sumner and Johnson. — Dred Scott decision. — Hale, Trumbull, Wade. — Amendment lost. — Confiscation Act. — Amendment. — Debate. — Orth, Cox, Kernan. — President's opinion. — Sharp speeches of Davis and Stevens.

THE XXXVIIIth Congress assembled for its first session on the 7th of December, 1863. The war still raged, making its fearful drafts upon the manhood and resources of the loyal States, and putting to the severest test their patriotism and courage, their persistence and their right to live. The troops at the front had lost the rawness of fresh recruits and were becoming veterans. Instead of what had been called, too truthfully if somewhat ungraciously, considering the noble impulse that led them thither, the "mob," that fled panic-stricken from the disasters of Bull Run, they had become, through the discipline and drill of the camp, and the hardships and hazards of the march and the battle-field, compacted into an immense and well-appointed army, of which the people at home were proud, in which they had confidence, and for which they were both willing and anxious to make the most thought-

fidelity and zeal in Congress and in the army, the influence of that organization, through its presses, leaders, and conventions, was hostile rather than friendly to the Union cause. Indeed, so free and fierce were their denunciations of Mr. Lincoln and his policy, that few were surprised in the following year at the *pronunciamento* of its presidential convention, that the war had proved a "failure," with the "demand that immediate efforts be made for a cessation of hostilities." Illustrations only too numerous abound. Clement L. Vallandigham of Ohio had made himself so obnoxious by his treasonable utterances that he was convicted by court-martial and sentenced to close confinement in Fort Warren until the close of the war; a sentence, however, remitted or modified by President Lincoln into a direction that he be sent within the Rebel lines. The Ohio State Democratic convention the next month not only condemned by resolution and speech this action of the Federal government, but nominated, by acclamation, the distinguished convict as their gubernatorial candidate.

In those dark days — perhaps the darkest of the war — immediately preceding the battle of Gettysburg, were these treasonable demonstrations of the party most marked and pronounced, if not avowedly in favor of the Rebels, against any effective policy of suppressing the Rebellion. In the month of June Lee had crossed into Maryland in pursuance of his long meditated and threatened purpose of transferring the war to Northern soil. On the 28th General Meade, on assuming command of the army of the Potomac, issued a proclamation in which he assured it that "the country looks to this army to relieve it from the devastation and disgrace of a hostile invasion." And yet in that hour of extremest peril and of national depression — when every well-informed and thoughtful Northern man opened his morning paper with trembling hands lest he should read of the realization of these fears, and of the march of Lee's victorious legions across the green fields of Pennsylvania or through the streets of Philadelphia — ex-President Pierce was delivering a Fourth of July address in the capital of New Hampshire, which, if not treasonable, could not have failed to lend aid and comfort to the enemy. After

a soil saturated with the blood of the fiercest conflict of which history gives us an account. We can, if we will, avert all these calamities and evoke a blessing. . . . . If you would save your country and your liberties, begin right; begin at the hearthstones which are ever meant to be the foundations of American institutions; begin in your family circle; declare that your privileges shall be held sacred; and, having once proclaimed your own rights, take care that you do not invade those of your neighbor." Such was the Democratic diagnosis of the disease, and such was its prescription for a cure; such was its bitter arraignment of the Republicans and their policy, and such the policy its leaders would inaugurate as their own.

As both cause and effect of this growing sentiment of disloyalty and of the increasing numbers of those who were more or less open and defiant in their opposition to the government, was the oft-repeated charge that the conflict had been diverted from its original and legitimate purpose, a war for the Union, into a war against slavery. The New York "Journal of Commerce," in an article which appeared near the time of the "draft riots" of that city, after intimating that the war had been thus diverted, added: "Some men may say, 'Now that the war has commenced, it must not be stopped till slaveholding is abolished.' Such men are neither more nor less than murderers. The name seems severe; it is, nevertheless, correct." Saying it would have been criminal to commence a war for any such purpose, it asked: "How can it be any less criminal to prolong a war, commenced for the assertion of governmental power, into a war for the suppression of slavery, which, it is agreed, would have been unjustifiable and sinful if begun for that purpose?" And such was the tone of the Democratic press generally, insidiously insinuating and ascribing sentiments and purposes to the administration which the President at least had not only disclaimed, but which it was known he did not entertain. Ignoring the fact entirely that Mr. Lincoln was openly committed to the policy of gradual and compensated emancipation, coupled with colonization, and that he never adopted that of the Proclamation until forced to

lums, hanging negroes to lamp-posts, and filling the whole city with dismay, and a Democratic governor addressing the tumultuous assemblage as "friends," were but the products of a common cause, utterances too manifestly in sympathy with the Rebellion to be excusably mistaken or safely overlooked. "We may just as well," said the New York "Tribune" of the 15th of July, during the progress of those riots, "look the facts in the face. These riots are 'a fire in the rear' on our country's defenders in the field. They are, in purpose and essence, a diversion in favor of Jeff Davis and Lee. Listen to the yells of the mob, and you will find them surcharged with 'nigger,' 'Abolition,' and 'Black Republican.'"

It was under such circumstances that the XXXVIIIth Congress assembled. The first flush of feeling, indignant or patriotic, had given place to that which was more subdued, and which reflected more accurately the real character and settled purpose of the people. If it was not their "sober second thought," it was the combined result of their characters, circumstances, and the influences to which they had been subjected. Nor had these results been altogether reassuring, or calculated to inspire confidence for the future. The Democratic victories of the later months of 1862 and the earlier months of 1863, already noted, greatly aggravated, as they were no doubt largely caused by, the military reverses of that period, while they greatly saddened and alarmed the loyal mind and heart. There had, indeed, been some reaction, and the elections which had just taken place had shown Republican gains and had resulted in the choice of Republican candidates; and yet the knowledge that there were so many Northern men who could vote with a party so disloyal, and so thoroughly committed to a policy derogatory to American honor and destructive of its unity, could not but fill the hearts of thoughtful patriots with misgivings and alarm.

But fortunately the administration of the government was in the hands of the Republican party, whose leaders in the Cabinet and in Congress saw farther and more clearly than the people, comprehended more fully the grandeur of the occasion, the sublime significance of the conflict, and the impera-

operations of the army and navy as having been on the whole favorable, but he referred Congress for fuller and more minute information to the reports of the two Secretaries. Saying that "under the sharp discipline of war the nation is beginning a new life," he proceeded to give a more detailed account of the progress of events, of the new policy of emancipation, and of its effects upon the general issue, not only at the seat of war, but at home, and among the people of the free States.

Speaking retrospectively, he noted the fact that, "when Congress assembled a year ago, the war had lasted twenty months, with varying results." Though the Rebellion had been "pressed back," yet he was compelled to add that at that time "the tone of public feeling and opinion at home and abroad was not satisfactory"; that the popular elections then just passed "indicated uneasiness among ourselves"; while, amid much that was cold and menacing abroad, "the kindest words coming from Europe were uttered in accents of pity that we were too blinded to surrender a hopeless cause." He spoke of the piratical craft "built upon and furnished from foreign shores," from which commerce was suffering greatly, of the threatened additions from the same source that would "sweep our trade from the sea and raise our blockade," and of the fact that they had then "failed to elicit from European governments anything hopeful upon this subject."

He referred to what he called the "emancipation proclamation" of September, "then running its assigned period to the end of the year." Speaking of the final proclamation of January 1, 1863, he said: "The policy of emancipation and of employing black soldiers gave to the future a new aspect, about which hope and fear and doubt contended in uncertain conflict." Repeating what he had so often asserted before, that the policy was extra-constitutional, that the Federal government had no constitutional right to interfere with slavery in the States, that he had long delayed resorting to it, and that it had been adopted only as "a military necessity," he added: "It came at last, and, as was anticipated, it was followed by dark and doubtful days. Eleven months have now passed and we are permitted to take another review." That

est care must be directed to the army and navy, who have thus far borne their harder part so nobly and well."

Among the more noticeable or memorable doings of the XXXVIIth Congress was the new oath of allegiance which it adopted, and which was to be taken by those filling offices under the United States government. It was not only prospective, requiring entire fealty to the government in the future, but it was retrospective, demanding unbroken loyalty in the past. It required the following as, perhaps, its most significant part: —

"I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto."

This was signed by the President July 2, 1862, and was commonly called the "iron-clad oath."

Soon after the assembling of the XXXVIIIth Congress Mr. Sumner introduced a resolution proposing an addition to the rules of the Senate, requiring that the new oath of allegiance, prescribed by the above act of July 2, 1862, for United States officers, should be "taken and subscribed by every Senator in open Senate, before entering upon his duties." Mr. Saulsbury of Delaware immediately offered a substitute, instructing the Committee on the Judiciary to inquire, first, whether "Senators are included within the provisions of said act"; and, second, whether "said act is in accordance or in conflict with the Constitution of the United States." In support of his substitute, he said that in the early history of this government it was decided "that a Senator is not a civil officer under the government of the United States." Further he said, in opposition to Mr. Sumner's resolution, that "the

sible limits consistent with the maintenance of the nation's integrity and life. But between the limits prescribed by the organic law and those prescribed by the supreme law of the nation's safety there was a shadowy land where men could hardly fail of seeing differently, an unsurveyed territory across which those equally able and equally patriotic would not draw the same lines as separating the allowable from the unallowable.

The discussion turned largely upon the constitutionality of the law itself of July 2, 1862. In condemnation of the rule Mr. Bayard of Delaware spoke at length. After saying that he was the only member who had not taken the oath prescribed, he remarked that the resolution involved two general questions: First, Is the law of 1862 "repugnant to the Federal Constitution, or is it within the powers delegated to Congress? Second, Is a member of the Senate included by its provisions?" He directed his argument mainly to the first question, which he answered in the negative; because, he said, the act was "repugnant to at least three, I think four, provisions of the Constitution." First, "it prescribes a further qualification for a member of Congress" than that prescribed by the instrument itself. Secondly, "it is in conflict with the fifth article of the amendments of the Constitution." The Senator alleged, and defended the allegation, that it was "a restriction upon power intended to secure individual rights against the aggressions of government, ... a principle that comes to us from *Magna Charta*." Thirdly, it invalidated, he contended, the pardoning power of the President. Fourthly, he maintained that it was substantially an *ex post facto* law, prescribing "the penalty of disqualification as the punishment for a crime committed before the passage of the law, though it was subject to no such punishment at the time of its commission."

He then considered at some length the second question, whether or not a Senator was an officer of the United States within the meaning of the statute. Under this head he commented on the test and definition of "loyalty" involved and implied in the new rule proposed. Saying that, in his judgment, the new tests proposed were "repugnant to the provisions" of the Constitution, he added: "If it be disloyal to

support the Constitution of my country, then I cheerfully accept the imputation of disloyalty; but if made on any other ground, I shall meet it with calm contempt."

The affirmative was, however, ably argued. Among the most lucid and logical presentations of the reasons for the adoption of this extra-judicial or extra-constitutional legislation was a speech of Mr. Collamer of Vermont. He alluded to the course of the conspirators, while they occupied seats in both houses, "but especially in this chamber, who disclaimed all allegiance to our government, who claimed the right to dismember that government as a constitutional right, who set on foot plans to execute these purposes, and who openly declared such to be their purposes. They did this defiantly, menacingly, superciliously. This was the arena on which they put forth all their gladiatorial efforts of treason." Saying that the time finally came when they departed, "as Catiline did from Rome," and put in operation their combinations, two questions arose: How can this country be secured against the repetition of this? How are these men, and men like these, to be kept out of these bodies? Unless such repetition could be prevented, he contended that government was at an end. "No other course could secure the country." "If men," he said, "of that character, and men of that conduct, can have seats, and can retain seats here, then there is an end of this government. If the Constitution is so framed that it is subject to this infirmity incurably, it is an abortion, it is a total failure; and if any construction can be given to this Constitution which, in practical application, can produce this effect, it is as much a destruction of this government as secession is.

"Such was our condition, and such were the demands upon us. It became necessary to inquire what was the mode of conviction. It was quite evident that the taking of an oath to support the Constitution did not amount to any correction. All those men had taken that oath, and it furnished no sufficient security. . . . . If no other qualifications or disqualifications could by any possibility be framed and constitutionally executed . . . . than those mentioned in the Constitution, ... then it is subject to the infirmity of which I have spoken."

Reverdy Johnson of Maryland, in response to the speech of Mr. Collamer, denied and thus disposed of the claim that a Senator was a "civil officer," saying that "a Senator is not an officer under the government, but above the government. . . . . He is a part of the government, and not an officer holding a commission or exercising any authority under the government in the sense which this debate involves." The resolution was, however, adopted by a vote of twenty-eight to eleven.

The next day Mr. Bayard came forward and took the oath prescribed. He immediately, however, resigned his seat; accompanying his resignation with a speech which revealed very clearly the opinions and position of some of the Southern Unionists. Admitting that he alone of the political party to whom the prescribed oath applied had hitherto refused to take it, and giving his reasons therefor, he reminded the Senate of his views, as expressed at the outset of the Rebellion, concerning the policy required, — a policy, he added, which "differed from the course pursued subsequently by the administration," — a policy of "conciliation, and the removal of real or even apprehended grievances or dangers, and not coercion by arms." Saying, too, that "he preferred their peaceful separation to civil war," but that "the Democratic party with which I have been connected is divided, and many of its leading and most influential adherents indulge the visionary idea" that the Union could be maintained by force "without the abandonment of a federal, and its conversion into an imperial and centralized government," and affirming that the results already produced had confirmed his opinions and verified his fears, he said: —

"I have lived to see the elective franchises trodden under foot in my native State by the iron heel of the soldier, and 'Order No. 55,' not the people of Delaware, represented in one hall of Congress. I have lived to see her citizens torn from their homes and separated from their families on the warrant of a self-styled detective. . . . . And now, Mr. President, the Senate of the United States have, by their decision enforcing an expurgatory and retrospective test-oath, repugnant to both the letter and spirit of the Constitution, made

of the Senator of Massachusetts was conclusive upon all such questions, guided, and controlled the public mind, it might be considered now as settled that the decision of the Supreme Court in that case was a disgrace. But I have yet to be advised that the honorable member, either by nature or education, has attained so much intellectual celebrity or possesses such transcendent mental ability as to be able to pronounce *ex cathedra* against a decision pronounced by the Supreme Court of the United States. There are many men, the equals of the honorable member, to say the least, intellectually, who think that that decision was anything but an outrage."

Mr. Hale, with his unfailing wit and good humor, however, came to the rescue. "I do not," he said, "propose to enter into this discussion, but simply to make a single remark, in which I am compelled to differ from my honorable friend from Massachusetts. He says that the Dred Scott decision was a disgrace to the Supreme Court of the United States. I do not believe that I think any better of that decision than he does; I think it was an outrage upon the civilization of the age, and a libel upon the law; but I do not think it was a disgrace to the Supreme Court of the United States." He expressed, however, with Mr. Sumner, the conviction that the amendment involved an important principle, and that, while the colored men were fighting the nation's battles, the nation should thus recognize their manhood and rights as citizens of the Republic.

Others, however, equally earnest and decided in their anti-slavery convictions and purposes, like Trumbull and Wade, doubted the policy of urging it at that time; the former declaring it to be "the merest abstraction," from which no good could arise. After long discussion, however, the amendment was lost.

Another illustration of the stern conflicts of opinion and feeling between Republican members, of the radical nature of many of the discussions of the session, and of the freedom with which many of the acts of the President were criticised by the leaders of his own party, was afforded by a long and vigorous debate on a proposition to amend the Confiscation Act of July, 1862, proposed in the House from the Committee on

constitutionally inflicted, in a different form, for the same offence." Congress having passed this explanatory resolution: "Nor shall any punishment or proceeding under said act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life," the President was satisfied, and signed the bill.

The purpose of the amendment now before the House was the modification of this explanatory resolution. During the debate H. Winter Davis of Maryland made a very vigorous speech in opposition to the proposed amendment. He spoke of the "intolerable folly" of such a construction of the Constitution, that "for any ordinary crime Congress may prescribe any punishment they please; take the land in fee; but in providing for the punishment of treason, the greatest crime, the most dangerous crime, it has feebly attempted to protect innocent offspring by saving the lands of the convict, but leaving his life and all his personal property at the mercy of the law." Calling it an "unrepublican discrimination between real and personal property," he said: "And this anti-republican view is urged to fetter us in breaking the power of an aristocratic rebellion founded on land in large bodies and on negroes. Were there no other objection than this, that simple *reductio ad absurdum* disposes of the argument."

Thaddeus Stevens spoke with more than his usual and biting force, declaring that, in his judgment, the Constitution had nothing to do with the act of July, 1862, which had been, he added, with sharp, not to say harsh, criticism of the majority, "modified by a resolution which, it has been truly said, was passed under duress very little to the credit of the Congress that passed it." That act, he continued, was simply the exercise of the war power, — "a proceeding under the laws of war and under the law of nations over which the Constitution has no control, and in regard to which it has no effect whatever."

As it required no great sagacity to forecast as much without the aid of the actual experiment, so with the experiment before their eyes few were found to doubt the necessity of appropriate laws to carry into effect the spirit and purpose of that immortal paper. It was seen, too, that something more than ordinary legislation was needed, — something more enduring than what would be subject to the varying phases of popular feeling, the mutations of partisan politics. It was felt that it should become a part of the organic law of the land, so that it could be reached only by the slow processes through which alone changes in that can be made. The new departure resolved on should find expression in the Constitution itself.

On the 14th of December, 1863, Mr. Ashley of Ohio presented to the House of Representatives a bill providing for the submission to the States of a proposed amendment of the Constitution that "slavery is hereby forever prohibited in all the States of the Union, and in all Territories now owned, or which may hereafter be acquired, by the United States." With some Democratic opposition it was referred to the Committee on the Judiciary by motion of the mover. On the same day Mr. Wilson of Iowa, chairman of the same committee, introduced a joint resolution to the effect that "slavery being incompatible with a free government is forever prohibited in the United States; that involuntary servitude should be permitted only as a punishment of crime"; and that Congress should have power to enforce the same by "appropriate legislation." It was referred, like the preceding, to the Committee on the Judiciary, consisting of five Republicans, three Democrats, and ex-Governor Thomas of Maryland, who generally acted with the administration. The chairman, Boutwell of Massachusetts, and Williams of Pennsylvania were pronounced anti-slavery men, as were also Woodbridge of Vermont and Morris of New York, though less known and prominent in the struggle. Of the Democratic members, King of Missouri and Bliss of Ohio were fully committed against the policy of emancipation. Kernan of New York was an able lawyer, and liberal in his general tone of feeling and opinion, but he was a personal friend and political adherent of Governor Seymour, and his

strong partisan associations seemed sometimes to lead him to disregard the convictions of his judgment and moral nature. Mr. Thomas had committed himself to the policy of emancipation, and to his untiring efforts was largely due the continued loyalty of Maryland to the Union. Though the measure was introduced and committed thus early, it was not brought up for debate until the last day of the succeeding May.

In the mean time the subject was brought before the Senate, on the 14th of the following month, by a resolution, offered by Mr. Henderson of Missouri, proposing a similar amendment of the Constitution; and it was referred to the Committee on the Judiciary. Soon afterward Mr. Sumner introduced a joint resolution providing that "all persons are equal before the law, so that no person can hold another as slave." He desired that it should be referred to the Select Committee on Slavery, but in deference to the generally expressed conviction that it should have the same reference of the other measures introduced, it, too, was referred to the Committee on the Judiciary. This committee consisted of five Republicans, Trumbull, Foster, Ten Eyck, Harris, and Howard; and two Democrats, Bayard and Powell. Of the former, Trumbull and Howard were pronounced antislavery men, while Foster, Harris, and Ten Eyck, though Republicans, were rather conservative. Bayard and Powell were Southern Democrats, and looked with disfavor upon emancipation. The committee reported adversely on Mr. Sumner's resolution; and in lieu of that of Mr. Henderson proposed the following as the XIIIth amendment of the Constitution: —

Sect. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been fully convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sect. 2. Congress shall have power to enforce this article by appropriate legislation.

On the 28th of March the subject came up for consideration, and Mr. Trumbull opened the debate with a brief and comprehensive statement of the question. Expressing his conviction that if the measure passed Congress, it would be ratified by

the requisite number of States, he said: "That accomplished, we are forever freed of this troublesome question. We accomplish then what the statesmen of the country have been struggling to accomplish for years. We take this question entirely away from the politics of the country. We relieve Congress of sectional strifes; and what is better than all, we restore to a whole race that freedom which is theirs by the gift of God, but which we for generations have wickedly denied them." This calm and dispassionate avowal, by the chairman, of the firm and determined purpose of the friends of freedom to use the power thus unexpectedly and, many thought, providentially placed in their hands, to right the great wrong of the age and nation, and to remove entirely the terrible evil that had so signally endamaged and endangered the land, introduced a debate of great earnestness and determination.

Mr. Wilson followed Mr. Trumbull. "The crowning act," he said, "in this series of acts for the restriction and extinction of slavery in America, is this proposed amendment to the Constitution, prohibiting the existence of slavery forevermore in the Republic of the United States. If this amendment shall be incorporated by the will of the nation into the Constitution of the United States, it will obliterate the last lingering vestiges of the slave system — its chattelizing, degrading, and bloody codes; its dark, malignant, barbarizing spirit; all it was and is; everything connected with it or pertaining to it— from the face of the nation it has scarred with moral desolation, from the bosom of the country it has reddened with the blood and strewn with the graves of patriotism. The incorporation of this amendment into the organic law of the nation will make impossible forevermore the reappearing of the discarded slave system, and the returning of the despotism of the slavemaster's domination. Then, sir, when this amendment to the Constitution shall be consummated, the shackle will fall from the limbs of the hapless bondman, and the lash drop from the weary hand of the taskmaster. Then the sharp cry of the agonizing hearts of severed families will cease to vex the weary ear of the nation, and to pierce the ear of Him whose judgments are now avenging the wrongs of centuries.

remark that "the most effective single cause of the pending war has been the intermeddling of Massachusetts with the institution of slavery"; another that "Congress shall distribute the emancipated slaves among the free States"; another still, that no slave should be emancipated unless the owner shall be paid the full value thereof. But the largest number of votes received for any of his amendments was five, and the lowest two.

Mr. Saulsbury was no less extreme and defiant. Basing his conclusions on its teachings, he defended slavery from the Scriptures, declaring that "the Almighty immediately after the Flood condemned a whole race to servitude. He said: 'Cursed be Canaan.' . . . . It has, too, the sanction of God's own apostles, for when Paul sent back Onesimus to Philemon, he sent his *doulos*, a slave born as such." Mr. Powell also opposed the amendment, and like his colleague proposed several, which were at once voted down. Nor was the only opposition from Southern members. Mr. McDougall of California denounced the amendment and the whole antislavery policy of the administration, contending that it achieved nothing that tended "towards victory," and that it only aroused "the fiercer animosity of an already violent foe." At another stage of the debate he said: "I look upon this policy as being a policy for sacrificing the whole of the colored race now occupying parts of this Republic. This policy will ingulf them. They can never commingle with us."

Mr. Hendricks of Indiana made a speech expressive at once of the intolerance of caste as well as of his opposition to the proposed amendment. Saying that the government had "nothing to do with the moral aspects of slavery," he exclaimed, "Are the negroes to remain among us? I can say to the Senator that they never will associate with the white people of this country on terms of equality."

But, while Northern men were thus giving such unequivocal utterance to "Southern principles," there were representatives from the South who spoke earnestly and eloquently for freedom — from the new State of Missouri as well as from the old State of Maryland. "Our ancestors," said Mr. Henderson of

"in the Constitution, on which slavery can rest, or find even the least support. Even on the face of that instrument, it is an *outlaw;* but, if we look further at its provisions, we find at least four distinct sources of power, which, if executed, must render slavery impossible, while the preamble makes them all vital for freedom: first, the power to provide for the common defence and general welfare; secondly, the power to raise armies and maintain navies; thirdly, the power to guarantee to every State a republican form of government; and, fourthly, the power to secure liberty to every person restrained without due process of law. But all these provisions are something more than powers: they are duties also. And yet we are constantly and painfully reminded in this chamber that pending measures against slavery are unconstitutional. Sir, this is an immense mistake. *Nothing against slavery can be unconstitutional.* It is only hesitation which is unconstitutional."

Mr. Sumner, at the close of his speech, moved to amend by substituting for the language reported the declaration that "all persons are equal, and that no person can hold another as a slave"; with provisions authorizing Congress to enact laws in accordance with these principles. He also objected to the phraseology as partaking too much of the ordinance of 1787, and doubted the expediency of reproducing that instrument in the proposed amendment. To this Mr. Howard of Michigan replied that he preferred "to go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals; a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it." After further explanation from the chairman of the committee, Mr. Sumner withdrew his proposition, and the joint resolution was adopted by a vote of thirty-eight to six.

The resolution came up in the House on the 31st of May. Mr. Morris of New York, a member of the Committee on

Union." Mr. Kalbfleisch of New York charged upon the Republicans that this was "an attempt to replenish their almost exhausted stock of political capital by creating a new issue based upon the slavery question before the people, in the hope of renewing that agitation upon the turbulent waves of which they were swept into the power which they have so deplorably abused." Mr. Pendleton of Ohio urged the extremest pretensions of the State-rights school, and contended that neither Congress nor the country could abolish slavery in a single State against the will and purpose of that State. "Neither three fourths of the States," he said, "nor all the States save one can abolish slavery in that dissenting State, because it lies within the domain reserved entirely to each State for itself, and upon it the other States cannot enter."

But there were not wanting earnest Republicans to give a reason for their faith, and to urge upon Congress and the country cogent arguments for this great act of justice and wise statesmanship. Slavery was spoken of with no mealy words, as to both its character and influence, in the evils it had inflicted in the past, and in the appalling calamities in which it was then involving the land. "Slavery," said Mr. Shannon of California, "is paganism refined, brutality vitiated, dishonesty corrupted; and we are asked to retain this cause, to protect it, after it has corrupted our sons, dishonored our daughters, subverted our institutions, and shed rivers of the best blood of our countrymen." "No expense," said Mr. Kellogg of New York, "no sacrifice, no allurement, must deter or divert us; but rising with the emergency, and equal to every fate, we must meet and master every obstacle that stands in the way of the complete supremacy of the Constitution and the laws." "Sir," said Mr. Kelley of Pennsylvania, "the privilege is not often given to men to perform an act, the influence of which will be felt beneficently by the poor, the oppressed, the ignorant, and the degraded of all lands, and which will endure until terminated by the wreck of matter and the crash of worlds. I rise that I may thus publicly thank God, and the good people by whose suffrages I am here to-day, for the golden opportunity afforded me of doing such

an act." "Never," said Mr. Arnold of Illinois, "since the day when John Adams pleaded for the Declaration of Independence, has so important a question been submitted to an American Congress as that upon which you are now about to vote. The signing of the immortal Declaration is a familiar picture in every log-cabin and residence all over the land. Pass this resolution, and the grand spectacle of this vote, which knocks off the fetters of a whole race, will make this scene immortal."

Several other amendments were offered and rejected, when a vote was reached, and it was found that ninety-three had voted for the resolution, sixty-five had voted in the negative, and twenty-three had not voted at all. So the joint resolution failed, not having received two thirds of the votes cast. Mr. Ashley voted in the negative in order to move a reconsideration, which he did; but pending action thereon Congress adjourned, and the first session closed.

The XXXVIIIth Congress began its second session on the 5th of December, 1864. The President in his annual message stated that important movements had occurred during the year looking toward the establishment of freedom, and "moulding society for durability in the Union." He spoke of the action that had already been taken in Arkansas, Louisiana, Missouri, Kentucky, Tennessee, and Maryland, indicative of complete success. Maryland, he said, was secured to liberty and the Union for the future, and she will no longer be claimed by the genius of Rebellion. "Like another foul spirit being driven out, it may seek to tear; but it will woo no more." Reminding Congress that the election made it almost certain that the next House would pass the proposed amendment of the Constitution, he recommended that it should be considered and adopted then.

Mr. Brooks of New York took early occasion to controvert the antislavery sentiments and to condemn the general policy of the President, in an earnest, aggressive, and eloquent speech. Avowing this opposition and his strong desire for peace and the reunion of the States, he said, if he could enter the portals of the White House, he would approach the chief magistrate,

and on bended knee he would implore him to remember the conciliatory and compromising policy of Henry Clay, follow his illustrious example, and "do himself the immortal honor to be not the last President of the United States, but the savior and restorer of this divided, distracted, and bleeding Union." Mr. Price of Iowa sharply criticised the speech of the member from New York. He affirmed its tendency, if not its purpose, to be to strengthen Rebel hands and "cause the blood of patriots to flow upon Southern soil." Thaddeus Stevens told him his purpose was to save from destruction the system of "human bondage, the darling institution of the Democratic party," and that if it were given to man to look back from the future world and know what posterity shall say, he would "blush at the record which impartial history would make." Mr. Cresswell of Maryland favored emancipation. "The issue," he said, "is sharply defined between the Rebellion and the United States. On the one side is disunion for the sake of slavery; on the other is freedom for the sake of the Union. Whether we would or not, we must establish freedom if we would exterminate treason."

On the 6th of January Mr. Ashley introduced the debate on his motion to reconsider the vote of the previous session rejecting the antislavery amendment by a very vigorous and able speech. "If slavery is wrong and criminal," he said, "as the great body of Christian and enlightened men admit, it is certainly our duty to abolish it, if we have the power. Have we the power?" To an affirmative answer he then addressed himself, basing his argument mainly on the fifth article of the Constitution providing for amendments. Alluding to the argument of his colleague, Mr. Pendleton, above referred to, he contended, if that assumption was correct, "then is the clause of the Constitution just quoted a dead letter." Continuing that line of argument, he said: "It is past comprehension how any man, with the Constitution before him, and the history of the convention which formed that Constitution within his reach, together with the repeated decisions of the Supreme Court against the assumption of the State-rights pretensions, can be found at this late day defending the State-sovereignty

cup of crime and villany by a treason so rank and foul as to shame all historic example and all criminal parallel, we, who hold the malefactor in our grip, owe it to humanity, to justice, to ourselves, and the world, to strangle the guilty monster." Let slavery be "destroyed," said Mr. Baldwin of Massachusetts, "for our republican institutions cannot be safe while it exists! Let it be destroyed, that the rights of man may be vindicated, and eternal justice satisfied!" Mr. Jenckes of Rhode Island, after vindicating any action "in the direct line of the eternal forces acting out God's justice upon earth," said: "In this contest slavery commenced the fight; it chose its own battle-field; it has fought its battle, and it is dead. In the course of our victorious march, that battle-field has come into our possession, and the corpse of our dead enemy is upon it. Let us bury it quickly, and with as little ceremony as possible, that the foul odor of its rotting carcass may no longer offend us and the world." Mr. Grinnell of Iowa said it was "a measure of justice to millions in chains and to hundreds of thousands fighting our battles." "The blood of the nation," said Mr. Woodbridge of Vermont, "and the tears of the widow call for the passage of this resolution." Mr. Garfield of Ohio invoked the House in the name of justice, in the name of the Republic, to hold not back the uplifted sword now drawn to strike the final blow.

As in the debate at the previous session, the argument was based on high moral grounds, and appeals for the adoption of the proposed amendment were made in the name of justice and the God of justice. "I believe," said Mr. Morris of New York, "before God, the hour has come in which, if we would avert the judgments of Heaven and save our nation from ruin, we must render our organic law explicitly affirmative on the great question of human slavery." Mr. Patterson of New Hampshire denied that "any assembly of law-makers ever possessed the power to create a right of property in man which we, as men, are bound to respect." "The slave system," said Mr. Pike of Maine, "should be eradicated without delay, and no vestige left to offend God and curse man." In the same vein Mr. Washburn of Illinois paid a tribute of respect to

But more significant and instructive, perhaps, as showing progress and the drift of opinion, were the speeches of those who had at the previous session voted against the amendment. Mr. McAllister of Pennsylvania, who had voted adversely, now said: "In voting for it I cast my vote against the corner-stone of the Southern Confederacy, and declare eternal war against the enemies of my country." Mr. Crofforth of the same State accompanied his vote with this declaration: "If by my action to-day I dig my political grave, I will descend into it without a murmur; knowing that I am justified in my action by a conscientious belief I am doing what will ultimately prove to be a service to my country, and knowing there is one dear, devoted, and loved being in this wide world who will not bring tears of bitterness to that grave, but will strew it with flowers." Mr. Herrick of New York, after saying that he regarded such change as demanded by the good of the country and the maintenance of its institutions, added, with deep emotion: "I may incur the censure of some of my party friends on this floor, and perhaps displease some of my respected constituents; but to me the country of my birth, and the government under whose benign protection I have enjoyed all the blessings of liberty, and under which, restored to more than all its original splendor, and strengthened and purified by the trials through which it has passed, I expect my children's children to enjoy the same blessings long after my mortal frame shall have mouldered into dust, is dearer to me than friends or party or political position. Firm in the consciousness of right, I know that posterity will do me justice, and feel that no descendant of mine will ever blush at the sight of the page on which my vote is recorded in favor of country, government, liberty, and progress."

While, however, there was this growing sentiment in its favor, the opposition remained no less determined and envenomed, expressing the same bitter and depreciating words against the negro and his friends. Mr. Brooks of New York admitted that the war had destroyed slavery; but he added: "We have become the slaves, the thralls, the bondmen of the capitalists of the North; for the emancipation of the negroes

dleton of Ohio made a constitutional argument against the measure; closing with these words of solemn asseveration and warning. "The time is fast passing away," he said, "when, under the influence of your policy and your legislation, the Southern people will have the least interest in your laws. Your legislation has turned to ashes the golden fruits of your military successes. Your policy has verified the alleged causes of secession. Gentlemen must not be misled by the siren voices that come up to them from captured cities of the South. They woo you but to ruin. If you misunderstand them, they will lead you as willing victims upon quicksands and rocks." Mr. Harding of Kentucky also denied the power, by amendment, to abolish or establish slavery, and expressed his apprehension of "danger that the Constitution, after all that has been done and suffered to preserve it, may at last sink and perish by the hand of revolution in the North."

But there were Democrats who took broader and wiser views, and who gave both voice and vote for the measure. Among them was Rollins of Missouri. He had voted against it at the previous session, but he had changed his views. "It will go far," he said, "to strengthen the government, by preventing future dissension and cementing the bonds of the Union, on the preservation of which depends our strength, our security, our safety, our happiness, and the continued existence of free institutions on the American continent." Mr. King of the same State also changed his vote, expressing the hope that "from the bloody ordeal and fierce chastening of the past four years, our glorious nation may still brave the trials yet to come, and that erelong we shall enter the sunshine of peace, and stand before the world a free and united people." Mr. Odell of New York gave expression to the belief that they had been remiss in so long yielding to Southern "encroachment upon the religious belief and Northern sentiment"; that had they earlier exerted their power and manhood the war would never have been inaugurated; that slavery had for years been "a dead weight on the Democratic party"; that "it ought no longer to consent to be dragged down by

sons, as the great debate proceeded and the hour for voting approached. It could hardly be otherwise than that so radical a measure, so wide a departure from the course hitherto pursued by the nation, so far in advance of the proclaimed policy of the Republican party itself, should excite profound attention; and that the same uncertainty and consequent anxiety that prevailed at Washington, as to the probable action of the two houses, should be felt throughout the country.

Various, if not adverse, motives unquestionably contributed to this change in the organic law. Many acted from the highest convictions of religious obligation. In the XIIIth Amendment they found the glorious fruition of the struggles, the hopes, and the prayers of years. Others were prompted mainly by humane considerations and a natural detestation of slavery. Such gladly embraced the opportunity afforded by absolution from the constitutional obligations which had formerly held them back, to vote against a system so distasteful to their better natures, which had inflicted, and which was still inflicting, such harm upon the nation. And then, again, there were many who, taught in the fearful and fiery school of war through which they were passing, were reading, in the light of its lurid flames, the great and primal truths of free institutions as they had never read them before. But a larger number still, it is probable, acted from prudential considerations merely. They accepted emancipation not so much from any heartfelt conversion to the doctrine of antislavery as from the conviction that the removal of slavery had become a military, if not a political, necessity. Mingled with such considerations, there were, in the minds of some, feelings of resentment and indignation towards the slaveholders on account of the injury they had inflicted by their causeless rebellion and their ungrateful return for the many sacrifices which the conservatives of the North had made in their behalf. The foul spirit of caste, not fully exorcised, still lurked within the hearts of many who yet from prudential and political considerations voted to place the ban of a constitutional amendment upon the system that had without that spirit been impossible. It is not strange, therefore, that votes thus prompted and

CHAPTER XXXIII.

NORTHERN AID FOR FREEDMEN.

Lessons of slavery. — Wants of the ex-slaves. — "Atlantic Monthly." — Edward L. Pierce. — Fortress Monroe. — "Contrabands." — Employed. — Letter from "Newport News." — Rev. L. C. Lockwood. — First school. — Great work inaugurated. — Commission. — Report and recommendations. — Charles B. Wilder. — Northern aid needed. — Favorable attitude of governmental officials. — Sea Islands. — Cotton agents. — Secretary Chase. — Mr. Pierce's visit. — Report and plan. — Peck and French. — General Sherman. — Hesitation of President and Cabinet. — Co-operation. — Appeals and Northern responses. — Associations formed. — Pierce's second report. — First arrival of missionaries and teachers. — Immediate success. — Lincoln's death and Johnson's new policy. — General purpose of the work for the freedmen. — Prompt and generous Northern responses. — Female teachers. — Extravagant expectations. — Actual results. — Drawbacks. — Various Associations. — British help. — American Missionary Association.

THE slave, like others, was the creature of circumstances, and he became substantially what slavery made him. By simple diet, enforced temperance, and hard work he was generally healthy and strong. With well-developed physique, inured to toil, he was capable of endurance and continuous labor. Under the stern discipline of slavery he was generally docile and obsequious, if not always truthful and trustworthy. But he was ignorant, because ignorance was a necessity of slavery. He had little or no self-assertion, care, forethought, because everything about slavery was unfriendly to such traits of character. When, therefore, through the exigencies of war he found himself suddenly freed from his master's control and within the Union lines, he was substantially the same man. His change of position had not changed him. He had the same brawny arm, the same strength to use it, the same powers of endurance, the same docility of disposition, and the

Mr. Pierce, in his own words, had been "specially detailed, from his post as private in Company L of the Third Regiment, to collect the contrabands, record their names, ages, and the names of their masters, provide their tools, superintend their labor, and procure their rations." Federal troops having entered Hampton, from which the white inhabitants had fled, setting on fire not only the village but the bridge leading thereto, it was found necessary to throw up intrenchments. It having been suggested that the "contrabands" might very properly be employed for such work, General Butler was interrogated. He gave his assent, and on Monday morning, July 8, they were thus employed. "That was the first day," says Mr. Pierce, "in the course of the war, in which the negro was employed upon the military works of our army. It therefore marks a distinct epoch in its progress, and in its relations to the colored population." A soldier's ration was given to each contraband thus employed, and a half-ration for each dependant. Of the new policy this little experiment inaugurated, and of the vast results to which it led, previous chapters have made mention. The regiment ("three months") soon returning home, Mr. Pierce was compelled to leave the care of his novel charge to other hands, though he was soon to be recalled to enter upon work for the freedmen on a larger scale and in another part of the field. Meanwhile there were other eyes upon the "contrabands at Fortress Monroe," other hearts to sympathize with them, and other hands to help.

On the 21st of August, 1861, a chaplain of a regiment stationed at Newport News addressed a letter "to the Young Men's Christian Association of the City of New York," urging the employment of a missionary "among the slaves that had been liberated in Virginia." That letter was carried to the rooms of the American Missionary Association, an antislavery organization for the prosecution of missions in both this country and foreign lands. Rightly deeming this a call of Providence to the performance of a service in the very line of its self-selected work, the executive committee at once determined to respond thereto. Rev. Lewis C. Lockwood was accordingly commissioned to proceed at once to this new field of labor.

and consisting of Colonel T. J. Cram and Majors L. B. Cannon and W. P. Jones, "for the purpose of making a critical examination of the condition of persons known as vagrants or 'contrabands,' who are employed in this department, in reference to their pay, clothing, subsistence, medical attendance, shelter, and treatment, physical and moral." "In order," he said, "to do justice to the claims of humanity, in a proper discharge of the grave responsibility thrust upon the military authorities of this department in consequence of numerous persons (men, women, and children) already congregated and daily increasing, being abandoned by their masters, or having fled to this military command for protection," he called upon all "chiefs of the several departments, their subordinates and employees" to afford the commission all information and facilities needful for the faithful accomplishment of the purposes of their appointment. Reminding it of the rumor that these persons "had not been properly treated in all cases," he instructed its members that they could not be "too rigid in the examination, in order that justice may be done to them as well as to the public service." It was also instructed to accompany its report "with such suggestions as the commission may deem proper for the improvement of the treatment and management of these persons."

This "general order" was made on the 30th of January, 1862, and on the 20th of March the commission made report. It was elaborate and gave the facts developed in detail, grouping the information communicated under the heads of clothing, subsistence, shelter, medical attendance, pay, treatment, physical and moral, economy of this labor to the government, census, suggestions for the improvement of their condition. Under the latter head very suggestive statements were made and plans proposed. Saying that it was "a new thing to all, beset with difficulties and antagonisms on all sides; but, like all systems, requiring practical results to develop its weak points, and time to remedy its errors," it made several recommendations of a practical or prudential character needful for the protection and support, employment and control, of these people. Under the head of moral treatment it referred to

some religious association, but of a commission of army officers covered by a "Letter from the Secretary of War in answer to a Resolution of the House," and published as "Ex. Doc. No. 85, of the XXXVIIth Congress, 2d Session." It is therefore an official document of the government of the United States, and reveals the solicitude of some at least of its high officials for the lowly and helpless class thus suddenly dispossessed of their homes and turned shelterless and penniless upon the world. Though the President and his advisers, mainly intent on the one supreme purpose of maintaining the Union, had seemingly given little thought or care to what so soon proved to be one of the great questions of the war, there was one member of the Cabinet, and large numbers in subordinate stations, who did comprehend the situation, recognize the new duty, and the importance of its prompt and intelligent as well as its conscientious performance.

In the mean time, while these efforts were in progress at Fortress Monroe and vicinity, the same problem was clamoring for and receiving solution farther South. Through the capture of Hilton Head and Bay Point by the Federal navy, November 7, 1861, the Sea Islands on the coast of South Carolina were occupied by Union troops. Of course the slaves of those islands were freed from their masters' control, and their numbers were considerably increased by those who were escaping thereto from the mainland. The government, aware of large amounts of the choicest cotton to be found on the plantations, despatched agents for its collection. But Mr. Chase, the Secretary of the Treasury, though not indifferent to the pecuniary value of the cotton, was prepared, by his antislavery antecedents and convictions, to be more solicitous for those, with their dependent families, who had raised it, and who had been left by their traitorous and vagrant masters without means of their own, and without any to guide them in their dispersed and demoralized condition.

With the heart of a philanthropist and the forecast of a statesman, he comprehended, in a measure at least, the situation, and saw that there was work to be done that could not with safety or without wrong-doing be neglected. He accord-

ingly deputed Mr. Pierce to visit the islands, examine and report the condition of the negroes, and suggest some means by which they might be organized, their labor utilized, and such arrangements made as would promote their general well-being. He sailed from New York on the 13th of January, and was absent just one month. During his stay he visited a large number of the plantations, observed carefully the state of affairs, conversed very freely with the negroes, ascertained very generally their habits, thoughts, wishes, and expectations, and from the results of these observations formed a plan of effort for the future guidance of those to whom should be intrusted the management of affairs. His plan embraced summarily the appointment of superintendents who should act also as local magistrates, with an adequate corps of teachers and the other needful appliances of an educational work. These men were to take charge of these abandoned lands and the freedmen thereon, cultivating the former and caring for the latter.

In his report, which was long and elaborate, giving in interesting detail the results of his explorations, he makes mention of two others, clergymen from the North, who were thus early in the field, — Rev. Solomon Peck, D. D., of Massachusetts, and Rev. Mansfield French of New York. Dr. Peck was a distinguished Baptist clergyman, formerly a professor in Amherst College, and subsequently connected with the mission-work of his denomination. He early repaired to Beaufort, and there not only preached to the people, but had at that time established a school of some sixty pupils. "Of narrow means," writes Mr. Pierce, "and yet in the main defraying his own expenses, this man of apostolic faith and life, to whose labors both hemispheres bear witness, left his home to guide and comfort this poor and shepherdless flock; and to him belongs, and ever will belong, the distinguished honor of being the first minister of Christ to enter the field which our arms had opened." "Mr. French," he wrote, "whose mission was authenticated and approved by the government, prompted by benevolent purposes of his own, and in conference with others in the city of New York, has been here two weeks, during

which time he has been industriously occupied in examining the state of the islands and their population, in conferring with the authorities and laying the foundation of beneficent appliances with reference to their moral, educational, and material wealth. These, having received the sanction of officers in command, he now returns to commend to the public, and the government will derive important information from his report." He closed with reference to an order of General Sherman, dated February 6, 1862, of which he says: "It is evidence of the deep interest which the commanding general takes in this subject, and of his conviction that the exigency requires prompt and vigorous action."

The Secretary accepted the report and its recommendations, and entered heartily into the adoption of measures requisite for its execution. But though the Secretary of the Treasury and so many other officers of the government saw, or thought they saw, the need of prompt and adequate action in the premises, neither the President nor the other members of his Cabinet entered very heartily into the measure proposed; and the former, if not reluctantly, almost petulantly gave an order to Mr. Chase to "give Mr. Pierce such instructions in regard to Port Royal contrabands as may seem judicious." In his letter of instructions the Secretary informed Mr. Pierce that, though his power to act, without further legislation of Congress, was at best constructive, yet he deemed the improvement of the abandoned lands and the employment of their laborers so important, that he should continue his agency in "the general superintendence and direction" of the work, with the understanding that the salaries of the agents would be assumed by Northern associations, "while subsistence, quarters, and transportation only will be furnished by the government."

Such was the general outlook near the beginning of 1862. By the action of individual philanthropy and the co-operation of official agents a new work, little calculated upon or provided for, of rapidly increasing and large prospective dimensions, had been rolled at once upon the loyal North. To perform this work most effectively and completely it was seen that

which made up a part of the inventory sent for the improvement of those islands and their inhabitants. There is, of course, no room for the mention of results, except to add that Mr. Pierce, in an article in the "Atlantic Monthly" of September, 1863, says: "The enterprise, begun in doubt, is no longer a bare hope or possibility. It is a fruition and consummation. The negroes will work for a living. They will fight for their freedom. They are adapted to society." But the sanguine hopes thus raised were not to be realized. President Lincoln's death, the change of policy by his successor, not only remanding those islands to their former owners, but encouraging those owners and all the slave-masters of the South to believe that they might yet regain in fact what they had lost in form, broke up the system and deferred for long years what it was too confidently hoped was near at hand.

The enterprise, however, inaugurated on the Sea Islands was exceptional and experimental. Combining the culture of the land with care for the negroes, thus mingling profit and philanthropy, it was hoped, not only that relief might be afforded for present necessities, but also data for the solution of those great problems of reconstruction it was foreseen were near at hand. Elsewhere the work among the freedmen was less comprehensive, temporary, and more restricted. Its purpose was to seek out the colored population left destitute and dependent by the war and minister to such necessities as were left unsupplied by the government, or, as tersely expressed by the Duke of Argyle, at a public meeting in London in its behalf, "to assist in the clothing and education of free negroes." It was also designed to succor and guide them along the uncertain way between slavery and freedom, to bridge the chasm between what had been so dark and distressful in the past and what was at best doubtful and obscure in the future, and to prepare them for their new and, as yet, unfixed *status* in the body politic. Nor was the appeal any louder or more urgent than was the response prompt and generous. Indeed, for months, not to say years, the contributions transcended the opportunities for wise disbursement,

not to speak of occasional rivalries, not always seemly, between different organizations for the occupancy of inviting and promising fields. As at the outset there was the great uprising of the people, sending their sons to fight the battles of the war, so now there seemed to be like response, and their daughters went forth by hundreds, not to say thousands, to achieve those equally important victories of peace.

Doubtless there was mingled with these appeals and zealous responses much that was sentimental and extravagant, statements that had no sufficient foundations in fact, hopes that could not but fail. Representations too rose-colored were often made, and expectations far too sanguine were not seldom encouraged. There were visionaries, if not fanatics, who seemed to have forgotten their own teachings of a generation concerning the dehumanizing influence of slavery upon its victims, and to feel that a race which had been subject to its malign power for two hundred years could almost, by a single bound, spring from the midnight of chattelhood into the noonday of citizenship. Or if it was admitted that, dazzled by the new light and the novel circumstances in which they found themselves, they might make mistakes concerning the duties their new-born rights had brought, and that some preparation would be necessary, it was claimed that they comprehended in a wonderful manner their needs, and were strangely anxious to supply their conscious deficiencies. Reports were sent home of their eager thirst for knowledge, and marvellous accounts were given of the evening schools thronged by the middle-aged and the aged, too, the Uncle Toms and Aunt Chloes, slowly but persistently mastering their alphabets and primers in order that they might spell out the story of the Saviour's love in the blessed Bible of which they had known, but in which they had never been permitted to read. But with all the abatements which the truth demands, there was much in the circumstances of the ex-slaves to invite and reward effort. And though there was much that was immature and unskilful in the instruction given, superficial and soon forgotten in the lessons learned, great good was accomplished through these voluntary efforts in behalf of the freedmen.

Mere educational statistics, always more or less unreliable, would, if attainable, be especially unreliable here. Tables simply giving account of the amount of funds contributed, of the number of teachers sent out, of schools opened and scholars enrolled, even if perfectly accurate, would convey but a very imperfect estimate of either the quantity or the quality of the education acquired. For this afforded no exception to the general rule that a good work is often hindered and not helped by incompetent and unfaithful workers, and the desirable results from worthy laborers greatly, if not entirely, neutralized by those of the unworthy. In answer to the call from this new field, many responses came, and it was not strange that some unbidden presented themselves. To these drawbacks was added the fact that the great work of education, always difficult and delicate, even under the most favorable circumstances and with appliances best adapted and most complete, was to be prosecuted under circumstances the exact reverse, generally in buildings extemporized for the occasion, often most unsuitable and uncomfortable, in communities not only not in harmony and kindly disposed thereto, but actively hostile to both the teacher and his work, and tolerating neither only as the arm of the military protected; with pupils generally from dwellings with all the discomforts of poverty the most abject, and with surroundings so foreign and hostile to either culture or virtue that it seemed hardly possible that the eighteen hours at home should not undo and neutralize all that the six hours at school could effect.

So much is due to the truth of history and in answer to the cavil often heard, that there has been no adequate return for the large amounts expended and the labors performed; that the harvest is meagre compared with the seed sown and culture bestowed, betokening failure either in the nature of the soil cultivated or on the part of those who cultivated it. For other reply or explanation than that already given, it may be said that here, no more than elsewhere, can be accurately estimated or weighed all the good accomplished. That much suffering was relieved, that many were rescued from a life of ignorance and vice, of helplessness and failure, and started

year that the American Union Commission was formed on a somewhat enlarged basis, embracing the white refugees. It was "organized to aid in the restoration of the Union upon the basis of freedom, industry, education, and Christian morality," and was designed to promote the interests of patriotism, as well as of charity. The next year it was united with the National Freedmen's Aid Commission, and it became the American Freedmen's Union Commission. These different associations and the frequent changes referred to indicate the lively interest felt in the subject, and the evident anxiety that existed to profit by any mistakes that may have been made, and to adapt the action taken to the ever-varying and progressive exigencies of the situation. All the above organizations, except the American Missionary Association, were from the start designed to be temporary, to continue only so long as there existed the special work to be performed. Accordingly the American Freedmen's Union Commission in this country and the corresponding association of Great Britain and Ireland formally dissolved their organizations in 1869, and discontinued their operations.

But the disbandment did not imply either the completion of the work on which they had been engaged, or the exhaustion of Northern sympathy and resources. The former had indeed lost something of its freshness, there was less enthusiasm, and many who had at first entered into the movement with alacrity and zeal had become discouraged. But there were others who saw in it a life-work, believing that at least a generation must pass before the process of emancipation could be fully complete, and that the triumphs of war must be supplemented by the victories of peace. This was specially true of those who regarded what was called the Southern problem mainly in its moral aspects, who felt that the freedmen had other than material or even educational necessities, and that there could be no adequate preparation for this life that did not embrace a preparation for the life to come. Accordingly most of the Christian denominations adopted it as a part of their missionary work and incorporated a department for freedmen with the other departments formed for the prosecution of their various forms of benevolent effort.

Among them, the most prominent and the most extensively engaged in the work, is the American Missionary Association, sustained mainly, though not exclusively, by the Congregationalists, with its headquarters at New York. Beginning at Fortress Monroe, it opened, on the 17th of September, 1861, the first freedmen's school ever opened in America. It took its share in the work on the Sea Islands, and early opened a school in Norfolk, Virginia. Before the close of 1862, it had flourishing schools at Fortress Monroe, Hampton, and Newport News, at Norfolk and vicinity, at Washington, D. C., and at Cairo, Illinois. Generously sustained by the sympathy and contributions of the people, it followed closely the advancing armies of the Union, and held itself in readiness to occupy any eligible position, not occupied by others, where schools could be established; its working force some years reaching as high as five hundred teachers and missionaries, and its receipts three or four hundred thousand dollars. At this writing it reports its cash expenditures for the freedmen to have exceeded two and three quarters million dollars, besides an incalculable amount of clothing, books, and other supplies. Latterly the character of its work has been somewhat changed. Though it has not entirely discontinued its primary schools among the freedmen, it has devoted its efforts more to schools and institutions of a higher grade and more permanent character, designed rather to raise up and qualify teachers for the freedmen than to commission and sustain, as at first, teachers among them. In a "History of the American Missionary Association," published in 1874, there is an account and list given of eighteen "Graded and Normal Schools," in the States of North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, and Texas, with one hundred and eighty-five teachers, over five thousand pupils, and property estimated at one hundred and sixty-eight thousand dollars. It also gives the names of seven "chartered institutions,"—Berea College, Kentucky; Normal and Agricultural Institute, Virginia; Fisk University, Tennessee; Atlanta University, Georgia; Tougaloo University, Mississippi; Talladega College, Alabama; Straight University, Louisiana. These

institutions, though as yet hardly answering to the imposing names given them, and still in their infancy and compelled to labor amid many discouragements and against many opposing obstacles, are not without cheering results already attained. But their chief significance and historical importance lie in their promise of good when these hindrances shall be removed. When better counsels prevail, when the cruel reign of caste shall be broken, when the hitherto dominant class shall cease their persecutions, when all accept the situation, and with honest and earnest purpose seek to rebuild what has been so ruthlessly destroyed, and repair the places made waste by the triple scourge of slavery, rebellion, and war, then will these institutions become the most potent agencies in the work of improvement, the important factors in solving the difficult and momentous problem of Southern reconstruction.

seemed a practical refutation of their oft-repeated dogma, they did not look with favor upon either them or the policy that would protect and provide for them.

From these combined causes resulted both waste and friction. The self-seeking and incompetence of some of the professed workers for the freedmen, the differences of opinion and policy of others, with their not infrequent conflicts of jurisdiction and rival claims, could not but interfere with the successful prosecution of the purpose in hand. It became, therefore, increasingly manifest, as the work widened in its dimensions and increased in its difficulties, that the agency of the government should become authoritative as well as eleemosynary, and that the arm of the military should guide somewhat as well as protect the efforts made in behalf of these wards of the nation. None felt this more than those brought by official relations in close contact with the work itself.

On the 19th of July, 1864, there assembled in Indianapolis, Indiana, a convention of delegates from seven Western freedmen's associations. Its sessions continued two days, and its utterances, if not authoritative, revealed the general aspect of the work at the time, and the attitude of those connected with it. Its call, after mention of its purpose to increase their sympathies and to promote a better mutual understanding, "to prevent friction in our operations, and disagreements among our representatives in the field,"—"the most extended field that ever invited humane and benevolent effort," and still increasing,—adds: "Its very magnitude demands the most efficient application of the contributions of which we are made almoners. Difficulties arising from the nature of the work, the condition of society in the South, our relation to officers and agents of the government, and other circumstances have embarrassed us from the first, and will continue." One of the results of the convention was the adoption of a memorial to President Lincoln. After speaking of the general purposes of their association, and recognizing the aid and protection afforded by the government and officers in charge "at many points," they still complain that they had been "thwarted in some instances by the negligence, and in others by the

presented in the Senate a memorial of the Emancipation League of Massachusetts, praying the immediate establishment of a bureau of emancipation. On the 19th of the same month Mr. Eliot, in the House, introduced a bill to establish a Bureau of Emancipation, and it was referred to the Select Committee on Emancipation. In the following December he introduced a similar bill, and it was referred to a select committee of nine, consisting of himself, Kelley, Knapp, Orth, Boyd, Kalbfleisch, Cobb, Anderson, and Middleton, — five Republicans, three Democrats, and one (Anderson of Kentucky) Union. A bill was reported, recommitted, reported again with an amendment, and a minority report signed by Kalbfleisch and Knapp; and on the 10th of February it came up for consideration.

The act provided for the appointment of a Commissioner of Freedmen's Affairs, to whom should be referred, under direction of the Secretary of War, all questions arising under the act that created the office, and all laws then existing and afterward to be enacted concerning freedmen. He was also empowered to make all needful rules and regulations for their general superintendence and management. The act also provided that all officers, military or civil, intrusted with freedmen's affairs, should report to him. It also provided that, under the direction of the Secretary of War, he should have the general oversight and control of measures needful for the protection and preservation of the freedmen, to the end that they and the government of the United States should be "mutually protected and their respective rights and interests duly determined and maintained." He was also empowered to create "departments of freedmen," to be under the control of assistant commissioners, who should report quarterly to him. It was also made a part of the duty of these assistant commissioners, under such rules and regulations as the Commissioner might prescribe, to allow such freedmen to "occupy, cultivate, and improve" such abandoned lands as lay within the States in rebellion; to advise and aid the freedmen, when needful, to organize and direct their labor, and to adjust with them their wages. They were, too, allowed and empowered to act "as arbitrators," in all difficulties between them, "except

diers in the army, who would not fight, and who ought not to fight if the government allowed their families "to be oppressed and suffer." He spoke of the several commissions of the Quakers and of various associations who had visited the South and from personal examination had reached the conclusion that something must be done. "Upon one proposition," he said, "we have formed a decided opinion," and that is "the imperative and immediate necessity of such a bill." He spoke of the wrongs inflicted, not by Southerners alone, but by Northern men, "harpies," "white bloodhounds," who under the cover of government authority so oppressed the bondman that he "sighs to return to his former home and master," for he "at least fed, clothed, and sheltered him." Speaking of the colored soldiers, he said every one of them "stands for a son, a brother, or a friend. . . . . By just so many men our homes are made happier."

Saying that "the nation had no right to decree freedom and not to guarantee safe guidance and protection," and that it was "incumbent on us to lead them gently into the land of promise, and not to permit them to wander through the wilderness until a generation had died by the way," he added, with severe and searching logic, "it would be an act of meanness which no language can fitly describe, and for which no national suffering could fitly atone, if we should leave those men, freshly freed after a life of servitude, children of the nation as they are, to grope their way into the light without parent or guardian or friend. Why, sir, we freed them for our own selfish ends. It was to weaken our enemy. It was a means of crushing the Rebellion. It was because they were made to work while the rebels fought. It was because we wanted their strong arms on our side. It was because we began to see that we must fight them or free them. Let us not be too self-righteous, for 'even the publicans' would have done 'the same.' Look back and recall the arguments upon which the constitutionality of all our legislation has been defended. Sound arguments they were, and by slow degrees they have commended themselves to magistrates and to men, until now the heart of the nation rests contentedly upon the logic of

against the new party of freedom. Among the first to speak was S. S. Cox of Ohio. With his usual smartness and wit, he mingled sarcasm and cynicism with his censure, while he made the most of the intrinsic difficulties of the situation and of any mistakes or extravagances of the professed friends of freedom. Consequences, which by the stern logic of events were inevitable in a state of rebellion and war, he charged to the sins and shortcomings of the administration; and the opinions of any who claimed to be Abolitionists, however extravagant and grotesque, he averred were but the legitimate inference and outcome of antislavery sentiments. He expressed great sympathy for the "poor black, houseless, clothesless, medicineless, and friendless," cast upon the cold world by "the improvident and barbarous philanthropy now in vogue." But he found no "warrant in the Constitution for this eleemosynary system for the blacks," and he remanded them to "the honey-tongued humanitarians of New England" to "lift them out of the mire into which their improvident and premature schemes had dragged them." "The humanity," he said, "which so long pitied the plumage should not forget the dying bird." Nor did he fail to proclaim the cardinal doctrine of the Democratic faith, the negro's essential inferiority. "No government farming system," he said, "no charitable black scheme, can wash out the color of the negro, change his inferior nature, or save him from his inevitable fate. The irrepressible conflict is not between freedom and slavery, but between black and white; and, as De Tocqueville prophesied, the black will perish." The greater portion of the speech, however, was taken up with the reproduction and ridicule of certain views in favor of amalgamation, or miscegenation, which had recently been promulgated, and which he contended were the natural and necessary outgrowth of Abolitionism. He contended that the Democracy had no love for slavery, "dying or dead," but it had been striving for "local and personal liberty," by leaving all questions concerning it to the States themselves. "When," he said, "the party in power, by edict and bayonet, by sham election and juggling proclamation, drag down slavery, they drag down in the spirit of ruthless icono-

Buckalew, and McDougall spoke warmly in opposition, and in denunciation of the policy of which it was a part. Among those who spoke in its behalf was Mr. Chandler of Michigan, who expressed the opinion that loyalty, though ignorant, was to be preferred to educated treason. "A secession traitor," he said, "is beneath a loyal negro. I would let a loyal negro vote; I would let him testify; I would let him fight; I would let him do any other good thing; but I would exclude a secession traitor." The bill was then passed by a vote of twenty-one to nine. In the House, a motion was made to non-concur in the Senate amendment; pending which a motion was made and carried postponing the whole subject to the "next session."

Coming up on the 20th of December in the House, after an unsuccessful motion to lay it on the table, a vote of non-concurrence with the Senate amendment was carried, and a committee of conference was asked for. The Senate granted the request, and chose, on its part, Sumner, Howard, and Buckalew; the conferees on the part of the House being Eliot, Kelley, and Noble. This committee did not report until the 2d of February, 1865, when it recommended that the Senate recede from its amendment. The two Democrats, Buckalew and Noble, refused to sign the report. Instead of attaching the bureau to either of the departments of War or the Treasury, as the Senate and House bills had done, the substitute proposed by the committee of conference recommended a department of freedmen and abandoned lands, though, in the language of Mr. Eliot, "every provision contained therein was substantially in one or the other of the above-mentioned bills." The discussion which arose upon the proposed measure in both the House and the Senate revealed not only Democratic opposition but Republican solicitude. Traversing ground never before travelled or explored, without map, chart, or landmark, there was inevitable diversity of judgment in matters of detail, though perfect and hearty agreement in the underlying principle of the bill. Thus, in the House, Mr. Wilson of Iowa doubted the wisdom of certain provisions of the bill involving too much of authority and control, on the ground

that the less of restraint, the sooner the ex-slaves would become men. "There is not," said Mr. Eliot, in reply, "in this bill, from beginning to end, one word that looks like control. They are to be aided; they are to be assisted."

Near the close of the debate, Mr. Kelley of Pennsylvania spoke earnestly and ably of the duty of caring for these victims of the combined atrocities and accidents of their former condition of servitude and the subsequent fortunes and vicissitudes of war, and of the responsibilities involved in the position Congress then occupied. "It is not often," he said, "given to a legislature to perform an act such as we are now to pass upon. We have four million people in poverty, because our laws have denied them the right to acquire property; in ignorance, because our laws have made it a felony to instruct them; without organized habits, because war has broken the shackles which bound them, and has released them from the plantations which were destined to be their world. We are to organize them into society; we are to guide them, as the guardian guides his ward, for a brief period, until they can acquire habits, and become confident and capable of self-control; we are to watch over them: and, if we do, we have, from their conduct in the field and in the school, evidence that they will more than repay our labor. If we do not, we will doom them to vagrancy and pauperism, and throw upon another Congress, and perhaps upon another generation, the duty or the effort to reclaim those whose hopes we will have blasted, whose usefulness we will have destroyed." The debate was closed, and the bill was passed by a vote of sixty-four to sixty-two.

Coming up in the Senate, Mr. Sumner made a brief explanation of its provisions, and it became the subject of debate. On the 14th Mr. Davis of Kentucky spoke in opposition to its adoption. On a subsequent day Mr. Hendricks opposed it and the policy of which it was a part. Mr. Grimes of Iowa expressed his doubts of the wisdom of the plan proposed, and gave as his preference a bill, introduced into the House by Mr. Schenck of Ohio, proposing a bureau in the War Department for the relief of freedmen and refugees, for the white as

well as black. He accordingly moved a postponement of the subject till the next day, and a sharp colloquy sprang up between him and Mr. Sumner upon the motion. Mr. Sumner, regarding it as a "motion to kill," expressed his regret at this opposition. "It is," he said, "out of season. I am pained by it especially from the Senator from Iowa. I do not judge him. But he will pardon me if I say, that, from the beginning, he has shown a strange insensibility to this cause. He is for liberty; but he will not help us assure it to those who have for generations been despoiled of it. Sir, I am in earnest. Seriously, religiously, I accept emancipation as proclaimed by the President, and now, by the votes of both houses of Congress, placed under the sanction of constitutional law."

Mr. Grimes replied with some acerbity, denying the justice of the inference, because he was opposed to the conference report, that he was "opposed to any freedman's bill." Saying that he wanted the bill changed and, for that purpose, was desirous of having it referred to another conference committee, he said: "Does the Senator claim that the work of his committee of conference is immaculate? Can it not be rectified? Is it not possible to be bettered? Is all judgment and wisdom in this world, as well as all antislavery sentiment, and the spirit of freedom, confined to this committee of conference? I am just as much in earnest as the Senator from Massachusetts is; I am just as much in favor of protecting these freedmen as he is; I will go just as far; and spend just as much of my own money, or of the money of my constituents, as he will spend; but I want to be satisfied, that, when I am doing it, it is going to reach the objects of my bounty; and I want to be satisfied that all their rights will be protected under the law which I am going to adopt, and vote for."

Other Republicans opposed the bill or voted hesitatingly for it, in doubt whether the policy proposed was the best for the freedmen. Thus Mr. Henderson of Missouri doubted its benefit to them and expressed the fear that in the end it would "re-enslave them." "The better policy," he said, "is to regard them as free; have it understood that we ourselves regard them as freemen, and that they are to be treated as

such tracts of land within the insurrectionary States as had been abandoned, or to which the United States had acquired title by confiscation, sale, or otherwise. It also embraced other specifications as to the amount (forty acres), rent, time, and privilege of purchasing land at the end of three years.

Mr. Howard of Michigan opposed it on the ground that it was made "a simple appendage to the War Department." Mr. Powell of Kentucky characterized it as a most "offensive" bill, creating, he said, a "multitude of office-holders" like the locusts of Egypt. "The men," he said, "who are to go down there, and become overseers and negro-drivers, will be your broken-down politicians and your dilapidated preachers; that description of men who are too lazy to work, and just a little too honest to steal. That is the kind of crew that you propose to fasten on these poor negroes." And he expressed his astonishment that Mr. Sumner, who had "preached so much for negro equality and intelligence," should think so meanly of them "as to put masters over them to manage them." Motions for postponement and adjournment were made and defeated, when the final vote was reached and it was carried without a division. When it was reported to the House it still encountered Democratic opposition; but motions to prevent action were defeated, the report of the committee of conference was adopted without division, the bill received the approval of the President on the same day, and thus the creation of the Freedmen's Bureau became an assured fact and the law of the land.

CHAPTER XXXV.

WORKINGS OF THE BUREAU.

Bureau organized. — General Howard. — Circulars. — Headquarters. — Vast responsibility and difficult position. — Principles and plan. — Experimental. — Congress invoked. — Mr. Trumbull's bill in the Senate. — Debate. — Democratic opposition. — Speech of Hendricks. — Trumbull's reply. — Secondary considerations. — Cowan, Guthrie, Reverdy Johnson. — Wilson's reply. — McDougall, Saulsbury, Davis. — Passage. — Bill reported in the House. — Opposed by Kerr and Ritter. — Ably defended by Hubbard, Donnelly, Garfield. — Amendments proposed. — Passage. — Vetoed. — Debate on the veto. — Another bill. — Passed both Houses. — Veto. — Passed over the veto. — Estimate. — Great good accomplished. — Particulars. — Commissioner's report.

Major-General O. O. Howard was selected by the President as the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, and on the 12th of May, 1865, an order was issued from the War Department assigning him for duty in his new and untried field of labor and control. The same order directed the quartermaster-general to furnish him and his assistant commissioners suitable quarters and apartments; also the adjutant-general to detail for his service the necessary clerks authorized by the act that created the new department.

General Howard's record as a soldier and Christian philanthropist, with his urbane and gentlemanly qualities, not only directed public attention to him as a suitable person for the grave and arduous responsibilities of the new office, but afforded much satisfaction when it was known that President Johnson had selected him therefor. His training and distinction as a soldier and his long identification with the cause of antislavery gave promise of an administration demanded by the peculiar exigencies of the situation. Distinguished by the

generalship displayed at the battle of Gettysburg, in which he led what was regarded as a movement that did much to give victory to the Union forces on that eventful day, afterward commander of the Army of Tennessee, and selected by Sherman to lead one of his columns in his famous "March to the Sea," there was great confidence felt in his ability as well as assurance of his purpose to administer the duties of his new office in the interests of humanity as well as of good order, to protect the freedmen in their rights as well as to maintain the authority of the government.

Entering immediately on the duties assigned him, he issued, only three days after his appointment, his first circular to the superintendents who had abandoned lands under their supervision for the use of freedmen, and to department commanders, calling for information in respect to the work, with its subjects, he had undertaken. In it he said: "The negro should understand that he is really free, but on no account, if able to work, should he harbor the thought that the government will support him in idleness." On the 19th he issued another and more general circular, setting forth the same in specific form and more in detail. In it he announced the immediate appointment of commissioners, to whom, or their agents, application should be made by those needing aid, advice, or redress, and to whom reports should be made; not to supersede, but to co-operate with benevolent organizations in their work among the freedmen; to "introduce a practical system of compensated labor"; to secure as far as possible good feeling and fair dealing among all concerned; to see that while the old, sick, and infirm should be provided for, "the able-bodied should be encouraged, and, if necessary, compelled, to labor for their own support"; to give the assurance that "the educational and moral condition of the people would not be forgotten," but that the "utmost facility" would be afforded to benevolent and religious organizations in efforts in that direction, with a reiteration of the purpose not to supersede but "to systematize and facilitate them."

On the 30th he issued a still more elaborate circular, designating the nine headquarters he had fixed upon for the same

There was no discrimination between black and white, between loyal refugees who had been driven from their homes and who wished to return, and found their homes destroyed and themselves penniless, and the ex-slaves who, of course, had nothing they could call their own. To relieve all of the "calamities of their situation"; to smooth the passage from slavery to freedom; to soothe asperities of situation and compose the differences that could not but exist after the war; to relieve suffering, but in no such way as to lead to pauperism or to interfere with self-support, — these were the "objects" proposed, and these were the modes by which they were to be secured. Everything like coercion, or anything like slavery under any guise, however deceptive, was discarded, and everything that was needful to introduce them into the new order of things then just opening was encouraged.

On the 7th of June President Johnson issued an order, requiring "all officers of the Treasury Department, all military officers, and all others in the service of the United States, to turn over to the authorized officers of said Bureau all abandoned lands and property," and "all funds collected by tax or otherwise, or accruing from abandoned lands or property set apart for their use."

Without larger than human wisdom to direct in their construction, acts and laws, rules and regulations, framed for the purposes for which the Bureau was created, could hardly be other than imperfect, experimental; requiring modification and improvement as, on trial, their workings should reveal such deficiencies. Then, again, the Bureau, as first organized, was designed only for those States which were engaged in the Rebellion and were embraced in the Proclamation of Emancipation. But, after the close of the war, and when slavery had been abolished by constitutional amendment, then the powers and range of its operations required a corresponding enlargement. From the start, too, it had encountered a bitter and implacable opposition. It was strictly watched and captiously criticised. Men waited for its halting, and if anything was worthy of censure, or even questionable, and especially if mistakes were made, through the wickedness or weakness of any of its agents,

they made the most of it, and turned all such into weapons of warfare against the institution itself.

Accordingly, on the assembling of the XXXIXth Congress, motions and resolutions, by both friend and foe, were introduced into both houses, some calling in question its action, and some proposing modifications and the necessary improvements that experience and the changes that had taken place had rendered and shown to be necessary. The most important, however, and that which led to the main debate and final action, was a bill offered in the Senate by Mr. Trumbull, on the 5th of January, 1866, to enlarge the powers of the Freedmen's Bureau. It came up for consideration on the 12th, when the mover briefly explained its provisions and the several amendments, mostly verbal, of the bill of March 3, 1865. The main points of divergence and improvement, as compared with the one in operation, were, that it should continue until otherwise provided by law, instead of terminating by its own limitations; that it should embrace the whole country, wherever there were freedmen and refugees; that the President should reserve from sale or settlement, under the homestead laws, public lands in Florida, Mississippi, and Arkansas, not to exceed three millions of acres; that the possessory titles granted in pursuance of General Sherman's special field-order, January 16, 1865, in South Carolina and the islands adjacent thereto, should be made valid; and that, in any State where any disabilities were made or allowed, on account of race, or color, or previous condition of servitude, it should be the duty of officers and agents to take jurisdiction of offences committed against this provision.

In the debate which followed there was little objection urged to the main arguments for the proposed changes and enlargement demanded by the altered circumstances of the situation and the purpose to adopt any modifications and improvements which experience might suggest. That was so obvious that those who were favorable to the continuance of the Bureau at all approved of any legislation which was necessary to adapt it most perfectly to the purposes of its creation. The main debate, however, exhibited the usual characteristics

of discussion whenever and wherever the negro and his emancipation became the subject of consideration. On the one side were those who would do justice to the black man, minister to his pressing necessities, and carry out by appropriate legislation, and to their legitimate results, the policy of emancipation; on the other were those who brought to the discussion the still dominating influences of caste, belittling the negro and his wants, and, with cruel insensibility, resisting his claims upon either their sympathy, their humanity, or their sense of justice.

On the 19th Mr. Hendricks of Indiana, though a member of the Committee on the Judiciary which reported the bill, made a long speech in opposition to the measure. He condemned what he unfairly represented to be its "perpetual and permanent" character. "The measure," he said, "demanded by the exigencies of war is not required in the times of peace. Civil governments have been restored to the States lately in rebellion, and therefore there is no need for this novel and extra-judicial mode of procedure." He referred to the criticisms and censures which had been made concerning its administration, and contended that, instead of enlarging its scope and powers, they should be curtailed and "more clearly defined." He objected, too, to the feature that confined its agencies no longer to the South, saying that it might embrace Indiana in the wide sweep of its operations. He spoke deprecatingly of the expense. Under the old bill it had cost the nation twelve million dollars, and now, with its enlarged purposes and range, "comes," he said, "the proposition to buy homes, asylums, and schools for this people." He objected, too, and that very strenuously, to the provision that empowered the Bureau to protect the freedmen against any unfriendly discrimination "by any local law, ordinance, or other regulation," "custom," or "prejudice"; with the provision that, if "any of the civil rights or immunities belonging to white persons" were denied them on account of color, they should be "taken under the military protection of the government." "I regard the bill," he said, "as very dangerous legislation. It proposes to establish a government within a

great subject as it appeared to him. Thus Mr. Stewart of Nevada, though a Republican, voting for the emancipation of those still remaining slaves and not embraced in President Lincoln's proclamation, and avowing his anxiety to do the negro justice, expressed apprehension that they were doing too much for him. "What race," he asked, "since the foundation of the earth, ever sacrificed the money, the lives, and the peace of a great country for the elevation of another, as the Americans have done?" To this vaunt Mr. Howe of Wisconsin made reply: "It was to save our own imperilled national existence, and only for that purpose, that the late President of the United States was induced to issue that proclamation and, as the Senator says, to make us stronger, not weaker, to make our sacrifices less, not greater."

Mr. Cowan, though from a free State, showed himself, by both speech and vote, among the most bitter opponents of the measure. Among these evidences was a proposed amendment that the Bureau should be confined in its operations to such States "as have been in the Rebellion," saying that he had "no idea of having this system extended over Pennsylvania." Indeed no feature of the bill excited more special and earnest remonstrance. Mr. Guthrie of Kentucky inquired why his State should be embraced in the provisions of the bill. "Is it because," he asked, "Kentucky has stood by the Union during the strife, is it because she has been desolated as she has been in this contest, that the Freedmen's Bureau is to be extended to her? . . . . I did hope that this last cup of bitterness and trial would not be put to the lips of a State that had suffered as much as Kentucky by her loyalty to the Union." Mr. Saulsbury, saying that Delaware was the first to enter the Union, strangely added: "She has been the very last to obey a mandate, legislative or executive, for abolishing slavery. She has been the last slaveholding State, thank God, in America, and I am one of the last slaveholders, in America." Mr. Trumbull expressed his gratification that Delaware "did not enter the wicked Rebellion"; but added, "it is necessary to protect the freedmen in that State as well as elsewhere; and that is the reason for extending the Freedmen's Bureau beyond the limit of the rebellious States."

elevation, and to his contemptuous sneers at his personal peculiarities of mind and body. He expressed his belief that, in spite of the Senator's assertions to the contrary, the antislavery measures of the government had helped to win the victory; that the course of humanity was onward, that the policy on which they had entered would be carried forward to a successful issue, and that the rights of the humblest would yet be vindicated.

Mr. McDougall opposed the bill because, he said, if the negro had been made free, he must, like the rest, work out his own destiny. But he and the large number who then and since have sympathized with him take no thought of the fearful disabilities under which the freedman labors, and fail to see how difficult, if not impossible, it would be for the white man similarly circumstanced to work deliverance and a successful issue from such straits. Mr. Davis spoke of the "national insanity" which rested in "the two houses of Congress, with fatal mischief to the nation and the people; . . . . of the vagabond negroes that are hovering over the capitol like a dark cloud, having been allured from labor to idleness by the measures of Congress." Mr. Saulsbury predicted that such a policy would be the means of returning the Democrats to power; to which Mr. Fessenden replied that he did not know that he should hesitate to do what was "right and just even in view of such a calamity." Several amendments were proposed and lost, and, on the 25th, the bill was passed by a vote of thirty-seven to ten.

It was reported in the House, on the 31st, with an amendment in the form of a substitute. Mr. Eliot, on reporting it, gave a *résumé* of the legislation of Congress upon the subject, and explained briefly the provisions of the new bill. But it encountered the same opposition in the House it had met in the Senate, with little change in language or tone, and with like revelation of the spirit and purposes of those who still disdained and were ready to oppress the negro. It was declared "unconstitutional and unnecessary"; it was said to "usurp powers fatal to a representative government"; and that the people would be unwilling to intrust such an enor-

tion to "those sections of country within which the writ of *habeas corpus* was suspended on the first day of February, 1866," which included Kentucky with the States lately in rebellion. Mr. Smith of Kentucky moved to amend by excepting his State; but it was lost. Another substitute was offered and rejected, when the substitute of the committee was agreed to by a vote of one hundred and thirty-six to thirty-three.

When the bill, as thus amended, was reported to the Senate, the House amendment was stricken out, so that the law would operate in all parts of the country, though it was strenuously opposed by members from the border slave States. The bill, as thus amended, was reported to the House, the Senate amendment was agreed to, and the bill was sent to the President.

On the 19th President Johnson returned it without his signature, and with a message setting forth his objections. The veto was but a recapitulation of the general line of argument which had been pursued by the opposition. It was, he contended, "unnecessary," "unconstitutional," "extra-judicial," placing eleven States under military jurisdiction, expensive, exciting groundless hopes in the freedmen, who should, with their freedom assured them, be left to work out their own destiny. The message was sustained by Mr. Davis of Kentucky in a long and characteristic speech, and replied to by Mr. Trumbull, and then the bill received a vote of thirty to eighteen. It failed, however, of becoming a law, there not being two thirds.

On the 22d of May Mr. Eliot introduced into the House another bill "to continue in force and amend the act for the relief of Freedmen and Refugees." In explaining its provisions Mr. Eliot pointed out in what it differed from both the act of 1865 and that which the President had vetoed. It differed from the latter in limiting its duration to "two years," instead of an indefinite period. It differed from the previous act, in that its provisions were extended to all refugees and freedmen. It reduced the lands, to be reserved, from three million to one million acres. It altered, too, the provisions in regard to the

period of duration, continued its benign and needful work in the interests of justice and humanity.

That no mistakes were made, no abuses allowed, and that no Bureau officer ever consulted his own interests more than those of the freedmen, need not be affirmed. It was a new and untried work, beset with difficulties. Its agents had few rules, no precedents, and much was left to their discretion; and they were but human and liable to err. But that General Howard and his nine assistant commissioners were mainly and honestly intent on fulfilling the purposes of the organization intrusted to their charge, and that a vast amount of good was effected, suffering and loss relieved and prevented, they who knew most of its workings were most ready to admit and claim. That thousands of lives were saved, many wrongs redressed, and much injustice prevented, and that many found in it safe guidance in walking along the untrod path from slavery to freedom, is already a matter of grateful history. But the attempt to estimate aright the results of the Freedmen's Bureau encounters the difficulty of giving precise statements and tabulated figures, arising from the confused and mixed state of affairs in which it began its work, and for a long time continued it. Already had military protection been granted, and commissary stores been furnished for relief; already had individual and associate benevolence done much, and Northern charity had been pouring, through various channels, its missionaries and its missionary gifts. The work of the Bureau was supplemental, co-operative, and authoritative. A few statements and isolated facts will serve rather as indices of that history than as the history itself.

In his report submitted in October, 1869, the commissioner presents a *résumé* of the work attempted and performed, with reference to winding up its operations, as it was about to expire by its own limitations, or "a general review of the work done and a condensed report of the results attained." Alluding at the outset to the action of the government and of voluntary associations for the relief of the destitute and suffering, and also to successful attempts to systematize these charitable efforts and connect them with plans of self-support, he states

benefit of the homestead act." Something was done in that direction, and transportation was furnished for some four thousand to their "new homes."

The protection, however, of the freedmen, the composing of strifes, and the adjustment of differences between them and the whites, and between themselves, constituted a large and perplexing part of the work of the Bureau and its officers. To so great an extent was this demand carried, that he estimates that they heard and acted upon a hundred thousand complaints each year. The reports of outrages, assaults, and murders were so many and so horrible that, he said, "at times one was inclined to believe that the whole white population was engaged in a war of extermination against the blacks." He rejects that explanation by another, more charitable perhaps, but yet revealing a state of society far from inviting for the then present, or reassuring for the future, by attributing them to "small bands of lawless men organized under various names," which, in the absence of "civil government with strength enough to arrest them," overawed and held in terror the more quiet citizens "who were disposed to treat the freedmen with fairness and humanity." To protect the freedmen from such agencies of violence and danger, he said that "several officers and agents have been severely wounded, and some have lost their lives in this service."

After saying that the Bureau had been intrusted with the service of paying to the colored soldiers the bounties due them, and had thus saved them from the rapacity of sharpers who were willing to prey on their ignorance and credulity, the commissioner gave a succinct statement of what the Bureau had accomplished, subsidiary and helpful to other agencies in the cause of education.

There were no discussions in Congress during the war, nor acts of the people that better stand as indices of the real nature or character of the great struggle, than were those suggested by and connected with the necessities of the freedmen. As it had been before the war "the everlasting negro," as he was sometimes petulantly, but suggestively, styled, who had been the disturbing element and controlling factor in the his-

law" and of the danger of its infraction, when they drew arguments for justice to the black man from the unsafeness to white men involved in injustice, they were stigmatized as alarmists and fanatics, as invading the realms of religion for the illegitimate purpose of drawing from another world arguments to affect the conduct of this. When, in one of the debates on the Fugitive Slave Act, as noted in a previous volume, Mr. Sumner referred to this phase of the great conflict between freedom and slavery, reminded Senators that the movement against the latter was "from the everlasting Arm," and that by putting their ear to the ground they might hear "the incessant and advancing tread of its gathering forces," and when he repeated the beautiful Oriental proverb, "Beware of the wounds of the wounded souls; oppress not to the utmost a single heart, for a solitary sigh has power to overset a whole world," he was answered, by a Southerner, that the "ravings of a maniac may sometimes be dangerous, but the barking of a puppy never did any harm," while he was told by one Northerner that he was "panting" for the introduction "of black-skinned, flat-nosed, and woolly-headed Senators and Representatives," and by another, that his language was "inflammatory," leading to bloodshed, and that on his "hands must rest the blood of these murdered men." But a change had now come over the spirit of their dream, and for prudential, if no higher, motives, they were in favor of doing justice to the long abused, down-trodden, and still prostrate race; and, if their purpose and performance were yet at best superficial and inadequate, they were moving in the right direction, and in some degree were making amends for previous injustice and injury.

That their measures were inadequate and fell far short of the full demands of the occasion subsequent events have clearly shown. Friend and foe both miscalculated. While the latter remained willing to perpetuate injustice, give voice to the still cruel prejudice against color, utter the insolent demands of caste, and prate of the "Constitution as it was," the former as evidently misunderstood the case, underestimated its necessities, and overestimated the value and efficacy of means, right

in themselves, yet fearfully disproportioned to the work demanded. They had labored long and earnestly for the freedom of the slave, and marvellously had it been secured; but, that attained, they had not fully gauged the magnitude of what was necessary to supplement that great achievement and prepare the freedman for its full and satisfactory enjoyment. They did not, for they could not, fully comprehend the situation. Time was a factor in the problem, for which no *a priori* reasoning could stand. Nothing else could reveal the extent of the horrible demoralization which two centuries of slavery had produced upon Southern society and character, to be tested by the new circumstances and subjected to the new strain produced by the violent breaking of fetters, the emancipation of slaves, and the wholesale destruction of the old order of things that followed in its train. Besides, for the time, men were bewildered, enslavers and enslaved alike, by the astounding events that were transpiring around them. For not only did they stand in the presence of a gigantic war, its thunders reverberating through their vast solitudes, its lurid flames lighting up their dark places of cruelty, and its mighty armies marching and countermarching, but they knew not what to expect. The former, appalled by disasters experienced and apprehended, and the latter, dazed by the sudden light of liberty flashed upon them and the new-born hopes and expectations thus begotten, were neither in a condition to be thoroughly understood by others nor to understand themselves. Their real elements of character were hidden or obscured by these strange and startling surroundings. Time alone could tear away the veil and reveal what existed within. This it has done, and the revelations have been more terrible and discouraging than were apprehended, and the picture is darker than any ever painted by the wildest Abolitionist.

CHAPTER XXXVI.

NO EXCLUSION FROM CARS. — COLORED TESTIMONY ALLOWED. — COLORED PERSONS MAY CARRY MAILS.

Caste. — Exclusion from public conveyances. — Mr. Sumner's amendments. — Strong speech of Reverdy Johnson. — Saulsbury. — Doolittle, Carlile. — Sumner's defence. — Morrill's speech. — Washington and Georgetown Railroad. — Mr. Sumner's amendment. — Opposed by Mr. Trumbull, Saulsbury, and Powell. — Adopted. — Basis of law. — Ignored by slavery. — Laws against colored witnesses. — Mr. Wilson's bill. — Sumner's amendment. — Amendment to the Civil Appropriation Bill, and speech. — Opposition. — Saulsbury. — Disqualifications for carrying the mails. — Mr. Sumner's bill. — Adopted. — In the House. — Report by Mr. Colfax. — Failed. — New bill. — Collamer, Powell, Hendricks. — Passage.

THOUGH the greed of gain and the lust of power and personal indulgence were unquestionably the largest factors, the most controlling motives in the production and perpetuation of the slave system, the principle and pride of caste had much to do therewith. Indeed, had not men persuaded themselves that the African belonged to an inferior race, that he occupied a lower plane of humanity than that on which they stood, they could never have found justification, even to themselves, for a system so full of injustice, so pregnant with evils to all and everything concerned, to the master as well as the slave, to society as well as the individual, to the religion as well as the civilization of any people who accepted it as a recognized institution. But accepting the postulate they were led and prepared to accept its natural inferences. Among them was the social ostracism which followed the poor victims of its proscription everywhere. No matter how much of worth and culture shone forth in the character; no matter what wealth of affections reposed beneath the dusky skin, or how piteously

the tender sensibilities of the soul entered their protest against such exclusion; no matter how sternly and authoritatively Christianity proclaimed the universal fatherhood of God and brotherhood of man, the least infusion of color, so slight as to elude any but a microscopic vision, constituted a ban nothing could remove, a bar that no one could overleap. At home and abroad, in the house and by the way, in the realms of pleasure and in the sacred precincts of religion, everywhere the negro was made to feel his inferiority, and, in the hateful parlance of the hour, to know his place. This aspect of its essential wickedness and unreason was seen in the exclusion of colored persons from public conveyances. That there was no reason in nature for this exclusion was seen from the accompanying fact, that they who were thus proscribed as persons were proudly allowed to travel as servants and attendants of the lordly class.

Among the reforms, therefore, demanded by the removal of slavery, the dethronement of the Slave Power, and the general abrogation of the hateful slave codes, was the discontinuance of this most unjust and provoking ostracism. The attention of Congress was early called to it, and in the debates which accompanied the effort were very clearly foreshadowed the principles and arguments which were afterward so thoroughly and persistently urged and combated in connection with the civil rights bills of subsequent sessions. Nor was there any great advance or addition in the argument made in those subsequent discussions that occupied so much time and developed such acrimonious and determined opposition in the successive debates of Congress upon this general subject. Too axiomatic, the subject did not admit of much argument; too nearly a self-evident truth, it could not be made much plainer by any process of reasoning or demonstration. From the first it was little more than a question between right and wrong, principle and prejudice, and there was not large room or encouragement for mere argument, and what there was could hardly be other than brief. There was room for amplification, and it was improved. Illustrations could be multiplied, while rhetoric and eloquence found ample range for the exercise of

their choicest and most impressive appeals. And yet it was little more than the ringing of the possible changes upon those great and fundamental principles of human conduct and accountability, — wrong doing and its perils, right doing and its rewards.

On the 27th of May, 1863, Mr. Sumner moved to amend the bill for extending the charter of the Washington and Alexandria Railroad by adding a provision "that no person should be excluded from the cars on account of color"; and, singularly enough, in view of subsequent opposition to the principle involved, it passed both houses without debate, and was approved by the President on the 3d of March, 1863.

On the 16th of March, 1864, Mr. Sumner moved to amend a bill incorporating the Metropolitan Railroad of Washington City by inserting a similar provision. He did not make any protracted remarks on its introduction, though it led to a brief but earnest and suggestive debate. Mr. Johnson of Maryland made an able and, considering that he was from a slaveholding State, a singular and noteworthy speech. He argued with legal acumen that the amendment was unnecessary because the company had no right to exclude any one on account of color. "There is no more right," he said, "to exclude a black man from a car designated for the transportation of white persons than there is a right to refuse the transportation in a car designed for black persons to white men." And yet he admitted that for prudential reasons it might be "convenient" for the company to provide separate cars, because, he said, it would "meet with the public wish and the public tastes of both classes." Concerning slavery, his views were very decided. Of it, he said, "if it is not dead it has upon it the wound of death"; and, though there might be, he admitted, "conscientious" men who believed "it to be an institution to be preserved, they will soon find in the judgment of Christendom, outside of their own limits, and in the silent influences of the Christian's faith which has done so much to humanize society, an obstacle to its continuance which no purpose of man can much longer restrain." But while he was thus outspoken and emphatic on the legal rights of colored men; while

God's providence." He spoke quite theologically of the matter, and exclaimed: "Sir, the finger of God Almighty has decreed the distinction between the races; and Abolitionism is infidelity, it is war upon the ordinance of God's providence." He inveighed bitterly against the attempts, "in the last three years," to "raise to their own elevation an inferior race, or to degrade themselves to an equality of an inferior race, as we have done." He said, if the nation must fall, this would be its epitaph: "Here lie thirty million white men, women, and children who lost their liberties in trying to equalize with themselves four million negroes." Others opposed the amendment; Mr. Doolittle, on the ground that railroads had the right to make the discrimination objected to, and Mr. Carlile on the ground that the subject might be better left to the courts.

In reply, Mr. Sumner agreed with Mr. Johnson in the proposition that "colored people have the legal right to enter the cars, and the proprietors are trespassers when they undertake to exclude them"; but he inquired of what use or benefit such a right can be to a colored man, poor and without position. He said that Congress should pass "a declaratory act," and he quoted parliamentary authority for the opinion, that in cases of doubt it should, in this way, interpret its meaning. Mr. Morrill of Maine replied with great force and beauty of expression to the remark of Mr. Saulsbury, that it would be better to leave the whole matter to the gentlemanly instincts of the superior race and to the principles of Christianity. Reminding him that "under the influence of these gentlemanly instincts of the superior race slavery has come to be cherished, — cherished as a benefaction to the race; cherished as a great social good; cherished as the corner-stone upon which you are to rear American institutions, — the corner-stone of civil and religious liberty," he asked for the grounds of hope that such principles would be any more effective in the future than in the past. "Could this question," he said, "be remanded to the tribunal of Christianity, there would be neither difficulty nor doubt in reaching a satisfactory and safe conclusion, for wherever that influence has prevailed slavery

has melted away and disappeared among the nations of the earth. Why, sir, the spirit of Christianity is the spirit of freedom and brotherly love, and where these exist there is perfect liberty; slavery cannot exist. He who spake as never man spake proclaimed the essential brotherhood of the race, and taught the great lesson that to do unto others as we would that they should do unto you was the sum of practical human duty. . . . . Christianity is an inspiration of love and good-will to man, purifying, elevating, and emancipating; not a law of force, binding and enthralling. . . . . The spiritual and moral forces which underlie this nation are in harmony with the Christian civilization of the last three centuries; in harmony with the providence of Heaven in its great purposes in this western world; and will ultimately give us the victory over all forms of oppression over the limbs or minds of men." The question was taken on the amendment, and it was adopted by a vote of nineteen to seventeen; the House concurred therein, and the President, on the 1st of July, approved the bill, as thus amended. Subsequently an amendatory act, though substantially the same, was adopted.

On the 21st of June, Mr. Sumner moved a similar amendment of the charter of the Washington and Georgetown Railroad. As in the previous discussions, this gave rise to various and similar objections, though there was little additional argument, either for or against it. Among the objectors, Mr. Trumbull of Illinois contended that it would afford no additional right to the negro. In reply, Mr. Sumner said, "I always regarded the Wilmot Proviso, if the Constitution were properly interpreted, surplusage; yet I never hesitated, in season and out of season, to vindicate it; and I believe the Senator never hesitated, in season and out of season, to do the same. . . . . And, on the same principle, I insist that this proviso also should be adopted." "The Senator from Illinois tells us," said Mr. Wilson, "that the colored people have a legal right to ride in these cars now. We know it; nobody doubts it; but this company into which we breathed the breath of life outrages the rights of twenty-five thousand colored people in this District, in our presence, in defiance of our opin-

ions." Though such action, he said, might offend the prejudices of some, he thought it of greater importance to protect the rights of the poor and lowly. "I trust," he said, "we shall protect rights, if we do it over prejudices and over interests, until every man in this country is fully protected in all the rights that belong to beings made in the image of God. Let the free man of this race be permitted to run the career of life; to make of himself all that God intended he should make, when he breathed into him the breath of life." He expressed the opinion that decency as well as justice required action. "Some weeks ago," he said, "I rode to the Capitol in one of these cars. On the front part of the car, standing with the driver, were, I think, five colored clergymen of the Methodist Episcopal Church, dressed like gentlemen, and behaving like gentlemen. These clergymen were riding with the driver on the front platform; and inside the car were two drunken loafers, conducting and behaving themselves so badly that the conductor threatened to turn them out."

In default of argument, the opposers resorted to ridicule. "Poor, helpless, and despised inferior race of white men," exclaimed Mr. Saulsbury, "you have very little interest in this government; you are not worth consideration in the legislation of the country; but let your superior, Sambo's interests come in question, and you will find the most tender solicitude in his behalf! What a pity it is there is not somebody to lampblack white men, so that their rights could be secured!" Mr. Powell of Kentucky counselled Mr. Sumner to volunteer in behalf of his "Ethiopian friends," and bring an action in the courts against "this heartless corporation." "The Senator," he said, "has indicated to his fanatical brethren — those people who meet in free-love societies, the old ladies, the sensation preachers, and those who live on fanaticism — that he has offered his amendment; and I see no reason why we should take up the time of the Senate with eternally squabbling over the Senator's amendments, and introducing the negro into every wood-pile that comes along." But notwithstanding the ridicule and arguments against the amendment it was adopted, and the company was restrained from further pander-

Sherman, who approved of the principle, but who deprecated its introduction, "to load down this, the last of the appropriation bills," and thus be likely to create controversy between the two houses. Mr. Carlile also besought the mover to withdraw it. Mr. Buckalew moved to amend the amendment by adding the words, "or because he is a party to or interested in the issue tried," which was adopted.

Mr. Sumner advocated its adoption. "It is hard," he said, "to be obliged to argue this question. I do not argue it. I will not argue it. I simply ask for your votes. Surely Congress will not adjourn without redressing this grievance. The king, in Magna Charta, promised that he would deny justice to no one. Congress has succeeded to this promise and obligation." "Is it to be presumed, at the outset," said Mr. Howard of Michigan, "that, because a man has a black skin, he either cannot or will not tell the truth in court? It seems to me that those persons who object to the examination of black persons as witnesses on the ground that they are black put it upon this most unphilosophical, and, I may add, most inhuman and cruel presumption, that a negro either cannot or will not tell the truth in any case. I shall be guilty of presuming no such thing." Mr. Saulsbury could not allow the opportunity to pass without putting himself on record not only against this particular proposition, but against the subject of its provision. Though he did not wish, he said with elegant phrase, "to say anything about the 'nigger' aspect of the case, it is here every day; and I suppose it will be here every day for years to come, till the Democratic party comes into power, and wipes out all legislation on the statute-book of this character, which I trust in God they will soon do." The opposition, however, did not avail, and the amendment was adopted by both houses; and on the bill receiving the signature of the President, another relic of the Slave Power's rule passed away, and the negro as well as the white man was permitted to testify in the courts of justice.

Closely allied to this action, because the principle of negro testimony was involved in the evil complained of, was the attempt and its final success to repeal the legislation that

opinion, that if persons of color were to be employed, and rendered eligible to be employed, as carriers of the mail, by those who have contracted to carry it, and who wish to employ them, it would be unsafe to commit to their hands the mail, when they could not themselves be witnesses against those who should violate that mail, steal it, rob it, and commit depredations upon it."

The measure, however, encountered severe criticism and opposition. Mr. Johnson of Maryland regretted its introduction, but expressed the hope that, if adopted, it would be confined to "free persons of color"; Mr. Powell denounced it as "fanatical and radical legislation"; Mr. Saulsbury declared that "we are legislating against reason, against our own race, by such enactments"; and Mr. Hendricks, though a Northern man, was not unwilling to leave on record that he was not "content to see a law passed by the Congress of the United States placing the negro upon the platform of equality with the white race in the courts of the country, the sanctuary of our rights. Standing alone, the white race has progressed for a thousand years, without a step backward. Standing alone, the negro race has gone downward and downward for a thousand years."

The bill, however, did not reach a vote before adjournment. At the next session it came up again, and was passed on the 19th of December, only five Senators recording their votes against it. In the House it passed by acclamation on the 2d of March, 1865, and it received the President's signature the next day. As finally passed, it enacted, "that from and after the passage of this act no person, by reason of color, shall be disqualified from employment in carrying the mails, and all acts and parts of acts establishing such disqualification, including especially the seventh section of the act of March 3, 1825, are hereby repealed." That such an act, so sweeping in its provisions, should pass both houses of Congress by so nearly a unanimous vote, not only betrayed the absence of the seceding Southern members, but revealed, for the time being at least, a great change in the Northern sentiment.

CHAPTER XXXVII.

RECONSTRUCTION. — PRESIDENT LINCOLN'S POLICY.

Early efforts. — Difficulties great and manifest. — Not provided for. — Questions. — Measures proposed but not acted on. — President's annual message and proclamation. — Terms proposed. — Sharply criticised. — Committee of Nine. — Winter Davis's bill. — His speech. — Smithers. — Debate. — Prominence of the emancipation feature. — Beaman, Scofield, Donnelly, Boutwell. — Opposed by Pendleton, Wood, Yeaman, and Kernan. — Substitute and passage. — Senate and conference. — Bill passed. — Not signed by the President. — President's proclamation. — Condemned. — Address of Wade and Davis.

THAT it is easier to destroy than to create, to pull down than to build up, is proverbial. Nor did the proverb ever receive sadder or more serious illustration than in the recent Rebellion, and in the consequent attempts at reconstruction. That the breach which had been so violently and causelessly made should, if possible, be repaired, harmony restored, and the Union again made whole, seemed a natural and necessary corollary of the war. Nothing less justified the terrible waste of life and treasure of that fearful struggle. Consequently, long before its close, before even it had reached the giant proportions it finally assumed, the thoughts of the loyal were turned towards the work of restoration and reconstruction. Before the close of the first year of the war, indeed, propositions were introduced into Congress looking towards the replacing, by loyal governments, of those traitorous bodies which had inaugurated and were then prosecuting the Rebellion.

But the dangers and difficulties of such attempts, though not fully appreciated, were recognized. From the first, even superficial observers regarded with painful misgivings the efforts requisite to restore that national integrity which had been so ruthlessly destroyed. For it was most emphatically untrodden

ground, an unexplored sea; and there were neither landmarks nor chart. As the ancient Greeks and Romans had, for a long time, no laws against parricide, "from an opinion that nobody could be so wicked as to kill his parents," so the framers of the Constitution did not seem to have had in mind even the possibility that there could be parricides who would destroy the nation's life, or to have anticipated such a crime as the Rebellion proved to be. They left, therefore, no rules for the reconstruction rendered necessary. Without law, organic or other, without precedent, those charged with the work were required to be a law to themselves. The practical questions at issue were of extremest importance, and could be answered only by reference to first principles, by remanding them to those courts of last appeal, reason, equity, and the higher law. Naturally, not to say necessarily, there was difference of opinion and wide divergence of views among men equally earnest and equally honest in their desires and purpose to reconstruct what had been so basely destroyed. Grave questions arose. What constitutes a State? Are the seceded States within or without the Union? Can a State take itself out of the Union? Shall they be remanded to a Territorial condition, or still be treated as States? If reconstruction be attempted, what shall be the conditions of return? Whence shall the proffer originate? How many and who shall constitute the primordial elements of the new governments? To these and questions like these different answers were given, as concerning them widely divergent opinions were entertained?

For there not only existed the chronic dispute, the conflicting theories, and the still unsettled questions concerning State rights and the line that runs between the jurisdiction of the Federal and State governments; the Democratic assumption that the Rebel States did not actually, because they could not rightfully, secede, and, therefore, being States still, could legitimately — the Rebellion having been suppressed — claim all that the Constitution guarantees to States that had not rebelled; but there were very serious differences among Republicans themselves, concerning both the principles in-

like purpose. When it came up for consideration, an amendment was offered providing against returning fugitive slaves and affixing penalties thereto; but it was laid aside, and did not come up again for action; and no other important measure was either adopted or proposed before the close of the session.

In connection with his annual message, on the assembling of Congress in December, in 1863, President Lincoln sent in a proclamation, which he had issued, designed to present to the seceded States "a mode in and by which the national authority and loyal State governments may be re-established." He began by reciting the fact of "a Rebellion," certain acts of Congress concerning "forfeiture and confiscation of property, liberation of slaves," and "conditional pardon"; several proclamations of the executive; and the expressed desire of "some persons heretofore engaged in such Rebellion to resume allegiance." He then made proclamation that all such, by taking an oath of loyalty, which he prescribed, should receive pardon, restoration of rights of property "except as to slaves" and when "third parties" have intervened; excluding such, however, as occupied certain official positions in the Federal government when the Rebellion broke out, or, afterward, in the Confederate government. He proposed also that, if in any or all of these seceded States there were one tenth in number of the votes cast in the presidential election of 1860, who should subscribe such an oath, re-establish a State government, republican in form and recognizing the permanent freedom of the ex-slaves, it "shall be recognized as the true government of the State." He also gave his pledge that any proper "temporary arrangement" for the freedmen, as "a laboring, landless, and homeless class," would "not be objected to by the national executive." He admitted that Congress alone must be the judge of the claims of those who should be admitted to seats in either house; and he closed with these words: "While the mode presented is the best the executive can suggest with his present impressions, it must not be understood that no other possible mode would be acceptable."

In the message itself, the President devoted considerable

formed; that, as soon as the Rebellion should be quelled, he should enroll all the white inhabitants of such State who were prepared to take the oath of allegiance to the Federal government, and who, as soon as they should become a majority of such inhabitants, should be invited to elect delegates to a convention, "charged to declare the will of the people of the State relative to the establishment of a State government"; that this convention should "consist of as many members as both houses of the last previous constitutional State legislature," to be apportioned among the several parishes and election districts by said governor; that said delegates should subscribe to the oath of allegiance as prescribed by the act of July 2, 1862; that the election should be held under the control of commissioners appointed by the governor, special provision being made for taking the votes of the soldiers in the army; that the convention should be convened at such time and place as should be prescribed by the governor; that, on assembling, it should "declare" the submission of the people it represented to the Federal government; that no person holding office above a certain specified grade in the Confederate service should either vote or become a member of said convention; that slavery should be forever prohibited; that no debt contracted in aid of the Rebellion should be recognized; that the convention should determine whether or not it would form a constitution; that the constitution, if formed, should be submitted to the same electors who chose the delegates, and, if adopted by them, it should be transmitted to the President, to be laid before Congress; that, if the convention should refuse to frame a constitution, it should be competent for the President at his discretion to order another election; that, until a State government should be formed, the provisional governor should continue, with such other officers as the President should appoint; that he should order the levy and collection of such taxes as were collected during the year preceding the Rebellion; that involuntary servitude should cease, and that the arrest and return to slavery of any slaves who may have escaped should be punished by fine and imprisonment; and that all officers of the Confederacy of and above the grade of colonel should not be deemed citizens of the United States.

the way; as if, that removed, the rest would be of easy accomplishment, the Union would be restored, and the lost fraternal unity and peace be invited back. Mr. Beaman of Michigan thus closed an earnest speech and appeal for the emancipation feature of the bill: "By no consent of mine shall a single one of the 'wayward sisters' ever be permitted to participate in shaping the destinies of this nation, until she has by her organic law forever prohibited involuntary servitude, except as a punishment for crime, within all her borders; nor, while I have life and strength, will I cease to urge by all constitutional means the freedom of every inhabitant of the United States, without regard to color or race." Mr. Scofield of Pennsylvania, in a similar strain, after affirming that all possible concessions had been made to the Slave Power, said severely that "even James Buchanan, so gifted in abasement, could find nothing more in the shape of theory to give them, and in its stead tendered the low villany of Lecompton." Thayer and Kelley of the same State advocated the measure, — the former, as "the policy of taking security for the future peace of the nation," and the latter, "as a means of organizing conquest and peace"; and Mr. Donnelly of Minnesota expressed his conviction that the greatness and perpetuity of the country could be assured "only in so far as it identifies itself with the uninterrupted progress and the universal liberty of mankind." Mr. Boutwell of Massachusetts urged the adoption of the emancipation policy, especially as a matter of justice to the negro and of safety to the nation. "I ask," he said, "for this people justice in the presence of these great events, in this exigency, when the life of the nation is in peril, and when every reflecting person must see that the cause of that peril is in the injustice we have done to the negro race. I ask that we shall now do justice to that race. They are four millions. They will remain on this continent. They cannot be expatriated. They await the order of Providence. Their home is here. It is our duty to elevate them, to provide for their civilization, for their enlightenment, that they may enjoy the fruits of their labor and their capacity."

But, like all measures in behalf of justice and humanity,

by both houses, the Senate reconsidered its vote on the Brown amendment, and the House bill was adopted. But the President withheld his signature, and it failed to become a law.

On the 9th of July, 1864, a few days after the adjournment of Congress, President Lincoln issued his proclamation, annexing the bill which had just passed both houses by such decisive majorities, giving his reasons for withholding his signature, and presenting certain considerations and propositions concerning the general subject of reconstruction. The reasons given for not signing the bill were lack of time, "less than one hour" intervening between its passage and the adjournment of Congress, and the fact that he was unprepared by formal approval of this bill either to be inflexibly committed to any single plan of reconstruction, thus setting aside the free State governments of Arkansas and Louisiana, and thereby repelling their citizens from further efforts in the same direction, or to "declare a constitutional competency in Congress to abolish slavery in the States," though he expressed the hope that a constitutional amendment would be adopted, abolishing slavery throughout the nation. He, however, expressed himself fully satisfied with the proposition of the bill for the restoration of a State to any who might choose to adopt it, and he pledged executive co-operation to any who might avail themselves of its provisions to return to their places in the Union.

There were, however, many who took exceptions to this proclamation of the President, doubted its wisdom and authority, and objected to its terms. They contended that the latter were too liberal, and that the proffer should have originated with Congress and not with the executive. A few days after its appearance there was published a paper, signed by "B. F. Wade, Chairman of Senate Committee, and H. Winter Davis, Chairman of Committee of House of Representatives on the Rebellious States," and addressed "To the Supporters of the Government." It was an able, elaborate, and impassioned document, well calculated to produce, by its authorship, subject, and mode of treatment, a profound impression upon the popular mind. Its signers began with the assertion that they have read "without surprise, but not without indig-

nation," the President's proclamation, and they proceeded to criticise and condemn with great sharpness and plainness of speech his reasons for not signing the bill, and what they were pleased to characterize the unauthorized assumptions, proposals, and promises which he had made. To the plea derived from the shortness of time, they interposed the fact that the bill had been under discussion for nearly two months, and the undoubted willingness of Congress to have prolonged the session, had it been hinted that the President desired longer opportunity to consider it. Indeed, they more than obscurely hinted that there had been influences at work to prevent earlier action in the Senate thereon. The assertion of the President that he now laid the bill, which he had refused to sign, before the seceded States, and his professed readiness to "proceed according to" it, if any chose to accept its provisions, they condemned very severely, inasmuch as, they said, without his signature it was not a law, and could be, when thus presented, only an executive assumption, if not an usurpation. They characterized, too, his alleged purpose "to proceed according to the bill" as a "makeshift and a delusion," while of his general position and proposition they said, "a more decided outrage on the legislative authority has never been perpetrated."

The governments of Arkansas and Louisiana, which the President described as "free," and which he said he was unprepared to see "set aside and held for naught," though Congress had shown its estimate by rejecting the Senators and Representatives sent therefrom, they stigmatized as "shadows," "creatures of his will," "oligarchies imposed on the people by military orders under the forms of an election," which election they characterized as a "farce." At some length, and with great force of expression, they drew a "contrast" between the bill the President had refused to sign and the plan he had sent to Congress at the opening of the session, "the one," they said, "requiring a majority, and the other satisfied with one tenth of the voters; the one ascertaining who the voters were by registering and the other by guess; the one governing by law and the other by military governors;

the one protecting the nation against the return to power of the guilty leaders of the Rebellion, the continuance of slavery, and the burden of the Rebel debt," the other "silent respecting the Rebel debt and the political exclusion of Rebel leaders, leaving slavery exactly where it was by law" at the time of secession. They denounced the President's course as "a blow at the friends of the administration, at the rights of humanity, and the principles of republican government"; and they closed by calling upon all supporters of the administration to "consider the remedy for these usurpations, and, having found it, to fearlessly execute it."

This paper, so deliberate and determined in its tone and purpose, in its allegations and arraignments, coming, too, from men so conspicuous for their abilities and their political and official prominence, could not but produce a marked impression upon the popular mind and heart, rejoicing the enemies and disturbing the friends of the administration. The former greedily seized it as an indorsement of their charges that the President was substituting his own will for the guidance of the Constitution, while arrogating to the executive what belonged alone to Congress. The latter felt the injury inflicted on the Union cause through the confessed weakness of divided counsels and the seeming diminution of popular confidence in the administration.

That the President made mistakes none were more willing to admit than himself. That his veto was not a mistake — now that events have taken the turn which resulted from his early death, the strange and reactionary policy of his successor, and the brood of ills to which it has led — even his warmest friends will not unhesitatingly claim. But that he was influenced by any mere wilfulness of purpose, by the low ambition of having his own way, with any overweening confidence in his own judgment, few now believe. Not consciously deficient in the power of perception and judgment, and occupying a position from which he thought he could more accurately survey the situation than others, it is probable that he felt that he could better comprehend its intrinsic difficulties and the dangers to be apprehended from divided counsels and conflict-

CHAPTER XXXVIII.

RECONSTRUCTION. — LOUISIANA. — ARKANSAS.

The President's desire. — General Banks's proclamation to the people of Louisiana. — Response. — Arkansas. — Lane's bill and failure. — Trumbull's bill. — Report. — Debate. — Sumner's amendment. — Powell in opposition. — Davis. — Republican opposition. — Sumner, Howard. — What is a State? — Wade. — Bill defended. — Henderson. — House. — Ashley's bill. — Debate. — Dawes, opposition of. — Wood. — Substitute. — H. Winter Davis. — Amendments proposed. — Bill laid on the table. — J. F. Wilson's bill for supremacy of Constitution. — Substitute. — Brief debate. — Laid upon the table.

THERE were two thoughts which seemed to occupy the mind of the President in regard to the work of reconstruction: first, that of the great importance of making a beginning; and, secondly, of the impolicy, as expressed in his veto message, of fixing upon any single plan to which all must conform. Without the light now shining upon the subject, in ignorance of what has since transpired, he could not regard the work to be done as other than experimental and tentative, and he was in haste to make a beginning.

Consequently, on the 11th of January, 1864, General Banks, commanding at New Orleans, "in pursuance," he said, "of authority vested in him by the President of the United States," issued a proclamation to the people of Louisiana, proposing an election on the 22d of February for State officers, and, on the 1st of April, a similar election for "delegates to a convention for the revision of the constitution." The qualifications of voters invited to participate in the election for State officers were "the oath of allegiance prescribed by the President's proclamation, with the condition affixed to the elective franchise by the constitution of Louisiana." The officers then chosen, he declared, should "constitute the civil government

constitution was adopted, and Elisha Baxter and William M. Fishback were chosen United States Senators. On the 10th of June, 1864, Mr. Lane of Kansas introduced "a joint resolution for the recognition of the free State government of the State of Arkansas." In the preamble it referred to the fact that the loyal people of that State, by "a free and untrammelled vote, organized and have in operation a State government upon a free basis, republican in form, and officially recognized" by the President. It had two sections, the last of which provided that the present organized government in that State be recognized upon the condition that slavery should never exist therein. It was referred to the Committee on the Judiciary, from which it was reported on the 27th without amendment, but with the recommendation that it do not pass.

R. King Cutler and Charles Smith, having been elected by the free State legislature of Louisiana for that purpose, presented themselves and their credentials at the bar of the United States Senate. The latter having been referred to the Committee on the Judiciary, Mr. Trumbull, on the 18th of February, 1865, presented a joint resolution, accompanied with a report recognizing the government of the State of Louisiana. The report recited the facts of the case, regarding the registration of loyal voters, the provisions made for the election, and the number of votes cast for State officers, being eleven thousand four hundred and fourteen, of which eight hundred and eight were cast by soldiers. It also gave the facts connected with the calling, assembling, and action of the constitutional convention, which had adopted "a constitution republican in form, and in entire harmony with the Constitution of the United States and the great principles of human liberty." The manner of the inauguration of the new State government, it admitted, was "not wholly free from objection"; and the small number of votes cast for it, less than seven thousand, seemed to cast some doubt upon its being a true expression of the popular voice. But, in consideration of the serious difficulties that environed the effort, and the large number of voters who had left the State for both armies, the committee expressed

as elements delegates who were elected under and by force of the bayonet." To show that they voted under duress, he quoted from General Banks the clause: "Opinion is free, and candidates are numerous. Open hostility cannot be permitted. Indifference will be treated as a crime." And he added: "Talk to me of freedom of election under such military orders! Why, sir, there was but one free man, in my opinion, in all Louisiana at that time, and that was Major-General Banks; and I do not know as he was free, for he was serving his master at the White House." He objected, too, to the small per cent of voters who had voted for officers or the constitution. Giving the figures, he added: "Those are certainly very meagre votes"; and he warned members that if they allowed "one tenth, or perhaps one twentieth, of the people to form a government," it would "breed dissatisfaction, discontent, and heart-burnings among all the other people." He also objected to what he termed the "humiliating condition" of taking the oath prescribed, especially that part which compelled him "to swear to support all the proclamations of the President on the subject of slavery." That he characterized as "the most odious feature." "I hold," he said further, "that no man who is a freeman and understands all of his civil and political rights would so prostitute himself as to take that oath." Referring to the portion of General Banks's orders declaring the laws concerning slavery "inoperative and void," he said, he "had no more power to proclaim an amendment of the constitution of Louisiana than he had to annul or amend the fiat of Almighty God." Mr. Davis of the same State dwelt upon the small number of votes reported, and, alluding to the principle that majorities should rule, asked: "What magistrate, what imperial despot, what autocrat, has a right to proclaim that one tenth of the people may pull down an existing government and rear upon its ruins a new government?"

Republican opposition to the resolution, however, was hardly less decided if less violent than Democratic. Mr. Sumner stigmatized it as a "shadow" and anti-republican. He, indeed, characterized it in very severe terms. "I must," he said, "use plain language. It is a mere seven months' abor-

tion, begotten by the bayonet in criminal conjunction with the spirit of caste, and born before its time, rickety, unformed, unfinished; whose continued existence will be a burden, a reproach, and a wrong. That is the whole case." "If the loyal men," he said, in another connection, "white and black, recognize it, then it will be republican in form. Unless that is done, it will not be." Mr. Howard of Michigan condemned very severely what he termed the assumption of the President in pledging himself, whenever one tenth of the people of a rebellious State shall constitute a government, "to recognize it as the legitimate government of the State." "Sir," he said, "I cannot recognize the authority of the President of the United States, without the subsidiary aid of an act of Congress to give any such assurance to a community in insurrection against the United States. . . . . I think it is time that Congress should lay hold of this subject, assert its power, and provide by some statute of uniform application for the reconstruction, as it is called, and readmission of the insurrectionary States." After saying that Louisiana was still in a state of insurrection, that a very small portion of it was "within even the military grasp of the government"; after referring to "the great Democratic argument," which, he said, "in a thousand varying forms had been pressed upon the consideration of the country, both in and out of Congress," that a State is never out of the Union, and can, as soon as armed rebellion is suppressed within its limits, resume, without any action on the part of President or Congress, its former relations with the Federal government, he asked and, at some length, answered the question, "What constitutes a State?" Referring to a decision of the Supreme Court for authority, he contended that "to be in fact a State of the Union, and in the Union, the will and consent of the people must be in harmony with the Constitution, and its movements subsidiary to it." As thus defined the seceded States were still States, but States out of the Union, conquered provinces, subject to military occupation and control, and dependent entirely on the general government for both the time and terms of readmission. To the question whether he would allow one tenth or any minor

part to organize a government for the whole, he replied negatively, first, because such a government must come to a speedy end, and, secondly, because "government by a minority is of evil example and inconsistent with the genius of American liberty." He therefore condemned any government that did not rest on the expressed will of the majority. The duty, he contended, was to provide provisional governments, "to rescue the harassed people from the tempestuous night of anarchy and blood," and to assure them that "the old government is coming, not in wrath to unsubmissive children, but with visage beaming with kindness and radiant with the smiles of encouragement."

Mr. Wade defended the same position, and deprecated in forcible language the adoption of the resolution. "This question," he said, "goes to the very foundation of republican government. If the President of the United States, operating through his major-generals, can initiate a State government, and can bring it here and force us, compel us, to receive as associates on this floor these mere mockeries, these men of straw who represent nobody, your Republic is at an end." Alluding to the Lecompton struggle and the attempt to force a constitution on a people which they did not desire and did not vote for, he said: "It is an old story with me, and I have not changed my ground or my opinion, because some of the party with whom I generally act have fallen from grace."

The policy of the bill, however, found earnest defenders. Among them was Mr. Henderson of Missouri. To the objection that it was undemocratic to force a government on a State that received the support of less than a majority, he said: "If a majority prove derelict, and undertake to destroy the very government of which the State is a part, I assert that it is right that the minority, who sustain the government in its entirety, State and national, should govern." He closed his speech with the enunciation of the following postulate: The seceded States are still in the Union; have a right to claim all the rights accorded to other States; have a right to stand on their old constitutions, or amend them, and the general government may aid them, if so desired; the citizens of

any State rebelling against the general government cease to be citizens, and lose those rights and franchises depending on United States citizenship; in a seceded State "the loyal minority constitute the State and should govern it"; the governments of such States should not be rejected "because of mere irregularity"; the only questions to be asked, "Is the constitution the will of the loyal men qualified to act? Is it republican in form?" the governments of Louisiana and Arkansas answering those conditions, should be admitted. The resolution, however, never came to a vote.

In the mean time the same general subject had been undergoing discussion in the House upon a bill introduced by Mr. Ashley of Ohio, containing similar provisions. It was introduced near the beginning of the session, and was made the special order for the 16th of January, 1865. It provided for a provisional governor who should be charged with the civil administration of the State, and for the faithful execution of the laws in force at the outbreak of the Rebellion, excepting those relating to slavery; for the appointment of all officers provided for by the State constitution, with such salaries as were therein specified; and for the levy of such taxes as had been ordered during the year preceding secession. It also proposed the recognition of the government that had been inaugurated by the convention of the 11th of April, 1864. It provided, too, that, when the Rebellion had been "sufficiently" quelled, an enrolment of "all the male citizens of the United States resident in the State" should be made, with a request that each man should take the oath of allegiance, and that, as soon as a majority of such enrolled persons should take such oath, they should be invited to take the necessary steps for "the re-establishment of a State government."

The debate was opened by Mr. Kelley of Pennsylvania in a long and discursive speech, largely historical and abundantly conclusive as to the malign influence of slavery on the government, and the imperative necessity of its removal, if the Republic shall live. Several amendments were proposed in the nature of substitutes, when the whole subject was deferred, and did not come up again until the 18th of February. On

the 20th Mr. Dawes of Massachusetts made a very earnest speech in opposition to the bill, more significant from the fact that he was a member of the select committee to which the subject had been referred. He spoke of "the great difficulties which this committee have been compelled to encounter," and of "the fifth draft of this bill." He spoke of it as "an attempt to gather up the *disjecta membra* of those States, the broken and torn fragments of those communities, and out of the chaos, as well as the ruins and débris that are left in the march of those armies, to create a State capable of discharging the functions, exercising the authority, and invoking the recognition of this government, and of the people under which it lives." He spoke of the extent of territory to be cared for as "three times as large as all the territory of Great Britain and her hereditary foe, France."

Speaking first of that provision of the bill which required and authorized the President to fill all the offices provided for in the constitution of the State so governed, "from the judge of the highest court of judicature to the humblest road-master," and in number, in one State at least, reaching "thirteen thousand," he said that this army of office-holders, who are not required to be even residents of the State, are to be "under the sole authority and control of the President." "This army of office-holders," he added, "like the locusts of Egypt, will press down upon these unoffending and unprotected inhabitants of the miserable, poverty-stricken, and rebellion-wrecked States." And to make the matter worse, the bill authorized the assessment of the same taxes, "levied during the fiscal year preceding the overthrow of the government thereof." And upon what sort of people were such taxes to be levied? he asked. They were a people, he said, whose houses have been burned, whose lands have been made desolate, and the sources of whose industry have been destroyed or dried up. "They are wanderers in their own land, homeless and houseless." "I know nothing," he said, "that more nearly comes up to a just description of that condition than Burke's glowing and inimitable description of the awful devastation which followed when Hyder Ali marched his conquering army over the Car-

natic." And it is from such a people, as unlike their former selves, when the taxes of 1860 were levied, "as a beggar is unlike a prince, it is proposed to call upon this innumerable army of imported office-holders to collect and wrench them as the last drop of life-blood from shrivelled bodies . . . . without stopping to inquire what these taxes were originally intended for, without stopping to inquire to what purposes they were devoted when raised." He spoke, too, of the provision of the bill which required the sanction and execution of "all the black codes of those States, save only that part which holds men in bondage," and he showed how abhorrent such a faithful execution of some of those laws must be. He instanced the laws that imposed fines, imprisonment, and corporeal punishment for the simple offence of teaching free people of color to read and write. Yes, he said, "he who shall teach one of these poor freedmen the first rudiments of knowledge, and direct the first ray of divine light so that it shall shine in upon his soul, shall be flogged and imprisoned in the discretion of the judge who presides over the court." He also read from the laws the statute which required a colored man of one State to pay annually a tax of fifty dollars for the privilege of residing in any State not his own. He complained, too, of its omissions, of "no attempt at any adaptation of the laws to the new state of things"; of "no provision for the new wants and necessities of this wasted and wretched people, ... no provision for schools, no provision for a poorhouse even; no provision for their protection; no provision for attempting to teach them the arts of civilization, for kindling in them hope, holding up before them incentives to industry, or securing them its reward." "Under the operations of this bill," he said, "they are to be the objects of free plunder; they are to go forth to be hunted, despoiled, and persecuted outcasts in the land." He complained, too, of the indefiniteness of its provisions in regard to the continuance of this unsatisfactory condition of things and the inauguration of measures for the formation of a new State government. After considering how much was left "discretionary with the military governor," as to "the initiatory steps" for that purpose, and the fact that

"so long as the disloyal people can keep the majority on their side" they could prevent action, adding, too, the consideration that the policy of the bill had in it so little to conciliate the disloyal and make them loyal, he said it would be "long years, it may be a generation," before a more satisfactory state of affairs would exist.

And this was the estimate, by a Republican more than ordinarily careful and candid, himself a member of the able select committee appointed to consider the subject of the bill, of the result of more than a year's incubation, being, too, in its "fifth draft." Can stronger and more decisive evidence be given of the intrinsic difficulties of the attempt, forced upon the nation, to reconstruct what the Rebellion had destroyed, and to join again what treason had torn asunder?

The bill was also opposed by Fernando Wood, Edgerton, and others, the two former pronouncing earnest and impassioned harangues, and ringing the usual Democratic changes upon executive assumption, unconstitutional provisions, and the dangerous radicalism of the hour.

On the next day, the 21st of February, Mr. Ashley withdrew the bill he had offered, and proposed, as a substitute, the bill of the previous session with "certain modifications," which he proceeded to explain, as also his motion proposing the substitute. In his brief explanatory remarks it transpired that the bill he introduced at the beginning of the session was a compromise "designed," he said, "to conciliate all gentlemen on this side of the House." For the same purpose had been introduced the "conditional recognition" of the governments of Louisiana and Arkansas, though they were not such as he would have prescribed. But, disappointed in his efforts to secure united action, the committee had fallen back on the bill of the last session, modified, he said, "to suit the tender susceptibilities of gentlemen from Massachusetts," in the matter of taxation, obedience to the "black codes" as they existed at the time of the Rebellion, and certain prospective action of the executive in case armed resistance to Federal authority should cease. He spoke rather sharply of the pragmatic action and strong individuality "on our side of the House," of "capital

Among the various amendments were one by Mr. Kelley to strike out the word "white," and one by Mr. Holman to strike out the enacting clause. The question coming up on the latter amendment, Mr. Mallory of Kentucky moved that the whole subject be laid upon the table; and it was carried by a vote of ninety-one to sixty-four.

On the 4th of February J. F. Wilson of Iowa introduced into the House a bill "to establish the supremacy of the Constitution in the States lately in insurrection." It was referred to the Committee on the Judiciary. It was reported from that committee with a substitute, that no State which had been declared in insurrection should be entitled to send members to Congress until the President shall have declared that such insurrection had ceased; until such State shall have adopted a constitution not repugnant to the Constitution of the United States; and until Congress shall have declared it entitled to representation. It provoked a short and sharp debate, in which the Democrats occupied most of the time, with arguments substantially like those employed in the previous discussion, represented by Mallory of Kentucky, Cox of Ohio, and Wood of New York. They contended that the States had never been out of the Union, all acts of secession being unconstitutional and, of consequence, void; that, therefore, no action was necessary; and that all that was needful was for such States to choose and send to Congress such members, according to the forms and precedents in force before the Rebellion. They contended, too, that the bill placed unwarranted power in the hands of the President, power that belonged alone and exclusively to Congress.

It was said in reply, mainly by Mr. Wilson, that while the laws of the Union were in force in those States, "the people there have destroyed the machinery of their local government, and we must interfere to re-establish that which they have destroyed, and reassert the authority of the nation, and make it effectual for the public good and the general welfare." During the pendency of the substitute offered by the committee, Mr. Ashley moved to amend by substituting his bill which had just been laid upon the table, modified by inserting

CHAPTER XXXIX.

PRESIDENTIAL ELECTION OF 1864.

Persistent adhesion of Northern Democrats to the South. — Republican weariness of the war, criticisms, and divisions. — Serious opposition to the President. — Fomented by Rebel emissaries. — Union successes and growing confidence. — General Grant. — Cleveland convention. — President severely condemned. — Wendell Phillips's letter and speech. — Garrison's reply. — Republican convention. — Robert J. Breckinridge's speech. — Resolutions. — Unanimous nomination of Mr. Lincoln. — Andrew Johnson. — Letter of acceptance. — Northern conspiracy. — Judge Holt's report. — O. A. K. — Its annual meeting simultaneous with the Democratic convention. — Large numbers implicated, and its wide extent. — Voorhees. — Democratic complicity. — Diabolical oaths and purposes. — Slavery the source. — Rebel emissaries and plans. — Burning Northern cities. — Language of Southern papers. — Attempted rising in the Northwestern States. — General Price. — Proposed release of Rebel prisoners. — Vallandigham's representations at the South. — Rebel clerk's diary. — R. J. Sanders. — Meeting at Niagara Falls. — Mr. Greeley. — President's letter. — Failure. — Rebel trick. — Pressure on the party. — Visit of Jaques and Gilmore to Richmond. — Davis's defiant response. — Favorably affects the Union cause. — Democratic convention. — Proposed release of prisoners. — Seymour presides. — Vallandigham the ruling spirit. — Resolutions. — The war a "failure," and its cessation demanded. — McClellan and Pendleton nominated. — The country startled. — Seward's speech. — Fremont's withdrawal. — Sumner's speech. — Gratulations of the Southern press. — Vigorous canvass. — Results.

Among the strangest marvels of American political history has been the persistency with which the Northern Democracy has adhered to the fortunes of the slavemasters of the South despite the many provocations to a contrary course. Though despised, spoken of in the most disparaging terms, and treated as if they, no more than their slaves, had rights these masters were bound to respect, Northern Democrats had always, with spaniel-like fidelity, done little more than register their edicts and vote for the men and measures they either indicated or

of filling them, rapidly increasing taxation, and unprecedented advances in the prices of the necessaries of life, the sore bereavements and trembling anxieties that had reached almost every household, the vacant chairs at home and the absent ones away, the inexpressible longing for peace and the hope deferred that makes the heart sick, the sedulously promulgated opinions of foreign nations that it was a hopeless contest and a wicked and useless waste of blood, — all this rested like a nightmare upon the people, and furnished opportunities and motives for sinister and traitorous appeals which too many were found unable, or at least unprepared, to resist. Perhaps, however, it is the greater wonder that so few yielded rather than that so many did.

Beside these causes of popular discontent and discouragement there were elements of discord and weakness among Republican leaders. Diversities of opinion led to conflict of purpose and plan, and these to estrangement of feeling. The President, under a deep sense of the responsibilities of his high office, felt, as has been already said, that he could rightfully yield his convictions only to the force of arguments of whose soundness he must be the judge. Naturally firm and cautious, and yet candid and inflexibly honest, he was constrained to pursue a middle course, going too fast and too far for some, too hesitating and dilatory for others, and displeasing large numbers in both the civil and military service. Such, indeed, had been the executive policy in both departments that when the time approached for the selection of a presidential candidate, a majority, perhaps, of the politicians and of the leading members of Congress had reached the conclusion that some other person would better subserve the interests of the nation. There were, too, personal rivalries and ambitions that unquestionably had something to do with this disaffection and desire of change. To these sources of disquietude and dissensions were added personal piques and affronts resulting from what had been deemed unjust or injudicious removals from and appointments to office, or from offered counsels or service disregarded or rejected. All this was known to the enemy through emissaries who thronged

was that it was meant to be a protest, not only against the slow, hesitating, and conservative policy of the administration, but also against what was represented as the selfish and "personal ends" of the President. Wendell Phillips wrote a long and severe letter, in which he charged that the administration had been "a civil and military failure," and that Mr. Lincoln's model of reconstruction was "the experiment of Louisiana, which puts all power into the hands of the unchanged white race." It may be proper to add that later in the canvass Mr. Phillips returned to the charge, and on the 20th of October, in a speech in Boston, he gave at greater length and with more than his usual felicity and force of language, his reasons why he "dare not trust him with our future." Indeed, in the thickest of the Abolition fight he had never drawn from his quiver more polished and pointed shafts. With the Democrats he pronounced "the war a failure," and charged that "for fifteen weary months the President flung away the treasure of the North and let her sons rot inactive." He spoke of "Abraham Lincoln's halting, half-way course, neither hot nor cold, wanting to save the North without hurting the South," not "from want of brains, but want of purpose, of willingness to strike home." Admitting that the President had finally though tardily adopted an antislavery policy, he complained of his still hesitating course. "Now, then," he says, "observe how tender the President has been towards the South, how unduly and dangerously reluctant he has been to approach the negro or use his aid. Vigorous, despotic, decisive everywhere else, he halts, hesitates, delays to hurt the South or help the negro." He closed by affirming his readiness "to support any man whom I believe honest, capable, and resolved to end this war" for the same purposes for which the Constitution had been adopted, and added: "Against every other man I mean to agitate till I bayonet him and his party into justice."

It is due to the truth of history — beside showing the mental turmoil of the hour and the difficulty honest and earnest men, who agreed as to the ends to be sought, found in agreeing upon the means — to state that Mr. Phillips, in this severe

ity or patriotism; while it lost him many friends among those who remembered him as the "pathfinder" of 1856, for whom they voted with so much fresh enthusiasm as the standard-bearer of the new party of freedom. There were those, too, who were anxious that General Grant should receive the nomination, and a meeting was held in New York of those favorable to some such movement, but it amounted to little, and the project fell through.

The Republican, or, as it styled itself, the "Union National" convention assembled at Baltimore on the 8th of June. It was called to order by Senator Morgan of New York, in a few forcible words, in which he alluded to "the dread realities of the past, and of what is passing at this moment," and conjured its members not to fall short of the "great mission" of the party by failing to declare for such a constitutional amendment "as will positively prohibit slavery in the United States." Dr. Robert J. Breckinridge was made temporary chairman. The fact of his being a clergyman, representing a slave State, a near relative of the Rebel ex-Vice-President, invested his selection, and his eloquent and ringing words as he assumed the chair, with unwonted interest. He spoke of "the grandeur of the mission" upon which they had met, of the duty of thoroughly organizing the party "throughout the United States," and of enunciating its principles with the utmost clearness and emphasis; that it must be their intention that "the nation shall not be destroyed"; that the life of the nation was above constitutions, and that treason must be punished. He spoke of it, as "a fearful truth that runs through the whole history of mankind," that "no government has ever been built upon imperishable foundations which foundations were not laid upon the blood of traitors,—the only imperishable cement of free institutions." Of slavery he spoke freely. While he could hardly indorse the language of the Senator who had just spoken, but referred to the Chicago convention of 1860 as having virtually declared that "they would not touch slavery in the States," he avowed himself as anti-slavery in his convictions, praying for the speedy coming of the day when every man should be free and in the enjoyment

from no dissatisfaction with Mr. Hamlin, but from the prudential consideration that it was policy to recognize in the nomination both the Southern States and the war Democrats, as they were styled, each of whom was represented in the person of Mr. Johnson, who had distinguished himself for his loyal devotion to the Union, and for his uncompromising condemnation of treason.

The next day the president of the convention called upon Mr. Lincoln at Washington, to apprise him of his nomination. He expressed his gratification and gratitude that they had deemed him "not unworthy" to remain in his present position. In his letter of formal acceptance he added that he "heartily approved" the platform adopted. Mr. Johnson wrote a long letter of acceptance, in which he fully defined his position; reiterating his denunciation of treason, "as worthy of the punishment of death," declaring that it was "vain to attempt to reconstruct the Union with the distracting element of slavery in it." He accepted the platform as in substantial accord with his "public acts and opinions heretofore made known," and reminded his "old friends of the Democratic party proper," that the time had come when they could "justly vindicate its devotion to true democratic policy and measures of expediency."

Before giving some account of the Democratic convention, it may afford aid in comprehending its scope and purpose, as well as its constituency, to take note of a report made by Judge Advocate Holt on the 8th of October, 1864, concerning what he styles "a secret treasonable organization, affiliated with Southern Rebellion, and chiefly military in its character, which has been rapidly extending itself throughout the West." The report is very long, elaborate, and minute, and was devoted to the following general heads, as descriptive of the order: Its origin, history, and names; its organization and officers; its extent and numbers; its armed force; its ritual, oaths, and interior forms; its written principles; its specific purposes and operations; the witnesses and their testimony. After mentioning several names by which it had been designated, it stated that it was known more "widely as the 'Knights

of the Golden Circle,' being simply an inspiration of the Rebellion, being little other than an extension among the disloyal and disaffected at the North of the association of the latter name which had existed for some years at the South, and from which it derived all the chief features of its organization." For various reasons there were several different names adopted for substantially the same purposes, also several changes, until the name fixed upon most generally and extensively was the "Order of American Knights" or "O. A. K." This order had branches sometimes called by other names; that in New York taking the name of "McClellan Minute Men," certainly a very suggestive title, considering whom the Democrats selected as their presidential candidate. To show further the sympathy existing between the Democratic party and this order, it may be noted that its Supreme Council, — which had appointed its annual meeting at Chicago for the day prior to that appointed for the Democratic convention, — when the day of that convention was postponed to August 29, changed its appointment to correspond thereto. Its extent and numbers were somewhat appalling, considering its character and purpose, not only covering the Western States, but largely represented in New England and the Middle States. Indeed, one of its leaders claimed for it that it was "the first and only true national organization the Democratic and conservative men of the country have ever attempted." Judge Holt, beside saying that some of the leaders had claimed for the order as high as eight hundred thousand men, quoted Vallandigham as putting the number at half a million, which, he added, was "probably much nearer the sum total." Of this large number of members, he said: "In March last, the entire armed force of the order capable of being mobilized for effective service was represented to be three hundred and forty thousand men." He quoted one witness as testifying that there were in the State of Indiana in the previous March in the hands of the order six thousand muskets and forty thousand revolvers. Under this head he makes the following significant statement. "It is to be added that at the office of Hon. D. W. Voorhees, M. C., at Terre Haute, were discovered

letters which disclosed a correspondence between him and ex-Senator Wall of New Jersey, in regard to the purchase of twenty thousand Garibaldi rifles, to be forwarded to the West."

Of their oaths and "written principles," beside noting the penalty of "a shameful death they provide for" in case of betrayal, the judge advocate adds: "The languages of the earth can add nothing to the cowardly and loathsome baseness of the doctrine as thus announced. It is the robber's creed, sought to be nationalized, and would push back the hand of the dial-plate of our civilization to the darkest periods of human history." Under the head of "its specific purposes and operations," he enumerates, aiding soldiers to desert and harboring and protecting deserters; discouraging enlistments and resisting the draft; circulation of disloyal and treasonable publications; communicating with and giving intelligence to the enemy; aiding the enemy by recruiting for them, or assisting them to recruit within our lines; furnishing the Rebels with arms and ammunition; co-operating with the enemy in raids and invasions; destruction of government property; destruction of private property and persecution of Union men; assassination and murder; establishment of a Northwestern confederacy. The facts and details under these headings are simply terrible and astounding; revealing not only the desperation of the enemy, the imminence of the nation's peril, but the greatness of its deliverance. With good reason does the judge exclaim in conclusion: —

"In the presence of the Rebellion and this secret order — which is but its echo and faithful ally — we cannot but be amazed at the utter and wide-spread profligacy, personal and political, which these movements against the government disclose. The guilty men engaged in them, after casting aside their allegiance, seem to have trodden under foot every sentiment of honor and every restraint of law, human and divine. Judæa produced but one Judas Iscariot, and Rome, from the sinks of her demoralization, produced but one Catiline; and yet, as events prove, there has arisen together in our land an entire brood of such traitors, all animated by the same parri-

Ohio, and Kentucky, General Price being Grand Commander of the Missouri and Southern branches, and Vallandigham of the Northern. By agreement Price was to enter Missouri from Arkansas with a force of over twenty thousand, when the members of this league should repair to his standard, release and arm the Rebel prisoners, and in other ways make war upon the government forces. Price performed his part of the agreement, though he encountered an unexpectedly warm reception from General Ewing in Missouri. This, with the watchfulness of General Rosecrans and others who had been made acquainted with their designs, defeated the plot.

Vallandigham, Grand Commander of the Northern O. A. K., who had made himself exceedingly obnoxious to the government by his treasonable utterances, was arrested, tried by court-martial, convicted, and sentenced to close confinement in a fortress for the remainder of the war. His sentence being modified by the President, he was directed to be sent within the military lines of the Confederate armies. During his stay in Richmond he was in free intercourse with the Rebel leaders. John B. Jones, in his "Rebel War-Clerk's Diary," says: "To-day I saw the memorandum of Mr. Ould, of the conversation held with Mr. Vallandigham, for file in the archives. He says, if we can hold out this year, that the peace party of the North would sweep the Lincoln dynasty out of political existence. He seems to have thought that our cause was sinking, and feared we would submit; which would of course be ruinous to his party." Vallandigham did not, however, remain long at the South, but found his way to Canada, where he was in constant consultation with Confederate agents and the peace Democrats.

On the 5th of July, George N. Sanders, a Confederate agent in Canada, wrote to Horace Greeley, assuring him that himself, Clement C. Clay of Alabama, and James P. Holcombe of Virginia would proceed to Washington in the interest of peace if full protection were accorded them. Mr. Greeley, having been assured from other sources that Clay and Holcombe had been clothed with full powers to negotiate by the Confederates, transmitted the letter and assurance to the President. He also

suggested "a plan of adjustment," embodying the restoration of the Union, the extirpation of slavery, and the payment of four hundred million dollars as compensation for the slaves made free. The President acted on the suggestion, and deputed Mr. Greeley to undertake the negotiation. The latter proceeded to Niagara, conferred with the parties, and some correspondence ensued which resulted in a letter from the President. It was dated "Executive Mansion, July 18, 1864," and was addressed, "To whom it may concern." In it he promised "safe conduct both ways" to the bearer or bearers of "any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war with the United States"; adding the assurance that it should be "met by liberal terms on substantial and collateral points." But as these conditions precedent involved just what the Confederates were fighting for, and without which there would have been no war, the overture was rejected with real or simulated indignation that the President should have made terms instead of awaiting them, and that he showed himself so indifferent to peace by suggesting conditions he must have known would be rejected. But the whole movement was unquestionably a trick, a piece of strategy, a feint of war. Those who made the proffer were as well assured before as after his letter that he could do nothing less. There can be little doubt that the whole affair was a craftily laid scheme to place the President in a false position before the country. Nor did it fail of its purpose. For not only did the Rebels and peace Democrats make the most of it by stigmatizing him as averse to peace, except on degrading conditions, but it greatly alarmed some of the Republican leaders, who apprehended that it would greatly injure if it did not imperil their vote at the approaching election. The President was approached by some of them, and the most earnest representations were made of the impending danger, and he was earnestly importuned to retract so much of his overture as made "the abandonment of slavery" an essential condition of peace. But he remained firm. Slow to

reach the conclusion, he was in no mood to abandon it. "If," he said to Mr. Wilson, who visited him for the purpose of urging him to resist the importunities made for some concession, "the people desire a modification of the Proclamation of Emancipation, or the surrender of any slaves made free by it, they must select some one else. I shall not retract or modify the Proclamation, or the declaration of my letter. If we fail, we will fail maintaining the right."

About the same time another similar but abortive effort was made. Colonel Jaques of Illinois and J. R. Gilmore of New York, with the President's knowledge, but without his formal permission, visited Richmond. Being allowed to pass both the Union and Rebel lines, they addressed a joint letter to the Rebel Secretary of State, who introduced them to Jefferson Davis, with whom they had a long conversation. After saying that he had tried to avert war as long as possible, and inveighing severely against Northern madness and blindness in not allowing them to govern themselves, the Rebel President added defiantly: "Now it must go on till the last man of this generation falls in his tracks, and his children seize his musket and fight our battle, unless you acknowledge our right to self-government. We are not fighting for slavery. We are fighting for independence; and that or extermination we will have." He said he would be glad to receive proposals of peace, but they would be "useless" except "on the basis of our independence."

Though these two efforts for peace proved abortive, and the immediate influence of the meeting in Canada seemed mischievous, the general effect of the two was unquestionably advantageous. It dispelled a good deal of the haze that enveloped the subject, removed much of the uncertainty that rested upon the minds of the people, and showed more clearly than ever before what must be done. The utterances of the two Presidents revealed the fact that no compromise was possible, and that war alone could decide the issue.

It was under these circumstances and with such a preparation that the Democratic convention assembled at Chicago on the 29th of August. The city was crowded with Rebel emis-

of hostilities." General McClellan received, on the first ballot, all but twenty-three and a half of the votes cast, when, on motion of Mr. Vallandigham, his nomination was made unanimous. George H. Pendleton of Ohio, one of the most pronounced of the peace Democrats, received the unanimous vote as candidate for Vice-President. The convention then adjourned; not, however, in the usual manner, but after providing that it might be reconvened if necessary.

This action of the Democrats startled the loyal States. Its uncompromising hostility to the war, its unconcealed sympathy with the Rebel cause, its intensely unpatriotic demands for peace at any price, convinced all but the utterly disloyal that there was neither honor nor safety anywhere but under the Republican banner. It drew the line too sharply for any others to hesitate; and from that time onward there was little doubt of the result. Secretary Seward, in answer to a serenade a fortnight afterward, put the thing tersely, as was his wont, and sounded the key-note of the contest: "Fellow-citizens, the Democracy at Chicago, after waiting six weeks to see whether this war for the Union was to succeed or fail, finally concluded that it would fail; and therefore went in for a nomination and platform to make it the sure thing by a cessation of hostilities and an abandonment of the contest. At Baltimore, on the contrary, we determined that there should be no such thing as failure; and therefore we went in to save the Union by battle to the last. Sherman and Farragut have knocked the bottom out of the Chicago nominations; and the elections in Vermont and Maine prove the Baltimore nominations stanch and sound. The issue is thus squarely made up: McClellan and Disunion, or Lincoln and Union."

General Fremont took a similar view in a letter withdrawing his name from the canvass. Though reaffirming his conviction that Lincoln's administration had been "politically, militarily, and financially a failure," and that "its necessary continuance is a cause of regret for the country," he expressed the conviction that "the union of the Republican party had become a paramount necessity." "The policy of the Democratic party," he said, "signifies either separation or re-estab-

Nor did the Confederate press or speakers leave it doubtful where their sympathies were. Said Alexander H. Stephens, three weeks after the holding of the convention: "So far as its platform of principles goes, it presents a ray of light which, under Providence, may prove the dawn of the day to this long and cheerless night, — the first ray of light I have seen for the North since the war began." The Charleston "Courier" said: "All of us perceive the intimate connection existing between the armies of the Confederacy and the peace men in the United States. These constitute two immense forces that are working together for the procurement of peace. The party whose nomination and platform we are considering are altogether dependent for success on the courage and resolution of our fighting men. Our success in battle insures the success of McClellan. Our failure will inevitably lead to his defeat."

The contest thus inaugurated was prosecuted with great vigor and earnestness. Never has there been a political struggle of greater solemnity, or one that enlisted more thoroughly the moral and religious convictions of the people. The momentous issues at stake seemed to be in some degree appreciated, and the significance of a vote in some degree realized. If never before or since, Christians then carried their religion into politics, and not only voted as they prayed, but they prayed as they voted. For once the prayer-meeting and the polls were deemed alike sacred, and the same motives that drew them to the one sent them to the other. The result of the canvass was the triumphant re-election of Mr. Lincoln by a popular majority of four hundred and eleven thousand four hundred and twenty-eight. General McClellan secured the electoral votes — twenty-one in all — of only three States, New Jersey, Delaware, and Kentucky.

CHAPTER XLI.

of good to the Union cause that thrilled the loyal heart of the people as no victories of the field had done or should have done. For, in fact, it meant more, far more, and was really more important and helpful than anything, save the surrender of the Rebel armies, that could have taken place. In that conflict the issue had been so squarely made, the lines so sharply drawn between union and disunion, between a vigorous prosecution of the war and an ignominious peace, so much had depended on the result, so evenly balanced had seemed the chances of success and failure, that the eyes of both continents were fixed upon the struggle, while trade, manufactures, and the monetary interests of the country were held in suspense awaiting the popular verdict. And when that verdict came, it was so decisive and pronounced, so indicative of the popular determination that there should be neither compromise nor retreat, a thrill of joy pervaded the free States and lifted the heavy load of dread and apprehension from the loyal heart everywhere. And more noticeable still was the soldiers' vote, cast, more than three to one, for a continuance of the struggle, though every soldier knew that it meant for him war in all its bitterness, with all its hardships and hazards, its fearful sacrifices of personal ease and safety. By this verdict, too, the President and his administration had received the popular indorsement, notwithstanding the fierce denunciations of the opposition, and the sharp, if honest, criticisms and half-hearted support of many within the Republican ranks.

The second event is thus referred to in a leading editorial in the New York "Times" of November 10, 1864, under the heading, "The New Revolution threatened." This was its opening paragraph: "We, in common with the civilized world, are regarding with deep interest the grand experiment which the Southern Confederacy is about making with the arming of the slaves. The skilful and desperate oligarchy which control it, having lost all their own property in the struggle, are about casting that for which the struggle was made into the burning caldron of civil war. They have exhausted the white population, forced into the ranks State officials, detailed producers, and even those over forty-five

not, he suggested the inquiry: "Whenever the entire property in the service of the slave is thus acquired by the government, the question is presented by what tenure he should be held. Should he be retained in servitude, or should his emancipation be held out to him as a reward for faithful service, or should it be granted to him at once, on the promise of such service." Leaving that question to the "wisdom of Congress," he suggested some "addition to the duties heretofore performed by the slave," though he discountenanced his employment as a soldier at that time and "under existing circumstances." "The subject," he said, "is to be viewed by us, therefore, solely in the light of policy and our social economy. When so regarded, I must dissent from those who advise a general levy and arming of the slaves for the duty of soldiers." He admitted, however, that such a contingency, though "improbable," might rise, and then he adds: "It is certain that even this limited number, by their preparatory training in intermediate duties, would form a more valuable reserve-force, in case of urgency, than threefold their number called from field labor."

The subject thus introduced was immediately referred in the Confederate House of Representatives to its appropriate committee. Mr. Miles, while making the motion for that purpose, and saying that his "instinct was in opposition to the employment of slaves," added: "If Lincoln be elected, I am in favor of giving the President full power to employ the slaves. I am ready for the black flag, or anything before submission." Mr. Gholson of Virginia was opposed to the policy in all and every form, and was in favor of "prompt action on the question and an unqualified declaration against it." The next day Mr. Foote introduced into the Confederate Senate a series of resolutions in opposition to the policy proposed. In his speech he was particularly severe and pointed. He declared that "a document so latitudinarian never emanated from a Northern statesman up to the time of the election of Lincoln; not even Seward ever went so far." Alluding to the admission of even Republicans that the Federal government had no right to interfere with slavery in the States, he added: "Yet a message is sent into the Confederate Congress

own negroes for our destruction," and also of "the mawkish sensibility" that would "refuse any means within our reach." "For my part," he said, "standing before God and my country, I do not hesitate to say that I would arm such a portion of our able-bodied slave-population as may be necessary, and put them in the field, so as to have them ready for the spring campaign, even if it resulted in the freedom of those thus organized."

There could have been little danger of misinterpretation here. If the caution of Mr. Seward to Mr. Lincoln that the issuance of his Proclamation of Emancipation in the midst of military reverses might be "viewed as the last measure of an exhausted government, a cry for help, the government stretching its hand to Ethiopia instead of Ethiopia stretching forth her hand to the government, — our last shriek on the retreat," there was certainly little mistake when Mr. Lincoln and his advisers placed a similar construction upon this action of the Confederate government. They rightly viewed it as the beginning of the end.

The third event to be noted was the full and complete conversion of the President to the doctrine of emancipation as a cardinal point in the subsequent policy of his administration. Nor need it be concealed that it was a conversion as radical as it was unquestionable, and that in adopting it he was taking a new departure. But having reached the conclusion that such, as he expressed it, was "God's will," and that the finger of Providence pointed in that direction, there was no one firmer or more unflinching in his determination to take no step backward, but to move forward in the path thus marked out. Not blindly and recklessly, not perhaps always logically, certainly not always to the satisfaction of the more ardent of his supporters, did he proceed. But "with firmness in the right, as God gives us to see the right," he had set his face toward the freedom of the black man, and he gave no sign of faltering. Of this there were numerous examples. One was the persistency with which he pressed the constitutional amendment abolishing slavery. Indeed, there is in it very much indicative of the man and of his earnestness of purpose, and of the rapid

eracy, and his own purpose, no longer weakened by his former hesitating and uncertain policy in the slavery issue, was seen in the firmer and more hopeful tone of his message, and in the encouraging outlook to which he invited Congress and the country. Deducing from the election, of whose "extraordinary calmness and good order" he made special mention, the lesson he claimed it taught, he affirmed that the purpose of the loyal people "to maintain the integrity of the Union was never more firm, nor more nearly unanimous than now." He dilated, too, at some length, giving facts and figures for his conclusions, upon the national resources in men and means; and he expressed his belief that they were "unexhausted and, as we believe, inexhaustible." "The important fact," he said, "remains demonstrated that we have more men now than when the war began; that we are not exhausted, nor in process of exhaustion; that we are gaining strength and may, if need be, maintain the contest indefinitely. This as to men. Material resources are now more complete and abundant than ever." These statements of the President owe something of their significance and importance to the fact that the insurgent chief was taking special pains to cheer the hearts and sustain the courage of the Confederates with assurances that the Union resources of men and money were nearly exhausted. In the message just referred to, he had spoken of "the constant and exhaustive drain of blood and treasure," depleting those resources which must soon cease because the end of both would soon be reached.

The national resources being ample, and the national purpose inflexible to maintain the Union, "the manner of continuing the effort," he added, "remains to choose." He expressed the opinion that no further attempts at negotiation would be of avail. Speaking of "the insurgent leader," he said, "he would accept nothing short of severance of the Union,— precisely what we will not and cannot give. . . . . Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war, and decided by victory." Admitting that he who "heads the insurgent cause" could not "voluntarily reaccept the Union," he

informally send me with a view of securing peace to our common country." There was that, however, in the phraseology of the two notes that forbade the hope of reconciliation between the two leaders, — the one speaking of "two countries," and the other of "our common country"; and as neither would accept the phraseology of the other, there could be no reconciliation, as there was no common basis on which the two could stand.

The desire for peace was, however, so great, and the pressure was so strong, that Mr. Davis was compelled to appoint commissioners to confer with the government at Washington. He selected A. H. Stephens, John A. Campbell, and R. M. T. Hunter for that purpose. They were permitted, however, to go no farther on board a steamer than Hampton Roads. At first Mr. Seward only was deputed to meet them, and he was instructed to make, as conditions precedent to any conference, the restoration of national authority, no receding in the matter of slavery, and no cessation of hostilities until the Confederates should lay down their arms. But as this involved too much, and as the commissioners expressed a desire to confer with the Federal government without that restriction, the President himself concluded to go in person to participate in the proposed conference.

The conference was held on the 3d of February. While courtesy and an amicable spirit marked the interview, and each side defined its position with clearness, it was found, as the President had declared in his message, that there was neither chance for compromise nor room for negotiation. The particular point made and insisted on by the Rebel commissioners was a postponement of the real question at issue, the separation of the insurgent States from the Union, by a sort of armistice, during which there should be mutual efforts towards some extrinsic policy, a reduction of the two armies, and the intercourse between the two sections to be resumed. But the President was inflexible, insisted on the conditions precedent he had prescribed for his Secretary, and would entertain no propositions on any other basis. By an account, published in a Georgia paper, said to have been prepared under

on the same errand, though in the garb of peace, but with purposes no less disloyal and destructive.

The Rebel commissioners returned to Richmond, and Mr. Davis presented their report to the Confederate "congress." The next evening and a few evenings later there were held public war-meetings at which Davis, Hunter, and Benjamin spoke, uttering the most defiant and boastful language. Mr. Davis spoke of the "gross insult" and "premeditated indignity" offered to the Confederacy by Mr. Lincoln. Referring to his phrase "our common country," he said that rather than be united again, he would sacrifice everything, even his "life a thousand times." He spoke, too, of compelling "the Yankees in less than twelve months to petition us for peace on our own terms." Mr. Hunter expressed the belief that their resources were sufficient, as he invoked the people to spare neither blood nor treasure in support of what he called "the holiest of all causes." Knowing what soon transpired of the almost complete exhaustion of their resources, and that all this was said only two months before the surrender of Lee's army at Appomattox Court-House, it is certainly hard to make such representations comport with either common candor or even common sense, unless there were reasons known to them that were unknown to others. It is now affirmed, on the authority of "A Rebel War Clerk's Diary" and Foote's "War of the Rebellion," that the Confederate leaders were looking, with what reason does not appear, for foreign aid. It, however, never came, and in two short months Mr. Davis, with all his brave and defiant words, was a prisoner of war, and the Southern Confederacy a thing of the past.

CHAPTER XLI

the momentous issues of civil war; that they were friends and not enemies; and that, "though passion had strained, it must not break the bonds of their affections."

But four years had changed all this, not excepting the President himself, at least his position and policy upon the great question of slavery and its abolishment. His "dissatisfied fellow-countrymen" had treated with contempt his conciliatory and loving words, and had fulfilled and more than fulfilled all their threats. Uncertainty had become certainty, apprehension had ripened into conviction, and events had shown the people that their most fearful forebodings were justified,—that they were enemies and not friends, and that the bonds of affection had been broken. Not only had a single national vessel on the peaceful errand of bearing bread to a beleaguered garrison been fired upon, not only had one fort been reduced, but the whole naval and military force of the nation had been assaulted and resisted with marvellous energy and endurance. Slavery which the President had in his first message treated so forbearingly, whose claims he did not feel called upon to question, as with which he did not propose to interfere, had gone down amid and in consequence of the storms of war, and had been made by a constitutional amendment no longer possible. Absolved from obligations which he had hitherto accepted as among the compromises of the Constitution, confirmed and strengthened by subsequent legislation and the traditions of the past, having so signally failed in his earnest and repeated efforts to conciliate those thus "dissatisfied," and being instructed by the stern teachings of Providence, the President was prepared, as never before, to discuss the questions at issue according to their intrinsic merits and the demands of those fundamental principles on which the government had been professedly based. Having become deeply impressed with the conviction that the Divine justice was an important if not a controlling factor of the great practical problem they were endeavoring to solve, he did not hesitate to summon Congress and the country to listen to teachings he had been constrained to accept, and to mark the existence and requirements of the "higher law." He pointed them

excelled or equalled, "Shall we discern there any departure from those Divine attributes which the believers in a living God always ascribe to Him?" "Fondly," he continued, "do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said that the judgments of the Lord are true and righteous altogether." Thus boldly did the President remind his countrymen of the Divine government as a great practical fact that American statesmanship should recognize, arraign them for their great and persistent crimes, and point them to the punishment which was their "due." No ruler of men, not even those of the Jewish theocracy, ever spoke more reverently and unquestioningly of the Divine prerogative, and of human responsibility and obligation consequent thereon. But if some of his passages, by their stern and uncompromising character, call to mind the utterances of the old Hebrew prophets, there were others whose charity and forbearance recall the words of the Great Teacher, so deeply imbued did they seem with the spirit and purpose of the gospel. Hardly could one who had not read the Sermon on the Mount have written the closing paragraph: "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."

The message produced a profound impression both here and elsewhere, and was made the subject of the most unqualified commendation. Not only was it pronounced by partial Americans as "the finest state paper in all history," but it received the highest eulogiums from abroad. Its influence at home was in the highest degree salutary. Its profoundly religious tone struck the popular chord and evoked hearty responses, giving

CHAPTER XLII.

MR. LINCOLN'S ASSASSINATION.

Appalling intelligence. — Ford's Theatre. — The President shot. — Assassin's escape. — President's death. — Assault on Mr. Seward. — Concerted plan. — Wide-spread impression. — Feeling of personal loss. — Remembered virtues. — Political fears. — Confederate leaders suspected. — Rewards offered. — Probable solution. — Prompt and vigorous pursuit. — Success. — Booth's death. — Trial and execution of conspirators. — Universal mourning. — Funeral cortège and incidents. — Springfield. — His character. — Closing scenes. — Demonstration in other countries. — Disraeli. — London "Times" and "Daily News." — General estimate. — Inadequate apprehension of reconstruction.

In the midst of the general rejoicings which followed the surrender of Lee's army came intelligence that appalled, and for the moment paralyzed, the land. On the very day that was promulgated the order, so longed for and so welcome, to suspend recruiting men and procuring supplies, thus assuring the people of what they had at first received with a kind of bewildering incredulity, that the "cruel war" *was* "over," and that peace had come, and had "come to stay," — the tidings was flashed over the wires that their leader was dead, that he whom they had learned to love and trust had fallen by the hand of the assassin.

In the Washington papers of the 14th of April, 1865, it was announced that the President and his victorious general, just from the front, would be present at the entertainment at Ford's Theatre on the evening of that day. General Grant having been called away, the President — it is said reluctantly, because he would not disappoint the public expectation — resolved to attend. At a little past ten o'clock, while he was listening to the play, John Wilkes Booth, with pistol and dagger, crowded into the box in which he was seated, shot the

wounded, and escaped into the street. Mounting a horse which stood in readiness, he proceeded in the same direction taken by the murderer of the President. Happily the wounds of the Secretary did not prove fatal, and he slowly recovered from both the injuries of his fall and of the dagger. Subsequent developments revealed the fact that the plot embraced other members of the administration, and included General Grant among the specified victims of the proposed assassination; but the selected agents failed of carrying into effect their nefarious purpose, and only their chief actually fell before the murderous assault.

The assassination of the President produced a profound impression, not only here but elsewhere, not only in America but throughout the civilized world; and all the more coming as it did amid the wide-spread jubilations over Lee's surrender and the confident anticipations of peace of which it was deemed the harbinger. With these were mingled considerations largely personal as well as political. Indeed, there were few who did not feel that they had met with a personal loss, and it was hardly a figure of speech when it was said, as of old, that there "was not a house where there was not one dead." Even Europe shared in this wide-spread feeling of loss. "It was felt," said Sir G. Grey in the British House of Commons, "as if some great calamity had befallen ourselves." No such day of deep mourning and indignant sorrow ever befell a nation as that which followed the announcement of this foul and remediless crime. One travelling from New York to Central Massachusetts describes the scenes and impressions of that day as among the most remarkable of his life. Oppressed himself with the burden produced by reading the despatch on the bulletin-boards as he took his seat in the cars, "The President expired at twenty-two minutes past seven," which extinguished the last ray of hope, till then cherished, that there must be some mistake in the first terrible news, and the sickening conviction that the good President was really dead, he found himself in strange sympathy, not only with his fellow-travellers, but with all the dwellers along the road. Had the car been filled with a company of mourners following some loved friend to the

dark. Not only did the arm that struck it vanish at once and elude pursuit, but it was not known whence it came, or by whose murderous purpose it was inspired. This very haze of uncertainty magnified to public view the impending danger, and multiplied, to popular fears at least, the numbers who were engaged in this work of destruction. Men knew not what to expect or where to look. The assault upon Mr. Seward appeared to justify the suspicion, entertained by many, that it was a plot that embraced other members of the administration than its head, and aimed not only to cripple but to destroy, or involve all things in irretrievable anarchy. That it owed its inspiration to the Confederate leaders, who, though their armies had surrendered, still cherished their traitorous purpose against the nation's life, seemed a supposition only too probable. So strong was this conviction that a proclamation was soon issued by the new President, charging, "from evidence in the bureau of Military Justice," that the murder of the President and the attempted assassination of his Secretary had been "incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Virginia, and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders, William C. Cleary, and other rebels and traitors against the government, harbored in Canada." Rewards were offered of one hundred thousand dollars for the arrest of the Rebel chief, twenty-five thousand dollars each for the rest, excepting Cleary, for whom the reward was placed at ten thousand dollars. Subsequent developments, however, relieved the Confederate leaders of the charge of active participancy in this crime, though from the first, even before Mr. Lincoln's inauguration, assassination had been freely talked about, if not resorted to, as among the means of preventing a Black Republican from becoming President of the United States. But the final, general, and probably the true impression was that the scheme owed its inception as well as its execution to Booth and his accomplices. Badly educated, illy regulated, not to say dissipated young men, they were fanatics on the subject, as they were the natural outgrowths of slavery. Regarding devotion to what they deemed Southern rights paramount to every other

less violence in the use of words, that a nation mourned around a new-made grave. His obsequies seemed rather a popular ovation, and the funeral cortège that bore his lifeless body to his Western home was little less than the triumphal procession of some victorious general returning with his trophies of a well-fought and successful campaign. His had been a weary race, and he had well won the rest he had come to take, as lovingly and reverently his friends and neighbors laid the precious form down for his long repose. There was truth as well as pathos in one of the mottos of the occasion:—

> "He left us borne up by our prayers,
> He returns embalmed in our tears."

Of this "long pilgrimage of sorrow, traversing half the continent," a warm personal friend and adviser wrote: "The people of every State, city, town, and hamlet came with uncovered heads, with streaming eyes, with their offerings of wreaths and flowers, to witness the passing train. It is impossible to describe the scene. Minute-guns, the tolling of bells, music, requiems, dirges, military and civic displays, draped flags, black covering every public building and private house, everywhere indicated the pious desire of the people to do honor to the dead. Two thousand miles, along which every house was draped in black, and from which, everywhere, hung the national colors in mourning." The whole long journey, too, was filled with touching and thrilling incidents. The triumphal passage through Baltimore could not but recall the fact that four years before he had been compelled to pass through the same city in disguise to prevent assassination. In Philadelphia his remains lay in state in the same hall in which four years before he had declared that he would sooner be assassinated than give up the principles of the Declaration of Independence which had been proclaimed therefrom eighty-nine years before, and near the liberty-bell which first sounded forth the great doctrines of human rights and the essential equality of man. Here, as well as in New York, Chicago, and Springfield, where the body lay in state, there was all night long the ceaseless tramp of thousands anxious for a single

integrity of purpose. Though counselling "malice towards none and charity for all," he insisted that "with firmness in the right as God gives to see the right," they should "finish the work" they had been called upon to perform. Though it required stern conflict, not only with the views and purposes of those whose good opinion and support he desired, but with his own prejudices and preconceived opinions, he still pressed on to the steady doing of that "right" as God had given him to see it. He was denounced as "slow," especially in adopting the policy of emancipation. But it is not to be forgotten that in adopting that policy he was not only compelled to run counter to his own long-cherished opinions, the unequivocally and often repeated policy of the party that elected him, and the united protests of the border States, but that, after his first proclamation of September 22, the following resolution was adopted, October, 1862, in Boston, by a convention held in Faneuil Hall. After expressing regret that the President of the United States, "forgetful of his obligations to the whole country as the constitutional head of the government and yielding to unwise counsels," should have issued such proclamation, the convention

"*Resolved*, That in the name of civilized humanity, we respectfully but earnestly protest against the Emancipation Proclamation of the President of the United States, both on the ground of its unconstitutionality and inexpediency."

How he was led to changes so radical and so important, and why he was so firm in maintaining his new position, are questions it may not be amiss to answer in the language of those who looked on from abroad, both because they are well answered thereby, and because it shows the esteem in which he was held by others than his countrymen. In an article in the London "Times," announcing the assassination, the writer speaks of the President's "conservative progress," says that "he felt his way gradually to his conclusions," and adds: "The gradual change of his language and of his policy was most remarkable. Englishmen learned to respect a man who showed the best characteristics of their race in his respect for what was good in the past, acting in unison with a recognition

highest degree dramatic, could not be regarded as other than Providential, a part of a higher than any human plan. As the crowning act of the bloody drama that had been four years in progress, it answered the most exacting demands of the tragic muse. As no Greek tragedian, from the highest flights of his most venturous imagination, ever gathered materials for more startling surprises and a scene of more thrilling interest than were afforded by the actual facts of the President's death, so there were demanded large measures of Christian faith and trust to be reconciled to what otherwise seemed "but the irony of fate," — to what seemed so calamitous, wounded so cruelly the sensibilities, so disappointed what seemed just and legitimate expectations, and clouded so heavily and so soon again the heavens just cleared of the storms of war. The expectation that the nation would have the same calm, sagacious, and unselfish judgment, which had held the helm of affairs so wisely and firmly amid the tempests of a four years' war, through the yet more difficult task of reconstruction, was at once and remediless disappointed. It had now to traverse an unexplored sea, with its unknown currents, without chart to point out rocks and shallows, and in ignorance, of course, of what new storms might rise, what was there to take its place but the Christian's trust, "Shall not the Judge of all the earth do right?" "With the ship barely over the bar," said the London "Spectator," "the pilot falls dead upon the deck, and it must be well, but the sailors may be pardoned if for the moment they feel as if the harbor would never be attained."

Anxious, however, for a solution of the dark problem, and unwilling to accept the conclusion that the fruits of the war were to fail because of the fall of their leader, not a few sought to persuade themselves that the President's death was but "a blessing in disguise," and that it was a part of the Divine purpose to place the work of reconstruction in a man of sterner make, of firmer nerve, and less lenient in his treatment of traitors than, it was reasonably feared, Mr. Lincoln would prove. Such a man, it was judged, from his antecedents and utterances, the Vice-President would be. Not many months,

CHAPTER XLIII.

MR. JOHNSON'S POLICY. — INHUMAN LEGISLATION.

Mr. Johnson takes oath of office. — Remarks and replies to delegations. — Vigorous policy promised. — Republican hopes and expectations. — Change in the President's views and policy. — Interview with colored delegation. — Claims. — Announces an unfriendly policy. — Emigration. — Inferior race. — Disseverance from and hostility to his party. — Reasons. — "Swinging around the circle." — Bitter reproaches against Congress. — Results. — Revival of Rebel spirit. — Proclamation to North Carolina and other States. — Colored people excluded from suffrage. — Persecution of white Union men. — Unfriendly and cruel legislation. — Examples.

THE topical arrangement of chapters has rendered necessary an occasional though somewhat anachronistic reference to a few of Mr. Johnson's official acts as President, before mention of his sudden induction to office and the anomalous administration it introduced. His defection from the party that elected him, and the sharp and bitter antagonism it engendered, not only disappointed hopes his hitherto patriotic and heroic course had encouraged, but it made darker the prospect, more complicated affairs, and more desperate the situation. As that defection and the subsequent course of the President it introduced constitute an important, though dark chapter of American history, it may be well to note its singular and sudden occurrence, and the completeness of the change it inaugurated.

On the day after the assassination, Mr. Johnson, having been apprised of the event, took the oath of office, at his rooms, in the presence of the Cabinet, and of several members of Congress, and was thus quietly inducted into the high position so summarily vacated by the martyred President. In the few remarks made on the occasion as to "an indication of any

lately in rebellion, and giving his "understanding of the genius and theory of our government," he said: "Then in adjusting and putting the government upon its legs again, I think the progress of this work must pass into the hands of its friends. If a State is to be nursed until it again gets strength, it must be nursed by its friends, and not smothered by its enemies."

To a colored delegation which had said to him that the "colored American asks but two things, first, complete emancipation, and, secondly, full equality before American law," and had added, "Your past history, as connected with the Rebellion, gives us full assurance that in your hands our cause shall receive no detriment, and that our liberty and rights will be fully protected and sustained," he replied: "I need not state to you my past history. It is well understood by you. In it you will find the guaranty of my future conduct toward your people. Where the colored people know me best they have confidence in me. No man can charge me with having proved false to the promises I have made to any class of the people in my public life."

To a delegation from South Carolina as late as June, beside assuring them that, being providentially brought to his position, he intended to "exert the power and influence of the government so as to place in power the popular heart of this nation," and also affirming that "slavery is gone as an institution," he said: "The slaves went into the war as slaves, and came out free men of color. The friction of the Rebellion has rubbed out the nature and character of slavery. The loyal men who were compelled to bow and submit to the Rebellion should, now that the Rebellion is ended, stand equal to loyal men everywhere."

It is not surprising, therefore, with utterances like these, in such seeming harmony with his antecedents as a Southern Unionist, — antecedents which had secured his nomination and election to the Vice-Presidency, — that many were disposed to regard his advancement to the Presidency at that particular juncture as but another evidence of Providential favor, if not of Divine interposition, by which the nation was to be saved from what many feared might prove Mr. Lincoln's ill-timed

leniency and misplaced confidence. Feeling that the exigency required a man of a more iron will, and more inflexible purpose, and less sympathetic, they accepted these declarations of Mr. Johnson as indicative of the purpose that one, having fulfilled his mission by carrying the nation through the storms and perils of war, another, better fitted for the different work of reconstruction, was allowed to take his place.

Such gratulations, however, were of short continuance. Whatever the cause or design, the new President soon revealed the change that had taken place and the purpose to adopt and pursue a policy the exact reverse of what, with such prompt and unequivocal words, he had indicated. Instead of treating treason as a crime, making it "odious" and himself a terror to traitors, he pursued a course to conciliate their good-will, secure their confidence, and become, if not the advocate of their cause, the champion of their claims for readmission to the Union with all the forfeited rights and immunities of citizenship restored. Instead of realizing the hopes and verifying the assured confidence of the colored delegation that in his hands their cause should receive no detriment, and that their liberty and rights would be fully protected and sustained, he soon became one of the most intractable opponents of the policy, deemed necessary by the freedman and his friends, for his protection, improvement, and elevation. For the details of the President's disastrous policy consequent on his defection there is not space. But of his complete disseverance from his party, of the prevailing tenor of his views, and of the general purposes of his presidential career, there is no lack of evidence, not only as announced in his numerous state papers, but as it obtrudes itself on the notice of every reader of the history of his strange and singularly unsatisfactory administration. But more direct and less capable of misapprehension perhaps were his less studied utterances, of which he was never chary, as expressed in speeches, and in replies to delegations who were often as much amused as provoked by his enunciation and defences of "my policy," his laughable exhibitions of self-assertion and self-laudation, and the reiterated autobiographical reminiscences of his public life, with its

ascending grade from the lowest to the highest round on the ladder of political preferment.

Of his divergence of views on the general subject of reconstruction mention is made elsewhere. Of his views concerning the African race the report of an interview with a colored delegation affords authentic evidence. On the 7th of February, 1866, an able committee, selected by a colored convention representing twenty States, called on the President. In his address the chairman, alluding to the fact that they were then free, and that there was "no recognition of color or race in the organic law of the land," expressed the hope "that we may be fully enfranchised, not only here in this District, but throughout the land," and added the emphatic declaration "that granting anything less than our full rights will be a disregard of our just rights and of due respect for our feelings." "We are in a passage," he said, "to equality before the law. God hath made it by opening a Red Sea. We would have your assistance through the same. We come to you in the name of the colored people of the United States. . . . . It has been shown in the present war that the government may justly reach its strong arm into States, and demand from them, from those who owe it allegiance, their assistance and support. May it not reach out a like arm to secure and protect its subjects upon whom it has a claim?" Frederick Douglass, who was of the delegation, said: "In the order of Divine Providence you are placed in a position where you have the power to bless or blast us. I mean our whole race. Your noble and humane predecessor placed in our hands the sword to assist in saving the nation, and we do hope that you, his able successor, will favorably regard the placing in our hands the ballot with which to save ourselves."

The President, in his reply, entered somewhat largely into a statement and defence of his views; but indicated very soon the drift of his thoughts and the tone of his feelings on the subject. After affirming his friendship for the colored people, the sacrifices he had made and was still willing to make for them, and saying that, though he had owned slaves, "practically, so far as my connection has gone, I have been their

birth and life and all his Democratic associations, opposing slavery, as he admitted in this very interview, not so much on account of moral as of prudential and economic considerations, he very likely saw, or thought he saw, insuperable objections to the policy of giving the ballot to the black man, or, as he expressed it, of reducing to immediate practice the abstract doctrines of "the Declaration of Independence and equality before the law." While cherishing, no doubt, good-will towards the ex-slave and pity for his forlorn condition, not very unlike that of any humane man for a brute in distress, it was as an individual of an inferior race, — a race it would not be wise to admit to terms of social or political equality, a race he would rather have somewhere else. In fine, there was nothing in his regard that would not yield to more potent motives, should such exist. And such did exist. For reasons avowed or unavowed, Mr. Johnson did conclude to leave those who had honored him by their confidence and suffrages, and to identify himself with those he had opposed, and most severely, not to say savagely, condemned. Whether he trembled in view of the dangers involved in continued opposition to men capable, as they had shown themselves, of any crime to be rid of an obnoxious enemy, and, as some surmised, feared the assassin's knife; whether, as openly charged by others, ambitious purposes had supervened, and this was a part of his political strategy to make himself his own successor; or whether the harsh words and attempted movements of Republican leaders on account of the sorry exhibition he had made of himself on the day of his inauguration, — whether or not either or all of these and others combined had influenced him, the historic fact remains that the President did part company with the Republicans, became their most implacable and outspoken foe, and a standing hindrance in the way of their purpose and policy in regard to the freedmen and the great and difficult work of reconstruction.

The completeness of this disseverance and the bitter and defiant feeling which seemed to exist, and which characterized his representations of the Republican majority, were very apparent in several speeches he made during the summer of

1866. In a reply to a deputation from a convention held in Philadelphia during the month of August, he said, speaking of Congress: "We have witnessed in one department of the government every endeavor to prevent the restoration of peace, harmony, and union. We have seen hanging on the verge of the government, as it were, a body called, or which assumes to be, the Congress of the United States, while, in fact, it is a Congress of only a part of the States. We have seen this Congress pretend to be for the Union, when its every step tended to perpetuate disunion and make a disruption of the States inevitable. . . . . My countrymen, we all know that, in the language of Thomas Jefferson, tyranny and despotism can be exercised and exerted more effectually by the many than the one. We have seen Congress gradually encroach, step by step, upon constitutional rights, and violate, day by day and month by month, fundamental principles of the government." A few days later, at a public meeting in Cleveland, returning to the same charge, he said: "But Congress, factious and domineering, has taken to poison the minds of the American people. It is with them a question of power. Those who hold an office, as assessor, collector, postmaster, want to retain their places. This gang of office-holders, these blood-suckers and cormorants, have got fat on the country. . . . . The time has come when those who have enjoyed fat offices for four years should give way for those who had fought for the country." In the same speech, alluding to these encroachments on the Constitution, and saying that he had "sounded the tocsin of alarm," and that the head and front of his offending had been "in telling when the Constitution of your country has been trampled upon," he added: "Let me say to those who thirst for my blood, who are still willing to sacrifice human life, if you want a victim, and my country requires it, erect your altar and lay me upon it to give the last libation to human freedom. . . . . I tell you, my countrymen, I have been fighting the South, and they have been whipped and crushed, and they acknowledge their defeat and accept the terms of the Constitution; and now, as I go around the circle, having fought traitors at the South, I am prepared to fight traitors at the North."

Such was the tone and such were the terms of many of the President's utterances, not only at the capital of the nation, but while "swinging around the circle," as, borrowing his own language, his memorable presidential tour of the summer of 1866 was termed. Where his sympathies were and whither his policy tended, could hardly be misapprehended, had there been nothing but his words from which to judge. But there were other criteria and tests. Of them the first to attract attention was the revival of the Rebel spirit among the ex-conspirators. At first, exhausted by the terrible drafts of a four years' war, cowed by defeat and apprehension of the deserved punishment of their crimes, they were prepared to accept any terms their victors might impose. When, however, instead of being punished, they were, without lustration or even confession of wrong-doing, admitted to all the rights of citizenship, and power, instead of penalty, was at once placed in their hands, then, still bemoaning instead of renouncing the "lost cause," they were emboldened to hope that they could regain, by craft and skilful diplomacy in the political arena, what had been taken from them by the superior prowess of the Federal armies on the field of battle.

Consequently, no sooner were those States thus reconstructed and the still unrepentant Rebels were clothed again with political power by the President's policy, than they hastened, by their unfriendly and hostile legislation, to remand the freedmen, as they were called by the mockery of a name, to a condition little better than that from which the war had rescued them. The story is a long and sad one, and there is hardly a more disgraceful passage in American history, abounding as it does in such passages, than that which describes the legislation of what were called the "Johnson governments" in regard to the colored population. Entering in hot haste upon the work, in less than two months from his elevation to power, he issued, on the 29th of May, a proclamation appointing a provisional governor for North Carolina, and providing for a constitutional convention in that State. Soon afterward he issued similar proclamations for the other States, prescribing who should participate in such efforts, and dictating, by messages

and telegraphic despatches, to some extent at least, what the form of their constitutions should be, and what they should contain. While from those thus deputed to frame constitutions the colored people were systematically excluded, all that was required of the ex-Rebels was an oath of allegiance to support the Constitution they had in vain endeavored to destroy. Nor did it seem sufficient to exclude the ex-slaves from all such participation. Union white men were deemed intruders, and though in form invested with the right of suffrage, they were so far as possible, by a system of terrorism, prevented from exercising that right. "They undertook," said one who spoke from knowledge of what he affirmed, "with systematic violence to drive from the South law-abiding citizens of the North, — many of them patriot soldiers, scarred with honorable wounds received in the service of the country, who went there in the exercise of their inalienable right to live where they please. With the ferocity of wild beasts they hunted down Union men who had resisted the pressure of treason, and had hailed the old flag waving at the head of our advancing armies."

But the animus, not to say diabolism, of this policy is better seen in the legislation concerning the colored race. With no room for even a digest of the black codes that disgraced the statute-books of those States, samples only can be given, and these shall be in the words of another, who, as a lawyer, had examined the subject, and who thus reports, or rather from whose report these extracts are made: —

"The Johnson governments constructed an elaborate system for preventing the colored people from being masters of their time, and for keeping them constantly under the will and jurisdiction of the planters. They made it a criminal offence, an act of vagrancy, punishable with fine and imprisonment, for a freedman to leave his employer before the expiration of a term of service prescribed in a written contract. Such was the legislation of Alabama, Florida, and Mississippi. It was made a criminal offence in Alabama, Florida, Louisiana, Mississippi, and Texas for any person to entice away such laborer, or after he had left his employer to employ, harbor, feed, or clothe him. What should we think of a law here, which should send a

farm-laborer, failing to carry out his contract to serve his employer, a year to the house of correction, and which should send there also the farmer who employed him after such breach of contract? Furthermore, under the same act, every civil officer was required and every person authorized by main force and without legal process to take back such a deserting laborer to his employer, and was to receive for the service five dollars, and ten cents a mile for travel.

"In Mississippi a freedman was declared a vagrant for 'exercising the function of a minister of the gospel without a license from some regularly organized church.' This was intended to shut the mouths of negro preachers who were disposed to instruct their brethren in the rights and duties of freemen. Another act of the same State declared freedmen 'found unlawfully assembling themselves together, either in the day or night time,' to be vagrants, — thus aiming particularly at Republican meetings and loyal leagues. The same act declared 'white persons usually associating themselves with freedmen, free negroes, or mulattoes, to be vagrants,' — thus aiming at the teachers of freedmen who taught their children by day and could not obtain board with white families. An act of Louisiana made it a criminal offence 'to enter upon a plantation without the permission of the owner or agent,' — thus aiming at Republican canvassers, teachers of freedmen, and designing to keep plantation negroes in utter ignorance of their rights. In Florida it was made a criminal offence for a negro to 'intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people,' upon conviction of which he should be 'sentenced to stand in the pillory for one hour, or be whipped not exceeding thirty-nine stripes, or both at the discretion of the jury.' What think you of that provision, you who for curiosity or information are accustomed to frequent public meetings?"

And these are but samples of a long and horrid catalogue of inhuman and infamous provisions, all designed to both oppress and repress every rising aspiration of the freedman's new-

CHAPTER XLIV.

CONGRESSIONAL RECONSTRUCTION.

Important epoch. — Mr. Colfax. — Momentous problem. — Intrinsic and extrinsic difficulties. — Southern attitude. — Implacable hostility. — Mr. Johnson's position. — Defines his policy. — Forsakes his party. — Executive assumption. — Meeting of Congress. — General bewilderment. — Fessenden. — Representative opinions. — Stevens's resolution. — In the Senate. — Anthony's amendment and remarks. — "Lincoln-Johnson policy." — Doolittle's speech. — Fessenden's defence of Congress. — Howe's resolution and speech. — Vigorous debate in the House. — Improved tone. — Indefiniteness of views. — Debate on referring message. — Stevens, Spaulding, Shellabarger, Bingham. — Freedmen.

THE opening session of the XXXIXth Congress, on the 4th of December, 1865, marked an era in American history without precedent or parallel; and it had been looked forward to with deep and anxious interest. "It is not unsafe to say," said Mr. Colfax, on taking his seat as presiding officer of the House, "that millions more than ever before, North, South, East, and West, are looking to Congress which opens its session to-day with an earnestness and solicitude unequalled on similar occasions in the past. . . . . The Rebellion having overthrown constitutional State governments in many States, it is yours to mature and enact legislation which, with the concurrence of the executive, shall establish them anew on such a basis of enduring justice as will guarantee all necessary safeguards to the people, and afford what our Magna Charta, the Declaration of Independence, proclaims is the chief object of government, — protection to men in their inalienable rights."

But this great work, so briefly stated and clearly outlined by the Speaker, though so needful and imperative even, was beset with difficulties both intrinsic and extrinsic, pertaining

essentially to the work itself, and also growing out of the peculiar and untoward circumstances amid which it must be undertaken and carried forward. These might well appall, even from a general outlook and superficial examination. Had they been better understood and more fully comprehended, men might well have shrunk therefrom. Had the conditions been favorable, the difficulties were intrinsic. Had there been perfect harmony of thought and feeling, unity of purpose and plan, between victor and vanquished, the ex-masters and the ex-slaves; had all past wrongs and former inequalities of condition been forgotten; could there have been buried in the graves that covered the victims of the fight all the animosities and conflicts of opinion and interest which led to and accompanied it; could a conversion as radical and complete as that of Saul of Tarsus have regenerated every survivor, imbuing him with a love as all-embracing, an enthusiasm as fervid, and a heroism as grand, — still the work of reconstruction would have been beset with difficulties that no change of heart or unity of purpose could at once remove or overcome. For many of the sins of slavery were unpardonable sins, for which there could be no atonement. No regrets or repentance for past neglects and wrong-doing would restore its wasted fields, or neutralize the poison of its enforced and unrequited toil. Nor could they undo and eradicate the mischief inflicted upon the character and habits of life that were formed or grew up under the influence and necessary conditions of slaveholding. If there were no Nemesis to visit vengeance for these years and generations of flagrant wrong inflicted by the strong upon the weak, if there were no Divine justice to be satisfied, and it were not true that "every drop of blood drawn with the lash shall be paid by another drawn by the sword," still it is impossible to conceive of constructing society on a basis of democratic equality, at least without many drawbacks and hindrances, from materials formed under conditions exactly the reverse of what would be desirable, — where one half of the population owned the other half and deemed it the pariah race, where labor was despised as fit only to be performed by slaves, and where one half of the

community was doomed by law to enforced ignorance. Without a miracle, therefore, such materials could not at once become homogeneous, nor at once comprehend and enter upon the discharge of the proper functions of a free form of society. For a while, at least, with the best intentions and the kindest feelings, such must have been their strange work. Of both the moral and material portions of what were once slaveholding communities, time must have been an essential element in any policy that would reconstruct them on an enduring basis, and make them free in fact as well as in form. No Congressional wisdom less than inspired, even if such wisdom were possible, could have known exactly what was required, what was and what was not to be done in the premises. Nothing short of omniscience could have pointed out the only true way, if anything less than a miracle could have effected the work to be done, and afforded the remedies demanded for such healing. Reasoning from general principles would have suggested as much; actual experience has demonstrated it.

But, instead of this harmony of feeling and opinion, this unity of purpose and plan, this hearty co-operation and acceptance of proffered aid to retrieve their fallen fortunes and repair the ruins their treason had provoked, the exact reverse has been true. The vanquished had accepted defeat simply because in the unequal conflict they could no longer cope with the armies of the Union. They had been beaten, but not reconciled; subjected, but not subdued. They only bowed to the inevitable, refused to be placated, repelled with bitter scorn all overtures towards reconciliation, and treated with indignity and contumely any of their own number who counselled it. They still bemoaned the "lost cause," and seemed to look forward with a kind of sullen hope to a time when it should be vindicated, and they could regain by political finesse and management what they had lost on the field of battle and by the adverse fortunes of war.

In this purpose they had been greatly strengthened by the policy of Mr. Johnson. In his first annual message, sent to the Congress then assembling, he had defined and defended his policy. Alluding to his sudden call "to solve the momen-

the general government "to extend the right of franchise in the several States," he admitted that good faith required "the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor." Though sincere philanthropy was, he said, "earnest for the immediate realization of its remotest aims," he counselled against being "too anxious to read the future." "The career of free industry," he added, "must be opened unto them, and then their future prosperity and condition must, after all, rest mainly on themselves"; a statement the hardihood and brazen effrontery of which well appears in the light of the proscriptive legislation against the freedmen referred to in the preceding chapter.

By this course the President not only parted company from those who had elected him, but he ignored principles and purposes he had at the outset of his administration avowed and enunciated with great positiveness and vigor. Instead of making "treason odious," he had struck hands with traitors, had adopted a policy by which the Rebel States had passed, or were passing, into the control of men who had engaged in the Rebellion, and who regretted nothing but the losses and the failure of their cause; by which the few remaining Union men were ostracized, if not disfranchised; and by which, too, the freedmen were to remain in a condition little improved from that of slavery itself. Though demanding for the latter security "in their liberty, their property, and their right to claim the just return of their labor," he knew that the men he was restoring to power were pursuing a course that must render such results impossible; that they had enacted, and were enacting, laws which perpetuated their disabilities and made them serfs if not slaves. Instead of referring these "momentous questions" and "appalling difficulties," of which he did not seem to be unmindful, to Congress, whose power was alone adequate to their adjustment, he assumed the prerogative of decision, independent of all counsel or check from either the legislative or judicial branch of the government. Thus the question of reconstruction, in itself so delicate and difficult, was greatly complicated by what the great bulk of

the government of the nation, he, without consulting Congress and without the authority of law, by his own will put these ten States into the hands of the traitors."

Such was the posture of affairs, and such the temper of the large majority of both houses of Congress, when it assembled for its first session after the close of hostilities. There was, there could be, no settled line of policy on which all agreed. Probably no two saw exactly alike; and perhaps there was not one who felt so confident in his own individual judgment that, had it been granted him, he would have accepted the responsibility of definite and final decision. Everything was chaotic and inchoate; and the best the wisest could propose was tentative, if not confessedly empirical. Probably no body of men ever felt greater need of counsel and conference. And there were good reasons for all this hesitation and these misgivings. Could they have looked into the future and foreseen the history of what has since transpired, their hesitation would not have been less, but greater. The general feeling was probably well expressed by the remarks of Mr. Fessenden of Maine, in the Senate, the second week of the session, on the resolution to appoint a joint committee of both houses, to which should be referred the general subject of reconstruction and everything relating thereto. "This question," he said, "of readmission, if you please to call it so, of these Confederate States, so called, and all the questions connected with that subject, I conceive to be of infinite importance, requiring calm and serious consideration, and I believe that the appointment of a committee, carefully selected by the two houses, to take that subject into consideration, is not only wise in itself, but an imperative duty resting upon the representatives of the people in the two branches of Congress. For myself, I am not prepared to act upon that question at once."

While, however, there was this general confusion of thought and plan on the specific point at issue, there were classes and shades of opinion and their representatives, which colored and foreshadowed the positions of many on the great question. There were the earnest and pronounced antislavery men who, jubilant over the great fact of emancipation, determined that

cause he thought it "due to the country that we should give them the assurance that we will not thus hastily readmit to seats in the legislative bodies here, the representatives of constituencies who are still hostile to the authority of the United States." Mr. Anthony, in reply, alluded to the fact that the "words proposed to be stricken out referred to the joint committee of the two houses matters which the Constitution confided to each house separately"; and that the two houses could, if so disposed, each pass the same provisions. Mr. Doolittle of Wisconsin, who stood forth as the champion of what he called the "Lincoln-Johnson policy," contended that "all questions concerning reconstruction and the restoration of civil government to the Southern States ought to be referred to the Committee on the Judiciary." He contended that the Senate could not without a sacrifice of its dignity and self-respect remit to a joint committee what it alone and without outside interference should decide for itself. He took, too, this early occasion to define his position and that of those he represented, who supported the President's policy. Of the actual *status* of the Rebel States, he maintained they were still in the Union, and used the illustration, often repeated in the subsequent debates on reconstruction, of the flag and its "thirty-six stars." "That they are States," he said, "and States still within the Union, notwithstanding their civil form of government has been overturned by the Rebellion and their legislatures have been disorganized, — that they are still States in this Union is the most sacred truth, and the dearest truth, to every American heart, and it will be maintained by the American people against all opposition, come from what quarter it may. Sir, the flag that now floats on the top of this capitol bears thirty-six stars. Every star represents a State in this Union. I ask the Senator from Michigan, Does that flag, as it floats there, speak the nation's truth to our people and to the world, or is it a hypocritical, flaunting lie? That flag has been borne at the head of our conquering legions through the whole South, planted at Vicksburg, planted at Columbia, Savannah, Charleston, Sumter; the same old flag, which came down before the Rebellion at Sumter, was raised

"all men are created equal," with certain "inalienable rights," and the assertion of the Constitution that all laws made in pursuance thereof should be "the supreme law of the land," "anything in the constitution or laws of any State to the contrary notwithstanding," he declared his conviction that "there are scarcely three theses in the whole field of discussion more flatly denied practically than these three," and his "judgment" was, he said, that it was "time the American people adopted the Constitution." His conclusion was "that upon every consideration, of national honor, of national safety, and of local interest, Congress ought not yet to restore the suspended functions of those rebelling States." The resolution was made the subject of a brief and earnest debate, but never came to a vote. Mr. Doolittle in a long and elaborate argument defended the policy of the President; Mr. Nesmith opposed negro suffrage and contended that this is "a white man's government"; and Mr. Wade made one of his bold and stirring speeches, inveighing against the meanness and peril of ignoring the rights and claims of the four million freedmen who had so effectively aided in gaining the triumph of the Union cause, and expressing "a contempt I cannot name" for the man "who will contend for rights for himself that he will not award to everybody else."

While the debate was progressing in the Senate, substantially the same was proceeding in the House, mainly, though not exclusively, on a motion of Mr. Stevens to refer so much of the President's message as related to reconstruction to the joint Committee of Fifteen. The debate, though earnest and protracted, eloquent and impassioned, as, with such debaters, such a theme, and such surroundings, it could not well be otherwise, was very miscellaneous, not to say rambling and inconclusive. Northern members, indeed, showed evidences of the tonic effect of the great events through which the nation had passed, and spoke with refreshing independence and without that chronic timidity and fear of Southern offence and dictation which had so long been a humiliating embarrassment. The storms of war had indeed purified the atmosphere, and dispersed the haze of compromise, so that they could see more

clearly the great principles of political integrity and of true national policy. They could, indeed, see more clearly, but their vision, though clarified, could not pierce the darkness of the future, nor fully comprehend the exact relations of the facts that were lying, or passing in review, before them. They could not comprehend the dynamics of reconstruction. Nor is there wonder; for no mind, less than infinite, could have either enumerated or weighed the forces that had entered and were entering into, and were producing the violent movements that must be arrested, the chaos that must be reduced to order, the disintegrated materials which must be again combined, and from which the new States must be constructed. No wonder they did not see eye to eye. Men who had enunciated with great confidence their abstract theories, constructed ideal republics for ideal men, not there or then existing, lost that confidence if they did not shrink abashed from the work that confronted them of reducing their theories to immediate practice, — to be at once tested by actual trial. Those, too, who were nearest right, unquestionably made mistakes, while those farthest therefrom uttered some truths; the former sometimes proposed plans and ventured upon predictions which time and trial did not vindicate, and the latter made some suggestions it would have been better to have heeded, and sounded some warnings that were not without reason.

Mr. Stevens in his opening speech, after saying that it "mattered little whether the Rebel States were out of the Union or only dead States in the Union," thus disposed of the controversy between the President and the Republican party. "Dead States," he said, cannot restore their own existence as it was. "Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of government, for it only adjudicates and does not prescribe laws. Not in the executive, for he only executes and cannot make laws. Not in the commander-in-chief of the army, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law." He pronounced the doctrine of the white man's government "as atrocious as that infamous sentiment that damned

the late Chief Justice to everlasting fame, and, he feared, to everlasting fire." Mr. Spaulding of Ohio spoke of the men who had tried to overthrow the government, and who now, "with no signs of regret for their gigantic treason," unblushingly claimed full participation in the councils of the Republic; and he demanded conditions before they should be received. With such guaranties, he said, "I will try to forgive — I can never forget — the injuries received by my country from TRAITORS." Mr. Shellabarger elaborated the thought, speaking of the enormity of the treason, and of the remorseless cruelty and extent of its assault on the nation and on its defenders. "They framed iniquity," he said, "and universal murder into law. They besieged, for years, your capital, and sent your bleeding armies, in rout, back here upon the very sanctuaries of your national power. Their pirates burned your unarmed commerce upon every sea. They carved the bones of your unburied heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains; put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes, and whose commissions ordered the torch and yellow fever to be carried to your cities and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri. They murdered by systems of starvation and exposure sixty thousand of your sons, as brave and heroic as ever martyrs were." And he added, "To give the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime, they killed the President." And yet, with all this diabolism of cruelty and crime, if they would base their State governments "on the sincere loyalty of the people," he would receive them again into the Union they had done so much to destroy, — without it, never. Mr. Bingham, of the same State, spoke in behalf of that "exact justice to all men," which, he said, it was the spirit and intent of the Constitution to secure, but which had never been done in the past either for white or black men. This, he said, must be remedied. There could be no indemnity for the past, but there might be security for the future; and that he demanded as a

gress, and accepted by the people, only such voting as were not excluded by the provisions of the Fourteenth Amendment, that such State should be "entitled to representation in Congress." It affirmed, too, that until thus admitted "any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States, at any time to abolish, modify, control, or supersede the same."

The bill, professedly incomplete as a piece of legislation adopted for a particular purpose, was chiefly significant for that purpose, clearly apparent in its phraseology, and needing not the avowals or explanations of its friends. It was nothing less than an entire reversal of the President's policy, ignoring the local State governments formed thereby, rescuing those States from the Rebel grasp which had been permitted to seize them again, and restoring them to the hands of those who had been struggling to defend rather than destroy the nation. It became the signal of an able and earnest debate, not very unlike previous debates, except, perhaps, in the great diversity on the Republican side, shown in amendments and speeches, as to the best and safest methods of reaching an end on which they were all agreed. The Democrats could find no terms strong enough to express their disapproval. Mr. McDougall pronounced it "black as night, and hideous as black"; while Mr. Saulsbury found comfort in the fact that it would kill the Republican party. "The passage of this act," he said, "I regard as the death-knell to the worst enemy of my country, and that is the Republican party." Having passed the House by a vote of one hundred and nine to fifty-five, it was taken up in the Senate, and, on the 17th of February, 1867, at 6 o'clock, Sunday morning, it passed that body by the strong vote of twenty-seven to four, with an amendment.

Having been returned to the House, it gave rise to another animated debate. Many amendments were offered and debated; when, with the adoption of one, it passed both houses on the 20th, and was sent to the President. On the 2d of March Mr. Johnson sent in a veto. It was a long, elaborate,

dent, vetoed, then passed over the veto, and became a law on the 23d of March, 1867. Still imperfect and not fully adequate to the great work and purpose to be effected, its friends were anxious that it should be made as complete as possible. The purpose was clearly enough defined, the object sought well understood, but the methods in detail, the machinery for its accomplishment, had not been provided, the processes by which such a result could be effected had not been marked out. That must be attended to. Accordingly, upon the assembling of the XLth Congress in March, at its first session, a bill, drawn up substantially by Chief Justice Chase, was introduced into the Senate on the 7th by Mr. Wilson, supplementary to the above-mentioned act. It provided that the commanding general of each of the five districts mentioned in that act should order a registration in his district of all the male citizens therein who were qualified to vote by said act, and who should take the oath of fealty prescribed; that within thirty days after such registration he should order an election of delegates, by those thus registered, to a convention for amending the existing or framing a new constitution, with all needful ordinances for putting the constitution and government into operation; that he should appoint officers for making the registration, holding the election, counting votes, and making returns; that he should convene the delegates thus chosen, and submit the constitution it might have amended or framed anew, to be ratified or rejected by the same registered voters; and that he should transmit the constitution, if thus ratified, to the President for Congress; and any such State, if Congress should adjudge that the provisions of said act have been complied with, should be admitted into the Union in the persons of the Senators and Representatives chosen therefrom. It was also provided that the acting governor of any State, by taking the proper oath, might discharge these duties of the commanding general, with the consent of the latter.

On the same day Mr. Kelley of Pennsylvania introduced into the House a resolution instructing the Committee on the Judiciary to report a bill declaring who should call conventions for the reorganization of the Rebel States, and providing

the final result to be aimed at. This divergence of sentiment was more manifest in the amendments offered than in the speeches made.

Details of the legislation attempted and perfected cannot be given. Nor are they needful, for they would confuse rather than instruct. Two or three extracts will throw greater light and reveal more clearly the nature of the struggle. Among the amendments offered was one by Mr. Bingham, that only a majority of the votes given instead of votes registered should be required. One of the motives for such an amendment was a desire, if possible, to rehabilitate those States as soon as possible, in order that they might, by their Senators and Representatives, strengthen the Union, or Republican, party in Congress. Mr. Morton avowed this as a motive, and an important motive of action. "The success of the Union party," he said, "in my opinion, depends on speedy and successful reconstruction," and he added: "This is simply a question whether the stay-at-homes, political sluggards, sullen rebels, men who never take any interest in an election and never go to an election, can defeat the work of reconstruction, defeat the will of the majority, who do go to an election and take an interest in reconstruction and want the work to go forward."

On the other hand, there were Republicans who, though anxious for the continued ascendency of the party, could not close their eyes to the danger and the undemocratic principle of clothing a small minority with the prerogatives of government. Mr. Howard pronounced such governments "farcical," and predicted that they must be "ephemeral," because established in defiance of the principle that the majority must rule. "If these people," said Mr. Sherman, "are going to lay back in their position of quiet rebellion and resist all the movements we are now providing for them, all this machinery that we are now proposing to employ for their advantage, let them stay there, and stay there forever if they will." "In this hurry," said Mr. Nye of Nevada, with too much truth, "this avalanche of coming States, I tell you, in my judgment, lies the greatest danger of the hour. If we are to take poison, let us take it in small doses, a little at a time; do not give us a fatal dose at

mer revealed the solicitude they felt, and their determination to meet the responsibilities forced upon them by the exigencies and possibilities of the occasion.

As that unusual meeting of Congress was well understood, if not designed, to be an undisguised and emphatic expression, not only of distrust of the President and of his policy, but of a determination to forestall and checkmate, if possible, any movements inspired by that policy, so its proceedings were in like manner unequivocal and pronounced. This was especially manifested by several bills which were at once introduced into the Senate. Thus on the very day of its first meeting, Mr. Wilson introduced a bill, supplementary to the acts of March 2 and 23 and designed to render them more immediately effective. It provided that all offices of the provisional governments of the Rebel States should be vacated within thirty days; that the commanding generals of the districts should be empowered to continue any persons holding such offices or to appoint others in their stead; that they should be authorized to so control the work of registration as to examine those seeking it, to refuse the names of any who might be seeking to evade the law, and to erase those of any who might have been fraudulently entered. Several other bills were introduced into that body.

In the House, likewise, on the first day, the subject was introduced by Mr. Stevens, by a motion that a committee of nine should be appointed to inquire whether further legislation was necessary. The motion prevailed and the committee was appointed, the mover being made its chairman. On the 8th Mr. Stevens reported a bill supplemental to the acts of March 2 and 23, setting forth their true intent and meaning, providing that no district commander should be relieved without the advice and consent of the Senate, and extending the time for registration. The bill was debated, amended, vetoed, and finally passed by the strong vote, in the House, of one hundred and eight to twenty-five, and in the Senate at thirty to six.

The original plan for the closing chapters of this history embraced proposed sketches of the separate procedures that

to offer an amendment providing that, whenever Tennessee should have ratified the amendment of the Constitution, and should have established an equal and just system of suffrage for all male citizens, her Representatives and Senators, if duly elected, and taking the required oaths, should be admitted. Mr. Bingham, however, declined to yield, as he did also to several other members who had amendments to offer, and the previous question was ordered.

This action of the member from Massachusetts revealed the fact that, if the resolution was not a compromise, it was acceptable to neither extreme. This appeared in the remarks made by Mr. Boutwell, to whom Mr. Bingham yielded the floor as he rose to close the debate. After saying that, though aware that the resolution was about to be adopted, he was unwilling it should pass without his protest, he added in closing: "I speak under the impression, the firm conviction, that we to-day here surrender up the cause of justice, the cause of the country, in the vain hope that the admission of Tennessee may work somewhat for the advantage of the party which has controlled the country during these last six years. We surrender the rights of four million people; we surrender the cause of justice; we imperil the peace and endanger the prosperity of the country; we degrade ourselves as a great party which has controlled the government in the most trying times in the history of the world."

Mr. Bingham responded with feeling, and with his usual force and felicity of expression. "There stands," he said, "the amendment ratified by Tennessee, who comes with this new evangel, 'no State shall deny to any person within its jurisdiction the equal protection of the laws.' Let this provision become the supreme law of every State of the Republic by the omnipotence of the ballot, and justice will thereby have achieved a triumph long waited for and prayed for by the oppressed of all lands. O sir, I am ashamed that a man should stand here and tell me that nothing is done to establish justice, when a State lately in rebellion ratifies such a provision as an amendment of the Constitution, and conforms its own laws to its requirements. No one who believes that amend-

assertion that it could be restored only "by the law-making power of the United States"; referred to the act of its people in adopting a constitution in accordance with the Constitution of the United States, including the Thirteenth and Fourteenth Amendments, and also to "the proper spirit of obedience" exhibited by the people thereof. Therefore, it added: —

"*Resolved*, That the United States do hereby recognize the government of the State of Tennessee, organized as aforesaid, as the legitimate government of said State, entitled to all the rights of a State government under the Constitution of the United States."

The report gave rise to a very animated debate, in which all the prominent members of the Senate engaged, and in which, too, were revealed the imperfectly formed and inchoate opinions of Senators, and the hesitation with which they acted upon a measure involving consequences so momentous and irremediable, if mistakes should be made. Mr. Sherman expressed his regret that the House resolution had not been reported instead of the substitute. Various amendments were proposed. Mr. Trumbull himself proposed to amend the preamble by striking out the clause declaring that the people had shown "a proper spirit of obedience," and it was adopted. Mr. Sumner moved a proviso that the act should not take effect until the State by public act should extend the right of suffrage to all without regard to color or race; but it received only four votes. A motion was made by Mr. Sprague to substitute the House preamble for that of the committee, but it was rejected. Various amendments and modifications were made when Mr. Trumbull offered the preamble of the Judiciary Committee as modified by the amendments already adopted, and it was adopted by a vote of twenty-three to twenty. Further amendments were moved by Yates, Nye, and Doolittle, but they were rejected.

The preamble and resolution were then adopted by a vote of twenty-eight to four, Mr. Sumner voting in the negative. On motion of Mr. Wilson the title of the measure was declared to be "A Joint Resolution restoring Tennessee to her relations to the Union." The House adopted the Senate amendment, and the resolution was passed and sent to the President. On

On the 25th of June a similar act was passed admitting the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, in pursuance of a similar preamble, with the conditions that they should ratify the Fourteenth Amendment, that they should not deprive "any citizen, or class of citizens of the State of the right to vote by the constitution thereof," and that no person prohibited from holding office by said Amendment should be "deemed eligible to any office in either of said States unless relieved from disability as provided in said amendment"; the State of Georgia being also required to declare "null and void" certain provisions of its constitution, and "in addition give the assent of said State to the fundamental condition hereinbefore imposed on the same." The bill passed the House, May 14, — yeas one hundred and ten, nays thirty-five; in the Senate, June 9, — yeas thirty-one, nays five. It was vetoed by the President on the 25th, and passed, the same day, by both houses, over the presidential veto.

On the 27th of January, 1870, Virginia was admitted into the Union by a vote, in the House, of one hundred and thirty-six to fifty-eight; and in the Senate by a vote of forty-seven to ten. The following were the preamble, oaths, and conditions precedent: "Whereas the people of Virginia have framed and adopted a constitution of State government which is republican; and whereas the legislature of Virginia, elected under said constitution, has ratified the Fourteenth and Fifteenth Amendments of the Constitution of the United States; and whereas the performance of these several acts in good faith is a condition precedent to a representation of the State in Congress," said State should be admitted to a representation in Congress; with the additional conditions precedent, however, that the constitution should never be so amended as to deprive any class of citizens of the right "to vote," "to hold office," on account of race, color, or previous condition of servitude; neither should there be "other qualifications" required for such reason; nor should any be deprived of "school rights or privileges" on such account. On the 3d of February Mississippi was admitted by a bill resembling the former

CHAPTER XLV.

THE KU-KLUX KLAN.

Supposed origin in Tennessee. — Incipient movements. — Dangerous tendencies. — Secrecy. — Pretended designs. — Testimony of General Forrest. — Report of Congressional Committee. — Testimony of army officers. — Whippings and murders in South Carolina. — Outrages in Alabama and Mississippi. — Attacks on teachers and clergymen. — Extent of the order. — Effect on elections. — Passage of Enforcement Act. — President's proclamation.

THE Ku-Klux Klan was a secret, mysterious order of extensive ramifications that for two or three years committed high-handed and bloody outrages in various parts of the Southern States, and carried terror and dismay to the hearts of the loyal men and women throughout the late Confederacy. The first serious demonstrations of the order that attracted notice were made in Tennessee in 1866, but by whom the society was organized, and with what original intent, has never been satisfactorily ascertained. That it was in part political from the first there is abundant indication from the character of its proceedings, and from the testimony elicited by the Congressional Committee.

Though several thousand murders were committed by members of the order during its existence, it is difficult to believe that organized plunder and murder constituted a feature of the original intention, as it is not conceivable that so many individuals in any state of society should be willing to be connected with deliberate transactions of so infamous a character. But the whole design having been unlawful, and placed in the hands of irresponsible and reckless men, deficient in moral education and demoralized by the war, there soon grew up naturally a system of plunder and slaughter whose parallel the modern world has not seen in a time of peace. It is also

probable that in course of time bodies of men having no connection with the order adopted the tactics, and assumed their name, to perform their marauding deeds under cover of the patent of the original inventors. This was asserted, but it does not help the case of the Ku-Klux, it being impossible under the secrecy and disguises to tell the genuine from the imitation, the acts of the former being of a kind that the perpetrators dare not avow them; and having taught the way to do bad deeds and how to escape detection, they can hardly shirk the responsibility of whatever came of their evil example.

Several striking facts in connection with the movements of the Ku-Klux were apparent through the whole of its career. It was strangely mysterious; its acts were committed by armed men, by men disguised; its victims were Union men; and its deeds were performed with such entire impunity that detection and conviction amounted to almost an impossibility. As the men connected with the demonstrations went in gangs, and at uncertain times and seasons, resistance was vain, and only by flight could a marked victim escape the intended infliction upon his person and family.

Some distinguished persons at the South and elsewhere, and some editors of influential journals at the North, have endeavored to make it appear that there never was any organization of this kind, or if one, that it was never formidable or serious, and that the outrages, the murder, arson, and torture, were the same as other and all sections of the country are subject to at times, and had no political signification whatever, and were not the results of any organized system or any prevailing general depravity. This assumption is widely at variance with the facts as given in the evidence before the committee of investigation, and this volume would not suffice to display all the proofs which have come to hand on this subject. These proofs are from various sources, from governors of States, judges, lawyers, clergymen, United States civil officers, army officers, citizens, soldiers, Rebels, Union men, freedmen, and all classes of society, from all the States which suffered from the presence of these pests of society.

It is also to be mentioned that while the murders and other

heinous crimes committed by this and kindred organized bands were not and could not be punished, there was no more than the customary difficulty in obtaining in the courts of the Southern States convictions for all the ordinary offences which were committed by the dangerous classes in that section. The testimony of such men as Hon. James L. Orr, formerly Democratic Speaker of the House of Representatives, and one of the most distinguished statesmen of the South, Governors Parsons and Lindsay of Alabama, Joshua S. Morris, attorney-general of Mississippi, C. D. Forsyth, Esq., of the Rome judicial circuit of Georgia, an eminent solicitor, and many other leading citizens in the several victimized States, is all harmonious and clearly establishes the fact above stated.

The testimony of some of the same men, and of others in situations to know whereof they affirmed, was also conclusive of the fact that no convictions were obtained for the crimes of the Ku-Klux in most of the communities where their depredations were committed.

It was next to impossible to ascertain who the fiends were, as they were always disguised, and so great was the fear of them that witnesses dared not tell what they knew, and if they had told, the chances were that more or less members of the order were upon every jury, and bound to save their fellow-conspirators from all possible harm.

It having transpired in some way that General N. B. Forrest, one of the most energetic officers in the Confederate service, was a leader in the Ku-Klux organization, he was summoned before the Congressional Committee, and many interesting facts were elicited from him, although he endeavored to avoid giving valuable information. He did admit the existence of the order and his own connection with it, but attempted to convey the impression that its purpose was simply defensive and benevolent, and that it was started to counteract Union leagues and prevent the negroes from doing harm in the community, and to assist members and their families in sickness and emergencies.

The information obtained from General Forrest and others established conclusively the following facts: the existence of

scraps of unwilling testimony as were obtained by the Congressional Committee, indicates that they had the conservative masses behind them. General John B. Gordon, the successor of Stonewall Jackson in the command of the famous Stonewall Brigade, and now Senator in Congress from Georgia, admitted that he belonged to a brotherhood whose object was protection against the depredations of negroes. He denied that the order was political, but admitted that it pervaded the State and supposed it extended to other States; felt reluctant to state what his own position in it was, did not know its name, was not at liberty to give names in connection with it; allowed that it was held together by oaths, one of whose features was the obligation to obey the orders of the chief implicitly; and that there were no negroes belonging to it and no white Republicans. This description of General Gordon agrees in essentials with that of Forrest as relates to the organization, its secret character, and its conservative composition; and the fact that he was unwilling to tell what his own position in it was, and to give names or tell of specific acts, shows a well-founded apprehension on his part that there were facts connected with it which would not bear publication, or redound to the credit of the managers and members of the order.

The general plan of the order was embodied in a prescript, which, though not absolutely authenticated in all details, was admitted by Forrest to be much like the one under which he acted, and some of whose provisions were the most stringent oath of secrecy, the promise to abide by the orders of the chief or chiefs, the obligation to punish severely any betrayal of the secrets of the order, and to submit to the extreme punishment of death for so doing even after the membership had ceased; and generally to do whatever the "ghouls of the den" should require. To perform acts of benevolence, and to do deeds of righteousness, such extreme secrecy and terrible paraphernalia are not essential, and the condition of the people of those States forbids the idea of their having instituted such an expensive order merely for amusement. The whole contrivance indicated purposes to act out of the pale of the law

been committed by the Ku-Klux Klan during their two or three years' career. A few must suffice. Take one in South Carolina, where the design appears to have been to intimidate the voters, and compel public opinion to sustain the Democratic party. In 1870, in the county of Spartanburg, forty-five persons who had been Republicans were induced to publish in the Democratic newspaper, "The Spartan," an announcement of their withdrawal from the party. One of these, Mr. Samuel F. White, was before the Congressional Committee, and made oath to the arguments which were so effectual in convincing him of the error of his political course. Mr. White was a man fifty-four years of age, a carpenter and millwright, native of North Carolina, and apparently respectable. He stated that he was visited by the Ku-Klux, that they came to his house in the night, that he was asleep, was awakened and ordered to get up; the house was surrounded by men. On opening the door upon their call, they made him cross his hands to be tied, drew an old pillow-case over his head, and led him out seventy-five yards into the rear in the darkness. They asked him if he was a Union man or a Democrat; and upon his saying he had been a Union man, they replied that they "supposed so." The next question was, whether he would be shot, hung, or whipped, and they gave him no other alternative. Upon his choosing the whipping, they at once gave him from thirty to forty lashes with hickory withes, cutting and bruising his flesh; gave him directions, if he would avoid another visitation, to publish, before the next Wednesday, a declaration of his principles, suited to the times; mounted their horses, and rode away. The men were all disguised with skins, having horns attached, drawn over their faces, and in other ways, so that he could identify none of them, and he was powerless to raise any alarm, or take any measures for their pursuit. His only protection from further violence was the required recantation, and it promptly appeared in the Democratic paper as demanded, along with that of others who were impressed by this example to offer their patronage to that paper, and submit to the promulgation of the *true* doctrine, in advance of a formal, personal

Major Lewis Merrill of the United States army, whose evidence in some of the more recent transactions in Louisiana has been accepted with alacrity by the conservatives, took especial pains to investigate affairs in the county of York, and reported thus: "From the best information I can get, I estimate the number of cases of whipping, beating, and personal violence of various grades in this county, from November 1 to March 26, at between three and four hundred, excluding numerous minor cases of threats, intimidation, abuse, and small personal violence." The testimony of Major Merrill is important, because he is from the school of West Point, not an active politician, never identified with either political party, though tending to Republican ideas, and because, prior to his being stationed in South Carolina, he regarded the stories of outrages as largely exaggerated. In reply to a question from Mr. Stevenson, of the committee, he said: "I came here from Kansas, where I had no knowledge at all of anything connected with these matters, except such as one gets in an ordinary reading of the newspapers. I fully believed that the stories in circulation were enormous exaggerations, and that the newspaper stories were incredible." But General Terry, who commanded the department, informed him that "the half had not been told him." Still he was not convinced, and thought the cases were of the sporadic order and did not come from any organized violence. When he had been on the spot, however, and come to a personal knowledge of facts, he says that he had never imagined such a state of social disorganization being possible in any civilized community. Yet he did not despair. He thought there must be some latent virtue in the community, and with a faith in human nature highly creditable to his heart, he called a conference of the leading citizens to devise measures for suppressing the outrages. They met and talked, and Major Merrill informed them that he knew the names of the villains, laughed at their simplicity in not being posted when it was so easy; all of which was, in a way, melancholy, yet amusing, since it subsequently transpired that several of the leading members of the order were present at the conference, and took part in the

preaching politics, the latter being the objectionable offence for which their maledictions were chiefly poured out, the others being of course sham charges, made to cover or introduce the real one; and rhetorically to strengthen the indictment they pointed pistols at his head, stripped up his shirt and laid upon his bare back the lash of a horsewhip, cutting to the very bone, pulled his weak rheumatic limbs apart to torture him, and compelled him on pain of death to renounce his Republican principles, to stop the Republican paper which he was a subscriber to, burned his letters and books, and then left him out in the shivering cold to get back to his cabin as he might, or die if help should fail to reach him.

But the whippings, though numerous and barbarous in the extreme, were supplemented by much more aggravated and heinous crimes. On the night of July 11, 1870, at the village of Cross Plains, Calhoun County, William C. Luke, a white schoolmaster, and four colored men, Tony Cliff, Berry Harris, Cæsar Frederick, and William Hall, were seized and put to death by hanging and shooting. These men, at the time, were under arrest and in charge of the officers of the law for complicity in certain acts of an unlawful nature, but the evidence against them was so slight it was probable that they would not be convicted, and to make sure of their punishment, regardless of law or evidence, the Ku-Klux forcibly took them from the custody of the authorities and murdered all of them. To investigate this case the governor of Alabama employed Lewis E. Parsons, a leading lawyer, and Johnson's provisional governor of reconstruction fame, as counsel, and ordered a special term of the court for preliminary investigation, with one of the supreme judges to preside. The judge, the governor, Mr. Parsons, and General Crawford proceeded in August to Calhoun County, where, to their surprise, nearly all the white inhabitants were silent concerning the affair and withheld all information concerning it. After some delay, and the examination of one hundred and thirty witnesses, they found ample evidence in the opinion of the judge to justify the arrest of nine persons, and remanded them to the grand jury with the evidence, and they refused to indict a single one of them, but

discharge of his duty, was called upon by one hundred and twenty armed men and warned. They informed him that the rule was, first, warning; second, whipping; third, death. He refused to leave, and they beat him until he became insensible, and left him, having previously given him to understand that the rule would be carried out, and the next call would be for his life. Twenty-six schools in that vicinity were closed by direction of these bands. In one place over eighty armed men called upon a female teacher at midnight, went to her room and gave a peremptory order for the closing of her school forthwith, which was done. The Rev. Dr. Murff, though born in the South and highly respected in the community, was obliged to resign his position as director of free schools to avoid a call which was threatened by a Ku-Klux. Another minister and a friend of the latter, Rev. John Avery, had his house burned in Winston County for the offence of teaching a free school. Five murders were committed in Monroe County, one in Lowndes, and fifteen in Noxubee.

The mode of executing many of the atrocities was in keeping with the brutal design, no regard being had to age, infirmity, or delicacy of health or sensibility of the victim. Frightful curses and imprecations accompanied the laying on of the lash, and followed the helpless victims of slaughter as they passed to the valley of the shadow of death. Mr. McBride, a Scotchman living in Sparta, who was pursued, related as follows: "There were two rooms in the house of the colored man, and I went into one of them and tried to hide. They came in and got me. The colored people prayed to them, 'Don't hurt Mr. Mac; for God's sake, let him alone.' They took me out of the house and across the yard; I asked them in what way I had injured them, to justify the attack on me. They cursed me, told me to stop talking, struck me in the side with their bowie-knives that had scabbards on, and with the but-ends of their pistols." Then they obliged him to strip naked, and whipped him with gum switches, which sting the flesh at every stroke, like nettles. They said, "God d—n you! don't you know that this is a white man's country?" He told them that the white people had employed him

to take charge of their Sunday school, and were satisfied with him, but this was of no avail, and they kept on whipping, while for his edification a portion of the party discussed the propriety of shooting or hanging as the most fit in his case. The man succeeded in getting out of their clutches by a sudden spring and escaped the destiny that was apparently in store for him.

But it would take volumes to give the details of the numerous cases that were reported to the Congressional Committee, of this general character. Senator Scott in a speech in the Senate gave as the result of the investigation that came to his own knowledge as follows: In North Carolina, in fourteen counties, there were eighteen murders and three hundred and fifteen whippings. In South Carolina, nine counties, thirty-five murders and two hundred and seventy-six other flagrant outrages. In Georgia, twenty-nine counties, seventy-two murders and one hundred and twenty-six whippings. In Alabama, twenty-six counties, two hundred and fifteen murders and one hundred and sixteen other outrages. In Florida, in one county alone there were one hundred and fifty-three cases of homicide. In Mississippi, twenty counties, twenty-three homicides and seventy-six other cases of outrage. In ninety-nine counties in different States he found five hundred and twenty-six homicides and two thousand and nine cases of whippings. But the committee state that in Louisiana alone in the year 1868 there were more than one thousand murders, and most of them were the result of the operations of the Ku-Klux.

The influence of these atrocities upon political matters is shown by the remarkable change in the popular vote which took place at the time.

In North Carolina,	in 1868, Republican majority was . .	18,641
" "	1870, Democratic " . .	4,088
	Republican loss	22,729
In Texas,	1869, Republican majority	11,559
"	1871, Democratic "	24,279
	Republican loss	35,855

In Tennessee,	Spring, 1868,	Republican majority	51,936
"	Nov., "	" "	30,446
		Republican loss	21,490
In South Carolina,	Spring, 1868,	Republican majority	43,470
" "	Nov., "	" "	17,064
		Republican loss	26,406
In Georgia,	Spring, 1868,	Republican majority	7,047
"	Nov., "	Democratic "	45,688
		Republican loss	52,735
In Louisiana,	Spring, 1868,	Republican majority	23,265
"	Nov., "	Democratic "	56,962
		Republican loss	70,227

Can these stupendous changes be reasonably accounted for on any other theory than that of intimidation; and are they not the natural result of the heroic means employed? The Democratic minority of the committee denied this, and boldly asserted that the change in the vote was entirely due to the disgust of the people with the management of the carpet-bag governments. It must be obvious, however, to the most common mind that if this were the case, there would have been no occasion for the outrages, as ordinarily, in cases where outrages are perpetrated the party committing them becomes the subject of disgust unless there be intimidation. Certainly the carpet-baggers, bad as they were, did nothing to excite the disgust of fair-minded citizens that was at all comparable in enormity with the atrocities described, and if we are to allow that they were perpetrated upon a law-loving and law-abiding people, who had regard for rights or decency, the vote should have been unanimously the other way. The Democratic members of the committee, in maintaining that their party friends could be greatly aroused and exasperated by excessive taxation and the maladministration of their rulers, pay them but a sorry compliment, while the greater enormities committed against personal rights, property, and life were suffered to go unredressed, and tacitly were justified.

The enormity of the operations of the Ku-Klux and the

CHAPTER XLVI.

FOURTEENTH AMENDMENT.

Oppressive legislation. — Stevens's bill. — His speech. — The bill a compromise. — Severe criticism. — Defeated resolution. — Plan of Robert Dale Owen. — Reason for rejection. — Facts and principles involved in the effort. — Democratic arguments. — Boyer, Eldridge, Rogers. — Republicans support it for different reasons. — Schenck, Raymond, Eliot, Boutwell, Dawes, Banks.— President's policy criticised and defended. — Phelps, Ingersoll. — Resolution adopted. — Senate. — Amendments offered. — Caucus. — Amendment as finally adopted. — President's message. — Mr. Seward's certificate. — Action of the Senate.

THE Thirteenth Amendment abolished chattel slavery and rendered that form of oppression impossible; but, as has been shown, it did not prevent the fact of oppression, and that the most cruel and unendurable. The action of the State governments, restored by what was called the "Johnson policy," clearly revealed the necessity of further legislation to prevent the Rebels from regaining by fraud and finesse at home what they had failed to secure by their appeal to arms. Consequently the friends of freedom in both houses were prompt in bringing the subject before Congress, and weeks and months were occupied in considering the various propositions which were presented to remedy what was seen to be so flagrantly unjust and indefensible. Nor will the annals of that body afford a parallel for the earnestness, depth of feeling, and intensity of purpose exhibited in the debates on the subject, which have extended over years and commanded the highest exercise of the ablest talent employed thereon. The results finally reached were changes in the organic law and ordinary legislation, or amendments of the Constitution, acts for their enforcement, and what were popularly termed civil rights bills.

of that section of the Republican party which recognized him as a leader. He spoke of "the magnitude of the task imposed on the committee" of suggesting "a plan for rebuilding a shattered nation, — not dissevered, yet shaken and riven" by the Rebellion; of the people "educated in an error for a century on the subject of slavery," and of the difficulty of unlearning a lesson thus learned "in a day"; of the duty of adopting a plan, though it fell short of his own wishes, because, speaking for the committee, he said, "upon a careful survey of the whole ground we did not believe that nineteen of the loyal States could be induced to ratify any proposition any more stringent than this," adding that he would "not throw away a great good because it is not perfect." He commented with great severity upon the failure in the Senate of the two joint resolutions, proposing amendments, fixing the basis of representation and repudiating the Rebel debt, which had passed the House, but which, he said, were "then wounded in the house of their friends," — "defeated by the united forces of self-righteous Republicans and unrighteous Copperheads. It was slaughtered by a puerile and pedantic criticism, by a perversion of philological definition which, if when I taught school, a lad who had studied Lindley Murray had assumed, I would have expelled from the institution as unfit to waste education upon." He repeatedly admitted that the measure did not come up to his ideas of true policy. Speaking of the third section, he said he would have had it more stringent, though he added, with biting sarcasm of the President's former views and subsequent course, "I might not consent to the extreme severity denounced upon them by a provisional governor of Tennessee, — I mean the late lamented Andrew Johnson, of blessed memory, — but I would have increased the severity of this section."

The amendment to which he referred as having been "wounded in the house of their friends" had been reported from the same committee on the 22d of January, providing that "representation and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the

no discrimination shall be made by any State nor by the United States as to the enjoyment, by classes of persons, of the right of suffrage, because of race, color, or previous condition of servitude.

"*Sec.* 3. Until the fourth day of July, 1876, no class of persons, as to the right of any of whom to suffrage discrimination shall be made by any State, because of race, color, or previous condition of servitude, shall be included in the basis of representation.

"*Sec.* 4. Debts incurred in aid of insurrection or of war against the Union, and claims of compensation for loss of involuntary service or labor, shall not be paid by any State nor by the United States.

"*Sec.* 5. Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

In connection with this proposed article, Mr. Owen submitted a joint resolution, providing that any State adopting it, and conforming its laws thereto, should be admitted into the Union again, in the persons of Senators and Representatives duly elected thereby, excluding only those who were members of the executive, legislative, military, and naval departments of the government at the time of their secession, though they, too, should be eligible "after the fourth day of July, 1876." It also proposed the repeal of all laws confiscating property or imposing penalties or disabilities on any participating in the Rebellion. The prominent features of this plan were its simplicity and clemency, its repeal of all confiscatory and penal laws enacted against those who had joined in the insurrection; remission of all disabilities in the way of holding office from any except those who were in the actual service of the United States at the time of their secession; restriction of the basis of representation to those only who were allowed the right of suffrage; and its provision that, after the 4th of July, 1876, the right of suffrage should be withheld from none on account of race, color, or previous condition of servitude.

The main significance of this plan and its importance as a matter of history lie in the facts that it at first commanded the support of the Committee on Reconstruction, though it was

volving obediently around the general government, had shot madly from their spheres. Those States must be brought back into their former orbits, — to obey again the authority they had thus contemned. They had been conquered as enemies, they must be restored as friends; civil must take the place of military force; the reign of law must be substituted for the reign of the sword. Whatever may have been the constitutional theories entertained, whatever may have been deemed the effect of secession upon the condition of the States seceding, whether they were dead States within the Union, or only "wayward sisters" wandering at will without, all desired and demanded, Democrats as well as Republicans, their return to their former place and fealty. Another great fact was the presence of four million emancipated slaves, who must be protected in and prepared for their new but critical condition. Another fact still was the necessity of guarding against a similar outbreak in the future. If there could not be adequate punishment and indemnity for past crimes and losses, as it was generally conceded there could not be, all agreed there should be, if possible, some security for the future.

The Democrats urged their usual protest against the proposition as "a revolutionary scheme," an infringement upon the rights of the States, and an infraction of the Constitution; counselled conciliatory measures, those that would the soonest invite back the recusants and soonest cover with the mantle of oblivion the unhappy past. "Every hour," said Mr. Boyer of Pennsylvania, "during which we govern the eleven States with their twelve million people as conquered provinces, carries us further away from the original landmarks of the Constitution, and brings us nearer to centralization and military despotism." Mr. Eldridge had faint hopes of such a consummation, and yet, he said, "the sooner we forget and forgive, the better it will be for the nation." Mr. Rogers spoke of the "wicked, odious, and pestilent despotism" to which these States were to be subjected, and exclaimed: "God save the people of the South from the degradation by which they would be obliged to go to the polls and vote side by side with the negro!"

Maryland made a most elaborate and eulogistic speech in defence of the President and his policy, and also a defence of the returning loyalty of the seceded States, which, he contended, they had shown by the adoption of the Thirteenth Amendment, abolishing slavery. Though confessing his detestation of treason, which he branded as "crime," and from which he shrunk as from "pollution," disowning, too, all sympathy with the leaders, who had "fired the Southern heart," and deeming them worthy of punishment, he still contended that they had been punished by the results of the war, and that they had given sufficient guaranties by adopting the Thirteenth Amendment. What was involved by that act he formulated in the four particulars, — a surrender of the cause of the war; a pledge of sincerity in accepting the results of the war; a guaranty of future loyalty; a punishment for treason by confiscation, involved in this loss of property invested in their slaves, besides the other losses of the war.

He was immediately followed by Mr. Ingersoll of Illinois, who sharply arraigned the policy of the President, and questioned the purity and ingenuousness of his motives in adopting it. Though using specious words, he said, he was cloaking ulterior purposes; and he surmised that his haste in hurrying the States into the Union resulted more from his desire for personal advancement than for the public good. "The dearest object of his heart," he contended, looked no higher than their support in the presidential election of 1868. "Under a pretence of restoring the Union," he said, "he is playing a game for the 'succession,' otherwise he would demand guaranties from the South that the commonest prudence would declare necessary before they are clothed with full political power." Referring to the contested point concerning "the *status* of States," the great question is not, he said, whether "technically speaking these States are in or out of the Union," but whether the Rebels in them should be "allowed to vote with reference to the restoration of those States." Speaking of the difficulties of the situation, he said, the old battles between liberty and justice and slavery and tyranny "are on us again." The clash of arms has ceased, the physical battle

the House resolution, and Mr. Howard of Michigan was chosen to present them. The consequence was that the debate in that body partook more of particular discussion of these and other proposed amendments than of the general subject, though the latter received consideration. It continued many days, and the amendments, modifications, and suggestions were very numerous. Some were accepted, but most were rejected, when on the 8th of June the series, as amended, were adopted by a vote of thirty-three to eleven. The resolution was returned to the House, and with very little opposition the amendments of the Senate were concurred in by a vote of one hundred and twenty to thirty-two. The following is the text of the amendment as it passed both houses of Congress, received the approval of the President, and was ratified by the requisite number of the States: —

"*Sec.* 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"*Sec.* 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"*Sec.* 3. No person shall be a Senator or Representative in

of Congress was in harmony with the sentiments of the people," "waiving the question of its constitutional validity, as also of "the merits of the article" to be submitted to the people, and expressing his belief that no amendment should be submitted until these States are represented in Congress, he informed that body that, in submitting it for the ratification of the States, his action and that of the Secretary of State were "purely ministerial and in no sense whatever committing the executive to an approval or a recommendation of the amendment to the State legislatures or to the people."

The opposition it encountered from the people was more protracted, if not more violent; for more than two years were consumed in the struggle, and it was not until the 20th of July, 1868, that Mr. Seward made public proclamation of his certificate that the requisite number of States had ratified the amendment. Reciting the facts and quoting the laws that prescribed his duty in the premises, he continued: —

"And whereas it appears, from official documents on file in this Department, that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, and Iowa;

"And whereas it further appears, from documents on file in this Department, that the amendment to the Constitution of the United States, proposed as aforesaid, has also been ratified by newly constituted and newly established bodies avowing themselves to be, and acting as, the legislatures, respectively, of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama;

"And whereas it further appears, from official documents on file in this Department, that the legislatures of two of the States first above enumerated, to wit, Ohio and New Jersey, have since passed resolutions, respectively, withdrawing the consent of each of said States to the aforesaid amendment; and whereas it is deemed a matter of doubt and uncertainty

CHAPTER XLVII.

FIFTEENTH AMENDMENT.

Fourteenth Amendment defective. — Mr. Boutwell reports resolution in the House and opens the debate. — Democratic reply. — Eldridge, Kerr, Beck. — Amendments offered by Bingham, Ward, Shellabarger, and speeches. — Boutwell's rejoinder. — Speech of B. H. Butler. — Resolutions adopted. — False accusations of partisanship. — Patriotic purposes of the Republicans. — Resolutions reported to the Senate. — Speech of Stewart. — Senate resolution adopted. — House resolution reported. — Amendments and substitutes proposed. — Speeches of Ferry, Dixon, Morton. — Woman suffrage. — Mr. Sumner opposes the resolution. — Too sanguine. — Mr. Willey's speech. — Republican opposition. — Dixon, Doolittle, Norton. — Twenty-four hours' debate. — Speech and amendment of Mr. Wilson. — Defence of Republican policy. — Vote and conference. — Adoption of amendment. — Ratification by the States. — President's special message.

THE great defect of the Fourteenth Amendment, as freely charged during its discussion, was its at least tacit recognition of the right of States to disfranchise the ex-slaves, should they so elect. True, they could not do it without sacrificing so much in the basis of their representation in Congress; but if they were willing to make that sacrifice, there was nothing in the amendment to prevent such discrimination. To remedy that defect, so palpable and so dissonant from the doctrine of human rights, the proclaimed equality of mankind, and the two amendments already adopted, and at the same time to rescue the freedmen from the almost uncontrolled domination of the late slavemasters, with their bitter determination to keep them from the full enjoyment of their newly found liberty, and to put into their hands a weapon for their own defence, it was resolved to incorporate into the organic law a new provision for their protection, and to supplement the amendments of the Constitution already adopted by another. There

were accordingly introduced into both houses, almost simultaneously, measures for that purpose.

It should be premised, and it may be appropriately mentioned in this connection, that from the first the thought of negro suffrage, as one of the logical results of the Rebellion, was entertained. Rid, by their treason, of all constitutional claims of the slave-masters, hitherto recognized and respected, many at once coupled the looked-for freedom of the slaves with the gift of citizenship and the rights, immunities, and perquisites thereof. And when that freedom was assured, there were not wanting those who were prepared to make it thus effective by at once invoking Congress to adopt measures for that purpose. As, therefore, the general government had exclusive jurisdiction over the District of Columbia and the Territories, and could not be estopped by any fancied or real infringement of State rights from any legislation deemed expedient, the idea of clothing the newly made freedmen with the right of voting took the form of resolutions early introduced into both houses of Congress to that effect. Not unaware of the risks involved, or rather of the fact that there were risks to be taken in such a venture and new departure, probably, indeed, not quite adequately impressed with all that was involved in so great and radical a change, they deemed it wise, for the good hoped for, to accept the chances, and trust to the natural workings of just action and the favor of an overruling Providence for desirable results and a safe deliverance. Thus freed from constitutional entanglements and State complications, these early debates on the suffrage question partook more largely of the enunciation of general principles and of the nature of the policy itself than was observable later, when those State and constitutional issues were brought forward and so earnestly pressed.

No sooner, therefore, had the XXXIXth Congress come together at its first session than Mr. Wade introduced, on the 4th of December, 1865, into the Senate a bill giving each male person of the age of twenty-one years, a citizen of the United States, and a resident in the District of Columbia six months, the elective franchise without distinction of race, color, or

nationality. A similar bill was introduced into the House the next day by Mr. Kelley of Pennsylvania, referred, reported on the 18th, and made the special order for the 10th of January, 1866. In the reported bill the word "white" was stricken out from all laws prescribing the qualifications of voters. The mover spoke of "the responsibility that rests upon this Congress, and of the gravity of the questions which mark the era in which we live." Without, however, following the debates in either house, or noting the various propositions that were made, the spirit of the discussions that sprung up from time to time on the general subject, as well as the general line of argument pursued and the general tone of feeling which prevailed, will be revealed by a few extracts from the speeches made. Mr. Wilson of Iowa, who reported the bill in the House, spoke of it as in exact harmony with the spirit and purpose of the Constitution, which recognized no class distinctions. "Looking into its bright face," he said, "as into a mirror, each individual sees himself reflected a citizen; and of this there is never a failure. This is the crowning glory of our Constitution. The whitest face can draw nothing from that mirror but the image of a citizen, and the same return is given to the appeal of the black face. If ever aught else appears, be sure you are not looking into the broad, bright surface of the real Constitution, for it never varies, never lies." Mr. Farnsworth of Illinois, affirming that the framers of the Constitution made it for "man as man," asked: "Will some gentleman in God's name tell me why this body of men who are under the government have not the same right as I have to participate in it? What business have I to elbow another man off, and to say to him that he has no right here? Has God made me better than he has made him? We might as well partition off the atmosphere, collect the rays of the sun, and withhold them from the men we may conceive to be inferior to ourselves." "Sir," said Mr. Julian of Indiana, "justice is safe. The right thing is the expedient thing. Democracy is not a lie. God is not the Devil."

Perhaps it was the injustice of calling upon the black man to help save the nation in its peril, and then refuse him all

participation in its affairs, that was most eloquently insisted on. To the taunt that the negro had not struck for his freedom in the *mêlée* of the war, Mr. Bingham of Ohio well replied, adding: "Yet, sir, the moment that the word 'Liberty' ran along your ranks, the moment that the word 'Emancipation' was emblazoned upon your banners, those men who, with their ancestors, had been enslaved through five generations, rose as one man to stand by this Republic, the last hope of oppressed humanity upon the earth, until they numbered one hundred and seventy-five thousand in arms under your banners, doing firmly, unshrinkingly, and defiantly their full share in securing the final victory of our arms." "When," said Mr. Boutwell, "we proclaimed the emancipation of the slaves, and put their lives in peril for the defence of this country, we did in effect guarantee to them substantially the rights of American citizens and a Christian posterity, and heathen countries will demand how we have kept that faith. . . . . What will be said of us, not by Christian, but by heathen nations even, if, after accepting the blood and sacrifices of these men, we hurl them from us and allow them to be the victims of those who have tyrannized over them for centuries? I know of no crime that exceeds this; I know of none that is its parallel; and if this country is true to itself it will rise in the majesty of its strength and maintain a policy, here and everywhere, by which the rights of the colored people shall be secured through their own power, — in peace the ballot, in war the bayonet."

The measure encountered Democratic opposition, based on the usual postulates of that class of politicians, — that this is a white man's government, that the negro is inferior, that slavery is his natural status, and that to introduce him into the body politic on terms of political and social equality would be to war against nature and inflict great injury on both. Their position was well summarized by Mr. Rogers of New Jersey. "When you," he said, "introduce into the social system of this country the right of the African race to compete at the ballot-box with the intelligent white citizens of this country, you are disturbing and imbittering the whole social

system, — you rend the bonds of a common political faith, you break up commercial intercourse and the free interchanges of trade, and you degrade the people of this country before the eyes of the envious monarchs of Europe, and fill our history with a record of degradation and shame."

When the subject was up in the Senate, Mr. Davis of Kentucky contended that the measure was against the "teachings of nature and the traditions of the past"; while of the African he said, "Freedom with ignorance and barbarism, or slavery with civilization, is his destiny." The proposed measure he petulantly stigmatized as an experiment, a skirmish, an entering wedge to prepare the way for a similar movement in Congress to confer the right of suffrage on all the negroes of the United States, liberated by the recent amendment to the Constitution, the power to be claimed under its second clause."

Between these extremes there were those who were anxious to do justice to the black man, but who feared to clothe him at once with that supreme right of sovereignty embodied in the ballot, and who would annex some conditions thereto. Among the advocates of a qualified suffrage was Mr. Kasson of Iowa. "Let the blacks," he said, "who gallantly fought, go and vote, let the white men who gallantly fought go and vote, let *all* these who did go and fight, and who can read and write, and thus understand the system of our government, who can read the ballot with which they are attempting to control our country, — let all these men go and vote if you will, and aid in the government of our country." This idea, which was proclaimed by other members in both houses of Congress, was also that of President Lincoln, who, in a communication made but three days before his death, declared it to be his preference that "the elective franchise were now conferred on the very intelligent of the colored men and on those of them who served our cause as soldiers." When the subject was in the Senate, Mr. Willey from West Virginia offered a similar amendment, and made a very calm and candid speech in its behalf. Claiming a desire and purpose to do justice to the negro, and avowing his willingness that those who had fought the battles of the country, and those

that many men who could not read loved their country, loved justice, and had "made a better record for the last thirty years for country, for liberty, for justice and humanity, than have some of the most learned men in the land." "I regard this amendment," he said, "as a proposition against school-houses for the education of the colored men of this District; if not to tear down the school-houses for the education of the black man, it is to prevent the erection of the school-house for the education of the black man. Who is to pass upon this qualification of reading and writing? The man who has voted that the black man shall not vote at all? It is proposed here in Congress to allow the man who has voted that the black man shall not vote at all to say whether he can read and write well enough to vote." The educational amendment was, however, rejected, and the bill was passed over the President's veto, on the 7th of January, 1867, in the Senate, by a vote of twenty-nine to ten, and the next day in the House by a vote of one hundred and thirteen to thirty-eight. Only a few days later a bill applying the same principle to the Territories passed Congress by about the same vote.

In the House, on the 11th of January, 1869, Mr. Boutwell reported from the Committee on the Judiciary a joint resolution proposing an amendment which provided that the right to vote of no citizen should be abridged by the United States or any State by reason of race, color, or previous condition of slavery. The subject came up for discussion on the 23d, and the debate was opened by Mr. Boutwell of Massachusetts in an elaborate and able speech. He began with the assertion that the measure was the last of a series of great measures growing out of the Rebellion and necessary for the organization and pacification of the country. "If," he said, "we secure to all the people of the country, without distinction of race or color, the privilege of the elective franchise, we have then established upon the broadest possible basis of republican equality the institutions of the country." The committee had coupled in their report two measures, the proposed amendment and a resolution, designed to secure equal privileges and immunities to all citizens of the United States,

with the enforcement of the provisions of the Fourteenth Amendment. While confining his remarks mainly to the latter, he expressed the opinion of the former that the right of suffrage was too important and essential to be a mere matter of simple legislation, that would be subject to popular caprice, and to all the possible changes of public opinion. It should be made, he contended, the subject of organic law, and be incorporated in the Constitution.

He considered at length, and with careful elaboration of authorities, the objection, then and since urged with so much pertinacity, that the right of conferring suffrage belonged to the States alone, and that the general government could not interfere without infringement of such reserved rights. He contended that the proposed measure is defensible from no less than four distinct lines of argument, — on "the original text of the Constitution"; from the provision that guarantees a republican form of government to each State; from the Fourteenth Amendment; and from the fact that it "is essential to the existence and preservation of the government itself, and was so regarded by the men who framed the Constitution in 1787."

These positions of the Representative from Massachusetts were, however, vigorously controverted, and his constitutional argument sharply impugned, by Mr. Eldridge of Wisconsin, a Democratic member of the committee that had reported the measures under discussion. By a like array of authorities, he attempted to show that no such power was delegated to the general government. From both the Constitution and contemporaneous history he deduced reasons, he deemed conclusive, that his, and not that of his colleague, was the true reading of these authorities. He closed his speech by a sharp arraignment of what he was pleased to term "the infernal spirit of party that has controlled, sunk, and degraded so much of the legislation of Congress during and since the war." He invoked that spirit of enlarged patriotism that could forget party in its paramount regard for the country and the sacredness of the Constitution. During the same and succeeding days elaborate speeches were made in the same

vein, pursuing the same line of argument, by Mr. Kerr of Indiana and Beck of Kentucky.

"This debate," said Mr. Boutwell, near its close, "has demonstrated two facts: one is, there is a very general agreement that it is desirable to submit an amendment to the Constitution; and the other is that there is a very great difference of opinion as to the details of the amendment." This appeared from the several amendments that were offered. One offered by Mr. Bingham of Ohio extended the suffrage to all male citizens of suitable age and "sound mind," excepting only those who might "hereafter engage in rebellion." Mr. Ward of New York presented an amendment allowing the right of suffrage to all except such as have been convicted of treason or other crimes, with certain provisions concerning registration and naturalization. Mr. Shellabarger of Ohio offered an amendment extending the right to all, except those "who have engaged or may hereafter engage" in rebellion, but it contained no reference to registration or naturalization.

On the 29th Mr. Shellabarger addressed the House in support of the measure and in behalf of his amendment. Speaking of the mooted point of authority, he contended that that was and could be "no government at all that has not in itself power to control the question as to who shall make the rulers of that government," quoting the words of Hamilton in support of his position. He objected to the proposed amendment of the committee because the prescribed restrictions were limited to "three grounds, — race, color, or previous condition of slavery." If these three limitations be all, he said, "other qualifications of intelligence and property" may be prescribed, which shall as effectually debar the ex-slaves from the right of suffrage. And he contended that the evidence was "overwhelming and ocean-like," that "the master white race will submit to negro enfranchisement not an hour longer than compelled by Federal coercion. He forewarned the House that, if this liberty was granted, "a loyal State government in the late Confederate States is instantly made to be impossible." Mr. Bingham of the same State, in a brief but exceedingly earnest and eloquent speech, while indorsing his

States," so that, he contended, the question actually before Congress is this: "Will you secure to a million of loyal men, who are willing to discharge their duties to the government, the right of suffrage? He contended that to do it would be "the capstone in the great temple of American freedom." He opposed with great vigor Mr. Bingham's proposition to extend the suffrage to all, or the universal amnesty it involved. He contended, with too much truth, as events have shown, that it would be only a question of time when the Rebel leaders would be back again in Congress, "booted and spurred from the Rebel service to make laws for the widows and orphans they have helped to make." He contended that past clemency had been abused. Citing instances of recent outrage in Georgia, Arkansas, and Louisiana, as fruits of the "loyalty" there existing, he said: "Clemency to such men is crime; it is unjust to the dead who fell in our cause, and to the living who survive the contest"; and he expressed himself as "weary of this sickly sentimentalism which strikes hands with traitors and criminals at the expense of justice and the public safety."

It transpired during the debate that the amendment offered by Mr. Shellabarger was the expression of the sentiments and wishes of several of the Ohio delegation, who wished to guard against the imposition by the States of intelligence and property qualifications, as also of a religious test. In response to these and other considerations of a like tenor, Mr. Boutwell, while admitting the possibility of such action, expressed his disbelief in its probability, gave it as his opinion that the progress of the discussion had convinced him of the danger of undertaking to "wipe out every minute test or distinction which may have been established by the States," and that it would be wise to restrict their legislation to the three specifications of the proposed amendment. Insure the classes therein specified, he said too sanguinely, against the discriminations contemplated, and the rest might be safely left to the sense of justice, the interests of all, and the gradual working out of principles already recognized and vindicated. Mr. Butler of Massachusetts presented the same view. "I think," he said,

"we had better stand by the proposition of the committee, and apply the amendment precisely where the great trouble lies, and the great disgrace of the country is at present"; and he augured the best results from its adoption as it came from the committee. With the full privilege of expressing their views accorded to black and white alike, and "peace, security, and safety" existing notwithstanding, he would then "be ready to relieve everybody from all disabilities because of rebellion, but not until then." He also objected to the amendments because it would so hamper the States that they could not in any way protect the ballot-box by even the most obviously required restrictions.

The previous question was moved on the 30th of January; the amendments were rejected by very decisive votes, and the joint resolution proposing an amendment to the Constitution of the United States giving suffrage to all "without distinction of color, race, or previous condition of servitude," was adopted by a vote of one hundred and fifty to forty-two, or more than the required two-thirds majority.

The charge, so freely made by the Democratic members, that the action of the Republicans in pressing the claims of the freedmen for still further guaranties for their protection was prompted by only partisan motives and the purpose to add to their party strength, finds little support from any internal evidence afforded by the debates. Mere disavowals of any such designs might well be looked upon with suspicion, but no candid reader of these debates can fail to be impressed with the sincere and earnest purpose evinced to ascertain, if possible, the best methods of grappling with the great and admitted dangers and difficulties of the situation. If their manifest spirit and purpose did not reveal it, the great diversity of sentiment and the sharpness of their criticisms upon each other preclude the idea that they were seeking mere party advantage. They were too intent on securing what had not yet been fully attained, of finishing up the work on which they had been so long and strenuously engaged, to justify such impeachment of their motives. The earnestness which had carried them through the shock, the stress and strain of

four years of a war of such gigantic dimensions and cost had not forsaken them. It was patriotism and not party, the country and not Republicanism, that were the watchwords and inspiration of their course. They sought, no doubt, to retain Republican ascendency; as why should they not? They saw no safety for that country but in such ascendency; and why should they not seek to maintain it? But the same jealousy that sought to avert the re-enthronement of the Democracy was equally impatient of Republican mistakes. Therefore it was that, fearful of such mistakes, they were cautious and critical of each other. Sailing on unknown waters, they were anxious that in shunning one danger they should not fall into others; that in giving the general government the needful power to protect all its citizens, the State governments should not be needlessly hampered or deprived of any power that rightfully belonged to them, or that could be safely left in their hands. That earnest and able men, under such circumstances, should differ upon the details of a measure upon whose general principles and purposes they were agreed, was not strange. Without a miracle it could not have been otherwise. It was, however, far more noticeable in the Senate than in the House, to which the debate on the resolution was now transferred.

During the debate in the House there had been proceeding in the Senate a similar discussion on a resolution introduced by Mr. Henderson, and reported from the Committee on the Judiciary, on the 13th of January, with an amendment. The resolution was in these words: "No State shall deny or abridge the right of its citizens to vote and hold office on account of race, color, or previous condition." The amendment in the form of a substitute was as follows: "The rights of citizens of the United States to vote and hold office shall not be denied or abridged on account of race, color, or previous condition of servitude." Mr. Stewart of Nevada, on introducing the discussion, remarked that it was "the culmination of a contest which has lasted for thirty years, the logical result of the Rebellion, the abolition of slavery and of the conflicts in this country during and before the war." Quoting a striking sentence from the Swiss address to the people of

be "uniformly applicable to all male citizens." Mr. Dixon of Connecticut moved as an amendment that the word "conventions" should be substituted for the word "legislatures" in the resolution. Mr. Pomeroy of Kansas moved, as a substitute, the proposition that the right to vote and hold office should not be "denied or abridged by the United States or any State for any reason not equally applicable to all citizens."

On the next day Mr. Ferry of Connecticut, who had the floor upon the Senate resolution, but for which that of the House was now substituted, addressed the Senate. He began with the remark that his purpose to consider "the merits of the proposed amendment of the Constitution" was made "in a degree superfluous" by the course of the opposition, in seemingly yielding the point that suffrage should be extended, and only objecting to the mode presented. "Every Senator," he said, "who has spoken against the resolution has placed his opposition not upon its merits, but upon the particular mode of submission to the people provided for, or upon other technicalities surrounding the subject, instead of upon the subject itself." His speech was mainly directed to two of these "technicalities." He first referred to the alleged inconsistency of the Republicans in accepting the article of the Chicago platform, and yet supporting the amendment. He maintained, though there might be a seeming departure from its words, that it was only carrying out the underlying ideas on which the platform was based, "the principle of the extension of suffrage," which had been "indorsed fairly and squarely by the people of the United States in the recent presidential election." The other was suggested by the amendment of his colleague, Mr. Dixon, proposing to substitute "conventions" for legislatures, to whom the proposed amendments should be submitted. In a long and sharp discussion he maintained, and his colleague denied, that the general government had the right to "control this question" of suffrage. Mr. Warner followed in a brief speech, accepting the proposed amendment, but expressing the idea that it would be improved by enlarging its scope with the guaranty to woman of her right to vote.

Mr. Morton declared it to be his purpose to vote for the Senate or House resolution, differing in nothing, he said, but "somewhat in phraseology"; though neither was satisfactory, because, he said, "it tacitly concedes" that the States may disfranchise for other considerations than the three mentioned, "race, color, or previous condition of servitude," leaving "existing irregularities and incongruities" untouched. Notwithstanding its restrictions, Louisiana and Georgia, he instanced, might establish conditions that would disfranchise forty-nine out of every fifty of the colored population of those States. Even the amendment offered by Mr. Howard which provided that "the African race shall have the same right to vote and hold office as other citizens" would, he contended, not debar States from establishing "an educational and property test" that would cut off the great mass of colored men. Mr. Williams proposed to meet the difficulty by an amendment, he offered, that "Congress shall have power to abolish or modify any restrictions prescribed by any State." In an elaborate speech, in connection with his argument, he expressed the conviction that the experiment of female suffrage would not prove very satisfactory to women themselves, and his deprecation, with reasons, of admitting Chinamen to the privileges of citizenship.

On the same day Mr. Sumner made an earnest and elaborate speech against the amendment. He needed, he said, no disclaimer of lack of interest in the purposes of the measure, for his whole life had spoken more loudly than any words he could have uttered in disproval of any such imputation. He opposed it because he deemed it unnecessary; because of its implications; and because of the reflections the adoption of such an amendment would cast upon the Constitution, whose spirit, provisions, and scope he deemed perfectly competent for all that was aimed at therein. Indeed, he had, on the first day of the session, introduced a bill to enforce the several provisions of the Constitution abolishing slavery, declaring the immunities of citizens, and guaranteeing a republican form of government by securing the elective franchise to all. It had, however, been reported on adversely and was not made the

subject of direct discussion. He expressed his sense of "sadness" as greater in being compelled to vindicate the Constitution from the charge of sanctioning that spirit of caste, involved in excluding any from the right of suffrage, on account of color and race under the pretence of State rights, than had been the task of vindicating that sacred instrument from the charge of sanctioning slavery. "Others may be cool and indifferent," he said, "but I have warred with slavery too long not to be aroused when this old enemy shows its head under another *alias*. It was once slavery; it is now caste; and the same excuse is assigned now as then." Speaking of the Constitution, "especially since its additional amendments," he said that it was beyond all question true that "anything for human rights is constitutional." "No learning in books," he said, "no skill acquired in courts, no sharpness of forensic dialectics, no cunning in splitting hairs, can impair the vigor of the constitutional principle which I announce. Whatever you enact for human rights is constitutional. There can be no State rights against human rights, and this is the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding." And he proceeded to establish, with great vigor of reasoning and copious citations, the "principle" he had enunciated. He noticed the "two reasons" assigned for the necessity of an amendment, the doubtfulness of the power of Congress to enact such a law, and the more "permanent character" of an amendment than an act of Congress. To the first he replied by saying that "the power is too clear for question." Of the latter he said, "On this head I have no anxiety. . . . . In harmony with the Declaration of Independence and in harmony with the national Constitution, it will become of equal significance, and no profane hand will touch its sacred text. It will never be repealed. The elective franchise once recognized can never be denied; once conferred, can never be resumed." Alluding to the "delays, uncertainties, and provocations to local strife" to be apprehended from an attempt to secure the adoption of the amendment, he contended that they were all "unnecessary." "The same vote of two thirds," he said, "required

Republicans, — Dixon of Connecticut, Doolittle of Wisconsin, and Norton of Minnesota, — who had gone over to the policy of President Johnson, and who coupled their opposition to the resolution with contumelious epithets for the negro, denial of his equality, and ridicule for the principles and policy that would place him on the same level with the whites; and there were few Democrats who went farther in this direction, or that used severer or more caustic language.

The debate on the 8th was very excited and protracted, continuing nearly twenty-four hours. During the day a very large number of amendments were offered, and many sharp discussions upon subsidiary points and inferential inquiries occurred. During the day Mr. Wilson spoke. He alluded to the "two distinctly defined classes of public men" in the Senate, holding antagonistic views on the great question of human rights, of the long and fierce conflict between them, and of the final "discomfiture" of the champions of slavery. He spoke of the invectives, arraignments, impeachment of motives, and charges of partisanship that had been showered upon the friends of freedom, — charges, he continued, which had been equally pronounced in connection with all the measures for the suppression of the Rebellion, the Proclamation of Emancipation, and the Thirteenth and Fourteenth Amendments; and he expressed his willingness to leave to the country, to the present and future ages, "the question of partisanship." Alluding to the argument of Mr. Norton that the social ban under which the negro rested furnished a reason against his enfranchisement, he said: "It outrages humanity and dishonors the spirit of the age. The poorer he is, the greater is our obligation; the more society averts its face from him, the more God bids us stand by, shield, and protect him." Against the aspersions so freely uttered against the negro, he spoke of the character and culture of many, whom he entered high on his "list of friends." Referring to the criticism that the Republicans were estopped by the Chicago article, he said that the article did not fully represent the opinions of "large masses of Republicans"; but that, whatever may have been true on that point, Congress was free to submit such an amendment and the legislatures of

the States might accept it if they chose. The Republican party, so fully committed to "equality of rights and privileges," he contended, was bound, in consistency, to "seize every opportune occasion to make the Constitution and laws of the country in harmony with its sublime creed." Saying that the march of events and the clear conception of duty impelled to action, he added: "Better far that political organizations and public men should be right with the lights of to-day than consistent with the errors of yesterday." He spoke of the sacrifices the party had already made by its past fealty to its principles, that the timid and weak had faltered and slunk away, and that it had "lost a quarter of million of voters" because of this adherence. But though such might leave, the party would still struggle on in the same sublime endeavor to "protect the rights of others and thus assure our own." He proposed an amendment, adding to the specifications of race and color those of "nativity, property, education, or creed." He spoke of his amendment as "comprehensive, just, and therefore strong." It excited a spirited discussion and the warm commendations of Senators, but failed of securing a majority. The next day he presented it in a modified form, and proposed to substitute for the second section these words: "No discrimination shall be made in any State among the citizens of the United States in the exercise of the elective franchise, or in the right to hold office in any State on account of race, color, nativity, property, education, or religious creed," and it was adopted. An amendment, offered by Mr. Morton, making provision for choice of presidential electors, was also adopted. Mr. Sumner offered an amendment in the form of a bill, expressive of the views enunciated in his speech; but it received only nine votes. After all the amendments, fifteen in number, had been disposed of, the resolution was adopted by a vote of thirty-nine to sixteen.

When the resolution was reported to the House, a motion to nonconcur and ask for a committee of conference was made by Mr. Boutwell, and a motion to concur was made by Mr. Bingham. After a brief and sharp discussion the motion to nonconcur was carried, and a committee of conference was asked for. Boutwell, Shellabarger, and Eldridge were chosen mana-

gers. Reported to the Senate, a motion was made that it recede from its amendment, and it was carried by a vote of thirty-six to twenty-four. But a motion to adopt the House resolution, after a long and exciting debate, was lost by a vote of thirty-one to twenty-seven, not two thirds voting for it. The Senate then resumed the consideration of its own resolution, which had been laid aside on the reception of the House resolution, and after several hours of sharp discussion, with several amendments proposed and rejected, and various dilatory motions for adjournment and reconsideration, it was carried by a vote of thirty-five to eleven. It was reported to the House, a motion to suspend the rule for its consideration was carried, several amendments were proposed and rejected, and an amendment, offered by Mr. Bingham, adding the words, "nativity, property, creed," was adopted, and the resolution, as thus amended, was carried by a vote of one hundred and forty to thirty-seven. The resolution adopted by the House was in these words: "The right of citizens of the United States to vote and hold office shall not be denied or abridged by any State on account of race, color, nativity, property, creed, or previous condition of servitude." This action of the House being reported to the Senate, a motion was carried disagreeing with its amendment and asking for a committee of conference, and Stewart, Conkling, and Edmunds were appointed conferrees. The House insisted on its amendment, agreed to the committee of conference, and appointed Boutwell, Bingham, and Logan managers. The committee agreed upon a report recommending that the House recede from its amendment, and that the words "to hold office" be stricken out. Both houses accepted the recommendation, and the resolution, as thus amended, was, on the 25th of February, carried by the necessary two-thirds vote, and the proposed amendment of the Constitution was submitted to the legislatures of the States. The Fifteenth Amendment as finally adopted was as follows: —

"1. The right of citizens of the United States to vote shall not be abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

"2. The Congress shall have power to enforce this article by appropriate legislation."

The amendment received the votes of twenty-nine States, constituting the requisite three fourths, and thus became a part of the organic law. On the 30th of March, 1870, President Grant communicated the fact to Congress in a special message. "The measure," he said, "which makes at once four millions of the people voters who were heretofore declared by the highest tribunal in the land not citizens of the United States nor eligible to become so, with the assertion that at the time of the Declaration of Independence was fixed and universal in the civilized portion of the white race, and regarded as an axiom in morals as well as in politics, that black men had no rights which white men are bound to respect, is indeed a measure of grander importance than any other one act of the kind from the foundation of our free government to the present time. Institutions, like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism, and industry. I call the attention, therefore, of the newly enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To a race more favored heretofore by our laws I would say, withhold no legal privilege of advancement to the new citizens."

Into these few unstudied words the President, with his usual felicity of conception and purpose, compressed the great argument of the occasion. Grasping measurably at least the subject in hand, and sounding the keynote of the great reform in progress, he suggested the only really adequate remedies for the evils deplored, for whose removal such anxiety was felt, and the new amendment had been adopted. To secure such an amendment of the Constitution in face of prejudices so inveterate and of traditions so long standing, and in spite of the numerous obstacles thrown in the way from its first introduction into Congress until its final ratification by the people, was indeed a grand achievement, and hardly explicable on any other theory than that God willed it. But its value depends mainly on its being supplemented by "the intelli-

gence, patriotism, and industry" to which the President called the attention of "the lately enfranchised race," and for the attainment of which he bespoke the favoring aid that should be prompted by the humanity and sense of justice of the "race more favored." Without such preparation the right to vote becomes a questionable gift, full of peril to both the freedmen and the nation as well, not only, as roughly expressed by the Pennsylvania Senator, "multiplying the chances for having his head broken at the polls in a contest with a stronger race," but through his ignorance becoming the tool of the designing, to be used for his own detriment and his country's harm. That the latter has been so remiss in this supplemental work no doubt in a measure explains, or accounts for, the little advantage suffrage has been to the former in the past, the unsatisfactory situation of affairs at the present, and the still discouraging outlook for the future.

that defeat, nor the purpose to make for them the state of freedom worse if possible than had been their former state of slavery. Accordingly, their friends in Congress, anxious and alert, at once resolved to forestall and guard if possible, by appropriate legislation, against such injustice and inhumanity.

On the very first day of the session, December 4, 1865, Mr. Wilson introduced a bill for the protection of personal freedom in the States lately in rebellion. It provided that "all laws, statutes, acts, ordinances, rules, and regulations heretofore in force in the Rebel States, whereby and wherein existed any inequalities of civil rights among their inhabitants on account of color, race, or previous condition of slavery, were null and void, and it should be unlawful to enforce or attempt to enforce the same." In his remarks upon the introduction of the bill, Mr. Wilson referred to the black codes of the Rebel States, to the pending legislation in some of those States, and to the reported outrages against the freedmen, and said that it was a measure "imperatively demanded at our hands." He contended that the faith of the government was pledged to "maintain the freedom" given by the Proclamation of Emancipation. By neglecting it, he averred, they were "incurring the indignation of men and the judgments of Almighty God." Subsequently in the debate, after saying that he would not impose anything degrading or unmanly on the Rebel States, he added, "while I would not degrade any of them, neither would I allow them to degrade others." He spoke of the barbarities of those who "hated the freedmen for their fidelity to the country"; and said that "the evidence conclusively shows that great atrocities and cruelties are perpetrated upon the poor, dumb, toiling millions who look to us for protection." "The condition of the freedmen," he said, "is worse to-day than on the day General Lee surrendered to General Grant. Their spirits are less buoyant; they are less hopeful, less confident of their future; and we ought in Congress to say that these laws shall nevermore be enforced, and that these States shall not have power to pass laws to oppress men whom we have declared free, and to whom we have given the plighted faith of the Republic." Mr. Sumner expressed hearty sympathy with the

had been in vain and unjustifiable. If so, said the former, "the Republic is at an end, the war was folly, and its cost of blood and treasure wasted"; if these are facts, said the latter, "a union of these States is impossible, and hundreds of thousands of the best of our land have fallen to no purpose." "They might as well question," said Mr. Wilson in reply, "the massacre at Fort Pillow, and the cruelties practised at Andersonville, where eighty-three per cent of the men who entered the hospitals died; Andersonville, where more American soldiers lie buried than fell throughout the Mexican war, where more American soldiers now lie than were killed of British soldiers in Wellington's four great battles in Spain, and at Waterloo, at Alma, Inkerman, and Sebastopol."

The bill was laid aside and was not afterward called up. A similar bill was introduced by Mr. Wilson, two days after the proclamation of ratification of the Thirteenth Amendment, and referred to Committee on the Judiciary. Mr. Sumner had also introduced a bill "supplying appropriate legislation to enforce the amendment of the Constitution," which was also referred to the same committee. On the last day of December the chairman of this committee reported the two bills; but with a recommendation of their indefinite postponement.

On the 5th of January, 1866, Mr. Trumbull introduced a bill substantially like the preceding bills. It provided that there should be no discrimination in civil rights on account of color, race, or previous condition of slavery; but the inhabitants, of every race and color, should have the same right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, and should be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding. It was referred to the Committee on the Judiciary, reported, and made the order of the day for the 29th.

The debate in both houses on the bill and the amendments offered revealed the radical character of the legislation pro-

settles it. Hitherto we have said that he was a nondescript in our statutes; he had no *status;* he was ubiquitous; he was both man and thing; he was three fifths of a person for representation, and he was a thing for commerce and for use. In the highest sense, then, in which any definition can ever be held, this bill is important as a definition. It defines him to be a man, and only a man, in American politics and in American law; it puts him on the plane of manhood; it brings him within the pale of the Constitution." Mr. Wilson spoke of the measure as "the grandest act in this series of acts that have emancipated a race and disenthralled a nation."

It, however, encountered opposition. Mr. Hendricks deprecated its passage. Mr. McDougall said it was a measure "fraught with infinite mischief," infringing clearly upon the Constitution. Mr. Cowan said it was a proposition to "substitute the bayonet and sabre for argument, law, and reason." Mr. Guthrie said that it was a bill "not warranted by the Constitution, and is not warranted by good policy and sound statesmanship," while Mr. Davis of the same State could find no words too severe with which to characterize it. It passed, however, after the acceptance of Mr. Trumbull's amendment, by the strong vote of thirty-three to twelve.

The debate in the House was more protracted and excited, at the same time more miscellaneous and of wider range. For the opposition was not confined to the Democrats and the avowed friends of the President. Republicans, who avowed themselves to be earnestly desirous of the object aimed at, opposed it on constitutional grounds, and contended that it was transcending Federal jurisdiction, and that it should be left for the States to perfect the legislation required. This was the position maintained in an able speech by Mr. Bingham of Ohio. He admitted that in war, when "the public safety becomes the highest law," such an exercise of Federal authority might be justified; but when peace returns then "justice is to be administered under the Constitution, according to the Constitution, and within the limitation of the Constitution." Mr. Delano, of the same State, expressed the conviction that the

forth in general and in detail his reasons therefor. Though he took up each section of the bill for criticism and censure, his argument substantially was that which had already been urged in Congress, that it was unconstitutional and unnecessary, extra-judicial, an infringement on the rights of the States, and a radical departure from all previous and prescribed policy of the government; and this, he said, gave "for the security of the colored race safeguards which go infinitely beyond any that the general government has ever provided for the white race." It was, he said, an absorption and an assumption of power that must "sap our federative system"; "a step, or rather stride, toward centralization." It "must," he continued, "resuscitate the spirit of rebellion," and "arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace."

The veto was the signal of an excited debate in the Senate. Reverdy Johnson defended it, saying if Congress could legislate for the black, they could for the white, and then, he said, "the States are abolished." Mr. Trumbull made an elaborate reply. "If the Senator is right," he pertinently inquired, "and being a citizen of the United States confers no rights in a State and carries no protection with it, I should like to know what this American citizenship is worth, and what it amounts to." Mr. Wade was especially decided, not to say defiant. "I am a little too old-fashioned," he said, "to be charged by the executive branch of this government as a traitor on the floor of Congress, and not resent it." To the assertion of Mr. Doolittle that Mr. Johnson was only carrying out the policy inaugurated by Mr. Lincoln, Mr. Henderson replied that the policy which might have been correct in 1863 in a time of war would not be equally correct in 1865 in a time of peace. "In my judgment," said Mr. Saulsbury, "the passage of the bill is the inauguration of revolution, bloodless as yet, but the attempt to execute it by the machinery and in the mode provided in the bill will lead to revolution in blood." Mr. McDougall was equally violent in his condemnation of the measure and equally confident in his vaticinations of the result. But notwithstanding this determined opposition and

of amusement, and also of common schools and public institutions of learning and benevolence supported in whole or in part by general taxation, and of cemeteries so supported, subject only to the conditions and limitations established by law and applicable alike to citizens of any race and color, regardless of any previous condition of servitude." Mr. Frelinghuysen accompanied its introduction with an explanation, and a defence of its provisions. "The whole struggle," he said, alluding to the war and the long and heated discussions of Congress, "in field and forum," has been "between freedom and slavery, between national sovereignty and State sovereignty, — a struggle between United States citizenship and State citizenship, and the superiority of allegiance due to each." "The one purpose," he continued, "of this bill is to assert, or reassert, 'freedom from all discrimination before the law on account of race,' as one of the fundamental rights of citizenship."

The discussion which ensued, although traversing ground already gone over, revealed very clearly the effect that time was exerting upon the popular mind and heart, already effacing too many of the lessons of the war, increasing the Democratic representation in both houses, provoking the taunt that the Republican was "a perishing party," and inspiring the hope of the reactionists that it was too late for further legislation to conserve the fruits of the war and to make more effective the amendments of the Constitution. The bill was, however, brought to a vote on the 22d of May, 1874, and carried, — yeas twenty-nine, nays sixteen.

It was referred to the appropriate committee in the House, but was not reported or taken up for action during the session. It was, however, reported by Mr. Butler from the Committee on the Judiciary during the second session, passed both houses, received the approval of the President, and became the law of the land. Without tracing its history at all in either house, a reference to two speeches in the Senate on the 27th of February, 1875, the closing day of the debate in that body, may not be without instruction. Premising that the staple of Democratic argument and appeal, threats and predictions, remained

submitted to the States for their approval, I find that every Democratic State, if I am not mistaken, which then had a Democratic legislature rejected that amendment. . . . . And then again, when we came to the Fourteenth Amendment, I find that, true to that instinct and that impulse, every member of the Democratic party here recorded his vote against it; . . . . and when that amendment was submitted to the States, again true to the same solid and perpetual policy, every Democratic State that I know of voted against it, and some States which when it was submitted to them voted in its favor, the moment they became Democratic undertook to withdraw that ratification. . . . . Then, when we came to the Fifteenth Amendment, true again to the un-American and anti-liberal policy, every Democratic member in this body voted against it still, and I believe every Democratic legislature voted against it also. . . . . There is not one of the reconstruction acts that had the advantage of a Democratic word in its favor or a Democratic vote for it. There is not a civil rights bill securing the simplest and confessedly fundamental rights, such as the one proposed in 1866, that received a Democratic vote." The veteran Senator had and gave his philosophy for the facts stated, but his language is quoted here simply for the testimony it bears to the attitude of the Democratic party as late as the winter of 1875.

Simultaneously with this there was action upon another class of bills, germane in spirit and purpose, entitled Enforcement Acts, or popularly termed Force Bills. On the 16th of May, 1870, Mr. Bingham, from the House Committee on the Judiciary, reported a bill, which had been referred, and which he thus explained: "The object of this bill is to enforce the legal rights of citizens of the United States to vote in the several States of this Union, — a right which is defiantly denied in my own State and others, in direct contravention of the express letter of the Constitution of the United States." It contained ten sections, and was most carefully and elaborately drawn. Its first section, indicating its general character, provided if any officer should, by neglect or refusal to perform any official act, under color of any State constitution or law, deprive

any one, on account of color, race, or previous condition, from voting, he should be deemed guilty of misdemeanor, to be punished by fine and imprisonment. It was several months before Congress, was very ably and acrimoniously discussed, and was passed and approved May 31, 1870. On the 14th of May, 1872, an amendatory act was passed authorizing district judges to appoint, in congressional elections, two men of opposite politics, to be present at the registration and voting, and to remain with the boxes until the votes were counted. On the 28th, another amendatory act was passed providing for "a written or printed ballot."

Thus earnestly and sedulously did the Republican leaders watch the practical workings of the reconstruction acts, mark any defects revealed, and seek by carefully and conscientiously drawn amendments to perfect and render effective the legislation by which they sought to protect the freedmen in their new-found rights. If the subsequent history of the latter has been marked by wrongs and outrages at which humanity weeps and the patriot trembles when he "remembers that God is just"; if freedom has proved to them of less value than they and their friends had fondly hoped; if the negro's enfranchisement has too often fulfilled the prophecy and verified the threats of his enemies, that it would only be "multiplying his chances for having his head broken at the polls in a contest with a stronger race," and that to give him office would be to "crown with flowers the victim for the sacrifice," and "inscribe upon the cross an empty title, when upon that cross the victim is crucified," it has resulted from causes that lie too deep to be reached by law, — from a disease for which as yet no adequate remedy has been prescribed, or, if prescribed, has not been provided.

CHAPTER XLIX.

INFLUENCE OF CHRISTIAN CHURCHES AND ASSOCIATIONS.

South not united for secession. — Appeals to churches. — R. L. Stanton. — Arraignment of Southern clergy. — Proofs. — Thornwell, Palmer. — Address. — Damaging testimony. — Amazing record. — Defection and its causes. — Synod of Mississippi. — Southern argument. — Leaders. — Clergy led the way. — Thornwell, Ross, Smythe, Hopkins, Seabury, Adams. — South Side view. — Fisk, Stuart, Tyler, Bacon, Beecher. — Indorsement of Webster's 7th of March speech. — Presbyterian Church. — Benevolent associations. — A. B. C. F. M. — Ecclesiastical odium and social ostracism. — Lewis Tappan, Leonard Woods, Jr. — Humiliating attitude. — Cincinnati Christian Convention. — Albert Barnes, John Jay. — Northern fellowship. — Its cost and protests. — Causes of defection. — Grave difficulties of the situation. — Christian antislavery effort. — Painful struggles. — Small success. — Appeals to missionary associations. — Formation of new societies on an antislavery basis. — American Missionary Association. — Church Antislavery Society. — Republican party. — Ministers and members of churches largely Republican. — Conclusion.

THE South, at the opening of the Rebellion, was far from being a unit on the subject of secession. It is indeed claimed that the majority was opposed to that extreme measure, and were only dragooned into it by the violence and skilful management of their leaders. Of the means employed, strangely as it may sound, were earnest appeals to the Christian churches, and an adroit use of the pulpit and religious press. We have the testimony of Dr. R. L. Stanton, a Southern clergyman and late professor in the Theological Seminary of the Presbyterian Church in Danville, Kentucky, in an elaborate work, entitled "The Church and the Rebellion," that these were among the most active and potential forces which precipitated and made inevitable that fearful revolt. Alluding to the great speech of Alexander H. Stephens dissuading his fellow-citizens from going into the Rebellion, he said; "While

prepared to meet it with unshaken confidence in the God of battles." At a public ratification meeting in Columbia of the doings of the Charleston convention, five clergymen addressed the assemblage, of whom three were professors of the theological seminary of that city, including Dr. Thornwell.

In the same search for proof Dr. Stanton brings forward the more signal example of Dr. Palmer, a distinguished Presbyterian clergyman of New Orleans. He prefaced his reference with an allusion to the strong Union sentiments which prevailed in that city at the outset of the Rebellion, and to the ill-success of Mr. Toombs and other Southern leaders in creating enthusiasm in their cause until they had conferred with Dr. Palmer and secured his powerful co-operation. In a Thanksgiving discourse he not only enunciated the baldest treason, but vindicated slavery as a system approved of God and worthy of the sacrifices that war demands. Alluding to "the triumph of a sectional majority," "the probable doom of our once happy and united confederacy," and "the juncture so solemn as the present," and saying that he represented "a class which seeks to ascertain its duty in the light simply of conscience and religion," and that "the question which now places us upon the brink of revolution is, in its origin, a question of morals and religion," he said, "whoever may have influence to shape public opinion at such a time must lend it, or prove faithless to a trust as solemn as any to be accounted for at the bar of God." He, too, welcomed war, if need be, "to preserve and transmit our existing system of domestic servitude." To his large personal and professional influence was added all that his fervid rhetoric and impassioned eloquence could bring to his determined purpose to "fire the Southern heart" and persuade his fellow-citizens to hate their government and trample on its world-honored flag. Indeed, no cause could be so high and holy as to demand or justify greater devotion and self-sacrifice than he bespoke for the slaveholding Rebellion. "I am impelled," he said, "to deepen the sentiment of resistance in the Southern mind, and to strengthen the current now flowing toward a union of the South in defence of her chartered rights. It is a duty which

strength. She should not now abandon her own grand creation." The editor, while indorsing his correspondent's assertion, adds: "Much as is due to many of our gifted and sagacious politicians, they could effect nothing until they received the moral support and co-operation of Southern Christians."

This is an amazing record, and these are astounding facts. They seem incredible, and can be believed only on the most irrefragable testimony; and all the more because they are but typical and representative, the legitimate outcome of agencies long at work, the fruit of seed long sown. That the aid of a religion which had for its author the Prince of Peace should be invoked for such a war, waged for such an avowed purpose, and carried on in such a way; that a gospel whose underlying idea and dominating principle were declared to be good-will to man should have been claimed by its friends and professors as not only permitting but demanding the support of a system at war with every requirement of the Decalogue; and that the Church, founded on the Rock of Ages, should become the "Bulwark of American Slavery," passes comprehension, and may well tax credulity and justify scepticism.

Yet this testimony is not other or different, though perhaps more specific and pronounced, than much that had previously been borne concerning the Southern churches, and their attitude towards slavery and its adjuncts; charged upon them by their censors, and recognized as true by their own claims and admissions. For years there had been a growing defection from the faith of the fathers, and increasing success in moulding their belief into conformity with their determination to hold on to the system. They felt the necessity of shaping their avowed sentiments to their open and persistent practice, and they succeeded in wiping out the shocking inconsistency of branding slavery as a monstrous evil, in pulpit and press, by ecclesiastical "deliverances" and books of discipline, and yet resisting all attempts to remove or even modify what they had so severely censured. Thus, in 1853, the Presbyterian Synod of Mississippi entered upon its minutes an obituary notice of one of its deceased members who had, twenty years before, been one of the first to teach the doctrines that "the Bible

of society. It was no apostasy of the common people that afforded the leaders even the quasi apology of being obliged to conform to the popular sentiment in extenuation of their course. It was the latter who led, and the former who, not without misgivings, followed. This influence of the leaders was developed and exerted in two ways, — by the associated action of representative bodies, and through the authority of names. Contributing largely to this result was the course of the clergy. Their avowal and indorsement of these new doctrines led the way for their general adoption. Had they remained faithful, it can hardly be doubted that the churches would have heeded their instructions. Had these exponents of the gospel and leaders of public opinion remained loyal to truth and justice, rightly interpreted the text-book of their faith, and employed their powers and influence in opposition to and not in defence of slavery, the nation and the world would have been spared the sad result. The members at large of these churches, busily engaged in their various pursuits and pleasures, with little time or taste for the study of religious or ethical subjects, and always exposed to the strong temptation of interest and the pressure of popular opinion, looked to their pastors and the class they represented for counsel and guidance. Their own instincts and plain common-sense saw the matter, no doubt, as the fathers saw it, and would have thought of nothing other or worse than that slavery was a sin, which, like any other sin condemned by God's Word, must be eschewed by every one who took the Bible as his rule of faith and practice. But when the leaders faltered, there was naturally hesitation among the followers; when the standard-bearers wavered, it was to be expected that there would be uncertainty and demoralization in the ranks. On this point Dr. Stanton expresses the opinion that the general Southern mind was led to abjure its former sentiments and adopt the so called "corner-stone" faith "by its clergymen in the pulpit and through the press."

Whether or not this opinion be correct, — and certainly Dr. Stanton had ample means for forming a correct judgment, — there are abundant reasons for the belief that the leading clergy, North and South, did exert a most pernicious influence

the above sentiment is contained, the "True Presbyterian" said of slavery: "There is no debasement in it. It might have existed in Paradise, and may continue through the Millennium." Dr. Adams, who occupied both a prominent pulpit and leading positions on the American Board of Foreign Missions and on the publishing committee of the American Tract Society, in his "South Side View of Slavery," said: "The gospel is to slavery what the growing of clover is to sorrel. Religion in the masters destroys everything in slavery which makes it obnoxious; and not only so, it converts the relation of the slave into an effectual means of happiness. . . . . The conviction forced itself on my mind at the South, that the most disastrous event to the colored people would be their emancipation, to live on the same soil with the whites. . . . . Instead of regarding the South as holding their fellow-men in cruel bondage, let us consider whether we may not think of them as the guardians, educators, and saviors of the African race in this country." He spoke deprecatingly of the laws that prevented Southern masters from bringing their slaves to the North, and said that "we must put a stop to the unlawful seizures of colored servants passing with their masters through the Free States." Alluding to the case of Philemon and Onesimus, he sneeringly remarked: "True, the disciples had not enjoyed the light which the Declaration of American Independence shed on the subject of human rights." This was his mode of expressing contempt for the self-evident truths of the Declaration. Rufus Choate, his great parishioner, achieved a similar though not very enviable pre-eminence by calling the same great truths "glittering generalities," the passionate utterances of a revolutionary manifesto. That a leading clergyman could say all this and still retain his position and prestige among the prominent men and the commanding influences of Northern churches, was both a sign and cause of the widespread defection and demoralization of the churches.

During this educating process, as it was an important part of the same, President Fisk, of the Methodist University in Connecticut, wrote to Professor Moses Stuart, of Andover

Theological Seminary, with the avowed purpose of eliciting his views for publication. In this letter of inquiries he expressed his own sentiments, affirming that the "general rule of Christianity not only permits, but in supposable cases enjoins, a continuance of the master's authority." He also asserted that "the New Testament enjoins obedience upon the slave, as an obligation due to present rightful authority." Professor Stuart, who has been styled "the father of biblical criticism in America," responded in the same vein, indorsing his correspondent's sentiments, declaring that "the precepts of the New Testament respecting the demeanor of slaves and of their masters, beyond all question, recognize the existence of slavery," and referring at the same time to Paul's sending Onesimus to Philemon as proof and illustration of the latter's rightful claim upon the former.

Similar assertions and admissions were made by leading clergymen in connection with the numerous discussions and debates that arose during, and which constituted a part of, the irrepressible conflict, that not only distressed the avowed friends of freedom, gave aid and comfort to the enemy, but greatly strengthened those who were seeking, or at least were willing to find, excuses for not adopting or adhering to the requirements and prohibitions of the great law of equity, in its practical application to the doctrine of human equality. Thus, in the great antislavery debates which took place in the American Board of Foreign Missions on the question of absolving that institution from all further complicity with slavery, Dr. Tyler, president of a theological seminary in Connecticut, said that "the Apostles admitted slaveholders to the Church, and for this Board to decide against it would be to impeach the Apostles." Dr. Leonard Bacon contended that the Board ought to make a distinction between slavery and slaveholding, — a difference (he deemed) extremely obvious. "The master does not make the man a slave," he said; "but the laws and constitution of society." Dr. Edward Beecher, then of Boston, who had so distinguished himself in the earlier days of antislavery agitation in Illinois, and who bore himself so bravely when Lovejoy was murdered,

when and where to be an Abolitionist exposed him to rougher usage than that of words, felt constrained so far to yield to the pressure of the hour as to be found acting with the apologists rather than with the opposers of slavery. He said that "masters and slaves existed in primitive churches, and it was allowed by Christ and his Apostles. Slavery is an *organic* sin, made by law, and therefore not dealt with as other sins."

Another illustration of the manner in which the authority of names was made to inure to slavery and its defences was afforded by the manner in which Mr. Webster's 7th of March speech was received by a portion of the leading men at the North. In that speech Mr. Webster had coupled his condemnation of Abolitionism with the most unsparing denunciation of the Abolitionists. Hardly confining himself to courtly phrase or parliamentary language, he poured the vials of unmeasured condemnation upon those whose only offence was that they sought to convince their countrymen of the guilt, danger, and duty, involved in American slavery. The professors of Harvard College and Andover Theological Seminary headed a paper, on which there were the names of many leading members and ministers of New England churches, thanking him with fulsome flattery for the speech; while scores of clergymen preached and published discourses defending the Fugitive Slave Act and counselling submission to its inhuman behests. Professor Stuart prepared an elaborate defence of Mr. Webster, his speech, and the compromise measures, in a pamphlet of some one hundred and twenty pages, entitled "Conscience and the Constitution." In that defence, writing of the Fugitive Slave Act, he declared that "IT MUST BE OBEYED," and that it was "useless to talk about conscience in setting it aside."

Of the power of associated influence in securing this downward tendency, the representative bodies of the different denominations and the great benevolent and missionary organizations afforded signal illustrations. Two or three examples will sufficiently indicate and illustrate both the fact and mode of this unhappy result. The Presbyterian Church embraced very largely in its ranks the more serious, thoughtful, and

duty of Christians "to efface this blot on our holy religion and obtain the complete abolition of slavery throughout Christendom." It closes with the solemn assertion "that the manifest violation or disregard of the injunction here given in its true spirit and intention ought to be considered just ground for the discipline and censure of the church."

This act of 1818 was never repealed. It simply stood a "dead letter," and the denomination never put itself so much in the right as to escape these words, designed to be words of commendation, from the "Southern Presbyterian Review," one of the ablest and most intense exponents of Southern opinion: "The action of 1818 still stands upon her records, not as a law, BUT THE HISTORY OF THE SUBJECT; and Southern Presbyterians are well content it should so stand." The purport and significance of this language cannot well be misapprehended, admitting and applauding, as it does, this change of sentiment. The Synod of Kentucky declared in 1834 that cases occurred in its communion "where professors of the religion of mercy have torn the mother from the children and sent her into a merciless and returnless exile. Yet acts of discipline have rarely followed such conduct." Mr. Birney, long a resident in Kentucky, declared that cases of discipline *never* occurred. Even Mr. Barnes himself testified, in 1856, that "in neither branch of the Presbyterian Church, perhaps in almost no other church in the land, could such resolutions now be carried unanimously, or carried at all, without solemn protests and warnings against the exciting and disorganizing tendencies of such doctrines."

In 1838 occurred the disruption of the Presbyterian Church, by which it was divided into what were termed the Old School and New School. In the subsequent policy of the two assemblies, while much more favor was shown to antislavery action in the New School than in the Old School, in neither was slaveholding made a bar to church membership, nor was it ever made a subject of discipline. Indeed, at the meeting of 1846, as the two assemblies were sitting in the same city, the New School extended an invitation to the Old School to celebrate the Lord's Supper together, notwithstanding the open

never with complete success, with petitions to withhold appropriations from slaveholding churches.

The most notable contest, however, was with the American Board of Commissioners for Foreign Missions. The form of its complicity was threefold, — having slaveholders among its members, and receiving contributions from such; employing a slaveholder as a missionary; and permitting members of churches among the Indian missions to hold slaves, and its missionaries to employ slaves. For years, memorials were sent to it praying that it would change its policy and relieve the holy cause from the deserved imputation of thus sanctioning this great wrong and of extending the hand of Christian fellowship to those implicated therein. While it repeatedly affirmed that "the Board can sustain no relation to slavery which implies approbation of the system," it nevertheless refused to take the action prayed for, or such as squarely committed itself to the cause of freedom as against that of oppression; though it subsequently disconnected itself from the Indian missions where slavery existed, by assenting to their transfer to the Board of the Presbyterian Church.

Other modes of influence were resorted to, less worthy and less in keeping with the pretensions of those called by the Christian name and professedly relying upon the power of truth and the grace of God. Among them was a kind of personal odium, social ostracism, and sometimes ecclesiastical censure, which with some were more potent than argument, and with all hard to bear and difficult to parry or meet. Less violent and noisy than a Tammany mob; more decorous than the surging crowd, led or urged on by "gentlemen of property and standing," which dragged Mr. Garrison through the streets of Boston; less violent in speech than were some members of Congress, lawyers, and merchants of cities, it was not seldom that ministers and members of churches exhibited an opposition and hostility equally acrimonious and determined. Indeed, some of the heaviest blows and hardest to be borne fell from consecrated hands, and were aimed by the "brethren" who professed the same or a "like precious faith." Unhappily, the evidence is far too abundant for the parallel, exhibiting the

man, thirty years ago, could vauntingly proclaim, as if it carried with it no dishonor: "If slavery be a sin, and advertising and apprehending slaves with a view to restore them to their masters is a direct violation of the Divine law, and if the buying and selling and holding a slave for the sake of gain is a heinous sin and scandal, then verily three fourths of all the Episcopalians, Baptists, Methodists, and Presbyterians in eleven States of the Union are of the Devil. They hold, if they do not buy and sell, slaves, and (with few exceptions) they hesitate not to apprehend and restore runaway slaves when in their power." This testimony is conclusive of the Church South. The Church North had not deteriorated to that extent, nor had it descended so low; but the hand of ecclesiastical fellowship extended by Northern churches to their brethren of the South, and the fraternal feeling accompanying it, indicated the prevailing tone of thought among the leaders and too largely among the members.

Of this general attitude of the American Church towards slavery during the closing years of its existence and power, there is on record abundant and incontrovertible evidence. In 1850 there was held in Cincinnati a large and imposing Christian antislavery convention of the leading denominations of the country. To its call were appended two thousand names, and its sessions continued four days. In that call was contained the following testimony and comments: "A large body of American professors, influential from their numbers, wealth, and social rank, have deliberately chosen and publicly declared their position. They enshrine slaveholding in the Church, and cherish and defend it as a practice agreeable to the spirit of the gospel. . . . . We believe the influence of the Church to be so great that no earthly power can destroy this sin while, as now, it finds countenance and protection among the professed people of God." In the Address it is said: "Alas for the American Church! The sufferer she neglects is the victim her own sons have robbed and lacerated and left bleeding at her feet. Six hundred thousand living witnesses can testify to this fact,—six hundred thousand slaves held in bondage by American church-members, 'in good

compelled to do, and accommodated their ethics to the new position assumed by their slaveholding brethren.

But this adhesion, though too unquestioning, was far from being unquestioned. For there were many dissentients, who entered their earnest protest against principles and practices so radically wrong and at variance with the spirit and requirements of the gospel. From the first and at the beginning of the government, many denounced the compromises of the Constitution even with all the disclaimers of those early days, and with the confident hopes that slavery was a temporary evil, soon to pass away. As the slaveholders became more arrogant, changed the language of apology to that of assertion, and substituted for the avowed expectation that slavery was to be but temporary the expressed determination that it should be perpetual, the numbers increased who rejected the new and vaunted heresy and sought in various ways to absolve themselves from the shameful complicity. It was therefore at a frightful cost that Northern churches maintained their fealty to their Southern dictators. They laid upon the altar of this devotion, as their offering, sacrifices of both denominational integrity and fraternal harmony. Rather than bear a faithful testimony against the great crime of the century, they were willing to see the ploughshare of division and disruption run through their ranks, separating friends and arraying in hostile factions those who should have remained in loving and harmonious co-operation for a common cause. It was a ruthless betrayal of principle, and a wanton sacrifice of the priceless interests of Christian unity and a consistent faith.

But how came it to pass that "the Church of the Living God, the pillar and ground of the truth," the ministry, too, "set for the defence of the gospel," instead of bearing their firm, unabated testimony against the giant wrong, should have joined hands with the oppressor; instead of undoing the heavy burdens, and letting the oppressed go free, should have made them heavier, joined in the hunt for the fleeing fugitive, and counselled others to do the same? How did it happen that, instead of helping the slave, they cast the weight of their influence, moral, social, and numerical, against him; that in-

stitution by the slaveholders of South Carolina and Georgia, by which, says John Quincy Adams, "the venom of slavery was infused into the Constitution of freedom," which, he adds, was so "saturated with the infection of slavery that no fumigation could purify, no quarantine could extinguish"; thereby "making the preservation, propagation, and perpetuation of slavery the vital and animating spirit of the national government." Indeed, so hampered and harassed has the nation been by these compromises and consequent legislation that even now, with all the light shed by the Rebellion, its known causes and consequences, it is difficult to decide upon past questions of duty, in the premises as then existing. This, at least, is true, — many who were in the antislavery struggle, and who then thought they saw clearly the requirements of piety, patriotism, and philanthropy, now, as they comprehend more fully the situation, doubt. Political principles and apothegms which passed current then do not appear quite so clear to-day. There was no position possible in Church or State, in the Church or out of it, in a national party with its "Southern wing," in a "third party" without such "wing," or in "no party," that was without its difficulties. Each position, though free from others, had difficulties of its own. In shunning Scylla, there was always danger of falling upon Charybdis. The nation had put fetters upon itself which it could not break; the North had accepted conditions it could not with honor or safety fulfil. Nor was there help or hope, only as God interposed, and, through the madness of the national oppressors themselves, snapped asunder those cords with which the youthful giant had allowed his limbs to be bound. In that dilemma there never was any probability, hardly a possibility, of a peaceful solution of the fearful problem through moral means alone; and the agitation of a generation and its results did but prove it. War alone could strike the chains from four millions of slaves, and the nation could only expiate its heaven-defying crime in blood.

But these difficulties, however great, did not excuse wrongdoing; and Christians should have obeyed God rather than man. Even with them they should have shown fealty to that

wielded for the slave, and not against him. And they were abundant in such labors. That they failed of accomplishing all they undertook shows rather the greatness of the task they attempted and the inveteracy of the evil they sought to remove than any special delinquency upon their part.

Could the unwritten history of this long, persistent, and varied conflict be fully and faithfully given, it would be seen that, though the majority faltered and failed, a struggling minority was never wanting to proclaim their opposition and to leave on record their earnest protest. This was shown in numberless forms of effort. From the earnest talks of neighbor with neighbor, the Fast-Day and Thanksgiving discourses and "Monthly Concert for the Oppressed" in some rural parish, to the burning utterances of Lovejoy and Cheever; from the little meeting of an individual church to the protracted and imposing discussions of the great religious assemblies, conventions, and associations of the land; from individual contributions in a congregation, withheld from some good and cherished missionary board by a few earnest and conscientious Christians, not without sore trials of feeling and many prayers, to the disruption of some national organization and the formation of a new one on the single issue of slavery and antislavery, there were always those who pressed the paramount claims of humanity, pleaded for freedom and right, and besought their respective denominations to withdraw everything like a formal recognition of Christian fellowship from all who were involved in this great wrong. But their success was small. Indeed, the story of their approaches and their results afford but a sorry record of human fallibility even with the most generous gifts and the largest pretensions; of the power of interest, passion, and prejudice over the decisions of the judgment; and the difficulty of keeping the practice of life up to the high plane of its professions.

They approached, too, the missionary boards and benevolent societies, then demanding and occupying a large share of public attention. Though membership and support were not regarded as obligatory in them as in the churches, yet those organizations were exponents of some of the grandest elements

repelled from the recognized agencies of the leading denominations, there were many who were desirous of some agency or channel through which their prayers and alms could reach some part of "the field which is the world." Accordingly, there were formed "The Committee of West India Missions," "The Western Missionary Association," "The Amistad Committee" and the "Union Missionary Society," — the first three indicating their origin and purpose by their names; the last being composed mainly, though not entirely, of colored persons.

But these objects were special and their range was limited. They did not fully meet the desire or carry out the missionary idea, so firmly fixed in the Christian mind of that day. "The field is the world," and an organization was desired that should be restricted to no merely special object. A board was demanded uncontaminated by any contact or complicity with slavery and yet world-wide in the range of its proposed effort. Accordingly, early in 1846, a convention of "the friends of Bible missions" was held at Syracuse, New York. From its proceedings originated a call for a larger convention, which met in Albany early in the fall of the same year, at which the "American Missionary Association" was formed. Into it these smaller associations were merged. It had a home and foreign department, and maintained missions not only in this country, but in Africa, Asia, and the Sandwich Islands, with increasing receipts and evidences of usefulness. Since the abolition of slavery, not withdrawing entirely from the foreign field, it has turned its attention mainly to the education of the freedmen, and its receipts and disbursements have been largely increased.

While this separatist line of policy was pursued by numbers, those who remained within their respective communions were no less resolute in carrying out their principles, not only by their persistent antislavery demands within those denominations, but by general Christian antislavery conventions in different parts of the country, — conventions largely attended and sometimes continuing several days. These conventions and their published proceedings exerted no small influence

were kept alive both antislavery feeling and action. Though some particular forms and phases of effort were given up or fell into disuse, though many once earnest and active became weary or recreant, there were always those who remained faithful to the cause of human rights and who in various ways and by diversified agencies doubtless did much — how much Omniscience alone can estimate — in preparing the public mind for those political movements which resulted in the formation of the Republican party, which gave so large a vote to Mr. Fremont in 1856, and which secured the election of Mr. Lincoln in 1860. The Protestant clergy and the membership of the Protestant churches in the free States aided, with few exceptions, in the election of Mr. Lincoln, gave large and generous support to his administration, earnestly demanded and vigorously sustained his policy of emancipation.

While, however, much is hidden from human view, and men can only speculate, there are some things, as has been shown, fixed as matters of historic record. Among them, as has been seen, is the humiliating fact that, while the churches of America furnished many able and earnest advocates and valiant defenders of the great doctrines of liberty, equality, fraternity, their leading men and influences (at the South entirely, at the North largely), the great organizations, ecclesiastical and missionary, the colleges and seminaries of learning, though almost exclusively under religious and even clerical control, were not thus true. In that great trial of their faith and test of their principles they faltered and failed.

This mournful history, then, has its lessons of warning and duty, which should not pass unheeded. The history of slavery and the Slave Power has been but the history of human nature. They were but the occasion of its strange developments, and not the cause, — only the symptoms, not the disease; and though the one has been destroyed and the other dethroned, the cause, the disease, still remains. Though it is to be hoped that nothing quite so hideous and revolting as slavery shall ever appear again on American soil, there is every reason to fear that so long as like causes remain there will be like results. In the future, as in the past, there will rankle and burn

CHAPTER L.

CONCLUSION.

General survey. — Purpose of the History. — Subsidiary topics. — Exponents of similar principles. — Easy repeal of slave-laws. — Voluntary and suicidal relinquishment of power. — Mr. Lincoln in a minority. — Popular sentiment largely proslavery. — Divine method. — Repeal of slaveholding laws. — Peonage. — Attempted legislation. — Border slave-States. — Leadership. — Hostility to the Republican policy. — Protests of Kentucky and Maryland. — Impeachment and trial of President Johnson. — Act of fundamental importance. — Presidential election of 1868. — Treasonable attitude and utterances of Democratic convention. — F. P. Blair. — Lessons of the war. — Greatness of the changes effected. — Different estimates. — Different purposes and policy. — Mr. Bingham. — Sectional feeling. — Growing illiteracy.

THE proposed limits of this volume have been reached without taking up all the topics embraced within its original plan. It is to be hoped, however, that sufficient has been said to afford a measurably adequate idea of the progress of events developed by the "irrepressible conflict," and which have led to the present posture of affairs, — results already attained, and those the future will disclose as a natural consequence of the great struggle. Slavery has been traced from its small beginnings to its overshadowing greatness, — from the few seeds planted at Jamestown in 1620 to its woful harvest covering the land, — from being a system of labor, in bad repute and dying out, or existing by sufferance when the Constitution was framed, to its becoming an "institution," dominating the government, and exerting a commanding if not a controlling influence in society, in the church, and in the commercial world. It has been shown, too, that in the plenitude of its power, impatient of the least restraint or check, anxious to guard against apprehended dangers arising from its local, restricted, and questionable character, it demanded

new guaranties, and claimed that it should be no longer sectional but national, not only wandering everywhere at will, but everywhere protected by the ægis of the Constitution, and maintained by the arm of Federal authority. Such guaranties being too humiliating and wicked for any but the most craven to submit to, this Power appealed to arms, determined to rend what it could not rule, and break what it could not control with an unquestioned supremacy. In the war thus inaugurated slavery went down, not, however, for moral but military reasons, not because it was wrong but because it was unsafe, and because it could not continue and the Union endure. The war closed, the work of reconstruction began, the recusant States were brought back, and the flag again waves, if not over loyal hearts, at least as the symbol of restored nationality and authority, where it had been trailed in the dust, and treated with the greatest indignity and hate.

Claiming, as its title imports, only or mainly to give some account of the Rise and Fall of the Slave Power in America, this work has proposed nothing like a full and connected military or political history of the war, and of the process of reconstruction. Its purpose has been rather to seize upon those portions of such history, perhaps not always with the nicest discrimination, which would shed the clearest light upon the subject it was written to examine, elucidate, and improve, and yield the most profitable instruction.

The topics omitted for lack of space are subsidiary, however, and of less real importance than those for which room has been found. Necessary, perhaps, to the completeness of historic detail, they would be only the exponents of principles already enunciated and illustrated in other connections, examples of general facts already recognized and recorded, the carrying out of the new policy entered upon and made possible only by the giving up by Southern members of their seats in Congress, and their mad relinquishment of the power their occupation had given them. Henceforward, with human rights instead of human chattelhood the goal and guide, freedom instead of slavery the polestar of government, members, in their debates and in the details of legislation, whether

effected or only attempted, could but exhibit a similarity of argument and appeal. On measures of the same general character and purpose friends and foes could hardly do otherwise than repeat themselves. Without, therefore, the excitement of pending issues, with the uncertainty and anxiety as to what the result would be, there is less of loss, now that excitement has passed and the results are known, in not having the precise details before the mind. Besides, it is almost among the marvels of history how easily some of the most radical legislation of those days was effected, — how noiselessly and almost without division slave-laws were revoked, the very mention of whose repeal before the war would have roused the nation, both North and South, to fierce excitement, been the signal of the wildest clamor, the most frantic expostulations, and the most terrible and defiant threats. One indeed could but stand amazed at the change, be silent with wonder, and almost question his own identity, or that of others, as he saw law after law repealed almost without remonstrance, and that mountain of unrighteous legislation, the crystallized product of the cruelty and fiendish ingenuity of generations, melting away, like icebergs in a summer sea and under the fervors of a tropical sun, in the presence of an aroused indignation, that had hitherto been trammelled by compromise and the sense of constitutional obligations, and suppressed by fear of offending Southern brethren and sacrificing Southern support, but now prepared to vindicate its right to be heard, and to enforce the claims of justice and a common humanity.

Perhaps, however, the marvel will not appear so great, at least to those who comprehend the philosophy or rationale of the change. Through the secession of the States from the Union, and of their members from Congress, resulted two or three facts whose importance and potency can hardly be overestimated. By it they not only removed shackles from Northern limbs, but they put shackles on their own, or they did that which was tantamount thereto. By leaving their places in Congress they disarmed themselves of the only weapons they had ever used with much effect, they abandoned the only

reach of repeal, however earnestly and largely the people might desire it; the action and tone of Congress during the closing months of Mr. Buchanan's administration,—all lead to the conclusion that had the Slave Power been content, it might have still remained in practical possession of the government.

But the peace the North so earnestly desired and eagerly sought was not to be the reward of such surrender and betrayal, nor were the slaveholders to be placated even by concessions so extreme. On a large scale and in view of the nations was to be exhibited another example of the haughty spirit that goes before a fall, of that judicial blindness that precedes destruction. By the Divine wisdom, made more resplendent by this dark background of human folly, God revealed anew how the wrath of man could be made to praise him, and how the remainder of wrath he could restrain. By a fatuity that hardly finds a parallel in human history, the slaveholders sacrificed slavery to save it, and in their frantic efforts to defend it against all possible danger, they increased those dangers immeasurably, abandoning, as they did, the only stronghold from which defence was possible. Placing in the hands of their antagonists the same weapons they themselves had hitherto used with so much effect, the rest became inevitable, and only a question of time. Slavery fallen, what was created for or enacted by it would very naturally follow. The tyrant dead, his satellites were allowed to die without regret; the system destroyed, its auxiliaries were allowed to pass away without protest. Laws like the Fugitive Slave Act and those forbidding the instruction of slaves fell naturally and necessarily into disuse and became practically repealed, because there were no longer slaves to be returned to bondage or slaves to be kept in enforced ignorance. There were enactments, too, in the interests of slavery which affected others than slaves, and bore heavily upon freemen themselves. Among them were the laws that confined the militia of the slaveholding States to white persons and authorized the barbarous custom of whipping. There, too, was the system of peonage in New Mexico, allowed to exist not so much as a relic of slavery as by sufferance, because a government committed

to the grosser and more barbarous form of chattelhood, and dominated by the Slave Power, could hardly be expected to interfere with this milder system of "modified servitude inherited from Mexico," at least from any regard for the primal rights of man. Beside these, there were military organizations in the slaveholding States, Rebel in spirit and purpose, and composed mainly of men who had belonged to the armies of the Confederacy. Such organizations were justly deemed antagonistic to the Union, and little likely to promote continued peace. Though not so much the creatures of slavery as of treason, — and their menace was rather against the authority of the government than against the freedom of the individual, — like peonage in New Mexico and the other laws above mentioned, they owed their origin to slavery, were pervaded by its spirit and purpose, and could not with safety be allowed to exist. Though a bill early introduced by Mr. Wilson for their disbandment failed, a similar measure, moved as an amendment to an appropriation bill, was subsequently carried with little opposition.

On the same day that the above-named amendment was introduced into the Senate, Mr. Trumbull moved to amend the same appropriation bill by a provision prohibiting "whipping or maiming of the person," and it was carried without debate or division. With little more discussion or dissent an amendment to a bill for the temporary increase of the pay of the officers of the army, striking out the word "white" from the militia laws, was adopted.

When New Mexico became a Territory of the Union, there existed a system of peonage, by which when a Mexican owed a debt the creditor had a right to his labor until the debt was paid. The debtor became a domestic servant and practically a slave until its liquidation. There were about two thousand of this class, principally Indians, in the Territory. But a resolution abolishing the system was introduced by Mr. Wilson, and without much ado it was passed; thereby removing another of the relics of the slave system.

It was also proposed to give account of some attempted legislation, as a history of the times and an index of congres-

sional thought and feeling, evinced by those who were striving to use aright the power for the moment in their hands, and thus secure the fruits of the war, guard against similar attempts in the future, but especially protect the freedmen and the loyal men of the South, hated and oppressed because they had proved themselves true to the Union. A chapter was proposed giving a somewhat detailed account of attempts, beginning as early as the third day of the first session of the XXXIXth Congress, in December, 1865, to secure amendments of the Constitution to prevent the assumption of "Rebel debts," to define "citizenship," and to fix the "basis of representation." They all failed of enactment, and are mainly valuable as matters of historic record, to show how earnest and prompt were the Republican leaders to meet squarely the issues presented, and to provide, if possible, for the exigencies of the hour. This failure of enactment, with the character of the debates, revealed the uncertain and hesitating steps with which members moved along the untravelled path they were called to tread, and grappled with problems for which no precedents could be found; though the arguments urged and the reasons for action were substantially those employed in subsequent discussions, which resulted in the Fourteenth and Fifteenth Amendments, which were finally adopted, and which are now parts of the Constitution.

Another subject, of which some account was to have been given, was the process by which the different border slave States, which, though believing in slavery, had not joined the Rebellion, were induced to accept emancipation and adapt their legislation to the new order of things. Of this it is to be said, however, that while those States had much in common, being affected by influences which were general and national, each had its own autonomy, its local history and struggle. While, therefore, the result attained was substantially the same in all, the processes by which it was reached varied materially, according to the different circumstances and leadership in these separate commonwealths. Much depended upon leadership. Always and everywhere true, at least, in greater or less degree, at this juncture of affairs the measures actually adopted

And even what was called a Union convention, a few months later, entered its protest against negro suffrage, denying that the Thirteenth Amendment gave to Congress the power "to pass any law granting the right of suffrage to persons of African descent." In Maryland, in 1867, the legislature, while resolving that "we regard the abolishment of negro slavery as a fact achieved, to which the peace and quiet of the country require that we should bow in submission," did "most solemnly and earnestly protest against any action by the Congress of the United States to assign the negro a social status or endow him with the elective franchise." It also declared "that the loss of private property occasioned by the emancipation of slaves constitutes a valid claim upon the Federal government for compensation, and that the General Assembly ought to provide for ascertaining the extent of such loss, with a view of pressing the claim at an early day."

It was also proposed to give a somewhat detailed account of the trial of President Johnson on articles of impeachment exhibited by the House of Representatives, March 2, 1868. The original motion, made by Mr. Ashley of Ohio, January 7, 1867, charging him with "high crimes and misdemeanors" specified that "he has corruptly used the appointing power; that he has corruptly used the pardoning power; that he has corruptly used the veto; that he has corruptly disposed of public property of the United States; that he has corruptly interfered in elections, and committed acts, and conspired with others to commit acts, which, in contemplation of the Constitution, are high crimes and misdemeanors." The articles were read to the Senate sitting as Court of Impeachment, March 4, 1868. The trial proceeded till the 16th of May, when a vote was taken, thirty-five voting Guilty, and nineteen, Not Guilty; and judgment of acquittal was entered. Although a somewhat striking episode, and, for the time being, exciting a widespread interest, this trial cannot be regarded as having any very direct bearing on the history of slavery. That the President's course was utterly indefensible, that he proved himself false to his promises and loudly promulgated opinions as well as to the party which elected him,

ing the Republican party of the most heinous political offences, and suggesting the most violent remedies, he said unequivocally: "There is but one way to restore the government and the Constitution, and that is for the President elect to declare these acts null and void, compel the army to undo its usurpations at the South, disperse the carpet-bag State governments, and elect Senators and Representatives." For this frank avowal of his treasonable and revolutionary opinions and purposes he was honored with a unanimous vote of the convention on the first ballot for the office of Vice-President, while it required twenty-three ballotings to secure the nomination of Horatio Seymour for the Presidency on the same electoral ticket; so well did the former represent the principles and purposes of the Democratic party. The Republican party simply reaffirmed the principles already enunciated in its platforms, proclaimed its inflexible purpose to maintain them in their entirety, and placed in nomination the distinguished soldier that had led the national forces to victory, with Schuyler Colfax for Vice-President. It triumphed by decisive majorities at the polls, and revealed the welcome fact that the people had not yet forgotten the lessons of the war, and were not quite ready to restore the defenders of the "lost cause" to seats they had so traitorously vacated for the destruction of the government. With this the record must close, though the conflict still rages, and the final issue remains in doubt.

With no formal attempt to deduce the lessons this history was written to inculcate, — excepting a simple reference to what has been noted, the dangers of all compromises of moral principles, the prolific and pestiferous nature of national as well as individual sinning, the deteriorating and depressing influence of unrighteous laws on the morality of a people and the grave perils in a republic of "careless citizenship" and the presence of an unfaithful Church, which, instead of faithful testimony borne against wrong-doing, consents thereto and throws around it the sanctions of religion, — it only remains to notice briefly the present posture of affairs and the outlook disclosed thereby. That there have been great and marvellous changes none deny. The abolishment of slavery, the entire

bill, "the whole struggle in field and forum is between national sovereignty and State sovereignty, a struggle between United States citizenship and State citizenship, and the superiority of allegiance due to each," opinions are as divergent as ever on the answer to be given. It still remains a question not yet answered by those with whom alone rests the authority, whether this is a nation of people or a mere federation of States.

But more serious than constitutional difficulties remain. For, granting that all constitutional differences had been composed, that all questions of government had been answered to mutual satisfaction, and that everything that law, organic or other, can do had been done, there remains the far more serious difficulty of *constituency*. As never before, the question of man's ability to govern himself stares the nation in the face, and arrests attention by its sudden and startling distinctness. The numbers are increasing who cannot repress their doubts nor silence their misgivings as they contemplate the new dangers that loom up not only in the distant, but in the more immediate future. Manhood suffrage, with all that is involved therein, the figures of the census-tables, and their startling revelations of growing illiteracy, especially in the late slaveholding States, where the large per cent of voters can neither read nor write the ballots they cast, are facts to excite the gravest apprehensions. The fact, too, that the South, though defeated, with "sullen intensity and relentless purpose" still bemoans and defends the "lost cause"; though accepting the destruction of slavery, still believes it to be the proper condition of an inferior race, and the corner-stone of the most desirable civilization; though accepting negro enfranchisement because imposed by a superior force, still contends that this is a white man's government, in which the freedmen have no legitimate part, and from which they shall be excluded, even if violence and fraud be needful therefor, may well excite alarm in the most sanguine and hopeful. Conjoined with these is that alarming but correlated fact — the pregnant fault and the vulnerable heel of American politics — that good men can stand aloof from active participation in the work of the government,

that now remains, or can be done, is to bring up the popular sentiment and character to its standard. Can it be done?

In January, 1871, the author appealed, through the pages of the "Atlantic Monthly," to the members of the Republican party to take a "new departure" and incorporate philanthropic and patriotic with political action; in other words, to engage individually and socially, and outside of party organization, in missionary work to prepare those made free to use intelligently and wisely the power their enfranchisement has given them. "The two great necessities," he said, "of the country at the present time are UNIFICATION and EDUCATION." In behalf of the former he said: "To make the people one in spirit and purpose, to remove everything calculated to engender and perpetuate strife or promote sectional animosities and interests, should be regarded, during the generation now entered upon, as the special work of the bravest philanthropy and of the purest and most enlarged statesmanship." To the latter, after urging the usual considerations in support of its essential necessity to the maintenance of free institutions, and considering some of the serious difficulties in the way of its effective promotion, he invited the earnest and thoughtful attention of his countrymen. "I do not assume the office of instructor," he said, "nor do I propose to indicate what is to be done, or how this grave exigency is to be met. I only bespeak here a careful study of this great social and national problem, thus suddenly forced upon the Republic. Fully believing that the nation has never witnessed an hour, not even in the darkest night of the Rebellion, when there were presented more pressing claims for special effort, or when there were demanded of the patriotic, philanthropic, and pious men of thought, more time, effort, and personal sacrifice; I present the matter as second to no question now before the country."

But if there was in 1871 foundation for such solicitude and alarm, how much greater the occasion now. Then the governments in the reconstructed States were mainly, if not entirely, in the hands of men loyal not only to their country, but to the principles and policy of the Republican party. Not wholly without mistakes or unworthy members in their administrations, the tendency was upward, and the drift was

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THE END.

Cambridge: Electrotyped and Printed by Welch, Bigelow, & Co.

RISE AND FALL OF THE SLAVE POWER IN AMERICA

HENRY WILSON