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LIFE

OF

OLIVER P. MORTON

INCLUDING HIS IMPORTANT SPEECHES

BY

WILLIAM DUDLEY FOULKE

VOLUME II

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TO THE MEMORY OF

OLIVER T. MORTON

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VOLUME II

MORTON THE SENATOR

CHAPTER I

FIRST DEBATES IN THE SENATE

CONGRESS had so little faith in the President that it was not willing to give him even a breathing time between its sessions. Immediately after the adjournment of the Thirty-ninth Congress on the 4th of March, the Fortieth Congress, according to a law just passed, assembled in special session. It was on that day that Morton took the oath of office. In the assignment of standing committees, no chairmanship was given to him, but he was made a member of the Committee on Foreign Relations, of which Sumner was the head, and which was then the most important committee in the Senate. Immemorial custom had imposed upon new senators a time of probationary silence, but Morton disregarded this custom utterly, and from the first took a leading part in the debates.[1]

Early in March an important discussion took place upon resolutions introduced by Sumner, declaring the things that ought to be done by Congress before the Southern states should be re-admitted. According to these resolutions, the existing state governments were to be swept away, provisional governments put in their places, and every possible safeguard adopted against rebel influence. Public schools, said the resolutions, should be established for all, and homesteads secured to the freedmen. Sumner stated that he had

[1] It was reported that Sumner said of him "He was the first senator who ever entered that body who mounted the saddle and led his party from the beginning of his official duties."

brought in these resolutions for the purpose of telling the South what Congress meant to do.

Many objections were made. It was urged that a reconstruction act already passed had set forth the conditions upon which the Southern states should be restored to representation, and that Congress ought not to add to these conditions. Sumner's resolutions were laid upon the table. But on the 12th of March Morton moved to take them up for discussion. Of the act already passed, he said:

"It is entirely competent for Congress to alter, amend, modify or repeal that bill without dishonor or breach of faith.

"While there is much in the resolutions offered by the Senator from Massachusetts that I can not approve, I wish to say that I do approve most fully what they say upon the need of providing for the education of the people of the late rebel states. I think that is of vital importance, not only to them but to the whole country, and that we of the North are as much interested in it as they of the South. They are to be our assistant law-makers, to join with us in electing Senators, Representatives and Presidents, and we are to be affected by their competency or incompetency to exercise the right of suffrage. . . . .

"The constitution requires that the United States shall guarantee to every state a republican form of government. That guaranty can not be executed in the Southern states unless the people are educated.

"It has been said that we must leave this matter to the people of these states. Why, sir, it has always been to the interest of the people of the South that they should educate the poor whites, but they have not done it. The leading classes have kept the poor in ignorance, and the educated classes will now refuse to establish a system of common schools; since the taxes necessary for that purpose must be collected off their property. They will never establish such a system unless coerced by the terms of reconstruction.

"It has been said that there will be time enough to raise this question when the Southern states come here with their constitutions. I say, not so. It will not do then to say to them, 'Your constitutions are not complete, because they contain no provision upon the subject of education. That would involve the calling of new conventions, and might be properly regarded as a breach of faith. Let us now prescribe all the conditions we mean to require."

Summer's resolutions were, however, shelved,[1] a supplementary reconstruction bill from the House of Representatives having taken their place.

This bill provided for calling conventions to frame constitutions for the Southern states. The Senate Committee on the Judiciary reported as a substitute, a bill providing for a registration of votes to be made by the general commanding the district in which the state was situated. An election was then to be held for delegates to a constitutional convention. This convention should first determine whether it was the wish of the people to frame a constitution, and if so, a constitution should be prepared and submitted to the voters, and, if it was approved and found to be in conformity with the reconstruction acts, the state should be entitled to representation.

The bill provided that the constitution must be ratified by a majority of all the qualified electors. Morton now proposed that it should be ratified by a majority of *the votes cast at the election*. He said: "This is simply a question as to whether the stay-at-homes, political sluggards, sullen rebels, men who

[1] After further debate Trumbull moved that the Senate go into executive session. Sumner opposed the motion. "I wish," he said, "to congratulate the country and the Senate on the voice of the Senator from Indiana. I feel personally grateful to him." Here Sumner was called to order by Fessenden, who said that congratulating the Senator from Indiana had nothing to do with going into executive session, and that Sumner could offer his congratulations personally.

never take any interest in an election, and never go to an election, shall defeat the work of reconstruction."

Morton carried his amendment by a bare majority of one. It was afterwards qualified by a provision that one-half of the registered voters must take part in the election.

When Sumner moved to add to the bill a provision that these states must establish a system of public schools, open to all, Morton earnestly supported it, but the amendment was not adopted.

The Senate's substitute for the supplementary reconstruction bill was passed by a large majority. It was sent back to the House of Representatives, when some slight amendments were made and agreed to, and it was finally transmitted to the President, returned with a veto message, and immediately passed over the veto.

Senator Chandler introduced a bill to allow citizens of the United States to sell vessels to friendly belligerents. This bill was accompanied by a memorial signed by twenty-three leading merchants. Morton opposed it in a brief argument, and the bill was not heard of again. This bill, he said, proposed to enact into a law the wrong of which we had complained in the Alabama case. Our government had taken the ground that it was a violation of the law of nations for a neutral to build or furnish a ship of war to a belligerent. . . . But independently of the Alabama case, we could not afford to ingraft such a principle upon the law of nations, and thereby put it in the power of a small country with which we might be at war to destroy our commerce when that country had none to be destroyed.[1]

[1] During these two sessions Morton not only attended to his duties in the Senate but he made several speeches to the public. In March he delivered a brief address at a serenade at his hotel, in which he outlined the measures of reconstruction. During this speech he said: "I can not forbear referring to the last time I stood upon this veranda and spoke to the people. It was two years ago, on a pleasant afternoon in the middle of March, 1865. President Lincoln was standing by my side.

After the Senate adjourned, Morton returned to Indianapolis but he remained there only a short time.[1] His paralysis had not improved. In the latter part of May he left for Hot Springs, Arkansas. At that time this was a place hard to reach. To Morton it was a tiresome journey of nine days, by rail and steamer and for the last sixty miles, by ambulance, over bad roads.

He remained at Hot Springs until the middle of July. The mail reached him but once a week. Politics was not discussed among the guests of the hotels and it was hoped that this seclusion, with proper medical treatment, would bring recovery. Congress met on the 3d of July, and Morton soon became restless at his absence from the political struggles in which lay the interest of his life. On his return through Little Rock on the 16th of July, he delivered an address from the balcony of the Commercial hotel in that city.

Many of you will, perhaps, remember that Booth, with folded arms and upturned face, leaned against that lamp-post and gazed calmly upon the man whose murder he had then contrived."

In April the colored people of Washington celebrated the abolition of slavery in the District of Columbia, and Morton delivered an address. He talked to them plainly and simply. "Your position," he said, "is full of embarrassment. Many of you have suddenly passed from slavery to the enjoyment of civil and political rights. You have much to learn, and I have been gratified to discover that you are trying to learn in good earnest; that your newly acquired liberty has been used for the purpose of instruction, and I am glad to say that you are proving to the world that you intend to qualify yourselves to become useful, patriotic and intelligent citizens of this great republic. . . .

"You must encourage and protect immigration from the North and from Europe. You must encourage all men to come among you—to take up their residence with you. They must have absolute and perfect protection for life, liberty and property. Above all, you must encourage education. If this generation is able to do nothing but to educate the children, and prepare them for their duties in life, it will have done well. The intelligence, the education of your children must stand to them in the place of position, in the place of worldly advantages."

[1] During this stay he formed a law partnership with Judge E. B. Martindale and John S. Tarkington, under the firm name of Morton, Martindale & Tarkington.

It has been the habit of many Northern orators to denounce the people of the South at long range, but to speak words of flattery and conciliation when in their midst. Morton, however, spoke at Little Rock in the same way that he would have spoken in Indiana or in Washington. He said: "The colored man to-day is free and no power can again reduce him to bondage. He should be educated and encouraged, and he will become a prosperous citizen. Make him useful, accord to him his rights as you accord them to each other, and his conduct will justify every effort made to uplift him.

"There are politicians at the North who are counseling you against reconstruction. Beware of them. They advised you to secede and then they did not help you. When the war commenced, they told you to fight on, and when your prospects of success began to wane they advised you to struggle a little longer, since the Union was well-nigh bankrupt and must abandon the contest.

"After the war they told you to submit to no terms. Last year when the Fourteenth Amendment was offered to the rebel states as a final settlement of the issues of the war, they said, 'Don't accept it.' But now you have the substance of that proposed constitutional amendment with negro suffrage superadded. What then, I ask, may you expect if the present terms are rejected? Others will most certainly be insisted on, and as time wears away, they will grow more and more severe. I say this in no taunting spirit, nor can I know precisely what will come. That confiscation is generally desired in the North, I do not believe, but the only certain release from the imposition of additional penalties upon those who engaged in the rebellion is prompt acquiescence in the terms now offered. . . . ."

Morton had intended to return to Washington by way of Indianapolis, but when he reached home he learned that Congress was on the eve of adjourning, so he did not proceed

further. In the meantime the ghost of his Richmond speech had risen to confront him. The President, in answer to a Senate inquiry concerning the estimated cost of reconstruction, said that this would be largely increased if the United States, *by abolishing the existing state governments, should become responsible for liabilities incurred by the latter before the rebellion*, and amounting to about one hundred million dollars.

Senator Howard remarked that this notion of the President was "all pure moonshine," to which Senator Hendricks replied, that his Republican colleague, in the fall of 1865, had, in a carefully considered speech, expressed the same views. A long debate followed.

The Republican papers began to denounce the President's suggestion, and the Democratic papers to quote the following paragraph from Morton's Richmond speech: "If we admit that these states were out of the Union for one moment, and were to be regarded in the light of belligerents, it would be insisted that when we took them back we took them with their debts, as we would take any other conquered province or state."

In the House of Representatives George W. Julian introduced a resolution denouncing the President's doctrine, whereupon Mr. Niblack, an Indiana Democrat, inquired whether Governor Morton had not avowed the same doctrine in his Richmond speech. Julian replied that Morton had done so, but had, no doubt, regretted the avowal deeply, in common with all his Republican friends.

Julian's resolution declared that the President's doctrine was at war with the principles of international law, a deliberate stab at the national credit, abhorrent to every sentiment of loyalty, and well pleasing only to the vanquished traitors. This resolution was adopted by a large majority, and the announcement of the vote provoked great laughter.

"When Scipio invaded Africa, Hannibal was not at home."

It was characteristic of such merriment that it had to be enjoyed while Morton was away.[1]

The special session of Congress, which began on the 21st of November, accomplished little. The regular session, which commenced on the 2d of December, was an important one, and Morton took a leading part in its proceedings.

Early in December a bill came from the House of Representatives for the repeal of the tax of two and a half cents a pound on cotton. Morton proposed that instead of repealing the tax it should be reduced to one cent a pound. He urged that if Congress began by throwing away the twenty-seven millions of dollars which came from this tax it might not be able to do justice to other branches of industry. There was a proper medium between too high a tax and no tax at all.

Mr. Henderson, of Missouri, insisted that the people who lived in his section had ceased to sell to the South their agricultural products. By taxing cotton and compelling the Southern people to raise corn and pork and wheat, articles they could not profitably produce, all interests were crippled. Why did the people of the Mississippi valley carry the banner of the country to the Gulf of Mexico? They were determined that the Southern states should never be under a foreign flag, that commerce should go unvexed to the ocean. The West would not now give up the right to sell to the South its commercial products.

Morton's retort was caustic: "I heard that argument," he

[1] Morton's views on this subject had not changed. His Richmond speech discussed the consequences of the doctrine that the seceded states were conquered provinces. Morton never believed this. His view was that the states had never ceased to exist, even though their governments had been destroyed, and that these governments must be re-established under the clause of the constitution providing that the United States should guarantee to each state a republican form of government. The exercise of this power would neither extinguish a pre-existing state debt nor require its assumption by the Federal government.

said, "made on every stump in Indiana as a reason why we should not take part in the war to suppress the rebellion. It was said that our interests were intimately blended with those of the South; and some persons were so profoundly convinced of this great unity of interest that they thought the Northwestern states would actually go with the South into the rebellion. . . .

"Mr. President, I have come here to represent in part one of the Northwestern states, and I want for myself, and on behalf of my people, to repudiate this sectional idea. Our interests are in many respects bound up with those of the South, but they are not so intimately connected that we can afford to exonerate seven or eight states from bearing any part of the public burden simply because we wish to foster their industries. . . .

"The question was asked yesterday by my venerable friend from Kentucky,[1] why senators were not here from these ten states to represent the interest of cotton on this floor. I wish for one moment to answer that question. It is because nearly seven years ago, despite the tears and prayers of this nation, they went out of these halls and levied a war against us that cost us half a million loyal lives and five thousand million dollars. Sir, they went out as they pleased, and I trust they will now come back as it shall please the loyal people of this nation. They will come back upon such conditions, terms and safeguards as shall secure us against the recurrence of a like calamity."

Morton's amendment was not, however, adopted, and the whole tax was finally taken away.[2]

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[1] Senator Davis.

[2] During the debate on the cotton tax, Morton had another shard skirmish with Senator Davis, who claimed that since the abolition of slavery, the negroes would not work. "If northern people would just keep their spoons out of the Southern dish, and let the men who live there and who are acquainted with the ingredients that compose it, mix

About this time Philip F. Thomas was elected senator from Maryland. As a member of Buchanan's cabinet he had been in sympathy with the South, he had resigned when it was determined to hold Fort Sumter, and he had supported his son while the latter was in the Confederate army. When the credentials of Thomas were presented they were referred to the Committee on the Judiciary. That committee took evidence upon a charge of disloyalty made against him, and they reported this evidence to the Senate without any recommendation. Reverdy Johnson, the other senator from Maryland, moved that Thomas be admitted. The motion was vigorously opposed.

Morton expressed the opinion that Thomas was one of the original conspirators in the rebellion, and that if Maryland had not been held in the Union by force of arms he would have been actively engaged in it.

On the 13th of February Sumner introduced a resolution that Thomas should be excluded. He was supported by Edmunds and Sherman. Trumbull spoke upon the other side, claiming that the resignation of Thomas had not been an act giving countenance to the rebellion, because, at that time, there had been no armed hostility against the government.

Morton pertinently asked: "Suppose a man places a barrel of gunpowder under a building and it afterward explodes and destroys the house and the lives of the inmates, and he is put upon trial. He says, 'At the time I put the gunpowder there

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it, stir it, and prepare it for themselves, negroes and white men, in a very few months the South would be restored."

Morton's reply was severe. "Mr. President," he said, "they did not keep their spoons out of our dish. They had controlled this government for forty years before our late war, and because they were not allowed to continue to control it they sought to destroy it. . . . The senator from Kentucky says, the negroes do not perform half the labor as free persons that they did when they were slaves. I ask what are the habits of industry of the white people of the South? Have they been improved? Sir, their habits of industry will be improved."

there was no explosion, the explosion took place afterward.' Would that be a defense?''

Hendricks took part in the discussion. ''What is there,'' he asked, ''in the charge that Thomas resigned? Suppose he thought the Southern states had a right to secede, ought he, thus feeling, to have remained in the cabinet? On the other hand, if he sympathized with the government, but was unable, on questions of policy, to agree with Buchanan's administration, ought he to have staid in?''

Hendricks referred sarcastically to the following quotation which had been made by Sumner:

> "I hear a lion in the lobby roar,
> Say, Mr. Speaker, shall we shut the door,
> And keep him out? Or shall we let him in
> And see if we can get him out again?"

It was a little singular, continued Hendricks, that the inspiration felt that very hour in the Senate was expressed in the House of Representatives on a like question, and that at the same hour and minute, the same yellow lion was roaring at the door of the Senate and at the door of the House. It was not for him to express any opinion how a thing of that kind could occur. It was enough to know that a distinguished senator and a distinguished representative had heard this lion roaring at the same time.

Sumner suggested, ''Probably there were two of them.''

Hendricks retorted: ''Perhaps it was something else roaring. Perhaps the roaring was inside.''

When Hendricks closed, Morton rose. He was in no humor for jesting. He read a letter written by Jefferson Davis three days before Thomas had resigned. It contained the following: ''South Carolina is in a *quasi*-war, and the probabilities are that events will hasten her and her associates into a general conflict with the forces of the Federal government. . . . The confidence heretofore felt in Buchanan has

diminished steadily, and is now nearly extinct. His weakness has done as much harm as wickedness would have achieved, and though I can no longer respect or confer with him, and feel injured by his conduct, yet I pity and would extenuate an offense not prompted by bad design or malignant intent. . . .''

''Mr. Thomas,'' said Morton, ''tells the country in his letter of resignation that he can no longer agree with Mr. Buchanan about the measures he had taken with regard to South Carolina. Three days before, Mr. Davis told us that South Carolina was in a *quasi* state of war, and South Carolina being thus in war, and Mr. Buchanan refusing to surrender the last foot of territory, Mr. Thomas leaves the cabinet. I tell you, sir, that he belonged to the same school, the same nest of conspirators. . . . It is said that a lion is heard to roar in the lobby, and they wish to admit him. Sir, we have enough lions of that character here.''

Hendricks answered: ''If my colleage referred to me, all the reply that I deign to make is that I am here by the same right that gives him a seat upon this floor. He will never induce me to go into a controversy of a personal sort. I make none with him, and shall only reply to any allusion of that sort in such language as, in my judgment, becomes the Senate of the United States.

''I am glad the senator has read the letter of Jefferson Davis, written on the 8th of February, 1861. From this time forth the mouths of all honest men will be stopped in the repetition of the slander that Mr. Buchanan and his cabinet were in secret association and counsel with the traitors.''

To which Morton replied: ''This letter does not vindicate Mr. Buchanan, nor do I. . . . What does Jefferson Davis say? 'The confidence heretofore felt in Mr. Buchanan.' When 'heretofore'? When he sent his message and throughout the month of December, 1860. 'The confidence heretofore felt in Buchanan has diminished steadily, and is

now nearly extinct.' When Mr. Buchanan ceased to be under the influence of Mr. Davis, and Mr. Thomas, and Mr. Cobb and Mr. Toombs and others, and passed under the influence of Judge Holt and Edwin M. Stanton, then they did lose confidence in him, and then it was that Mr. Thomas left the cabinet, and then it was that Mr. Davis wrote that letter.''

There was much more debate. The result was that the Senate adopted a resolution that Thomas, having given aid to the rebellion, was not entitled to take the oath of office.

In the fall of 1867 there was an earnest political contest in Ohio. Allen G. Thurman and Rutherford B. Hayes were the opposing candidates for Governor. Morton was asked to take part in the campaign, and on August 28 he delivered, at Columbus, one of his strongest and most finished speeches. He began with a historical sketch of the baleful influence of the Democracy, remarkable for its clearness of statement and simplicity of diction. He followed this with the earliest public expressions of his views regarding the national debt, and the essential nature of suffrage. ''The black cloud of repudiation,'' he said, ''is already above the horizon, and it is only waiting for a breeze, a Democratic breeze, to spread it over the land.'' Morton asked that the effort to repudiate, if made at all, should be made against the bonds directly, and not through the medium of irredeemable greenbacks, whereby the loss would fall, not on the bondholders alone but on the business interests of the country, and the workingmen would be the greatest sufferers. In favor of universal suffrage, he urged the principles of the Declaration of Independence, that all men were created equal. He claimed that the power to protect ''inalienable rights'' resided in the ballot. This was the ''consent of the governed'' from which government derived its ''just powers.''

The negro was taxed, and taxation and representation ought to go together.

Morton next discussed the history of the conflict between the President and Congress, and the need of laying the foundations for reconstruction upon equal political rights for all. He concluded by the following appeal to the veterans: "Soldiers of Ohio, you have won an imperishable name in the war for the preservation of the Union. Your deeds will forever form a crown of glory for your state. . . . . One of your companions has been placed in nomination for the office of Governor. He bears the same standard now that he bore aloft in the field. It represents the same cause now that it did then, and is beset by the same enemies. I appeal to you to rally again to that standard. Let there be no desertion, no straggling, no feigning of sickness, no muttered discontent. With resistless force and unbroken front, defeat at the ballot-box the insidious foe who would wrest from your grasp the fruits and laurels of your blood-bought victories."

Hayes was elected governor, although a proposed constitutional amendment to establish negro suffrage in Ohio was defeated by a majority of fifty thousand, and the Democrats carried the legislature and sent Thurman to the Senate.

CHAPTER II

MORTON'S GREAT SPEECH ON RECONSTRUCTION

On the 21st of January a second supplementary reconstruction bill was sent to the Senate from the House of Representatives. Two days later, Doolittle, of Wisconsin, moved an amendment, providing that in an election held in any of the Southern states to ratify a constitution, no person who had not been an elector before the war should vote, unless he had served in the Federal army, or could read the constitution, or was seized of a freehold of the value of two hundred and fifty dollars.

Doolittle supported his motion in an elaborate speech. He saw in this reconstruction bill, he said, a complete overthrow of the constitution in ten states, a practical dissolution of the Union, a republic in form north of the Potomac, an empire south of it, a dual executive—a President in the North, an independent military dictator in the negro empire of the South. He would make a last effort to modify this policy. The amendment which he offered would leave the government in the hands of the white race, while it would allow suffrage to all negroes who had any claim to it by reason of intelligence, patriotic service or property. If Congress was determined to establish these governments upon negro suffrage, a war of races would be inevitable.

Doolittle adopted the language of Morton's Richmond speech. He admitted the patriotism and eminent abilities of the senator from Indiana and his incomparable services during the war. But if anything had been wanting to demonstrate

the power of the radicals over the Republican party, it was shown in the fact that even his great mind now lent its powerful influence to favor the establishment of governments based upon negro suffrage, to hold the balance of power in this republic under the control of the bayonets of the army.

"I well remember," continued Mr. Doolittle, "the effect produced by the speech of the Governor of Indiana in 1865. It came at a time to be most gratefully remembered by me, for I was engaged in a struggle against the radicals in my own state, to prevent them from reversing the policy upon which the Union party had fought and mastered the rebellion. I endeavored to demonstrate the same truths set forth in that great speech, and when it came with its irresistible eloquence and force of argument, I rejoiced to lean upon his strong arm for support. Like him, I had on more than one occasion attempted to prove that Mr. Johnson was faithfully carrying out the policy of his predecessor. . . . Of all surrenders to the radical, negro suffrage policy of reconstruction none gave me so much pain as that of the honorable senator from Indiana, except one. I refer to that of General Grant."

Trumbull replied immediately in a speech of considerable power. When he closed, the day's session was far spent. Morton announced that he desired to speak, and when the Senate adjourned he was entitled to the floor.

The next day, the 24th of January, was memorable in the annals of that body. Members of the House thronged the Senate Chamber, a vast crowd filled the galleries, and when the close of the morning hour arrived and it was announced that Morton had the floor, a great audience had assembled. Morton was unable to stand, but addressed the Senate from a seat in front of the chair. When he began, the senators conducted themselves in the manner usual during a long speech, but after a few sentences, the newspapers were dropped, the writing of letters was abandoned, and every senator

gave his attention to the speaker. Morton spoke for an hour and twenty minutes. His sentences fell like sledge-hammer blows. Every word was weighty. He had made no preparation excepting a few notes, to which he seldom referred. No one of the audience who heard the opening sentence, left before the close of his argument. He said:

"When a surveyor first enters a new territory he endeavors to ascertain the exact latitude and longitude of a given spot, and from that he can safely begin his survey. So I will endeavor to ascertain a proposition in this debate upon which both parties are agreed, and start from that proposition. The proposition is, that at the end of the war, in the spring of 1865, the rebel states were without state governments of any kind. The loyal state governments existing at the beginning of the war had been overturned by the rebels; the rebel state governments erected during the war had been overturned by our armies, and at the end of the war there were no governments of any kind existing in those states. This fact was recognized distinctly by the President of the United States in his proclamation under which the work of reconstruction was commenced in North Carolina in 1865. He says:

" 'Whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been overcome, has in its revolutionary progress deprived the people of the state of North Carolina of all civil government.'

"Here the President must be allowed to speak for his party, and I shall accept this as a proposition agreed upon on both sides; that at the end of the war there were no governments of any kind existing in those states.

"The fourth section of the fourth article of the constitution declares that 'the United States shall guarantee to every

state in this Union a republican form of government.' This provision contains a vast, undefined power that has never yet been ascertained—a great supervisory power given to the United States to enable it to keep the states in their orbits, to preserve them from anarchy, revolution and rebellion. The measure of power thus conferred upon the government of the United States can only be determined by that which is requisite to guarantee or maintain in each state a legal and republican form of government. Whatever power, therefore, may be necessary to enable the government of the United States thus to maintain in each state a republican form of government, is conveyed by this provision.

"Now, Mr. President, when the war ended and these states were found without governments of any kind, the jurisdiction of the United States, under this provision of the constitution, at once attached; the power to reorganize state governments, to reconstruct, to maintain and guarantee republican governments in those states, at once attached under this provision. Upon this proposition also, there is a concurrence of the two parties. The President has distinctly recognized the application of this clause of the constitution. He has recognized the fact that its jurisdiction attached when those states were found without republican state governments, and he has himself claimed to act under this clause of the constitution. I will read the preamble of the President's proclamation:

"'Whereas, the fourth section of the fourth article of the constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas, the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound, by solemn oath, to take care that the laws be faithfully executed; and whereas, the rebellion which has been waged by a por-

tion of the people of the United States against the properly constituted authorities of the government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the state of North Carolina of all civil government; and whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina by securing them in the enjoyment of a republican form of government.'

"I read this, Mr. President, for the purpose of showing that the President of the United States, in his policy of reconstruction, started out with a distinct recognition of the applicability of this clause of the constitution, and that he based his system of reconstruction upon it. It is true he recites in this proclamation that he is the commander-in-chief of the army of the United States, but at the same time he puts his plan of reconstruction, not upon the exercise of military power, but on the execution of the guaranty provided by the clause of the constitution to which I have referred. He appoints a Governor for North Carolina and for these other states, the office being civil in its character, but military in its effects. This Governor has all the power of one of the district commanders, and, in fact, far greater power than was conferred upon General Pope or General Sheridan or any general in command of a district; for it is further provided:

" 'That the military commander of the department, and all officers and persons in the military and naval service, shall aid and assist the said provisional Governor in carrying into effect this proclamation.'

"We are then agreed upon the second proposition, that the power of the United States to reconstruct and guarantee republican forms of government at once applied when these states were found in the condition in which they were at the end of the war. Then, sir, being agreed upon these two

propositions, we are brought to the question as to the proper form of exercising this power and by whom it shall be exercised. The constitution says that the United States shall guarantee to every state in this Union a republican form of government. By the phrase 'United States' is meant the government of the United States. The United States can only act through the government, and the clause would mean precisely the same thing if it read: 'The government of the United States shall guarantee to every state in this Union a republican form of government.'

"Then, as the government of the United States is to execute this guaranty, the question arises, what constitutes the government of the United States? The President does not constitute the government; the Congress does not constitute the government; the judiciary does not constitute the government, but all three together constitute the government, and as this guaranty is to be executed by the government of the United States it follows necessarily that it must be by a legislative act. The President could not assume to execute the guaranty without assuming that he was the government of the United States. Congress could not of itself assume to execute the guaranty without assuming that it was the government of the United States; nor could the judiciary, without a like assumption. The act must be the act of the government, and, therefore, it must be a legislative act, a law passed by Congress, submitted to the President for his approval, and perhaps, in a proper case, subject to reviewal by the judiciary.

"Mr. President, that this is necessarily the case from the simple reading of the constitution, it seems to me, can not for a moment be denied. The President, in assuming to execute this guaranty himself, is assuming to be the government of the United States, which he clearly is not, but only one of its co-ordinate branches; and, therefore, as this guaranty must be a legislative act, it follows that the attempts on

the part of the President to execute the guaranty were without authority, and that the guaranty can only be executed in the form of a law, first to be passed by Congress and then to be submitted to the President for his approval, and if he does not approve it, then to be passed over his head by a majority of two-thirds in each House. That law, then, becomes the execution of the guaranty, and is the act of the government of the United States.

"Mr. President, this is not an open question. I send to the secretary and ask him to read a part of the decision of the Supreme Court of the United States in the case of Luther *v.* Borden, as reported in 7 Howard."

The secretary read as follows:

"Moreover, the constitution of the United States, as far as it has provided for an emergency of this kind, and authorized the general government to interfere in the domestic concerns of a state, has treated the subject as political in its nature and placed the power in the hands of that department.

"The fourth section of the fourth article of the constitution of the United States provides that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion; and upon the application of the legislature or of the Executive (when the legislature can not be convened) against domestic violence.

"Under this article of the constitution it rests with Congress to decide what government is the established one in a state. For, as the United States guarantees to each state a republican form of government, Congress must necessarily decide what government is established in the state before it can determine whether it is republican or not. And when the senators and representatives of a state are admitted to the councils of the Union the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional author-

ity. And its decision is binding upon every other department of the government, and could not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue, and as no senators or representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts."

Morton continued: "'In this opinion of the Supreme Court of the United States, delivered many years ago, the right to execute the guaranty provided for in this clause of the constitution is placed in Congress and nowhere else, and therefore the necessary reading of the constitution is confirmed by the highest judicial authority.

"The decision is a distinct enunciation of the doctrine that this guaranty is not to be executed by the President nor by the Supreme Court, but by the Congress of the United States, in the form of a law to be passed by that body and to be submitted to the President for his approval; and should he disapprove it it may become a law by being passed by a two-thirds majority over his head.

"Now I will call the attention of my friend from Wisconsin to another authority. As he has been pleased to refer to a former speech of mine to show that I am not quite consistent, I will refer to a vote given by him in 1864 on a very important provision. On the 1st of July, 1864, the Senate having under consideration, in Committee of the Whole, 'a bill to guarantee to certain states whose governments have been usurped or overthrown a republican form of government,' Mr. Brown, of Missouri, offered an amendment to strike out all of the bill after the enacting clause and to insert a substitute, which I will ask the secretary to read."

The secretary read as follows:

"That when the inhabitants of any state have been declared in a state of insurrection against the United States by

proclamation of the President, by force and virtue of the act entitled 'An act further to provide for the collection of duties on imports, and for other purposes,' approved July 13, 1861, they shall be, and are hereby declared to be, incapable of casting any vote for electors of President or Vice-President of the United States, or of electing senators or representatives in Congress, until said insurrection in said state is suppressed or abandoned, and said inhabitants have returned to their obedience to the government of the United States, and until such return to obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress hereafter to be passed, authorizing the same."

Morton proceeded: "The honorable senator from Wisconsin voted for that in Committee of the Whole and on its final passage. I call attention to the conclusion of the amendment, which declares that the rebellious inhabitants shall be:

" 'Incapable of casting any vote for electors of President or Vice-President of the United States or of electing senators or representatives in Congress until said insurrection in said state is suppressed or abandoned, and said inhabitants have returned to their obedience to the government of the United States, and until such return and obedience shall be declared by proclamation of the President, issued by virtue of an act of Congress hereafter to be passed, authorizing the same.'

"Recognizing that a state of war shall be regarded as continuing until it shall be declared no longer to exist by the President, in virtue of an act of Congress to be hereafter passed, I am glad to find, by looking at the vote, that the distinguished senator from Maryland (Mr. Johnson) voted for this proposition, and thus recognized the doctrine for which I am now contending: that the power to execute the guaranty is vested in Congress alone, and that it is for Congress alone to determine the status and condition of those states, and that the President has no power to proclaim peace or to declare the political condition of those states until he

shall first have been thereunto authorized by an act of Congress.

"I therefore, Mr. President, take the proposition as conclusively established, both by reason and authority, that this clause of the constitution can be executed only by Congress; and taking that as established, I now proceed to consider what are the powers of Congress in the execution of the guaranty, how it shall be executed, and what means may be employed for that purpose. The constitution does not define the means. It does not say how the guaranty shall be executed. All that is left to the determination of Congress. As to the particular character of the means that must be employed, that, I take it, will depend upon the peculiar circumstances of each case, and the extent of the power will depend upon the other question as to what may be required for the purpose of maintaining or guaranteeing a loyal republican form of government in each state. I use the word "loyal," although it is not used in the constitution, because loyalty is an inhering qualification not only in regard to persons who are to fill public offices, but in regard to state governments, and we have no right to recognize a state government that is not loyal to the government of the United States. Now, sir, as to the use of means that are not prescribed in the constitution, I call the attention of the Senate to the eighteenth clause of section eight of the first article of the constitution of the United States, which declares that—

"'The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States or any department or officer thereof.'

"Here is a declaration of what would, in any event, be a general principle, that Congress shall have the power to pass all laws necessary to carry into execution all powers that are vested in the government under the constitution. As Con-

gress has the power to guarantee or maintain a loyal republican government in each state, it has the right to use whatever means may be necessary for that purpose. As I before remarked, the character of the means will depend upon the character of the case. In one case it may be the use of an army; in another case perhaps it may be simply presenting a question to the courts, and having it tested in that way; in another case it may go to the very foundation of the government itself. And I now propound this proposition: that if Congress, after deliberation, after long and bloody experience, shall come to the conclusion that loyal republican state governments can not be erected and maintained in the rebel states upon the basis of the white population, it has a right to raise up and make voters of a class of men who had no right to vote under the state laws. This is simply the use of the necessary means for the execution of the guaranty. If we have found, after repeated trials, that loyal republican state governments, governments that shall answer the purpose that such governments are intended to answer, can not be successfully founded upon the basis of the white population, because the great majority of that population are disloyal, then Congress has a right to raise up a new loyal voting population for the purpose of establishing these governments in the execution of the guaranty. I think, sir, this proposition is so clear that it is not necessary to elaborate it. We are not required to find in the constitution a particular grant of power for this purpose; but we find a general grant of power, and we find also another grant of power authorizing us to use whatever means may be necessary to execute the first; and we find that the Supreme Court of the United States has said that the judgment of Congress upon this question shall be conclusive, that it can not be reviewed by the courts, that it is a purely political matter; and, therefore the determination of Congress, that raising up colored men to the right of suffrage is a means necessary to the execution of that power, is a determination

which can not be reviewed by the courts, and is conclusive upon the people of this country.

"The President of the United States, assuming that he had the power to execute this guaranty, and basing his proclamation upon it, went forward in the work of reconstruction. It was understood at that time—it was so announced, if not by himself at least by the Secretary of State, Mr. Seward—that the governments which he would erect during the vacation of Congress were to be erected as provisional only; that his plan of reconstruction, and the work that was to be done under it, would be submitted to Congress for its approval or disapproval at the next session. If the President had adhered to that determination I believe that all would have been well, and that the present state of things would not exist. But, sir, the Executive undertook finally to execute the guaranty himself without the co-operation of Congress. He appointed provisional governors, giving to them unlimited power until such time as the new state governments should be erected. He prescribed in his proclamation who should exercise the right of suffrage in the election of delegates. And allow me for one moment to refer to that. He says in his proclamation:

" 'No person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865,' which was issued on the same day and was a part of the same transaction. 'and is a voter qualified as prescribed by the constitution and laws of the state of North Carolina, in force immediately before the 20th day of May, A. D. 1861.'

"The persons having the right to vote must have the right to vote by the laws of the state, and must, in addition to that, have taken the oath of amnesty. The President disfranchised from voting for delegates to the conventions be-

tween two hundred and fifty thousand and three hundred thousand men. His disfranchisement was far greater than that which has been imposed by Congress. In the proclamation of amnesty he says:

"'The following classes of persons are excepted from the benefits of this proclamation:'

"He then announced fourteen classes of persons.

"'1. All who are or have been pretended civil or diplomatic officers, or otherwise domestic or foreign agents, of the pretended Confederate government. . . .

"'13. All persons who have voluntarily participated in said rebellion, the estimated value of whose taxable property is over twenty thousand dollars.'

"And twelve other classes, estimated to number at the least two hundred and fifty thousand or three hundred thousand men, while the disfranchisement that has been created by Congress does not extend to more than, perhaps, forty-five thousand or fifty thousand persons at the furthest. These provisional governors, under the authority of the President, were to call conventions; they were to hold the elections, and they were to count the votes; they were to exercise all the powers that are being exercised by the military commanders under the reconstruction acts of Congress. After those constitutions had been formed, the President went forward and accepted them as being loyal and republican in their character. He authorized the voters under them to proceed to elect legislatures and members of Congress, and the legislatures to elect senators to take their seats in this body. In other words, the President launched those state governments into full life and activity without consultation with or co-operation on the part of Congress.

"Now, sir, when it is claimed that these governments are legal, let it be remembered that they took their origin under a proceeding instituted by the President of the United States in the execution of this guaranty, when it now stands con-

fessed that he could not execute the guaranty. But even if he had the power, let it be further borne in mind that those constitutions were formed by conventions that were elected by less than one-third of the white voters in the states at that time; that the conventions were elected by a small minority even of the white voters, and that the constitutions thus formed by a very small minority have never been submitted to the people of those states for ratification. They are no more the constitutions of those states to-day than the constitutions formed by the conventions now in session would be if we were to proclaim them to be the constitutions of such states without first having submitted them to the people for ratification. How can it be pretended for a moment, even admitting that the President had the power to start forward in the work of reconstruction, that those state governments are legal which were formed by a small minority, never ratified by the people, the people never having had a chance to vote for them. They stand as mere arbitrary constitutions, established, not by the people of the several states, but simply by force of executive power.

"And, sir, if we shall admit those states to representation on this floor and in the other house under such constitutions, when the thing shall have got beyond our keeping and the people are fully restored to their political rights, they will then rise and declare that those constitutions are not binding upon them, that they never made them, and they will throw them off, and with them will go the provisions which were incorporated therein, declaring that slavery should never be restored and that their war debt was repudiated. Those provisions were put into the constitutions, but have never been sanctioned by the people of those states, and will be cast out as not being their act and deed as soon as they shall have been restored to political power in this government. Therefore I say that even if we concede that the President had the power (which he had not) to start forward in the execution

of this guaranty, there can still be no pretense that those governments are legal and authorized, and that we are bound to recognize them.

"The President of the United States, in his proclamation, declared that the governments were to be formed only by the loyal people of those states, and I beg leave to call the attention of the Senate to that clause in his proclamation of reconstruction. He says:

"'And with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the state of North Carolina to restore said state to its constitutional relations with the Federal government.'

"Again, speaking of the army:

"'And they are enjoined to abstain from in any way hindering, impeding or discouraging the loyal people from the organization of a state government as herein authorized.'

"Now, sir, instead of those state governments having been organized by the loyal people, they were organized by the disloyal; every office passed into the hands of a rebel; the Union men had no part or lot in those governments; and so far from answering the purpose for which governments are intended, they failed to extend protection to the loyal men, either white or black. The loyal men were murdered with impunity; and I will thank any senator upon this floor to point to a single case in any of the rebel states where a rebel has been tried and brought to punishment by the civil authority for the murder of a Union man. Not one case, I am told, can be found. Those governments utterly failed to answer the purpose of civil governments; and not only that, but they returned the colored people to a condition of *quasi*-slavery; they made them the slaves of society instead of being, as they were before, the slaves of individuals. Under various forms of vagrant laws, they deprived them of the rights of freemen, and placed them under the power and control of their rebel masters, who were filled with hatred and revenge.

"But, Mr. President, time passed on. Congress assembled in December, 1865. It did not at once annul those governments. It hesitated. At last, in 1866, the constitutional amendment, the fourteenth article, was brought forward as a basis of settlement and reconstruction; and there was a tacit understanding, though it was not embraced in any law or resolution, that if the Southern people should ratify and agree to that amendment, then their state governments would be accepted. But that amendment was rejected, contemptuously rejected. The Southern people, counseled and inspired by the Democracy of the North, rejected that amendment. They were told that they were not bound to submit to any conditions whatever, that they had forfeited no rights by rebellion.

"Why, sir, what did we propose by this amendment? By the first section we declared that all men born upon our soil were citizens of the United States—a thing that had long been recognized by every department of this government until the Dred Scott decision was made in 1857. The second section provided that where a class or race of men were excluded from the right of suffrage, they should not be counted as the basis of representation—an obvious measure of justice that no reasonable man could for a moment deny—that if four million people in the South were to have no suffrage, the men living in their midst and surrounding them, and depriving them of all political rights, should not have members of Congress on their account. I say the justice of the second clause has never been successfully impugned by any argument, I care not how ingenious it may have been. What was the third clause? It was that the leaders of the South, those men who had once taken an official oath to support the constitution of the United States, and had afterward committed perjury by going into the rebellion, should be made ineligible to any office under the government of the United States or of a state. It was a very small disfranchisement. It was

intended to withhold power from those leaders by whose instrumentality we had lost nearly half a million lives and untold treasure. The justice of that disfranchisement could not be disproved. And what was the fourth clause of the amendment? That this government should never assume and pay any part of the rebel debt, that it should never pay the rebels for their slaves. This was bitterly opposed in the North as well as in the South. How could any man oppose that amendment unless he was in favor of this government assuming a portion or all of the rebel debt and in favor of paying the rebels for their slaves? When the Democratic party North and South opposed that most important, and perhaps vital amendment, they were committing themselves in principle to the doctrine that this government was bound to pay for the slaves, and that it was just and right that we should assume and pay the rebel debt.

"This amendment was rejected, and when the two houses of Congress assembled in December, 1866, they were confronted by the fact that every proposition of compromise had been rejected, every half-measure had been spurned by the rebels themselves, and they had nothing left to do but to begin the work of reconstruction themselves, and in February, 1867, Congress, for the first time, entered upon the execution of the guaranty provided for in the constitution, by the passage of the first reconstruction law. A supplementary bill was found necessary in March, another one in July, and, I believe, another is found necessary at this time, but the power is with Congress. Whatever it shall deem necessary, whether it be in the way of colored suffrage, whether it be in the way of military power—whatever Congress shall deem necessary in the execution of this guaranty is conclusive upon the courts, upon every state, and upon the people of this nation.

"Sir, when Congress entered upon this work it had become apparent to all men that loyal republican state governments

could not be erected and maintained upon the basis of the white population. We had tried them. Congress had attempted the work of reconstruction through the constitutional amendment by leaving the suffrage with the white men, by leaving with the white people of the South the question as to when the colored people should exercise the right of suffrage, if ever; but when it was found that those white men were as rebellious as ever; that they hated this government more bitterly than ever; when it was found that they persecuted the loyal men, both white and black, in their midst; when it was found that Northern men who had gone there were driven out by social tyranny, by a thousand annoyances, by the insecurity of life and property, then it became apparent to all men of intelligence that reconstruction could not take place upon the basis of the white population, and that something else must be done.

"Now, sir, what was there left to do? Either we must hold these people continually by military power, or we must use such machinery upon such a new basis as would enable loyal republican state governments to be raised up, and, in the last resort—and I will say Congress waited long, the nation waited long, experience had to come to the rescue of reason before the thing was done—in the last resort, and as the last thing to be done, Congress determined to dig through all the rubbish, dig through the soil and shifting sands, and go down to the eternal rock, and there, upon the basis of the everlasting principle of equal and exact justice to all men, we have planted the column of reconstruction. And, sir, it will rise slowly but surely, and 'the gates of hell shall not prevail against it.'

"Whatever dangers we apprehended from the introduction to the right of suffrage of seven hundred thousand men, just emerged from slavery, were put aside in the presence of a greater danger. Why, sir, let me say frankly to my friend from Wisconsin that I approached universal colored suffrage

in the South reluctantly. Not because I adhered to the miserable dogma that this was a white man's government, but because I entertained fears about at once intrusting with political power a large body of men just freed from slavery, to whom education had been denied by law, to whom the marriage relation had been denied, and who had been made the basest and most abject slaves. And, as the senator has referred to a speech which I made in Indiana in 1865, allow me to show the principle that then actuated me, for in that speech I said:

"'In regard to the question of admitting the freedmen of the southern states to vote, while I admit the equal rights of all men, and that in time all men will have the right to vote, without distinction of color or race, I yet believe that in the case of four millions of slaves just freed from bondage, there should be a period of probation and preparation before they are brought to the exercise of political power.'

"Such was my feeling at that time, for it had not then been determined by the bloody experience of the last two years that we could not reconstruct upon the basis of the white population, and such, also, was the opinion of a great majority of the people of the North; and it was not until a year and a half after that time that Congress came to the conclusion that there was no way left but to resort to colored suffrage and suffrage to all men except those who were disqualified by the commission of high crimes and misdemeanors.

"Mr. President, we hear much said in the course of this debate and through the press about the violation of the constitution. It is said that in the reconstruction measures of Congress we have gone outside of the constitution, and the remark of some distinguished statesman of the Republican party is quoted to that effect. Sir, if any leading Republican has ever said so he spoke only for himself, not for an-

other. I deny the statement *in toto*. I insist that these reconstruction measures are, not only by reason but by authority, as fully within the powers of the constitution as any legislation. And who are the men that are talking so much about the violation of the constitution and who pretend to be the especial friends of that instrument? The great mass of them only three years ago were in arms to overturn the constitution and establish that of Montgomery in its place, or were their Northern friends, aiding and sympathizing in that undertaking.

"I had occasion the other day to speak of what was described as a 'Constitutional Union man'—a man living inside of the Federal lines during the war, sympathizing with the rebellion, and who endeavored to aid the rebellion by insisting that every war measure for the purpose of suppressing it was a violation of the constitution of the United States. Now, these men, who claim to be the special friends of the constitution, are the men who have sought to destroy it by force of arms, and those throughout the country who have given them aid and comfort. Sir, you will remember that once a celebrated French woman was being dragged to the scaffold, and as she passed the statue of liberty she exclaimed, 'How many crimes have been committed in thy name!' and I can say, how many crimes against liberty, humanity and progress are committed in the name of the constitution by these men who, while they love it not and seek its destruction, yet now, for party purposes, claim to be its special friends.

"My friend from Wisconsin yesterday compared what he called the radical party of the North to the radicals of the South, and when he was asked the question by some senator, 'Who are the radicals of the South?' he said, 'They are the secessionists.' Sir, the secessionists of the South are Democrats to-day, acting in harmony and concert with the Democratic party. They were Democrats during the war who

prayed for the success of McClellan and Pendleton, and who would have been glad to vote for them. They were men who sympathized with the rebellion, who aided in bringing it on. These are the radicals of the South, and my friend from Wisconsin, after all, is acting with that radical party.

"The burden of his speech yesterday was that the reconstruction measures of Congress are intended to establish negro supremacy. Sir, this proposition is without any foundation whatever. I believe it was stated yesterday by the senator from Illinois (Mr. Trumbull) that in every state but two the white voters registered outnumbered the colored voters, and the fact that in two states the colored voters outnumbered the white voters was owing to the simple accident that there are more colored men in those states than there are white men. Congress has not sought to establish negro supremacy, nor has it sought to establish the supremacy of any class or party of men. If it had sought to establish negro supremacy it would have been an easy matter to do so by excluding from the right of suffrage all men who had been concerned in the rebellion, in accordance with the proposition of the distinguished senator from Massachusetts (Mr. Sumner), in his spech at Worcester, in 1865. He proposed to exclude all men who had been concerned in the rebellion, and confer suffrage only on those who were left. That would have established negro supremacy by giving the negroes an overwhelming majority in every state, and if that had been the object of Congress it could have been readily done. But, sir, Congress has only sought to divide the political power between the loyal and the disloyal. It has disfranchised some fifty thousand disloyal leaders, leaving all the rest of the people to vote. They have been enfranchised on both sides, that neither should be placed in the power of the other. The rebels have the right to vote so that they shall not be under the control and power of the Union men only, and the Union men have been allowed to vote so that they shall not be un-

der the control and power of the rebels. This is the policy, to divide the political power among those men for the protection of all. Sir, the charge that we intend to create negro supremacy, or colored state governments, is without the slightest foundation, for it would have been in the power of Congress to have easily conferred such supremacy by simply excluding the disloyal from the right of suffrage, a power which it had the clear right to exercise.

"Now, Mr. President, allow me to consider for a moment the amendment offered by the Senator from Wisconsin, and upon which his speech was made, and see what is its effect —I will not say its purpose, but its inevitable effect—should it become a law. I will ask the secretary to read the amendment which the senator from Wisconsin has proposed to the Senate."

The secretary read as follows:

"Provided, nevertheless, that upon an election for the ratification of any constitution, or of officers under the same, previous to its adoption in any state, no person not having the qualifications of an elector under the constitution and laws of such state previous to the late rebellion shall be allowed to vote, unless he shall possess one of the following qualifications, namely:

"1. He shall have served as a soldier in the Federal army for one year or more.

"2. He shall have sufficient education to read the constitution of the United States and to subscribe his name to an oath to support the same.

"3. He shall be seized in his own rignt, or the right of his wife, of a freehold of the value of two hundred and fifty dollars."

Morton continued: "These qualifications are, by the terms of the amendment, to apply to those who were not authorized to vote by the laws of the state before the rebellion—in other words the colored men. He proposes to allow a colored man

to vote if he has been in the Federal army one year, and he proposes to allow a rebel white man to vote, although he has served in the rebel army four years! He proposes that a colored man shall not vote unless he has sufficient education to read the constitution of the United States and to subscribe his name to an oath to support the same, whereas he permits a rebel white man to vote who never heard of the constitution and who does not know how to make his mark even to a note given for whisky.

"Again, sir, he proposes that the colored man shall not vote unless he shall be seized in his own right or in the right of his wife of a freehold of the value of two hundred and fifty dollars, a provision which, of course, would cut off 999 colored men out of every thousand in the South. The colored man can not vote unless he has a freehold of two hundred and fifty dollars, but the white rebel, who was never worth twenty-five cents, who never paid a poll-tax in his life, who never paid an honest debt, is to be allowed to vote. Sir, what would be the inevitable effect of the adoption of this amendment? To cut off such a large part of the colored vote as to leave the rebel white vote largely in the ascendency and to put these new state governments there to be formed again by the hands of the rebels. Sir, I will not spend any more time upon that.

"My friend, yesterday, alluded to my indorsement of the President's policy in a speech in 1865. I never indorsed what is now called the President's policy. In the summer of 1865, when I saw a division coming between the President and the Republican party, and when I could not help anticipating the direful consequences that must result from it, I made a speech in which I repelled certain statements that had been made against the President, and denied the charge that in issuing his proclamation of May 29, 1865, he had thereby left the Republican party. I said that he had not left the Republican party by that act. I did show that the

policy of that proclamation was even more radical than that of Mr. Lincoln. I did show that it was more radical even than the Winter-Davis bill of the summer of 1864. But, sir, this was all upon the distinct understanding that whatever the President did, his whole policy or action was to be submitted to Congress for its consideration and decision; and, as I before remarked, if that had been done all would have been well. I did not then advocate universal colored suffrage in the South, and I have before given my reasons for it, and in doing that I was acting in harmony with the great body of the Republican party of the North. It was nearly a year after that time that Congress passed the constitutional amendment which still left the question of suffrage with the Southern states—left it with the white people; and it was not until a year and a half after that time that Congress came to the conclusion that we could not execute the guaranty of the constitution without raising up a new class of loyal voters.

"And, sir, nobody concurred in that conclusion more heartily than myself. I confess (and I do it without shame) that I have been educated by the great events of this war. The American people have been educated rapidly, and the man who says he has learned nothing, that he stands now where he stood six years ago, is like an ancient mile-post by the side of a deserted highway.

"Mr. President, we have advanced step by step. When this war began we did not contemplate the destruction of slavery. I remember well when the Crittenden resolution was passed, declaring that the war was not prosecuted for conquest nor to overturn the institutions of any state. I know that that was intended as an assurance that slavery should not be destroyed, and it received the vote, I believe, of every Republican member in both Houses of Congress, but in a few months after that time it was found from the events of the war that we could not preserve slavery and suppress the rebellion,

and that we must destroy slavery; not prosecute the war to destroy slavery, but destroy slavery to prosecute the war. Which was the better, to stand by the resolution and let the Union go, or to stand by the Union and let the resolution go? Congress could not stand by that pledge, and it was 'more honored in the breach than the observance.'

"Mr. Lincoln issued his proclamation of emancipation, setting free the slaves of rebels. It was dictated by the stern and bloody experience of the times. Mr. Lincoln had no choice left him. When we began this contest no one thought we would use colored soldiers in the war. The distinguished senator sitting by me here (Mr. Cameron), when as Secretary of War, in the winter of 1861, he first brought forward the proposition to use colored soldiers, was greatly in advance of public opinion, and was thought to be a visionary, but as the war progressed it became manifest to all intelligent men that we must not only destroy slavery but that we must avail ourselves of every instrumentality in our power for the purpose of putting down the rebellion, and the whole country agreed to the use of colored soldiers, and gallant and glorious service they rendered.

"In 1864 a proposition was brought forward in this body tc amend the constitution of the United States by abolishing slavery. We do not think that is very radical now, but it was very radical then; it was the great measure of the age, and almost of modern times, and it was finally passed—an amendment setting free every human being within the limits of the United States. But, sir, we were very far then from where we are now. All will remember the celebrated Winter-Davis bill, passed in June, 1864, which took the power of reconstruction out of the hands of the President, where it did not, in fact, belong.

"If that bill had passed it would perhaps have resulted in the destruction of this government. We can all see this now, although the bill was then thought to be the most radical meas-

ure of the times. What did it propose? It proposed to prescribe a plan, to take effect when the war should end, by which the rebel states should be restored. I refer to that bill simply to show how we have all traveled. It required but one condition or guaranty on the part of the people of the South, and that was that they should put into their constitutions a provision prohibiting slavery. It required no other guaranty. It required no equalization of representation, no security against rebel debts or against payment for the emancipation of slaves, and it confined the right of suffrage to white men. It was thought at the time to be a great step in advance, and so it was; but events were passing rapidly, and in 1865 the President came forward with his proposition, and I am stating what is true from an examination of the documents when I say that but for the want of power in the President, his scheme, in itself considered, was far more radical than that of the Winter-Davis bill; but events were rapidly convincing the statesmen of the time that we could not reconstruct upon that basis.

"Still, Congress was not prepared to take a forward step until the passage of the constitutional amendment, which we now regard as a half-way measure, necessary and vital as far as it went, but not going far enough. That was rejected, and we were then compelled to go further, and we have now fallen upon the plan of reconstruction which I have been considering. It has been dictated by the logic of events which overrides all arguments, overrides all prejudices, overrides all theory, in the presence of the necessity for preserving the life of this nation; and if future events shall determine that we must go further, I for one am prepared to say that I shall go as far as may be necessary for the execution of this guaranty, the reconstruction of this republic upon a right basis, and the successful restoration of every part of this Union.

"Mr. President, the column of reconstruction, as I before remarked, has risen slowly. It has not been hewn from a

single stone. It is composed of many blocks, painfully laid up and put together, and cemented by the tears and blood of the nation. Sir, we have done nothing arbitrarily. We have done nothing for punishment, ay, too little for punishment. Justice has not had her demand. Not a man has yet been executed for this great treason. The arch fiend himself is now at liberty upon bail. No man is to be punished, and, now, while the time for punishment has gone by, as we all know, we are insisting only upon security for the future. We are simply asking that the evil spirits who brought this war upon us shall not again come into power during this generation, again to bring upon us rebellion and calamity. We are simply asking for those securities that we deem necessary for our peace and the peace of our posterity.

"Sir, there is one great difference between this Union party and the so-called Democratic party. Our principles are those of humanity, they are those of justice, they are those of equal rights; they are principles that appeal to the hearts and consciences of men; while on the other side we hear appeals to the prejudice of race against race. The white man is overwhelmingly in the majority in this country, and that majority is yearly increased by half a million white men from abroad. It is gaining in proportion from year to year until the colored men will finally be but a handful in this country; and yet we hear the prejudices of the white race appealed to to crush this other race, and to prevent it from rising to supremacy and power. Sir, there is nothing noble, there is nothing generous, there is nothing lovely, in that policy or that appeal. How does that principle compare with ours? We are standing upon the broad platform of the Declaration of Independence, 'that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.' We say that these rights are not given by laws, are not given by the con-

stitution, but that they are the gift of God to every man born into the world. Oh, sir, how glorious is this great principle compared with the inhuman—I might say the heathenish—appeal to the prejudice of race against race; the endeavor further to excite the strong against the weak; the endeavor further to deprive the weak of their right of protection against the strong.''

At the conclusion of Morton's argument the senators flocked around him to congratulate him. The first to extend his hand was Morton's Democratic colleague, Mr. Hendricks. The proceedings of the Senate were interrupted for some time by the confusion following the speech, and Morton left the chamber much exhausted. It was intended that some Democrat should answer, but there were none found willing to undertake the task without further preparation.[1] The speech was published in full in the leading papers of the country. Two hundred thousand copies were immediately printed in Washington. Two million copies were distributed during the following Presidential campaign. Morton himself regarded it as the best argument he had ever made. It was translated into German, French, Spanish and Italian, and Morton received over six hundred letters of congratulation in regard to it. The New

[1] "Occasional," writing to the Philadelphia *Press*, said: "Governor Morton's speech surprised even those who knew his consummate abilities. Speaking seated in his chair, on account of his extreme debility, his physical weakness added to the interest of his argument. I remember how long, long ago, George McDuffie, of South Carolina, habitually pronounced his dazzling rhetoric seated. But in how different a cause the senator from Indiana is engaged! McDuffie spoke as a brilliant partisan, Morton as an inspired patriot."

At a meeting in Concert Hall, Philadelphia, on September 24, 1868, Colonel John W. Forney, in introducing Morton, called him "that great tribune who, when the public mind was distressed by mischievous and varying accusations against the acts of reconstruction, laid before the country and the world the finest argument which had been heard in the American Senate since the days of Webster and Clay."

The late Walter Q. Gresham said that this speech was the greatest delivered in Congress since Webster had replied to Hayne.

York *World* and the New York *Herald*, in long articles, attempted to refute its conclusions, each regarding it as the embodiment of the doctrine of the Republican party. Mr. Barnes, in his history of this Congress, declared it to be one of the most unanswerable and effective speeches ever delivered in the Senate. The day after its delivery General Rawlins read it to General Grant, who remarked, "That settles it, Rawlins. That one speech, if not another word is said, insures a Republican victory next fall."

The debate proceeded at intervals. Wilson, of Massachusetts, spoke in support of the reconstruction bill, Reverdy Johnson, of Maryland, in opposition. Johnson said of Morton's speech: "In common with every member of the Senate, I listened to it, not only with pleasure, but with admiration. It was courteous, logically argumentative, and had the true spirit of eloquence. It was a speech of which the Senate has cause to feel proud. It brought back our debates, if they have wandered, to that standard of former days, when no personal reflections were indulged in, when elevated principles guided the discussion, when the good of the country alone seemed to be considered, and not the mere success of party."

Mr. Doolittle, in his reply, said that Morton might, without discourtesy to any other senator, be said to represent the logic of his side. The Wisconsin senator spoke at great length in answer to Morton's argument, but fell far short of the high standard set by the senator from Indiana. Other speeches followed. But by this time the energy of the Senate had been so thoroughly expended in debate that there was none left to act upon the proposed measure, and the bill was permitted to sleep. The addresses were indeed political in character, designed to influence the people in the following campaign rather than to convince the Senate. The action of the Southern States in accepting the previous conditions of reconstruction had made further legislation unnecessary.

CHAPTER III

INDIANA POLITICS—ADMISSION OF SOUTHERN STATES—SEYMOUR AND BLAIR CAMPAIGN

WHILE Morton was engaged in his important duties in the Senate, Indiana politics again fell into confusion. The currency question was the first source of contention. On the 12th of January, 1868, a Republican county convention was held in Indianapolis. The state was strongly tinctured with "greenback" sentiment, and in this convention a resolution was adopted that the bonds of the government which did not stipulate for payment in coin should be paid in "legal money"; and another, that the national bank circulation should be withdrawn and greenbacks issued instead.

There was great delight among the Democrats at these proceedings. Morton, they said, had been repudiated in his own county.

The state convention met on February 20. Morton had expected to be present, but his physician, Dr. Bliss, refused to consent to the journey. The resolutions, while expressing unwavering confidence in Morton and indorsing his course in the Senate, demanded that all bonds should be paid in greenbacks except where it was provided otherwise in express terms, and that they should be paid in such quantities as would make the circulation commensurate with the commercial wants of the country. This was much like the Democratic doctrine which Morton had opposed, and the Democratic papers were not slow to urge the inconsistency of these resolutions with Morton's Columbus speech.

The orthodoxy of Morton's views, however, was vindicated by the Republican National Convention, which met at Chicago, on the 20th of May, and nominated Grant for President and Colfax for Vice-President. The platform of this convention made two principles conspicuous, equal suffrage and the maintenance of the public faith.

In the impeachment trial of Andrew Johnson, which took place about this time, Morton voted for the conviction of the President, but he took little active part in the proceedings and filed no opinion.

On the 27th of May a bill for the admission of Arkansas came up for discussion in the Senate. There was a clause providing that Arkansas should not be admitted until its legislature had agreed that the constitution of the state should never be amended so as to deprive the negroes of suffrage. Morton opposed this clause. How could the legislature, he asked, which was merely the creature of this new constitution, impose upon the people a fundamental condition by which all future generations were to be denied the power of amending their constitution? Congress had the right to reconstruct republican governments and to use the instrumentality of the colored vote for that purpose, but when any state was once admitted it stood upon the same ground as other states. The right to regulate suffrage belonged to the states, and also the right to alter and amend their respective constitutions. How then could these rights be taken from Arkansas by a compact agreed to by her legislature?

Two days afterwards Edmunds made an elaborate reply. He denied the doctrine that no state could deprive itself of any faculty of sovereignty. The power to tax, he said, was one of the faculties of sovereignty, yet a state binding itself by compact could not recede from its engagements and impose a tax which it had agreed that it would not impose. The power to administer justice was a sovereign power, yet the Supreme

Court had decided in Green *v.* Biddle that Kentucky having, by compact with Virginia, parted with this power respecting a certain class of claims, was prohibited from changing its laws. There was no provision in the constitution requiring states to be admitted upon an equal footing.

Morton asked: Supposing a state could bind itself by such a compact with the general government, must that be done by the people in their primary capacity or might it be done by an ordinary legislature?

Edmunds answered that where a legislature represented a people not yet in a state of sovereign existence, and agreed to a fundamental condition upon which they were to have a sovereign existence, and the people had acquiesced by continuing the government thus given to them, it became just as much the act of the people as it would have been if they had met in convention and agreed to it in form.

On the 1st of June, Morton spoke again. He insisted that the legislature of a state had no power to make a fundamental condition any more than it had power to make a constitution. Such a condition must be made by the people in their primary capacity.

The contemplated restriction was, however, imposed.

On June 5 a bill for the admission of North Carolina, South Carolina, Louisiana, Georgia and Alabama was discussed. The constitution of Alabama had been adopted by sixty-nine thousand majority of those who voted, but more than half of the registered electors did not vote. Hence it was said that one of the conditions of the previous reconstruction acts had not been complied with, and objections were made to the admission of this state.

Morton, who had opposed the provision requiring a majority to vote, now insisted that it was competent for the same Congress that had passed the act to waive the condition. He therefore urged the immediate admission of Alabama.

The constitution adopted by Georgia had provided that no

court in that state should have jurisdiction of suits upon contracts made prior to June, 1865. Congress now required the legislature to repudiate this provision before the state should be restored. In discussing this requirement Morton said that the Republican party, the party of good faith, would be itself discredited if it should justify Georgia in repudiating honest debts.

The bill for the admission of these states finally passed. The President vetoed the act, but it was promptly passed by Congress over the veto.

On the 9th of July the Democratic national convention, held in New York, nominated Seymour and Blair for President and Vice-President respectively. Morton seized the occasion for the delivery of a speech, in which he discussed the platform and nominations—a speech evidently intended more for the country at large than for the Senate to which it was addressed.

"This platform and these nominations," he said, "are a declaration of the renewal of the rebellion. Let me call your attention to a part of the eighth resolution. In speaking of the reconstruction of the states it says 'that the power to regulate suffrage exists in each state' (making no difference between loyal states that have been at peace and states that have been in rebellion—putting them all upon the same footing), 'and that any attempt by Congress, on any pretext whatever'—that is, upon the pretext of the rebellion, if you please—'to deprive any state of this right, or interfere with its exercise, is a flagrant usurpation of power which can find no warrant in the constitution; and, if sanctioned by the people, will subvert our form of government . . . . and that we regard the reconstruction acts—so-called—of Congress, as such usurpations and as unconstitutional, revolutionary and void.'

"This convention has called upon the rebels of the South

to regard these governments, organized under authority of acts of Congress by the people of those states as usurpations, unconstitutional and void, and has thereby invited them again to insurrection and rebellion. That is what that resolution means. . . . These reconstruction acts being void, nobody is bound to regard them; they have no authority over any one, to coerce or to punish, and may be resisted by any with impunity. That is not the language of this resolution; but it is the substance and the meaning of it, and in consequence it received the indorsement and the approbation of the hundreds of rebels who were in that convention from the South, men who organized the rebel government and led the rebel armies in battle. This, then, is the issue—a continuance of the war, a renewal of the rebellion, because it is either that or it is submission to and acquiescence in what has been done.

"But, Mr. President, we are not to grope for the meaning of the convention, we are not left even to seek for it by inference. We have a letter of General Francis P. Blair, written, I believe, less than one week ago, and this letter has been indorsed by the convention this afternoon, by his nomination as candidate for the Vice-Presidency. It is as much a part of the platform as if it were incorporated therein, for the ink was hardly dry before it was indorsed by Blair's nomination."

The chief clerk now read the letter written by Blair to Colonel James O. Broadhead on June 30, and containing the following sentences:

". . . . We can not undo the Radical plan of reconstruction by congressional action; the Senate will continue to be a bar to its repeal. Must we submit to it? How can it be overthrown? It can only be overthrown by the authority of the Executive, who is sworn to maintain the constitution and not to permit it to perish under a series of congressional en-

actments which are in palpable violation of its fundamental principles. . . .

"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 usurpation at the South, disperse the carpet-bag state governments, and allow the white people to reorganize their own governments and elect senators and representatives. The House of Representatives will contain a majority of Democrats from the North, and they will admit the representatives elected by the white people of the South, and with the co-operation of the President it will not be difficult to compel the Senate to submit once more to the obligations of the constitution. . .

"I repeat that this is the real and only question which we should allow to control us: Shall we submit to the usurpations by which the government has been overthrown, or shall we exert ourselves for its full and complete restoration? It is idle to talk of bonds, greenbacks, gold, the public faith and the public credit. . . . We must restore the constitution before we can restore the finances, and to do this we must have a President who will execute the will of the people by trampling into dust the usurpations of Congress known as the reconstruction acts. I wish to stand before the convention upon this issue, but it is one which embraces everything else that is of value in its large and comprehensive results. It is the one thing that includes all that is worth a contest, and without it there is nothing that gives dignity, honor or value to the struggle. Your friend,

"FRANK P. BLAIR."

Morton continued: "Mr. President, that is the Democratic platform. General Blair, whatever you may say of him, is a bold, outspoken man, and he voiced the sentiment of that convention. He says: 'Upon these sentiments I want to stand before the convention,' and upon those sentiments he was nomi-

nated. Therefore, I say that the language of the Democratic convention at New York to the whole country means war; resistance by force of arms to congressional legislation; the overthrow, by force of arms, of the governments that have been erected in the rebel states under the laws enacted by Congress; the continuance of the rebellion, in a somewhat different form, but still the same struggle, contending for the same principles. It is now announced formally, not at Montgomery, not at Richmond, but at New York. The country need not be at any loss to understand the character of the contest upon which we are entering. It is not one of peace and acquiescence, whereby the ravages of war may be repaired; but it is a new declaration of war; a new announcement of the rebellion under somewhat different circumstances, formidable, dangerous and solemn. Let the country look the struggle in the face.

"General Blair has said truly that all the talk about greenbacks and bonds and questions of finance is mere nonsense. The great issue is the question of overturning the new state governments by force, and of restoring the power of the rebels, or, as they call it, of 'the white men's government' in those states. All the rest is leather and prunella. We owe a debt of gratitude to General Blair for his frankness. There need be no deception practiced now, and there can be none. There can be no other issue presented to us but that of the future peace of this country. If Seymour shall be elected upon that platform he stands pledged to use the army of the United States for the purpose of overturning the governments that have been established in the South by the voice of the whole people, and by that army to place the power back again into the hands of the rebels. They were there with him in that convention. They have given him their counsel. They have indorsed Mr. Seymour, and the convention and all have indorsed General Francis P. Blair.

"I know that we shall be told in the Northwest that they

intend to have the same currency for the government and the people, for the bondholder and the laborer. They will proclaim taxation of the bonds as the great issue upon which they expect to get votes; but that will all be a deception. The great issue underlying the contest—and we have the solemn declaration of their candidate for Vice-President to that effect—will be the renewal of the war in order to overturn the state governments that have just been established under the acts of Congress. General Blair has relieved the Republican party of a great deal of labor. He has unmasked the enemy with whom we have to deal, and he has placed before the country the very issue—peace or war."

This speech produced a remarkable effect. It "sounded the keynote" of the Presidential campaign.

The heavy labors of the long session had left their traces upon Morton's enfeebled body. During the month of June his physician insisted that he should leave the capital and seek rest and recreation. He determined to make a brief visit to Indianapolis and then go to St. Catharines in Canada for treatment. But he found it hard to tear himself away from the Senate and it was not until the latter part of July, only a few days before adjournment, that he was able to turn his face toward home.

His political friends in Indiana determined to give him a great reception. On his way he stopped at Centreville, and a delegation of leading Republicans was sent from Indianapolis to this town to conduct him to the state capital. There were enthusiastic demonstrations on the way. Multitudes met him at a number of stations, and he made several short speeches.

At Indianapolis there was a public meeting at the court-house, and Albert G. Porter delivered an address of welcome, recalling the services which Morton had rendered to the state and country. Mr. Porter referred to the condition of Indiana at the outbreak of the war, to the eminent place it had taken

during the great struggle, and to Morton's share in the fame it had acquired. He thus spoke of Morton's care of the soldiers:

"Whatever honors may hereafter crown your public life, it is as the 'good Governor' that your name is to be affectionately cherished by the living, and to pass down to posterity. Here your fame rests secure. It is not in the custody of the rich and the great. In many an humble cabin where your picture is suspended by the side of that of the young soldier fallen, the message that the 'good Governor' had ceased to live would bring sadness as if death had entered the domestic circle and the hearthstone were again broken."

Mr. Porter alluded to the campaign of 1866 and to the address at Masonic Hall—"the inspiration of the canvass." He thanked the senator for his service in the great debate on reconstruction, as well as for his review of the letter of Frank Blair, "which set forth with incisive sharpness the true issue of the pending canvass."

Morton, in his reply, after expressing his acknowledgments for the reception, proceeded to consider more elaborately than he had done in the Senate the meaning of the Democratic platform and the letter of General Blair. He then took up the question of issuing new greenbacks to pay the national debt, and thus criticised a speech delivered by Mr. Hendricks a short time before:

"After Mr. Hendricks had argued the right of the government to pay the debt in greenbacks, he said: 'It is time now to commence the issue of those greenbacks for the purpose of paying the debt and to stop the gold interest.' He would issue enough to pay the debt and stop the gold interest. Why, my friends, this is all Pomeroy asks—this is all Vallandigham asks—this is more than Mr. Pendleton now dares to demand. It would meet the views of the extreme men of his party. But there is something else. Mr. Hendricks also said:

"'I would not be understood as being in favor of an increase of the currency without limit. The dangers and evils of an unrestricted issue of paper money can not be two carefully avoided. Temptations in that directions are great, and must be resisted by wisdom and prudence. No one more than myself regrets the necessity of a resort to paper currency, but it results from the necessities of our condition. The issues must be limited to the demands of business and the wants of the people in meeting the enormous levies for national, state, county and city purposes.'

"After having first said, 'it is now time to begin the issue of treasury notes to pay the debt and stop the gold interest,' he then said we must not carry paper money too far; he inveighed against paper money as bitterly as I would, and said the issue of paper money should be limited, not by the quantity necessary to pay the debt, or to stop the payment of the interest, but by the demands of business and the wants of the people. Why, I agree with him perfectly upon that proposition, but that completely overturns and overwhelms the other. How can any man tell me upon which side of that great question the distinguished senator stands? He will have to make another speech in order to define his position upon that question. [Laughter.] Again he says:

"'The system of national banks was a stupendous folly. The security of the bill holder is in the bonds on deposit in the treasury, upon which the United States pay interest. If the government furnishes the security in its own credit, why not issue the treasury note directly, and thus save the interest? It is said the loans of the banks to the business men of the country amount to about six hundred million dollars, and in this state to twelve million dollars. To compel the banks at once to withdraw their loans would be ruinous. The substitution must be so made as to avoid a financial and business crisis.'

"Though the banks were monstrosities in the beginning—a

fraud and wrong upon the people—yet, now, he argues, they have become so connected with the business of the country that they can not be disturbed without ruin to our commercial relations. Now, I will ask anybody to tell upon which side of the bank question the distinguished senator stands? [Laughter.] His position on these two questions reminds me of a story I once heard of a lawyer who went out into the country to appear before a justice of the peace in a case where the right of property in a certain calf was to be tried. The opposing counsel was absent, and the justice did not like to go on with the case without him, but the lawyer who was there proposed to obviate the difficulty by promising to argue the case on both sides fairly. And after he had done so the justice solemnly declared that he could not tell whose calf it was." [Great laughter.]

On the 4th of August Morton started for St. Catharines, in Canada, where he remained for a month. Even this time of recreation, however, had to be devoted in part to preparation for the coming campaign.

On the 9th of September, shortly after his return, he addressed his Wayne county friends at Centreville, and he spoke at Greencastle, Terre Haute, Lawrenceburg, Lafayette and many other places. The Democratic press at this time was engaged in describing bitter feuds between what they called "the two wings of the radical party, the Julian wing and the Morton wing." The Cincinnati *Enquirer* was in favor of the Julian wing. "The more Julians there are in the party the better for us," it said. "Vive le Julian."

In a speech at Connersville, on the 16th of September, Morton contrasted the platform of the Democratic convention of 1864, over which Seymour had presided, with the present New York platform and the letter of Frank P. Blair. "When we had war," he said, "these men were for peace. Now that we have peace, they are for war."

But the ablest speech made by Morton during this campaign

was that which he delivered at Concert Hall, in Philadelphia, on Thursday evening, September 24.

"When the walls of a building have been erected," he said, "the roof put on, and the house nearly finished, the incendiary may cast his brand into the shavings and rubbish, and cause the structure to be consumed to ashes. The work of reconstruction, now nearly finished, is exposed to a like danger; the incendiary is lurking around the premises seeking to kindle the rubbish and refuse of the rebellion into a flame that shall destroy all that has been accomplished, and put the country back into a condition worse than at the beginning.

"Shall the work of reconstruction be completed as it has been begun? This is the great issue to be decided by the people at the approaching election. The Republican party presents to the country for its adoption the policy of completing the work of reconstruction on the basis upon which it has been carried forward—the basis of equal rights to all men. It presents the policy of peace, repose, stability; it presents the policy of protection to American industry and of placing the burdens of taxation upon the rich rather than upon the poor, upon capital rather than upon labor, upon the luxuries rather than upon the necessaries of life. Financially, it presents the policy of returning to specie payments at the earliest practicable moment, and of maintaining the public faith by the payment of the national debt according to the very letter and spirit of the contract. It presents the policy of reserving the public lands for actual settlers, and giving them to every man who will make a farm and a garden where before there was a wilderness.

"The so-called Democratic party presents for the adoption of the country, the policy of nullification and revolution. It proposes to nullify the reconstruction laws of Congress, and to overturn by military force the new state governments that have been erected in the South. It proposes to undo all that

has been done, to retrace all the steps that have been taken toward the settlement of our national troubles, and to place the country in a condition compared with which it would have been infinitely better for us had we let the rebel states go and suffered the Union to be dismembered. It proposes the equal taxation of all kinds of property whereby the articles of prime necessity, which are indispensable to the poor, shall be taxed equally with those articles of luxury used only by the rich, and which enter into the pleasures and dissipations of life. It presents the policy of repudiation, of national dishonor, which, according to the lessons of history, has proved fatal to every government which has adopted it.

"In 1832 a convention in South Carolina resolved that the people of each state had the right to determine for themselves whether an act of Congress was constitutional or not, and that if they held it to be unconstitutional, they had a right to resist its operation within the limits of that state. They resolved that the tariff law was unconstitutional, null and void; that it should not be enforced in South Carolina, and that its operation should be prevented, if need be, by military power. This was nullification pure and simple. General Jackson, then President of the United States, met this, first by a proclamation in which he argued conclusively that nullification was wicked, unconstitutional and treasonable. He then met it by making military preparations and by threatening to hang John C. Calhoun and his treasonable conspirators. Seeing that President Jackson was determined in the matter, the nullifiers took counsel of their fears and abandoned nullification. They then admitted that while a state remained in the Union it had no right to nullify or to resist the law, but they claimed that when a state was aggrieved by the passage of an act which it believed to be unconstitutional it might withdraw from the Union. This was the doctrine of secession which culminated in the rebellion of 1861. That rebellion was subdued at the cost of more than four hundred thousand loyal

lives, and five thousand millions of dollars and with it was extinguished the doctrine of secession. But the people of the South, acting in concert with the Democratic party of the North, so far from accepting the situation, have abandoned the doctrine of secession only to retreat to and adopt the doctrine of nullification. The Democratic party assembled in convention in the city of New York, following the example of the people of South Carolina, resolved that the reconstruction laws of Congress were unconstitutional, null and void. . . . This resolution was an invitation to the people of the South to nullify the laws of Congress and to overturn by force the new governments that had been erected. It was a full and complete assertion of the nullification doctrine of 1832, which, if admitted or carried out, would be as fatal to the government as the doctrine of secession. . . . This, my friends, is war. Peaceable nullification is as impossible as was peaceable secession. When the President of the United States shall, by military power, overthrow the laws of the land, the government is destroyed and we have nothing left but a despotism. The Democratic party has become a treasonable faction; it proposes to elect a President for the purpose of overthrowing the laws and offers no policy which does not involve revolution and war.

"Already we see the effect of this avowed policy in the South. Already the new constitution of Georgia and the reconstruction laws of Congress have been nullified by the action of the Democratic members of the Georgia legislature. In violation of their oaths they expelled from this legislature twenty-four colored members simply on account of their color. . . . This was an act of nullification and revolution, which will demand, and, I doubt not, will receive the correcting hand of a loyal Congress. We do not admit that the power of Congress over these rebellious states is exhausted. . . . As Congress had the constitutional power to organize these governments through the reconstruction laws, so it has the

power to protect them until they can maintain themselves against their enemies.

"And now, my friends, riot and bloodshed prevail throughout the rebel states. Organized secret societies are attempting by murder, conflagration and robbery to drive into exile the Union white men and all who do not succumb, and to compel the negro to vote away his rights. It is now the deliberate and settled policy of the Southern Democracy, by violence and bloodshed, and by an unrelenting and cruel proscription, to drive out every Union white man who does not give in his adherence to their policy, to compel him to abandon his property and fly from his home for his opinion's sake. He is proscribed in all the relations of life. In a recent speech at Atlanta Mr. Toombs pointed out the course to be followed. The Union white man is to be treated as a political and social enemy. The physician should not allow himself to be called into a Union family; the lawyer should not take a fee from a Union man; the mechanic should not shoe his horse or mend his wagon; the merchant should not sell him a pound of coffee or a yard of muslin; they should not be his neighbors, nor recognize him upon the street, nor speak to his family, nor in any respect treat him as a human being. Wade Hampton, soon after his return from the New York convention, proclaimed the policy which was to be pursued toward the negro, which, in short, was *coercion by starvation*. He said that unless the negro would vote the Democratic ticket, he should not be allowed to live on their plantations; he should not receive from them any employment; he should be deprived of every means of putting bread into the mouths of his wife and children. . . . Human nature, weak and frail as it is, never appeared to worse advantage than in this proposition of Wade Hampton's. The King of Dahomey never adopted a policy more fiendish or inhuman."

Morton next discussed the Democratic platform and the views of the candidates and leaders of the party in reference

to the payment of the national debt by greenbacks to be issued for that purpose. He set forth the destruction of the currency and of the national credit involved in this proposition, together with other evils of inflation; he urged the necessity of returning to specie payments and outlined the plan by which this could be accomplished.

In conclusion he said: "Let me appeal to the Union soldier to stand by his great leader, and by the party that rejoiced in his victories and wept over his defeats; that fed and clothed him during the war; that nursed him when he was sick and wounded; that will love and honor him while he is living and mourn over him when he is dead. Let me appeal to the laboring man to stand by the party that would make labor honorable, and give to it its just reward; that would place the burden of taxation upon the rich and upon capital and make smooth and easy the path that leads from labor to wealth. Let me appeal to the banker, the merchant, the manufacturer, the man of capital to stand by the party that will give repose to the country and stability to business, that will improve the currency, that will maintain the public faith and protect every man in the enjoyment of his property. Let me appeal to the selfishness of those who love neither their country nor their kind to stand by the party that will protect alike labor and property, that will defend the rights of every man before the law. Let me appeal to that great class who love liberty, truth, justice and humanity to stand by the party that abolished slavery, that will secure to every man the enjoyment of life, liberty and property, the party that preserved the republic, that would now bind up the bleeding wounds of the nation, that would lift up the meek and lowly and restore the blessings of peace to all the land. After the fierce tempest has twisted and crushed the forest, and the swollen rivers have risen above their banks and carried wreck and ruin through all the valleys, the rain suddenly ceases, the winds are hushed, the clouds break away, and the

sun shines forth, drying up the tears of nature and making the land bright and happy. So when the storm of war has passed, when the sword has been beaten into the plowshare and the voice of angry faction is hushed, the sun of peace will shine forth, making the hearts of all men rejoice, and causing happiness, prosperity, progress and power to spring up like thrifty plants in a virgin soil."

The speaker's peroration was followed by long cheering. Notwithstanding the fact that the delivery of the speech consumed only fifty minutes and there were several other eminent speakers present, the chairman announced that he would adjourn the meeting then, as he wanted the speech to go to the country alone just as it had been delivered.

Hendricks had been nominated by the Democrats for governor of Indiana, and it was hoped that his influence would insure victory in that state. In the October elections, however, the Republicans were everywhere successful. They carried Pennsylvania, they held Ohio, and in Indiana, Conrad Baker was elected by a small majority. In the week following these elections, Seymour started upon a personal canvass to redeem the tottering fortunes of his party. He made speeches in many of the doubtful states.

On the 26th of October he came to Indianapolis and delivered an address in the rink in that city. Morton answered him at the same place on the following evening.

In November Grant's majority over Seymour was decisive. He had two hundred and fourteen electors against eighty for the Democratic candidate.

After the October election had decided that Hendricks would have a Republican successor in the Senate, there were many speculations who the man would be. Morton towered far above the other Republicans in his state, and from the rest it was not easy to select the most prominent or popular. The colleague of Morton would be "hardly more than an Æolian attachment," a "nonentity," "overshadowed by the

Great Mogul." Thus piped the Democratic press, while it gave out the names of aspirants, real or imaginary: Will Cumback, Horatio C. Newcomb, Richard W. Thompson, James Hughes, Godlove S. Orth, Anson Wolcott, D. D. Pratt and others. John D. Defrees was spoken of as the leader of what was called "the Colfax ring."

Then it was given out that Cumback was Morton's candidate. His election, said the Democrats, would give Morton two votes in the Senate. Morton was the "king bee" in the Republican party (whatever that might be), and whenever he desired a thing to be accomplished opposition was pushed away "as easily as a housewife brushes a cobweb from the wall."

Whether Morton really favored Cumback's election or not, he took no public action in regard to it. The Republicans nominated Cumback in caucus on the 14th of January. But it had been noised abroad that in 1865 the Republican candidate had made a corrupt proposition to the Governor in relation to the senatorship, and the Indiana Senate asked for the correspondence. A letter from Cumback to Governor Baker, dated January 6, 1863, with Baker's answer two days later, were produced. The Governor had the power, when the legislature was not in session, to appoint the senator who should hold office until an election was held by the General Assembly. In his letter Cumback said: "I think Hendricks will be chosen by the Democrats (as candidate for Governor), and he will certainly, if he intends to inspire hope among his friends, resign his position (as senator). The person appointed by you will, other things being equal, stand the best chance to be chosen by our legislature. If you will assure me of the appointment I will withdraw from the contest for any position on the state ticket and take the position of elector at the state convention. If this proposition does not meet with your approval, please return this letter to me."

To which Baker answered: "The proposition is corrupt

and indecent, and I feel humiliated that any human being should measure me by so low a standard of common morality as to make it."

After the publication of these letters a number of Republicans were unwilling to support their caucus nominee; Cumback failed to secure a majority in the joint convention, and the legislature finally selected as Morton's colleague Daniel D. Pratt, of Logansport, a lawyer of ripe experience and independent character.

Evidently Morton did not regard Cumback's letter as involving the degree of turpitude imputed to it by Governor Baker, for he wrote: "Now that Mr. Cumback has received the nomination I hope he will be elected, and that every Republican member of the legislature will vote for him." Afterwards, it is said Morton and Pratt united in recommending Cumback to a place in the diplomatic service, but he did not take it.

CHAPTER IV

FINANCIAL VIEWS AND MEASURES—RESUMPTION

WE have already seen in Morton's Columbus speech, as well as in those delivered during the Grant campaign, discussions concerning the currency and the payment of the national debt. We must now go back in our narrative and review in greater detail the course which Morton took in respect to these questions before he introduced his bill for the resumption of specie payments in December, 1868.

The proposition of the Ohio Democracy in 1867 to pay off the United States bonds with greenbacks gained favor in Indiana, and Morton attacked it in an open letter in the Indianapolis *Journal* on September 17 of that year. He asked:

"How shall the government get the greenbacks? There are three ways:

"First. By issuing new bonds and redeeming with the proceeds of their sale; but this would only make a new debt of like amount, and the time has not come when a new bond bearing a lower rate of interest can be sold at par.

"Second. By levying a tax more than double that of the present; but this the country can not and will not bear.

"Third. By issuing within the next twelve months not less than six hundred millions of greenbacks, this operation to be repeated from year to year until after 1874. . . .

"The present value of greenbacks is chiefly due to the understanding that they are to be redeemed. A body of currency that is not to be redeemed, and will die in the hands of the last holder, can not be sustained by making it a legal-ten-

der or by any other legislative contrivance. Not one dollar of the bonded debt will fall due before fourteen years, and it will then become due at different periods down to 1904. Can any good reason be given for paying it off so long in advance? The country has not yet recovered from the war. Trade and commerce still languish. Nine states are disorganized and desolate, and can pay scarcely anything for years to come. The rebellious South caused the debt, but whatever is paid must come almost entirely from the North. Why not wait until the South can pay part? Why not wait until the country has recovered from the shock and waste of war? Has not this generation put down the rebellion and done its duty, and may it not justly leave the payment of part of the debt to its successor? . . .

"In fifteen years, possibly in five, the difference in value between gold and greenbacks will have ceased to exist, and the mode of payment of the bonds, whether in gold or greenbacks, will have become unimportant. Specie payments can be reached without contracting the currency, by waiting a reasonable time until successful reconstruction and the growth of wealth and business have brought the country up to the existing volume of currency without a financial convulsion. . . ."

Mr. McCulloch, the Secretary of the Treasury, had adopted the policy of contracting the currency as the best method of coming to specie payments. He had been empowered by the acts of March 3, 1865, and April 12, 1866, to fund the obligations of the government in long time bonds. The last act provided that he should not retire more than four millions of legal-tenders per month, but even at that rate, the contraction of the currency went on until those who had incurred debts took alarm at the rise in the value of the currency in which these debts were to be paid. The House of Representatives passed a bill prohibiting the further reduction of the currency by means of withdrawal and cancellation of

United States notes. This bill was sent to the Senate on the 9th of December, 1867, and referred to the Committee on Finance, which reported in its favor.

A long debate ensued. Fessenden opposed the bill because it would notify the country that Congress had abandoned the policy which it had once decided to be a wise one. Morton was in favor of the measure. He insisted that so long as the question of retiring the currency was left to any one man, the financial policy of the country was not settled. Business men wanted to know upon what they could rely for at least a year or two to come. There had been much financial embarrassment and there was a general conviction that it was owing to the contraction of the currency. Did the senator from Maine believe that we were to return to specie payments by continuing the contraction of legal tenders until all had been taken up?

Fessenden answered that he did not suppose it would be necessary to take up the last dollar, but the amount should be so reduced that the treasury would be ready at any time to meet the claims upon it with gold.

Morton asked how far we must contract before we could return to specie payments. Fessenden replied that this would depend upon the condition of the country. And he asked Morton whether the treasury could resume at once.

Morton answered that he did not believe that contraction was the method of returning to specie payments. There should be a definite time fixed for this return, so that the country might understand it and work up to it.

The bill forbidding the further contraction of the currency passed by a large majority.

On the 15th of June, 1868, the Senate Committee on Finance recommended a bill providing that the national bank circulation should be increased twenty millions, which amount should be issued to banks in states having a circulation of less than five dollars per capita, so as to equalize the circulation in the

various states. Morton opposed an increase of currency. He said:

"I had hoped that the Senate had got past the time when it was necessary to argue the evils of an inflation of the currency—the increase of speculation, and the diminution of productive industry. . . . Every interest in this country demands stability—demands that we shall avoid fluctuations.

"When inflation begins, property acquires two prices; the real, actual, demand price and the speculative price. Men can put property into warehouses and hold it for a rise of prices, and thus (as we saw during the war) the price of goods goes up fifty, one hundred and fifty, two hundred and three hundred per cent., because of this speculative price brought about by the great abundance of money. But how is it with labor? You can not put labor into a warehouse and hold it for speculation. The demand for labor is immediate, and therefore, when inflation takes place, labor is the last thing to be inflated and the first thing to feel the evils of inflation. Mr. President, we have already suffered from these evils. We have had one great inflation, and we have got part of the way down. The down grade has cost the American people dearly and is marked at every step by bankruptcies and ruin. Would the senator from Ohio have us make the ascent again, that we may have again the ruinous descent? I trust not. . . .

"The most important thing for us to do before this Congress adjourns is to take some steps toward the return to specie payments. Every other financial scheme is a nostrum as compared with that. It can not be done now, nor can it be done indirectly. It will not "turn up," as Micawber might suppose. It will not come around incidentally or indirectly by resorting to some gentle, ineffective, meaningless measure. As the senator from Maine said, the only way to pay a debt is to pay it; and I say the only way to return to specie payments is to take some step in that direction; some step that

looks toward it; some step that will give the country assurance that specie payments will be made. . . .

"As I believe in direct measures and not indirect, Machiavellian measures, the way to return to specie payments, in my judgment, is to fix some time when this government will redeem its legal-tender notes. Give everybody notice; let the people prepare for it; let the government prepare for it by collecting its reserve of gold; let everybody get ready for it; and as the time approaches the premium on gold will gradually go down until it will have gone altogether; and then, the legal-tender notes being as good as gold, the people will not want the gold except for specific purposes."

Henderson asked why Morton would fix a day to redeem greenbacks at par, when he could redeem them now at seventy cents on the dollar.

Morton answered: "Would it build up the credit of this nation if it were to go out and buy its own paper in the market at seventy cents on the dollar, when it refuses payment at the treasury?"

An amendment was adopted in the Senate authorizing a re-distribution of national bank circulation to the amount of twenty millions, this amount to be withdrawn pro rata from banks in states having an excess of circulation. The bill, thus amended, passed the Senate but failed in the House of Representatives.

On July 11, 1868, a funding bill, which had passed the House of Representatives, was considered by the Senate. Sherman proposed a substitute, authorizing the issue of bonds redeemable in coin after twenty, thirty and forty years at five, four and a half and four per cent. respectively, the proceeds to be used for the redemption of outstanding bonds. This substitute also authorized the holders of greenbacks to convert them into these bonds, and the holders of these bonds to convert them into greenbacks, provided the whole amount of

greenbacks outstanding should not exceed four hundred millions of dollars.

Sherman supported this bill in a speech in which he said that he had no doubt that the United States had the right to pay the principal of the five-twenty bonds in greenbacks, and unless the five-twenties were converted by the voluntary action of the bondholders that power would be exercised. Sumner and Edmunds denied the right to pay the five-twenties in anything but coin.

On July 13 Morton argued the proposition from a legal standpoint. "This question," he said, "is not important beyond the time when the government shall resume specie payments. Whenever we make the legal tender note as good as gold then the question is settled. But it may be an important and troublesome question until that time comes. I, for one, believe that the true policy for the government is to take steps first and foremost to bring about the resumption of specie payments. . . .

"Mr. President, I believe that the law is with the senator from Ohio. The act authorizing the ten-forties declares that principal and interest shall be paid in coin. The several laws creating the five-twenties declare that the *interest* shall be paid in coin, but are silent as to the *principal* of the debt, and do not say in what kind of money the principal shall be paid. This silence is significant. . . .

"Let me say to the senator from Vermont and the senator from Massachusetts that if they desire to ascertain the qualities and capacities of the legal tender note—what debts it will pay and what debts it will not pay—they must look to the laws creating the legal-tender notes, and not to the statutes authorizing the five-twenty bonds.

"The act of February 25, 1862, authorized the first issue of five-twenty bonds and the first issue of legal-tender notes, and in its first section declared: 'Such notes herein authorized shall be received in payment of all taxes, internal duties, ex-

cises, debts and demands of every kind due the United States (except duties on imports), and all *claims and demands against the United States of any kind whatsoever* except for *interest* upon bonds and notes (which shall be paid in coin), and shall also be lawful money and a legal-tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid.'

"A bond is a 'claim'; a bond is a 'demand.' The very exception proves that bonds were comprehended in the phrase, for if they were not, there was no necessity for excepting the interest upon them. But the statute does not stop here. It goes on to say tautologically that such notes 'shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid.' Every debt which the United States owes is a public debt; it has no private debts, consequently a five-twenty bond is a public debt, for which the law declares such notes shall be lawful money and a legal tender. Was ever a statute more comprehensive, unequivocal, or plainly written? If the effect of this language can be varied or destroyed by argument, then no statute can be drawn which can withstand the lawyer's ingenuity. But there are three other statutes to the same effect as the one I have just considered.

"The act of the 11th of July following provided for the issue of another one hundred and fifty million dollars of legal tender notes, and declared, like the former one, that they should be a legal tender in payment of all claims and demands of whatsoever kind against the United States, except interest on notes and bonds, and further declared that these notes 'shall also be lawful money and a legal tender in payment of all debts, public and private, in the United States, except duties on imports and interest as aforesaid.'

"There are but two exceptions stated in the law, but it is sought by argument to establish a third, compared with which the two stated in the law are mere trifles.

"This statute is unconnected with any provision for the issue of bonds, and was passed before any bonds authorized by the preceding act of February were sold.

"Again, in January, 1863, Congress passed a joint resolution authorizing the issue of another one hundred million dollars of legal-tender notes, in which it was again declared that they should be received as 'a legal tender in payment of all claims and demands against the United States of whatsoever kind, except interest on notes and bonds,' and this joint resolution was unconnected with any provision for the issue of bonds.

"And, again, in February, 1863, an act was passed authorizing the issue of another one hundred and fifty million dollars of legal-tender notes, including the one hundred million dollars authorized by the joint resolution just referred to, in which it is declared in language somewhat different from the other acts, but in substance the same, that 'these notes so issued shall be lawful money and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.'

"Here are four plain, unequivocal and emphatic declarations of the law declaring that these notes shall be a legal-tender in payment of every conceivable species of indebtedness against the United States. And whether the fact be agreeable or disagreeable it is one that can not be overcome by argument or ingenuity. . . . Every man in the country purchasing a bond is presumed to know the character of the law creating the bond and the existence of any other law affecting the bond, either as to the time or mode of its payment. . . .

"I will say further, that it is in the existing legal-tender notes that the government has a right to pay those five-twenty bonds. There was a limit of four hundred million dollars fixed by law to the issue of those notes I believe that to pass that limit would be a violation of public faith, but that the government has the right to pay the five-twenty bonds

out of the existing legal-tender notes is as clear, in my opinion, as any right that is defined by any statute of the United States.''

The funding bill passed both houses and was sent to the President,[1] but at so late a period of the session that, not being approved by him, it failed to become a law.

During the Grant campaign there was much talk about Morton's inconsistency on the greenback question. In point of fact Morton had not been inconsistent. He believed that the principal of the five-twenty bonds could, as a matter of law, be properly paid in the legal-tender currency then outstanding. He believed that a further issue of greenbacks for the purpose of paying these bonds was practical repudiation.

Upon the legal proposition one point seems to have been overlooked both by Morton and by his opponents. This was that the government issued greenback currency in excess of the amount contemplated when the five-twenty bonds were first sold. The issue of this excess, after the bonds had been put upon the market, would necessarily depreciate the value of all greenbacks, and the question would then arise whether, after the government had debased the currency in which it might otherwise have paid the bonds, it was not under an obligation to redeem those bonds in coin.

Shortly after the election of General Grant, the people began to busy themselves with conjectures in regard to the new cabinet. Grant was reticent, but there was much newspaper gossip, and among the names mentioned, Morton's was prominent. The New York *World* gave him the Treasury. It was reported that he was busy maturing a great fiscal measure for Congress, and it was said that he would be the fittest man to carry out his own project.

[1] President Johnson, in his last annual message to Congress, December 9, 1868, recommended the payment of interest on the five-twenty bonds for the purpose of reducing the principal. In sixteen years and eight months this would liquidate the entire debt. The Secretary of the Treasury at the same time was urging the restoration of a specie standard.

These rumors of a place in the cabinet were groundless. It was true, however, that Morton was engaged in preparing a bill for the resumption of specie payments. He had an interview with Secretary McCulloch on the subject and asked what legislation the Secretary would recommend. McCulloch suggested an increase of customs duties as well as the enactment of other laws for developing the resources of the country and improving the credit of the government. Morton insisted that it would take a long time to get to specie payments in that way.

On the 14th of December, 1868, one week after Congress had convened, Morton introduced his bill. It prohibited all sales of gold, and required that the surplus should be reserved for the redemption of United States notes; that on the first of July, 1871, the Treasurer should pay these notes in coin; that the national banks should redeem their notes in coin after January 1, 1872, and should reserve for this purpose (after the 1st of July, 1870) all the coin received by them as interest on government bonds. The Secretary of the Treasury might cancel as many of the United States notes as he might consider necessary. After January 1, 1872, these notes should cease to be legal tenders. The Secretary of the Treasury might sell United States bonds due in thirty years and redeemable after ten years to such an amount as might be necessary to redeem the government notes.

On the 16th of December, Morton addressed the Senate in support of this bill in a speech which he read from manuscript.

No finer audience was ever seen in the Senate chamber than on this occasion. The prospect of Morton's speech had called to Washington many prominent financiers—men from New York, Philadelphia, Baltimore, Cincinnati, St. Louis; even Charleston and New Orleans. The door-keeper of the House of Representatives was instructed to inform members of that body when he would begin, that they might

come into the Senate to listen. When this information was given there was an extensive migration into the Senate chamber, and an early adjournment of the House. The senators crowded close around the speaker. The Secretary of the Treasury came in and sat just behind him. Attorney-General Evarts was also present. Morton's auditors were attentive throughout. The address consumed an hour and a half in delivery. After describing the evils of a depreciated and fluctuating currency, he considered some of the difficulties attending a return to specie payments.

It had been said by many, he observed, that the currency was redundant, and that we could not return to specie payments until contraction had taken place. After a careful comparison of surrounding conditions with those that existed at the outbreak of the war, he declared it doubtful whether the currency was more redundant than in 1860, when the banks were paying specie. And if not redundant, then contraction was not a necessary preliminary measure to a return to specie payments.

Again, it had been said that the government could not return to specie payments until after the flow of gold to Europe had been checked by reducing the importations of foreign goods. But this, Morton insisted, was a clear case of putting the disease for the remedy. Gold, like every other commodity, was governed by the law of demand and supply. It went where it was needed, and left the country where it was not in demand. In this country there was but one demand for gold—to pay duties on imports. Its use as a currency and medium of exchange had been cut off, and it had steadily flowed into other countries.

Wherever paper money had been made a legal-tender it had driven gold and silver elsewhere. Thus it was that American gold had gone to Europe in a steady stream for five years; thus it was during the French revolution, when the assignats drove gold away, so that when they finally

collapsed France found herself almost destitute of coin, and thus it was during the long suspension of the Bank of England, when English gold went steadily out, and was only recalled by the preparations made to return to specie payments.

We could not keep our gold at home except by making a demand for it. If we would reduce the importation of foreign goods we must withhold the gold with which they were purchased, and this we could not do except by making it more profitable to keep gold at home than to send it abroad. Until we created this home demand the chief part of the annual product of our mines would go to England, France and Germany to swell the volume of their currency.

Again it had been said that we could only improve the value of the currency by improving the general credit of the government, as shown by the value of its bonds, and to this end the surplus gold in the treasury should be applied to the purchase of bonds in the market, to be canceled, thus diminishing the number of them and improving the value of the balance.

This view of the question Morton held to be a misconception. He believed that the bonded debt had little to do with the value of the currency. "Why," he asked, "is our currency depreciated? Because the greenback note is a promise by the government to pay on demand so many dollars which it does not pay. The promise is daily broken, and has long been dishonored. The note draws no interest, and the government has fixed no time when it will pay. Under such circumstances the note must be depreciated. The solvency or ultimate ability of the promisor never kept overdue paper at par. To do that something more is required. There must be certainty in the time of payment, and if the time be deferred compensation must be made by interest. Let me suppose, by way of argument, that A. T. Stewart, the great merchant in New York, should pay off his numerous employes in due-bills or notes, payable on demand, which draw no in-

terest, and which he refuses to pay on demand or to fix a time when he will pay. Notwithstanding his immense wealth, his notes would inevitably depreciate, and could only be sold at a discount, which would be increased if it were admitted that there was no legal remedy by which he could be compelled to pay them. . . .

"If we should take the surplus gold in the treasury and that which is to accrue, and use it in the purchase of bonds in the market, to be canceled as purchased, we should inevitably further depreciate the value of the greenbacks. The explanation of this effect is simple. By taking the gold, which is the only means by which the greenbacks can be redeemed, and applying it to the purchase of bonds, it puts the redemption of the greenbacks out of the power of the government, and proclaims to the world that we do not intend to return to specie payments. . . .

"What would the world think of the morality of such an operation? We have three hundred and fifty-six million dollars of the public debt overdue and drawing no interest, and we take the only means of paying this debt and apply it to the purchase, at a discount, of our bonds, which will not be due under fourteen years. What would be said of the integrity of the man who should refuse to pay his debts which are due, leaving his creditors to suffer great loss, and should employ his money to buy up at a heavy shave his debts that will not be due under ten or fifteen years? Plain people would call such a man a rascal and swindler, and would speak of the government in the same terms under the same circumstances. The pretense that it was done to improve the value of the currency would deceive nobody. Such a plan of returning to specie payments is worthy of the Circumlocution Office, and should be labeled 'How not to do it.' . . .

"But it is said that if the government reserves and holds the surplus gold in the treasury to be applied to the redemption of the greenback currency at some future time, to be fixed

by law, it will suffer great loss in the interest on the gold thus held in reserve. In one point of view this objection is well taken. But what else can we do? Is it not a difficulty to be encountered by every debtor who collects and holds the money wherewith to pay his debts? If a man owes one thousand dollars, can he pay it in any other way than by collecting the money and holding it until he gets enough to meet his debt? The government owes a debt which can only be paid in gold, and must, if it intends to pay, collect the necessary amount in gold. If the debt were of such a nature that the gold could be paid out on it as soon as collected, of course, that should be done; but the debt is not of that nature. . . . The redemption of the greenback currency should not begin until the government is prepared to redeem all that may be presented. This would bring the whole body of the currency to par, and the gold paid out would go into the circulation and take the place of the paper money redeemed.

"But what will be the actual loss of the interest on the gold held in reserve compared with the loss that will be sustained by the great mass of the people in their labor, trade and property, from the long continuance of the present condition of the currency? . . . .

"If the greenback note is to be regarded as an obligation for the payment of which the faith of the government is pledged, the continued failure of the government to make any provision for its redemption can not be regarded in any other light than as repudiation. When the first of these notes were issued it was provided that they might be funded into five-twenty bonds, but that provision was shortly after repealed, and they now stand in the nature of a forced loan, drawing no interest, and, for all that appears, are to be left to perish in the hands of the people.

"If when the five-twenty bonds fall due the government should fail to pay them, or to make any satisfactory provis-

ion for funding them into a new bond, the cry of repudiation would at once be raised, and yet it can not be shown that the legal and moral obligation to pay those bonds at maturity is greater than that resting on the government to make prompt provision for the redemption of the greenback currency. The legal obligation is no greater, and the moral obligation hardly so strong, for the greenback notes are in fact the people's bonds, the bonds of the million, in which are invested the laborer's toil and the meager profits of the humble occupations in life, which, more than any others, demand the fostering and protecting care of the government. . . .

"Another obstacle to the adoption of any plan for returning to specie payments is the cry that the right way to resume is to resume at once. I have labored to find that this means anything but the indefinite postponement of resumption. Every one must comprehend that the government can not redeem the greenback currency without first collecting the gold with which to do it; that it can not return to specie payments by contraction without taking time to contract, that there is no process by which resumption can be reached that does not involve time. If the government should pay out the seventy million dollars surplus gold now in the treasury in the redemption of an equal amount of greenbacks, the whole country would know that it was not prepared to redeem any more. The gold paid out would not pass into circulation, but would sink back into an article of merchandise, the balance of the greenback currency would be but little improved, and the net result of the operation would simply be the contraction of the currency to the extent of seventy million dollars, and the indefinite postponement of the redemption of the balance. . . .

"The Secretary of the Treasury, in his last report, after making an able argument to show the evils of a depreciated currency, begins his discussion as to the means of returning to specie payments with the following statement:

"'The Secretary still adheres to the opinion so frequently expressed by him, that a reduction of the paper circulation of the country, until it appreciates to the specie standard, is the true solution of our financial problem. But as this policy was emphatically condemned by Congress, and as it is now too late to return to it, he recommends the following measures as the next best calculated to effect the desired result.'

"Here the Secretary reiterates his former opinion, that by largely contracting the paper currency the rest of it would be appreciated to par. How such contraction would have this effect he has never shown, and the opinion results from a misapprehension of the causes which depreciate the paper currency. Suppose the greenback currency was contracted down to one hundred million dollars, could the remaining hundred millions be brought to par in any other way than by arrangements made to redeem it?

"You can not pay a debt without paying it, and every trick or device to bring the currency up to par, without making preparations to redeem it according to the promise on its face, will be abortive and disastrous. The currency is depreciated because it is overdue and dishonored, because it draws no interest, and because there is no time fixed nor preparation made for its redemption; and these causes would depreciate it if there were but one million dollars of it afloat. The effort to force depreciated and irredeemable paper up to par by making it scarce and pinching the people is like an attempt to enhance the price of unwholesome provisions by producing a famine.

"The means he suggests for returning to specie payments are twofold. The first is to legalize specific contracts to be executed in coin. Last session I voted without much consideration in favor of a bill for that purpose, and I have since become satisfied it was an error. The unwary would be enticed into such contracts by the crafty, and those in straightened circumstances or under heavy pressure would be forced

into them. No man can safely make a contract to be executed in coin while the currency is depreciated and the financial condition of the country is fluctuating. Such a contract, where not brought about by coercion or fraud, would be in the nature of gold gambling—the one party trusting that gold would be at a large premium when the contract was due, and the other that it would command little or no premium. Such a contract could hardly be distinguished from a contract for the delivery of gold at a future time. Should coin contracts be legalized, however, as proposed, it should only be in connection with some general plan to return to specie payments at a fixed period. But, aside from the evils and hardships to result from such contracts, how could they appreciate the value of the currency any more than common contracts for the future delivery of gold? They would not constitute any preparation on the part of the government for the redemption of the currency, and therefore could not, to any perceptible extent, appreciate the value of the currency.

"The second means for returning to specie payments is contained in the following passage from the Secretary's report:

" 'And he therefore recommends, in addition to the enactment by which contracts for the payment of coin can be enforced, that it be declared that after the 1st day of January, 1870, United States notes shall cease to be a legal tender in payment of all private debts subsequently contracted, and that after the 1st day of January, 1871, they shall cease to be a legal tender on any contract, or for any purpose whatever, except government dues for which they are now receivable. The law should also authorize the conversion of these notes, at the pleasure of the holders, into bonds bearing such rate of interest as may be authorized by Congress on the debt into which the present outstanding bonds may be funded.'

"It is not enough, it seems, that the currency is already depreciated thirty per cent., that the government has violated its contract with the holders and dishonored its pledge, but it is now proposed to strike off at least one-third of the market value of the greenbacks by stripping them of their legal tender character. . . . The government could be guilty of no clearer act of repudiation. To strike off one-third of their value in the hands of the people does not differ in principle from making them wholly worthless. While they are depreciated and unprovided for, the government has no right to withdraw from them any element that goes to constitute their value.

"To show that such a measure would be repudiation in fact, let us consider the character of the contract between the holder of a greenback note and the government. It is to pay so many dollars to the bearer or holder on demand. This is the original contract between the government and the holder. The privilege of funding the notes into the five-twenty bonds, conferred by the act of February 25, 1862, and which the Secretary proposes to re-establish (only reducing the rate of interest on the bonds) is a mere collateral privilege, and in no wise affects the right of the holder of the note to demand the performance of the original contract printed on its face. When the government, therefore, refuses to perform the original contract, and throws the holder entirely upon his collateral privilege of funding the notes into bonds, the act forms the clearest possible definition of repudiation, and does not differ in principle from the proposition of the President to apply the payment of the interest to the extinguishment of the bonded debt. When the greenbacks have been brought to par, and the government stands ready to redeem them, then, and not till then, can their legal-tender character be taken away without repudiation. . . .

"But it is true that by stripping the currency of its legal-tender character the country will at once be brought to specie

payments; that is to say there will then be no lawful money but gold and silver which would be a legal-tender in payment of debts, and every man would be required to pay coin on his contracts. But the Secretary could not afford to strike down the value of the currency in this way without suggesting some other provision, and so, notwithstanding the fact that he had just said that the policy of contraction had been emphatically condemned by Congress, and that it is now too late to return to it, he says the law stripping the notes of their legal-tender character should also provide for funding them at the pleasure of the holder into bonds bearing such rate of interest as may be authorized by Congress. It may well be imagined that the holders of the notes will then be ready to fund them into any sort of bond. But what is that but contraction, pure and simple?

"The Secretary's policy travels in a circle which invariably brings him back to contraction. He proposes nothing for redemption, and offers only that policy which he says has been emphatically condemned by Congress and as emphatically by the country. Contraction is the 'Sangrado policy' of bleeding the country nearly to death to cure it of a disease which demands tonics and building up. The withdrawal of even one hundred million dollars of the circulation would produce great stringency in the money market, and innumerable bankruptcies, and would most likely result in a panic and crash from which the country would not recover for years, and during which the power of the government to fund the debt and redeem the balance of the greenback currency would be paralyzed. To contract the currency to the extent of funding all the greenbacks would be financial suicide—would precipitate a disaster to the trade, industry and prosperity of the country for which there is no example in history. We must not return to specie payments in that way. We must descend the mountain by easy slopes and gentle curves,

though it may take much longer, rather than spring from the top of the precipice to be dashed to pieces at the bottom.

"But it is broadly intimated by the Secretary that the Supreme Court will decide the laws making the greenbacks a legal-tender in payment of debts to be unconstitutional, and therefore void. If the deed is to be done, let it be by the court and not by Congress. But it would have to be a very clear case that would justify the court in making a decision fraught with such terrible calamities to the country. If there be doubts hanging about the question they should be cast in favor of the legislation of Congress and the preservation of the vast interests that are dependent on the maintenance of the law. . . .

"To fix a time must be the starting point of any plan which proposes to bring about resumption without crash and disaster. In proposing to give two years and a half for beginning the work of redemption I have several objects in view:

"First. By establishing the period of redemption a fixed value is given to the greenback note. Now its gold value is fluctuating and deceptive, sometimes varying as much as ten per cent. in sixty days, and scarcely remaining the same for a week at a time. But by fixing a time for its redemption a certain value is given to it. If the note is to be paid in gold on the 1st of July, 1871, its value can be determined by the ordinary rules of discount, and will steadily improve as the time for its redemption approaches, and other preparations being properly made, it will, by gradual appreciation, be at par on or before the day fixed for redemption. By fixing the time of redemption one chief element in the value of all commercial paper is gained, that of certainty in the time of payment.

"Second. By fixing the period of redemption the country is notified and may be prepared for the change. People will have it in view in making new contracts and arrangements in business, and debtors, fearing a decline in the prices of prop-

erty, will make haste to pay their debts. During this two and a half years the great body of existing debts among the people will be paid. The debts now contracted, that will not fall due for two years and a half, are very few, and are principally for real estate. The great difficulty generally attending the improvement in the value of the currency and the resumption of specie payments, where they have been suspended, is the reduction in the nominal prices of property and labor, which operates injuriously upon the debtor class. It is generally true that as the purchasing power of the currency is increased the nominal prices of property are diminished. But this effect is sometimes counteracted by the increase in the volume of the currency. The inflation of the currency, even though it be composed of gold and silver exclusively, increases the nominal prices of property. Of this we have a notable instance in the history of Spain. When resumption takes place all the gold and silver will be set free, and poured into the volume of the currency, thereby inflating it to a considerable extent, because the whole amount of gold and silver is very much greater than the whole amount of greenbacks that will be presented for redemption.

"But, as before stated, the period of redemption is postponed so long that the great body of existing debts will be paid before it arrives, and the decline in the prices of property, which is likely to be small, would affect but a very limited class, and would scarcely reach the general business of the country. The time given is so long that it will become stale in the public mind, all excitement and panic will pass away, and the change come so gently that people will almost have forgotten it when it arrives.

"Third. By fixing the period of redemption so far off the government will have time to collect the amount of gold that will become necessary.

"And first I will consider the amount of gold that will probably be required, and with which it will be safe to begin

redemption. It is shown by the history of banking that solvent and well-conducted banks can safely carry on operations when they have one dollar in gold in their vaults to three dollars of their circulation. It is also shown by bank history that banks which have suspended specie payments, but whose solvency and good management are not suspected, have been able to resume when they have gotten into their vaults one dollar in gold to two and a half of their circulation. The credit of the government is better than that of any bank, and it can, in my opinion, resume on a smaller proportion of gold than any suspended bank under the old system. . . .

"The whole question may be thus stated: If the government is strong, with gold to redeem all the notes that may be presented, little gold will be demanded, because it will be worth no more than greenbacks, but if the government is weak, and only able to redeem a small part of the currency, the gold will be hastily drawn out to be sold in the market at a profit.

"It is true there are three hundred million dollars of national bank notes in circulation, for the redemption of which the government is bound, under the conditions of the national banking law, and it has been urged that when the period fixed for redemption arrives, the national banks will immediately rush to the treasury with all their greenback reserves and drain it of a large part of its gold. To avoid this difficulty, to make the process still more gradual, and to avoid all rush upon the treasury by the banks, I propose, by my bill, that the banks shall not be required to redeem their notes in specie until the first of January, 1872, and during the preceding six months shall be required to hold in their vaults the same amount of greenback reserves as at present. If, during that period, they are required to hold their greenback reserves, of course they can not rush to the treasury with them to get gold, and at the end of the time the government will be able to meet their demands without trouble or danger. To

give the banks six months in which to redeem their notes in gold—and perhaps I may move to make it a year—beyond the time when the government begins the redemption of the greenback currency, will be no hardship to the government or the people, for national bank notes, being convertible into greenbacks, will be of equal value and at par, and persons holding the bank notes, and wanting gold for them, will only have to present them to the banks and receive in exchange greenbacks, on which they would get the gold.

"And now I will consider the question as to how the government shall procure the gold with which to commence the work of redemption.

"To this I answer that the sales of gold by the Secretary of the Treasury must be stopped, and the surplus gold now in the treasury, and that which will come in hereafter (over and above the sums required for paying the interest on the public debt and for specific uses), must be reserved and set apart for the redemption of the greenback notes. There is now in the treasury a surplus of not less than seventy million dollars, and the accruing surplus under the present tariff, for the next two and a half years, can not be less than one hundred million dollars, which will together make one hundred and seventy million dollars. . . .

"The product of our mines for the year ending June 30, 1869, may be safely estimated at seventy-five million dollars, and after that, at one hundred million dollars per annum. When the Pacific railroad is completed, which will be next year, the facilities for getting to the mines of California, Nevada, Idaho, Colorado, Utah and Montana, and for the transportation of heavy machinery necessary for quartz mining, will be greatly increased, and must add very largely to the gold and silver product.

"But, after all, the question of the amount of gold in the country is by no means so important as might at first be supposed. When the greenback notes begin to appreciate in

value our bonds will inevitably advance along with them, and it will be a very easy matter for the government then to procure abroad, on its bonds, gold enough, added to that which is in the treasury, to redeem the whole greenback circulation, and to this end I have in my bill provided that the Secretary of the Treasury may, as the time for redemption approaches, negotiate bonds drawing interest for the purpose of procuring gold sufficient to complete the work of redemption. . . .

"The greenback notes redeemed may be canceled, and the coin paid out for them will take their place in the circulation, and the currency will become mixed, but the volume of it will not be diminished. Bringing the greenback notes to par will, in chemical language, 'set free' all the gold and silver in the land and pour them into the volume of the currency, thus inflating it; but the inflation will be legitimate. Then national banking may be made free, limited by the requirement of redeeming the national bank notes in coin. Then there will be one currency for all the people. Then our bonds, having kept pace with the appreciation of the currency, will be at par and their disastrous flow to Europe will be checked. Then the government can sell a four per cent. bond in the market at par, and with the proceeds pay off the present bonds if the holders refuse to exchange them, and can thus reduce the aggregate interest on the debt more than forty million dollars per annum. Then the business of the country will be upon solid foundations and its prosperity enduring."[1]

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[1] The criticisms of the press upon this speech were various. The New York *Tribune*, a paper which demanded immediate resumption, said:

"The tender-hearted genius, who, fearing that his dog could not bear the pain of having his tail cut off all at once, decided to cut off half an inch per day, is no longer unique. Senator Morton has outdone him in his own line."

To this the Indianapolis *Journal* retorted that the *Tribune's* plan was to cut off the dog's tail just behind the ears.

The *Nation* said: "The absence from the bill of any direct rule as to the amount of coin the Secretary is to have in his hands when he begins

A few days after Morton had delivered his speech on resumption, Horace Greeley "met him valiantly" (as the *Nation* describes it) "in a long letter of infantile simplicity," published in the *Tribune*. This letter maintained that the seventy millions of gold then in the treasury would be more than was needed for the purpose of resumption.

"You assume," said Mr. Greeley, "that, if we resume the government must redeem the greenback currency. I think not. Our banks have repeatedly resumed, after months and even years of suspension, and have never been required there-

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to redeem, renders the measure entirely illusory if not mischievous. . . . Any bill providing for resumption to be effective must provide for an accumulation in the treasury, either by savings or by fresh loans, and then for redemption, not on a fixed day, but when the amount of specie accumulated bears a certain proportion to the amount of greenbacks to be redeemed."

The New York *World* declared that the expectation that specie payments could be secured without a large contraction was visionary and quixotic.

The New York *Herald* considered the speech one of the ablest on the subject of the currency since the war. Morton's was the most feasible plan for resumption. But could we resume within so short a time without producing a crisis?

The New York *Times* declared Morton's speech more remarkable for its demolition of other plans of resumption than for the complete vindication of his own.

A day or two after Morton's speech he received a dispatch from Europe saying that the effect of that speech in favor of resumption was already visible in the increased confidence in American credits.

Morton received over five hundred letters commendatory of his views.

John Spinner, United States Treasurer, wrote that he was strongly inclined to favor this measure in preference to other plans.

The papers in Washington gave Morton's plan a warm indorsement. The *Republican* declared that his speech marked an epoch in senatorial debate; the *Chronicle* regarded it as an important event in our financial history; although neither of these papers were willing to accept all its conclusions. The New York Chamber of Commerce invited Morton to deliver an address before that body, but he was unable to do so.

The extreme men on both sides of the question were opposed to his conclusions—the resumptionists because he did not resume soon enough and the inflationists because he insisted upon an early resumption.

upon to redeem their outstanding issues. On the contrary, the fact of their resumption has uniformly precluded all desire or disposition to exact such redemption. . . . .

"Let us suppose the government to resume to-morrow, or if you choose on the 1st of January at hand—who will hasten to drain the treasury of its seventy millions of coin? Not you and I certainly. . . . . The fact that our money would bring coin at will would divest us of all desire to exchange it.

"But there would be a class—I am sure not a large nor a strong one—who would rush for coin, either fearing that the treasury would, or desirous that it should, run dry. How soon, think you, could these gamblers in national insolvency raise money enough to drain the treasury of seventy millions? . . . .

"But I do not rely on the seventy millions of coin in the treasury. I would have them backed by the income and the credit of the government—the country—the people. I would forthwith issue an American consol, and urge every one who has a hundred dollars or more to spare to invest it therein. I believe a consol, payable expressly in specie, having one hundred years to run, untaxable and paying interest quarterly, could be floated at four per cent., I am very confident that such a consol drawing five per. cent. interest could be brought to a premium and kept there. . . .

"I would arm the treasury, moreover, with power to borrow on temporary loan at such rate as should be found necessary to maintain resumption. . . .

"Let us imagine the case, which I deem most improbable, of the treasury being wholly depleted of coin—what of it? . . . . The coin has gone to pay our debts, and we owe at least seventy millions less than at present. . . . .

"The gist of resumption is a general fall of twenty-five to forty per cent. in prices, and a consequent appreciation of

debts. . . . Wages must fall, property must sell cheaper or be unsalable, the sheriff and the constable will be after a good many of us. We must suffer anyhow; but I prefer to take the plunge at once and be done with it. Then men may build houses and improve lands and start factories, and run furnaces, assured that they are on solid ground, but if your plan be tried, every wise man must know that the house he builds in 1869 or 1870 will not be worth so many dollars when built as it will cost him, and so he will decline or postpone the undertaking. How calamitous this must prove to labor and business, I think even you must realize. . . .

"I would resume to-morrow on our seventy million dollars of coin and provide further means of maintaining specie payments next day. But, if we are not to resume forthwith, then I would use at least fifty millions of the coin in the treasury to buy up and cancel interest-bearing bonds, and thus appreciate that credit, those securities, which are our ultimate resources for maintaining specie payments.

"But for the infamously dishonest proposition that the five-twenties might justly be paid off in greenbacks, and the powerful names whereby that villainy was upheld, we might have resumed and commenced funding our five-twenties at a lower interest long ago. It does not become even a *quasi* and repentant supporter of that criminal blunder to insinuate distrust of my sincerity in urging speedy resumption, nor to talk of my suggesting 'How not to do it.' This country is to-day many millions poorer, and much further from perfect solvency by reason of that wretched device of Copperhead rascality, the greenback theory, and of the countenance lent to it by men whose patriotism and sense of obligation to the nation's creditors should have kept them out of this slough if their integrity did not suffice. When this countenance shall have been wholly withdrawn and apologized for, we shall be very near to resumption."

On the 1st of January Morton's answer to Greeley was pub-

lished in the *Tribune*.[1] To the contention that the greenbacks would not have to be redeemed, Morton replied: "As long as the greenback currency is three cents under par, that margin would make it profitable to brokers to run that currency into the treasury from every part of the United States."

To Greeley's argument that "the gamblers in national insolvency" could not raise seventy million dollars, Morton answers: "The banks also must resume, and the gold in the treasury would fall short of their greenback reserves. To make themselves strong, they would convert these reserves into coin, which would retire more than the government could furnish."

Of Greeley's belief that a four-per-cent. bond, to run one hundred years, could be floated at par in gold, Morton says:

"This belief on your part proceeds upon the fundamental error that by a declaration of resumption the greenbacks would be suddenly brought to par, for it would be preposterous to talk about selling even a five-per-cent. bond at par in gold while the currency is depreciated and bonds drawing six per cent. interest are worth less than eighty cents on the dollar.

". . . You rely upon sudden and spasmodic action,

[1] Morton also referred to Greeley's ill-natured snarl in a caustic interview in which he said, "I can very well afford to have such opposition. There never was a time during the war that, had Mr. Greeley's advice been followed, disaster and disgrace would not have fallen upon the country. There has been no time since, that, had we obeyed his instructions, our party would not have come to ruin. In 1861, when I was calling on the people to rally to an armed support of the government, he was penning for publication his shameful demands for a surrender. From this position he was driven by the patriotic impulses of a mob. When the war came his hysterical cries, hurried on an immature campaign that resulted in disaster and in the untimely death of thousands. In the darkest hour of our country's peril, during that conflict, when every patriotic heart was needed to sustain our cause, he suddenly gave way and shrieked for peace at any price. His weaknesses and mischievous characteristics increase with age, and the political condition of New York City to-day is largely the result of his weak vacillation, insolent dictation and hysterical impulses."

where there should be no spasm or violence, and where the great result should be reached by gradual approaches, from the adoption of measures that would command the confidence of the country without disturbing its business. . . .

"Your plan would enrich the creditors by the destruction of the debtors; for, as you say, the sheriff and constable 'would be after many of us.' Our property would be sold for a song, and a large balance of debt be left against our future earnings.

"Your proposal to approach resumption by investing the gold surplus in the purchase of bonds, with a view to appreciating the value of the greenbacks, would be like a proposition to go from New York to Boston by the way of the Sandwich Islands. It would be a long way around."

To the personal strictures made by Greeley at the close of his letter, Morton made a dignified reply: "I am sorry you thought it necessary to introduce a matter that is foreign to the subject in controversy, and seems intended to be personal and severe. . . . In a speech in the Senate last summer I argued that under the statutes creating the legal-tender notes and five-twenty bonds, the government had the right to use the old or existing notes in payment of those bonds. This argument I prefaced with the declaration that the first duty of the government was to return to specie payments, which would render this question unimportant, and also with a denial of the right of the government to issue new notes with which to pay those bonds. . . . If this position is what you call the 'greenback theory,' the 'infamously dishonest proposition,' the 'criminal blunder,' you need not put me down as a repentant supporter. You have no evidence of my repentance.

"Your statement, that but for the talk of paying the five-twenties in greenbacks the government would long ago have resumed and commenced funding these bonds at a lower interest, is absurd. It is refuted by the quotations of our stocks. The six-per-cents. of 1881, which were sold before the

passage of the statute creating the legal-tender notes, and which nobody pretends should be paid in anything but coin, have never been rated more than four cents higher than the five-twenties; and even this was because the law creating them reserved no right on the part of the government to pay them before they fall due in 1881, and they can not be funded as the others may. The fact is, our bondholders understand perfectly well that, whatever may be the law of the question, neither the bonds, nor any considerable part of them, can be paid in coin while the currency remains depreciated; that it is folly to talk about paying the bonds in gold if the government can not procure gold enough to redeem the greenbacks, and they look much more to the return to specie payments and the establishment of our finances upon a solid basis than to the mere form of the contract. Gold payment should begin with the debt that is due, which is the currency, and not by shaving bonds that will not be due for fourteen years. The currency lies at the foundation of the financial structure. When it becomes good by being made convertible into gold the national debt may be funded, one-third of the interest can be saved, and the nation will carry the burden with ever-increasing ease until its final discharge."

Greeley returned to the attack in another letter published on January 1. He said:

"I object to your plan of resumption, as developed in your speech and subsequent letter, because it will never effect its declared object. The sinner who resolves to repent next year does not repent, the drunkard who means to stop drinking next year does not reform." . . . Gradual resumption, continued Greeley, had already been tried by McCulloch in the contraction of the currency, but the law authorizing this had been repealed. Morton's method would also be repealed. Moreover that method would cause more distress than immediate resumption. "Immediate resumption," he said, "is a cold bath that instantly chills, but speedily in-

vigorates. Gradual resumption is a palsy, which benumbs and paralyzes. . .

"Your objections to immediate resumption, apply likewise to gradual resumption. It is resumption, not the time of resumption, that favors creditors, capitalists, mortgagees and men of fixed incomes. Your objections, so far as they have weight, apply to any resumption whatever, and your praises will be sung mainly by those who are at heart opposed to any resumption whatever. They are like the culprit who, being allowed to choose his mode of dying, preferred to die of old age. They will applaud your postponement of resumption till 1871, because it gives them thirty months' leeway, and that enjoyed, they will move to postpone it indefinitely. And your arguments for postponing it now will be their arguments for postponing it then.

"Pardon me if I say that questions of finance receive practical solutions in New York that appear not to be familiar in Indiana. . . . I deeply regret that you seem not to comprehend the effect of the greenback theory on our national character and credit. I probably see more European journals than you do; and I never yet saw one that regarded the proposed payment of our interest-bearing bonds in our redemptionless non-interest-bearing greenbacks, as anything else than naked robbery. Yet you seem to think that, because our older six-per-cents. sell in Europe but little higher than our five-twenties, while you proposed to pay the latter only in greenbacks, that the financial world was not shocked by the proposal. Why, sir, every capitalist instinctively feels that, if we cheat our creditors at all, we shall cheat them all, and to the full extent. You may be content to stop half-way, but bolder, more reckless spirits will be found to take up the work before you lay it down and proceed with it to the end. . . . The path of honor and honesty is the only path of safety; and weighty considerations of duty and honor, interest and security, combine to thunder in our ears 'Resume!' "

The thunder of this peroration was not, however, sufficient to silence Morton, and on the 7th of January a second letter to Mr. Greeley was published in the New York *Times* containing the following:

"You offer to prove that resumption should take place at once by saying that the way for a drunkard to reform is to reform at once, and for a sinner to repent is to repent at once, and not at the end of two years and a half. Pardon me for saying I can not see the analogy. There would be quite as much wisdom in saying that the child should be born a man to save time. . . .

"When you gravely tell the country that resumption at a period in the future, giving time to the government and the people to prepare for it, would cause more distress than immediate resumption, the proposition seems to require no answer. It would be quite as logical to say that it would be safer to jump down Niagara, like Sam Patch, than to go down by the inclined plane.

"You say that questions of finance receive practical solutions in New York which are not familiar in Indiana. This is most likely true, and yet there are some things very well understood in Indiana, and among them the fact that a knowledge of stock and gold gambling is not necessary to a correct understanding of the laws of finance, and that the less we have of the peculiarities of New York finance in the administration of the government the better for the country. . . .

"You treat depreciated currency as a vice to be reformed by a good resolution, and not as a disease to be cured by time and the application of judicious remedies. You believe in resumption by faith and not by works. An old preacher once illustrating the doctrine of salvation by faith, said, 'If the Lord bids you jump through a stone wall, you must jump. Jumping is your business and getting you through the wall is the Lord's.'

"In your first letter, which is not yet too old to quote, you

finally made resumption impossible by making it dependent upon a bond drawing four or five per cent. interest, which would sell for a premium in gold, a bond which the holders of greenbacks would prefer to coin, and into which the currency would be funded. Such a bond being in the nature of things impossible in advance of resumption, it would seem unnecessary further to discuss your plan. You made resumption result from contraction, and contraction depend upon a method incapable of execution. Until your plan shall be made consistent with itself and its execution shown to be possible, it is hardly worth while to consider what would be its effect upon the country, and I have discussed it only as one of many obscurities cast upon the public mind, that are calculated to prevent a clear perception of the situation, and of the true measures for relief."

This appears to have been the end of the direct personal controversy. Mr. Greeley confined himself thereafter to certain disparaging editorials, which Morton did not notice.

Morton's bill for resumption was referred to the Committee on Finance. But he found no support for it among the members of that committee. It was reported January 18, with the statement that so much of it as was approved by the committee was embodied in another measure.[1]

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[1] Senator Sherman discussed Morton's proposition in a speech delivered on January 27.

"The plan of the senator from Indiana," he said, "rests upon two leading ideas:

"1. The accumulation of gold in the treasury; and,

"2. The fixing of a specific day for resumption. Now, with the most of his speech I heartily concur. All that he says of the necessity of resuming specie payments, of the effect of contraction, and of the unjust discrimination that now exists between the noteholder and the bondholder, all this meets my hearty assent. But it is the remedy he suggests with which we have to deal. Would not the effect of his measure be that the government would hoard the gold and the people the greenbacks, and thus cause the contraction he fears? What more profitable investment could any man make than to take this dollar, now having a purchasable power

It is interesting to note that Morton not only suggested the plan for resumption, which at a later date was embodied by Congress in the resumption act of 1875, but that Senator Sherman here opposed a plan for returning to specie payments upon the subsequent execution of which was based much of his reputation as a financier.

The bill reported by the committee was at last abandoned, and another bill, "to strengthen public credit," which had

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of seventy-four cents in gold, and lay it in his safe with the certainty that in two years it must be worth one dollar in gold or an annual advance of seventeen and one-half per cent.? Would not every bank sharply contract its currency and hoard greenbacks as the best investment it could make? What prudent man would dare build a house or factory, a railroad or a barn, with the certain fact before him that the greenbacks he puts into his improvement will be worth thirty-five per cent. more in two years than his improvement will then be worth? Why not hold his money for two years until his building will cost him one-third less? When the day comes every man, as the sailors say, will be 'close-reefed,' all enterprise will be suspended; every bank will have contracted its currency to the lowest limit, and the debtor, compelled to meet in coin a debt contracted in currency, will find the coin hoarded in the treasury, no representative coin in circulation, his property shrunk, not only to the extent of the appreciation of the currency, but still more by the artificial scarcity made by hoarders of gold."

Senator McCreary, of Kentucky, delivered a humorous speech, that purported to be an answer to Morton. He closed by referring to the clause in Morton's bill allowing six months additional time to the national banks for resumption. "These banks," he said, "are generally conducted by men of sagacity and foresight in financial affairs. Knowing that gold, under any circumstances, would be as good as greenbacks, it is fair to presume that each bank would have a trusty agent in Washington on the 1st day of July, 1871, and all of them would be instructed to be convenient to the treasury department when the hour of resumption should arrive; and when it did come, without the sound of a drum or the note of a bugle, they would move to the onset.

"'Firm paced and slow, a serried front they form,
Still as the breeze, but dreadful as the storm.'

"If the Secretary should desire to render impartial justice to his customers it will require a force of sixteen hundred money counters to meet the demand. Let him appoint that number and the sun that day will set upon an empty treasury."

been passed by the House of Representatives, was sent to the Senate.

This bill, "in order to settle conflicting interpretations of the law," declared that the faith of the United States was pledged to the payment in coin of all obligations of the government, except where the law authorizing their issue expressly provided otherwise.

Morton said of this declaration: "It is either intended by the bill to make a new contract or it is not. If it is intended to make a new contract I protest against it. We should do injustice to the government and to the people, after we have sold these bonds, on an average, for not more than sixty cents on the dollar, now to propose to make a new contract for the benefit of the holders. If the effect of this declaration is to assume an obligation that does not exist, I protest against it. If it does not propose to make a new contract, but simply to enforce that which now exists by law, then it is unnecessary. . . .

"Sir, it is understood, I believe, that the passage of a bill of this kind will have the effect in Europe of increasing the price of our bonds and increasing the demand for them, and that it will enable the operators to sell at a profit the bonds they have on hand. It is in its nature a broker's operation. It is a 'bull' movement, intended to put up the price of bonds in the interest of parties dealing in them. . . .

"We are told we can not get the gold to pay three hundred million dollars of greenbacks, and yet we are required solemnly to pledge ourselves to pay two billion dollars of bonded debt in coin. . . . This bill ought not to pass. It is tinkering with the law, not to strengthen the public credit, not for the permanent good of the country, but for the benefit of men who are dealing in bonds."

The bill passed, but when it was submitted to President Johnson for approval, on the last day of his term, he did not sign it, and it failed to become a law.

A measure similar in its terms was introduced at the beginning of the next session, and finally passed, Morton voting against it.[1]

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[1] On January 24, 1870, a bill was reported to the Senate to equalize the distribution of national bank currency, of which New England and the Middle states had more than their proper share. It provided for an increase of the notes of these banks to the amount of forty-five millions of dollars. The new notes were to be distributed among banks in states having less than their due proportion. At the end of each month the Secretary of the Treasury was to retire an amount of the three per cent. temporary loan certificates of 1867 and 1868 equal to the bank notes issued during that month.

The new measure was supported in an able speech by Senator Sherman. Morton presented some objections.

The three per cent. certificates, he said, were not supported by any reserve locked up in the vaults of the banks, but the national bank notes to be issued in lieu of them would require a reserve of fifteen per cent. of legal tender notes, which would thus be withdrawn from circulation. Morton said that he had steadily opposed all expansion of the currency, but that he was also opposed to contraction.

Under this forty-five million dollar bill, Indiana, Illinois, Missouri, and perhaps the states of Kentucky and Ohio, could not get a dollar of additional currency.

Morton, therefore, proposed two amendments. The first was to increase the national bank currency fifty-two millions instead of forty-five millions. The second provided for the redistribution of the currency already issued to the extent of thirteen millions, to be taken from banks in the states having an excess and given to those in states having less than their share.

Morton's amendments were adopted, and later, upon the report of a committee of conference, fifty-four million dollars was substituted in place of Morton's original fifty-two million dollars, since the reserves that the banks were required to keep averaged more than fifteen per cent.; and the bill, thus amended, became a law.

A measure came up for consideration, on February 28, 1870, for funding twelve hundred millions of the national debt in five-per-cent. bonds redeemable in ten years, four-and-a-half-per-cent. bonds redeemable in fifteen years, and four-per-cent. bonds redeemable in twenty years, one-third in each kind. The first were to be exchangeable for five-twenty bonds, the second, for any bonds bearing a higher rate of interest, and the third, for greenbacks.

Morton declared his belief that a four-per-cent. bond could not yet be sold at par.

On March 11 he proposed to strike out the provision that the four-per-

We have now followed to the end the first phase of Morton's career in the Senate upon matters of finance. Whether or not his opinion that the principal of the five-twenty bonds might be lawfully paid in greenbacks was technically correct, his judgment in regard to the course to be pursued was both honest and practicable. He desired that these bonds should be paid in a currency that should be made equal to gold before the time of the payment. He believed that this could be done and ought to be done without a further contraction of the currency and the evils that such a contraction inevitably entails. He considered that the natural way to resume specie payments was to fix a day in future and to prepare for it gradually, both by accumulating a proper reserve for that purpose, and by giving to the people the assurance of resumption on that day, and thereby bringing down the premium on gold. Possibly the day he fixed for the purpose was too early, yet even this is by no means certain, for in March, 1870, the premium on gold had fallen within fifteen months from thirty-five to eleven per cent., although no day for resumption had been fixed, nor had any preparations for

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cents. might be exchanged for greenbacks, since this would contract the currency. He asked whether the problem of bringing the currency to par without contraction was not being solved. Within fifteen months the premium on gold had gone down from thirty-five to eleven per cent. Might it not go down the other eleven per cent. without contraction?

Morton's amendment was defeated in the Senate—but in the House of Representatives radical changes were made in the bill. According to the act, as finally passed, the five-per-cent. bonds were limited to two hundred millions, the four-and-a-half-per-cents to three hundred millions, while four-per-cent. bonds for a thousand millions were to be issued. These bonds might be sold for gold or exchanged for five-twenties. Morton gained his point, which was to prevent contraction by the exchange of greenbacks for bonds.

His opinion that a four-per-cent. bond could not yet be sold turned out to be correct. Indeed the war that broke out between Germany and France made it impossible to sell even the five-per-cent. bonds at par. A subsequent act increased the number of these to five hundred millions, but it was not until July 14, 1871, that they were all disposed of.

it been made, and it is not unreasonable to suppose that if a proper resumption act had been passed, that premium might have entirely disappeared before July, 1871.

But the early date proposed was not the objection made to Morton's bill. By some it was said that the date was not early enough, and by others that the entire plan was impracticable, and that there could be no resumption without further contraction. In both these particulars Morton's plan has been justified by subsequent history. His method for the resumption of specie payments was the one finally adopted and successfully carried out by the country. "The Wise Men of the East" who received his proposition with incredulous smiles were mistaken in their views. Morton was right.

After the panic of 1873 had greatly crippled the business interests of the country, Morton's position in regard to the currency was considerably modified.

His course at this later period will be considered in a subsequent chapter.

CHAPTER V

THE FIFTEENTH AMENDMENT

WE have seen that the feeling in favor of negro suffrage for the South had been brought about, not so much on account of the belief that it was a desirable thing as from a conviction that "loyal" republican governments could not be established and maintained in any other way. To give the negroes the right to vote in the Northern states had not yet been seriously thought of.

The Republican party had taken a timid and indefensible position in declaring in the platform of 1868 that the guaranty of equal suffrage in the South was demanded by every consideration of public safety, gratitude and justice, while the question of suffrage in the loyal states properly belonged to the people of those states. Morton had been somewhat in advance of the general feeling in his party when he had urged, during the previous campaigns, that the universal suffrage established in the South should also be extended to the North.

But it was now felt that the right of the negro to vote must be confirmed by some stronger and more unalterable sanction than that of the reconstruction laws, and the new constitutions of the re-admitted states. To this end an amendment to the Federal constitution would be needful, and such an amendment must apply to all the states alike.

As early as 1866 Senator Henderson, of Missouri, had proposed an amendment of this character, and had warned his Republican associates that though they might then reject it,

it would be demanded of them in less than five years. He now proposed it again, and his draft, with a slight change, was taken as the basis of an amendment reported to the Senate by the Committee of the Judiciary on January 23, 1869, providing that the right of citizens of the United States to vote and hold office should not be denied or abridged on account of race, color or previous condition of servitude.

Hendricks criticised the Republicans for attempting to force this amendment upon the country through the agencies of a Congress and of state legislatures that had not been elected upon any such issue.

The Chicago platform, he added, had said that the question of suffrage in the loyal states belonged to the people of those states. This political faith declared by the grand council of the Republican party was not a year old, and yet it was proposed, without giving the people a hearing, to say that the right to control suffrage in the Northern states should not belong to the people of those states.

In the meantime the House of Representatives passed a similar amendment which, when it reached the Senate, was taken up in place of the one already before that body. Morton urged its early consideration. The legislatures of most of the states, he said, were then in session and these sessions would not last long. If the amendment passed in a few days its ratification could be completed by the middle of March, but if delayed, the question would remain a distracting element in politics for a long time to come.

Dixon, of Connecticut, referring to the different positions taken by the Republican party upon this question at different times, said that party was so progressive that if a senator should leave Washington on one day to address the people of Connecticut on the next, it would be necessary for him to receive telegraphic dispatches as to the position occupied by the party at the precise date of his speech.

Morton asked him whether it had been charged by any-

body that the Democratic party had progressed at all since the beginning of the war?

Mr. Dixon answered that he was compelled to say that they had been charged with having progressed. He found in a paper published in Connecticut that the Democratic party of that state was charged with having abandoned its old doctrines and come out in favor of paying the bonds in gold, a doctrine in which his friend from Indiana did not fully believe.

When Morton came to reply he said: "We have had evidence on the floor of the Senate that the Democratic party has made substantial progress. My colleague in an able speech yesterday, and the senator from Connecticut in one yesterday and another to-day, have talked at great length about this constitutional amendment without saying one word in regard to its merits, but have confined their argument to the question as to the mode of its submission, and as to whether the Republican party was not estopped by its platform in Chicago from taking any action upon the subject. I take it, sir, that these distinguished senators feel the pressure of public opinion. I take it that they recognize the progress that the country has made, and that they do not feel quite comfortable now in coming into the Senate of the United States and arguing against a proposition to establish impartial suffrage. Sir, it is an omen of progress, and I congratulate the senators and the country upon it. . . .

"Now, Mr. President, I propose to speak for a few minutes in regard to the language of this amendment. I will vote for the amendment as it came from the House of Representatives, or I will vote for the clause as reported by the Judiciary Committee in the Senate, if I can get no better form. But I desire to say that it comes far short of what should, in my opinion, now be the action of Congress on this subject. The resolution as it came from the House, and the amendment reported by the Committee on the Judiciary, are in substance

the same, differing somewhat in phraseology. The amendment of our committee is:

"'The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States, or any state, on account of race, color, or previous condition of servitude.'

"It will be observed that this language admits or recognizes that the whole power over the question of suffrage is vested in the several states, except as it shall be limited by this amendment. It tacitly concedes that the state may disfranchise the colored people or any other class of people for other reasons save and except those mentioned in the amendment. They can not be disfranchised by reason of race, color, or previous condition of servitude. In other words it leaves all the existing irregularities and incongruities in suffrage. I have entertained the idea that when we come to amend the constitution upon this subject we ought to make suffrage uniform throughout the United States; that the same class of men should be allowed to vote for President and Vice-President and members of Congress and members of the state legislatures that elect senators; that the same class of men excluded in one state ought to be excluded in every other state.

"In the state of Indiana a man of foreign birth, who has been in the United States one year, and in the state of Indiana six months, and who has declared his intention to become a citizens of the United States, is allowed to vote for President and Vice-President, members of Congress and state officers. Just over the line, in the state of Ohio, the same man would not be allowed to vote unless he had been in the country five years, and had become fully naturalized. Here is a class of men taking part in the government of the country in one state and yet excluded in the next state. I am not discussing the propriety or impropriety of these regulations, but I am speaking of their inconsistencies. In the state of Mas-

sachusetts, for instance, there is an educational test; in the state of Rhode Island, if I am correctly informed, there is a property qualification. The population of that state is so numerous that the voting ratio must be reduced by requiring a property qualification. In some states a residence of six months is required; in other states a residence of twelve months is required, and perhaps there may be some other conditions of suffrage prescribed. In the state of New York I believe that colored men are allowed to vote if they are worth two hundred and fifty dollars in real estate.

"Now, sir, when we come to amend the constitution of the United States on this subject, would it not be proper to make suffrage uniform? And it is as easy to amend it in the one way, I believe, as it is in the other. This amendment leaves the whole power in the state, just as it exists now, except that colored men shall not be disfranchised for any of the three reasons of race, color or previous condition of slavery. They may be disfranchised for want of education or for want of intelligence. The states of Louisiana and Georgia may establish regulations upon the subject of suffrage that will cut out from voting forty-nine out of every fifty colored men in those states, and what may be done in one of these states may perhaps be done in others. They may, perhaps, require property or educational tests, and that would cut off the great majority of the colored men from voting, and thus this amendment would be practically defeated in all those states where the great body of the colored people live. . . .

"Mr. President, I would prefer an affirmative amendment, an amendment declaring who shall have the right to vote. . . ."[1]

Sumner made an eloquent plea in favor of negro suffrage, but he denied that under the national constitution, as it stood, the power existed to disfranchise citizens on account of color.

[1] In view of the subsequent legislation and practice of the people of the Southern states these remarks of Morton were prophetic.

Why, he asked, should we change a constitution that was already sufficient? The proposed amendment was an admission that caste might be set up by a state. That amendment would not be ratified. The same thing could be accomplished without delay or uncertainty by an act of Congress. Sumner saw no need for this amendment.

Hendricks urged the differences between the two races, physical, moral and intellectual as an argument against negro suffrage. What invention had the negro race produced of advantage to the world?

"Suppose we grant all this," replied Morton; "I ask if it is not a reason why these men should have the ballot put into their hands? The strong can protect themselves. The weak require to be furnished with the means of protection. In this country there is no protection for political and civil rights outside of the ballot. If men have a natural right to life, liberty, and the pursuit of happiness, they have a natural right to the use of the means by which life, liberty and the pursuit of happiness can be enjoyed. . . ."

Referring to an argument that had been made in favor of state sovereignty by Senator Saulsbury, of Delaware, Morton thus continued:

"The senator denied expressly that we were a nation. He gave us to understand that he belonged to the tribe of the Delawares, an independent and sovereign tribe living on a reservation near the city of Philadelphia, but he denied his American nationality. The whole argument, from first to last, has proceeded upon the idea that this is a mere confederacy of States; to use the language of the senator to-day, a partnership of states. If that is true there is a right of secession. He did not draw that deduction, but it is one that springs inevitably from his premises.

"Sir, the heresy of secession is not dead; it lives. It lives after this war, although it ought to have been settled by the war. It exists even as snow sometimes exists in the lap of

summer when it is concealed behind the cliffs and the hedges and in the clefts of the rocks. It has appeared in this debate. We have heard the very premises, the very arguments, the very historical references upon which the right of secession was urged for thirty years. The whole fallacy lies in denying our nationality. I assert that we are one people and not thirty-seven different peoples; that we are one nation, and as such we have provided for ourselves a national constitution, and that constitution has provided the way by which it may be amended.

"Now, sir, what shall be the extent of that amendment? Does the constitution say how far you shall amend it? Not a word; but it provides for its own amendment, and that amendment may be as radical and as far-going as any part of the original instrument. Can that be denied? The states gave up, it is said, the right to coin money, the right to make war, the right to regulate commerce; and if they gave up those powers, they have a right to give up, according to the mode prescribed by the constitution, the power to regulate suffrage. . . ."

Senator Wilson offered an amendment to the joint resolution that no discrimination should be made in the exercise of the elective franchise or in the right to hold office on account of race, color, nativity, property, education or religious creed.

Morton spoke in favor of this amendment, and it was adopted by a vote of 31 to 27.

Morton now offered, on behalf of the Committee on Representative Reform, an amendment that Congress should have power to prescribe the manner in which Presidential electors should be chosen by the people.[1]

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[1] The effect of this amendment, said Morton in a previous discussion, was to take away from the legislatures of the several states the dangerous power they had in cases where a legislature, finding itself in a minority, might repeal the law under which the people voted, and might itself choose electors to cast the vote of that state for President.

This was considered as a sixteenth amendment to the constitution, and was adopted by a vote of 37 to 19, and the two proposed amendments were sent together to the House of Representatives. That body, however, would not pass them,[1] and after numerous changes, the report of the confer-

[1] It was considered important by the House of Representatives to retain the prohibition against disfranchisement on account of "previous condition of servitude," which the Senate had left out; and the sixteenth amendment was opposed because it did not provide for a uniform rule in choosing electors. These objections were strong ones, but they could have been easily overcome by amendments. No such amendments, however, were proposed, but instead, the House refused to concur, and asked for a committee of conference. The Senate declined this and receded from its own amendments, rejected the original House resolution and then took up and passed the Senate joint resolution which had be n laid aside. The House resolution, which the Senate had rejected, was substantially the same, except that it contained no provision concerning the right to hold office. When the Senate resolution was sent to the House that body amended it so as to read, "the right of citizens of the United States to vote or 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 brought back the proposition into much the same form as the one that had first been adopted by the Senate, and in which the House had refused to concur.

Yet the Senate, after some talk about self-respect and dignity, asked for a committee of conference, which was appointed, and made the remarkable recommendation that the House recede from its amendments, and that the words "or hold office" be stricken out. This left the proposition nearly the same in substance as that which had first been passed by the House of Representatives, and which had been twice voted down in the Senate.

Morton criticised sharply the action of the committee. He said:

"The House had come exactly to the first propositions which we had sent to them, with the single exception of the word 'education,' and the House had agreed with us fully on the proposition that the right to vote *or to hold office* should not be denied by any state on account of race, color, or previous condition of servitude. . . .

"I may be compelled to take this proposition just as it is, because at this late hour of the session if I do not take it, I may not get anything; but I must say that I dislike very much to be forced by a committee of conference to take a proposition that has been so uniformly rejected by this body.

"The House had substantially come to our ground, and when they got

ence committee was adopted, submitting to the states for ratification one amendment only, the fifteenth, which provided that the right of citizens of the United States to vote should not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude, and that Congress should have power to enforce the article by appropriate legislation.

The passage of the fifteenth amendment by Congress had been troublesome, yet a greater difficulty was still to be overcome. The amendment must be ratified by three-fourths of all the states before it could become engrafted upon the constitution. This was at first thought to be a hopeless task. We have seen that Sumner openly avowed his belief that the amendment would not be ratified and he was absent when the final vote was taken. Many Republicans shared his distrust.

Morton himself at first felt doubtful of the issue, for on January 4, 1869, he was reported by the New York *Herald* as saying that three-fourths of the states could not then be secured, adding "We must therefore await a change of heart or keep pounding away until we make ourselves masters of the situation." But as the movement progressed the importance of the measure, both to the country and to his own party, aroused him to put forth his utmost exertions, and no one did such effectual "pounding" to secure the ratification of this amendment as did the senator from Indiana. His first important work was with the legislature of his own state.

The constitution and laws of Indiana provided that the

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there we deserted that ground. There may have been reasons for that desertion, but they have not been assigned."

He again argued the need of provisions regarding nativity, property and creed.

It was, however, so late in the session that further amendments and conferences had become impossible, so the report of the committee of conference was adopted by both houses, and the amendment was thus submitted to the several states for ratification.

Senate of the state should be composed of fifty and the House of one hundred members, and the constitution further provided that two-thirds "of each house" should constitute a quorum. It was supposed that this "house" was intended to mean the full number of members provided by law, that a quorum in the Senate consisted invariably of thirty-four members, and in the House of sixty-seven members, and that whenever, by resignation or other cause, the number of members was brought down below these figures, the General Assembly would be unable to transact business.

The Democrats were in a minority, but more than one-third of the members of each house belonged to that party.

After the fifteenth amendment had been submitted to the several states, the Democratic members of the Indiana legislature made up their minds to prevent its ratification in Indiana by resigning. Seventeen withdrew from the Senate and forty-one from the House, leaving more than a majority but less than two thirds in each body. No one seemed to doubt that these resignations would break up the quorum and that neither branch of the General Assembly could lawfully agree to the amendment in the absence of the men that had resigned.

Governor Baker issued writs of election to fill the vacancies, and in nearly every instance the member who had resigned was re-elected. The Governor then convened the legislature in special session. It met on the 8th of April and again on the 13th of May, when the Democratic members once more resigned their seats to prevent the consideration of the constitutional amendment.

On previous occasions, when a quorum was broken in the Indiana legislature, this had been done by the mere withdrawal of the minority without resignation, but a law had been enacted making such withdrawal a misdemeanor punishable by a fine of a thousand dollars, so in March and in

May of this year the attempt to stop the business of the legislature was made not by simple absence but by resignation.

In March Morton was in Washington, but in May he came home just as the resignations had been delivered to the Governor. He immediately sent word to the Republican members not to adjourn but to meet him in consultation that night. At this meeting he insisted that the resignations of the Democrats made the remaining members "the two houses of the General Assembly"; that two-thirds of these constituted a quorum, and could legally ratify the fifteenth amendment, and that this construction had been approved by the usages of Congress. The Republicans acted upon his opinion, and the amendment was ratified. It was claimed that this action was unconstitutional. A long address, calling it "The Ethiopian Infamy," was published, signed by three Democratic members, and many insisted that the ratification was not worth the paper on which it was written.

Morton refuted the claim of illegality by an argument of great power and clearness, in a letter published in the Indianapolis *Journal* on the 25th of May.[1]

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[1] "If the House of Representatives," he said, "consists always of one hundred members, then two-thirds of one hundred, or sixty-seven, will be necessary for a quorum. But if it may consist of eighty members, there being twenty vacancies, two-thirds of eighty, or fifty-four, will constitute the quorum. Does it require all the members elected, or authorized by law to be elected, to constitute the House?

"Clearly not. If it were so then state legislatures or Congress would seldom have an organized or legal existence. Legislative bodies, especially those composed of large numbers, are seldom full. It happens a great part of the time that there are vacancies in every legislative body growing out of failures to elect, contested elections, resignations or deaths. When vacancies occur by resignation or death they are never filled without some delay, and oftentimes they last throughout the session. Legislative bodies are organized and proceed to business while seats are left vacant because of failure to elect, failure to qualify, or contested elections. And yet, in all these cases the members that actually appear and qualify, or those that remain after the death or resignation of others, are

There was, of course, the usual chorus of howls from the other side, long editorials in the *Sentinel*, hysterical ravings

held to constitute the 'house,' and to possess a legal existence as a legislative body.

"The law provides for the election of one hundred members of the House of Representatives of this state. If from any cause there should be a failure to elect in ten counties, and the number of members actually elected should be only ninety, yet if they should meet and organize they would constitute the 'House' beyond all question, and two-thirds of the 'House,' by the express language of the constitution, would form a quorum.

"The quorum is intended to represent the proportion of members present to the actual membership, and not to the number of members authorized by law to be elected.

"Section 18 of article 4 reads as follows:

"'Every bill shall be read by sections on three several days in each house, unless in case of emergency, by a vote of two-thirds of the house where such bill may be pending, it shall be deemed expedient to dispense with this rule.' The corresponding provision in the old constitution of 1816 was in these words: 'Every bill shall be read on three several days in each house, unless by a vote of two-thirds of the house where the bill may be pending, it shall be deemed expedient to dispense with this rule.' It has never been the practice under either constitution to require sixty-seven votes in the House or thirty-four in the Senate for a suspension of the rules, although the phraseology is precisely the same as that employed in the eleventh section of the fourth article, which declares that 'two-thirds of each house shall constitute a quorum to do business.' If the phrase 'two-thirds of each house' means sixty-seven members of the House of Representatives and thirty-four in the Senate in making a quorum, it would mean the same thing in suspending the rules, which has been settled the other way.

"By section 14 of article 4, two-thirds of either house may expel a member. If by 'two-thirds of either house' is meant sixty-seven votes in the House and thirty-four in the Senate, then a representative could never be expelled by less than sixty-seven votes or a senator by less than thirty-four votes, which is not contended by anybody. If it were so, and the House of Representatives were reduced to sixty-seven members, it would require the vote of every one to expel a member for corruption, including that of the culprit himself, and his expulsion would destroy the legislature. But it is said my view can not be maintained because by the twenty-fifth section of the seventh article of the constitution it is provided that 'a majority of members elected to each house shall be necessary to pass every bill or joint resolution'; that under this section fifty-one votes would be required to pass a bill, and therefore that the quorum could never con-

in the Terre Haute *Journal*, a *reductio ad absurdum* in the Jeffersonville *Democrat*, contending that, according to Morton,

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sist of less than fifty-one members. It will be observed that the language of this section is entirely different from that of the eleventh section, which provides for the quorum. The eleventh section declares that 'two-thirds *of each house* shall constitute a quorum,' but this section declares that 'a majority of *all members elected to each house* shall be necessary to pass every bill or joint resolution.' This, then, is an independent and arbitrary provision, regulating the final passage of bills and joint resolutions, and has nothing whatever to do with the question of the quorum.

"Again in section 14 of the 5th article the votes of a 'majority of all the members elected to each house' are required for passing a bill over the Governor's veto. According to the first section of article 16, the legislature by the votes of a 'majority of the members elected to each of the two houses' may submit to the people propositions to amend the constitution. Again it is provided in the 7th section of article 6, that state officers may be removed from office for crime, incapacity or negligence by impeachment or joint resolution, 'two-thirds of the members elected to each branch voting in either case therefor'; 'Two-thirds of the members elected to each branch' or house is a very different thing from 'two-thirds of each house,' and the words are obviously used in a different sense. 'Two-thirds of each house' refers to its present or actual condition, while 'two-thirds of the members elected to each branch' or house refers to the number originally elected, but which may have been reduced by resignation, death or expulsion.

"It is a two-thirds vote in each case, but two-thirds of a different aggregate.

"If it had been intended that the quorum should consist of two-thirds of all the members elected or authorized by law to be elected to each house, the constitution would have said so with the same particularity that it used in specifying the number of votes necessary to pass a bill, propose amendments or impeach a state officer. The very particularity used in these cases shows clearly that the phrase 'majority of the house' or 'two-thirds of the house' would not convey the meaning desired. . . .

"It was not intended that a minority of the people of the state living in a few counties should have the power, by the re-election of members of the legislature who continue to resign from time to time, to deprive the rest of the people of the protection of the laws and of such legislation as their prosperity and happiness may require. While it could never have been designed that the rights of the majority should thus be placed in the power of the minority, legislation by a mere rump legislature has been guarded against by the provision which requires the votes of a majority of all who have been elected to either house for the final passage of a bill or joint resolution. . . .

the House might be reduced to one person, that two-thirds of that person would constitute a quorum, etc.

"The constitution of the United States declares that 'a majority of each house shall constitute a quorum' to do business. The principle is clearly recognized by the action of both houses of Congress that each house consists of its actual membership, not of the members who may have been elected and not qualified, not of the members who may be authorized by law to be elected, but of those who are existing, qualified members. The express rule of the Senate declaratory of the meaning of the constitution of the United States is in these words: 'A quorum shall consist of a majority of the senators duly chosen and sworn.'

"The adoption of this rule in 1864 was preceded by elaborate debate, in which it was opposed upon the precise ground that a 'majority of each house' meant a majority of all the members of which the Senate or House of Representatives was authorized by law to be composed, and it was supported upon the precise ground that a 'majority of each house' meant a majority of actual members.

"Members resigned, members chosen but not sworn, members contesting for seats but not yet admitted, as well as other vacancies, are not counted in making up a quorum. I am not aware that the House of Representatives has any express rule upon the subject, but it recognizes the rule of the Senate in practice, and did so by common consent before the adoption of the rule by the Senate. In each case the actual membership constitutes the House and the Senate; that either house may by law consist of a larger number is not taken into account. Whenever the number of the members of the Senate is reduced by resignation, secession or death, a majority of those who are left constitutes the quorum.

"During the last session of the Fortieth Congress the number of members of the Senate was sixty-six and the quorum was thirty-four. But at the beginning of the late session the number of members was only sixty-five, owing to the absence of the new senator from Maryland, who was delayed by sickness, and the quorum fell to thirty-three. But afterwards, when he appeared and was sworn in, it rose to thirty-four again.

"The constitution of the United States declares that 'The Senate shall be composed of two senators from each state, chosen by the legislature thereof.' When the secession of the rebel members took place in 1861 it was boldly argued by the rebels and their friends that the legal character of the body was destroyed because it could consist only of two senators from each state, and that the quorum must continue to be what it was before secession took place.

"This opinion has been urged until very recently, and it has been said that Congress was an illegal body, hanging upon the verge of the government, and that most of the important legislation, since 1861, was unconstitutional because of the absence of the necessary quorum in the two

Even some of the Republican papers doubted. The Lafayette *Journal* criticised the measure in an editorial entitled "Go Slow." In other parts of the country the propriety of such a ratification was questioned. The New York *Times* regarded Morton's argument as "a piece of special pleading in support of a partisan purpose."

But in spite of doubts and opposition the proceedings of the General Assembly were duly certified to the Secretary of State at Washington, and this action stood as the ratification of the fifteenth amendment by Indiana.

In the next legislature, where the Democratic party had a majority, a joint resolution was passed declaring the "pretended" ratification null and void, and "withdrawing and rescinding all action, perfect and imperfect, on the part of the state purporting to assent to and ratify said proposed fifteenth amendment." But it was then too late. The amendment had been ratified by three-fourths of the states and had become part of the constitution.

It was through Morton's agency, more than through that of any other man, that this action by the necessary number of states had been secured. The amendment was reasonably certain of ratification by twenty-five states. But this was not enough, and it would probably fail unless it were ratified by Virginia, Mississippi and Texas, which had not yet been admitted to representation. A bill for the reconstruction of

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houses, the membership of the Senate having at one time been reduced to fifty, twenty-six being held to be a quorum, and the votes of fourteen sufficient for the enactment of laws.

"The point was made by Senator Davis, of Kentucky, in the late impeachment trial, that the Senate must consist of two senators from each state; but it was negatived, there being 2 yeas and 49 nays.

"The principle is fully established in the national government that the legal character of Congress can not be destroyed by the resignation or secession of a portion of its members, but that the members who remain in each house will constitute the 'house'; that the necessary quorum to do business in each house is determined by the actual membership, and not by what the membership ought to be or might be by law. . . ."

these states, which had passed the House, came up for consideration in the Senate on April 9, 1869.

Morton saw his opportunity, and he offered as an amendment a provision that before these states should be admitted their legislatures must ratify the fifteenth amendment.

Senator Trumbull opposed this proposition. Congress, he said, had imposed certain conditions for the restoration of these states. Here was a new condition. Where was it to stop? These states had held conventions and formed constitutions which were ready to be submitted to the people. If these were adopted Congress had given its solemn pledge to restore the states to their places. This new requirement was breaking faith with them. There was no question that they would adopt the fifteenth amendment after they had organized. He hoped Morton would not persist in this amendment.

Morton thus replied:

"I regard this amendment as of the utmost importance. I shall certainly not withdraw it. If the Senate chooses to vote it down it can do so. Nor do I perceive the force of the arguments against it. The senator says it would be a breach of faith. How a breach of faith? These states have not accepted the conditions we proposed to them. How are we bound? They have accepted nothing; but they have stood out in hostility up to this time against the terms we have offered. It is our right to propose as many conditions as we see fit, so that they are proper and just in themselves. There is no faith to be violated, no promise to be taken back.

"The senator says that he has no doubt that these states will ratify the fifteenth article in any event. If he entertains no doubt upon that, he ought to have no objection to our putting it in the bill. It can not do any harm. According to his own statement, it is not imposing upon them anything that will be disagreeable. But I have doubts. Some of the reconstructed states would not have ratified the fourteenth

amendment if they had not been required to do it as a condition of representation. . . .

"So far as I am concerned I would rather see the bill fail than pass without this amendment attached to it. I would rather see the whole matter go over until the next session of Congress.

"I will speak frankly on the subject. I know what the expectation of the opposing party is. They know the prejudice that has existed in the Western states in regard to negro suffrage, and I know that the Democratic party desires to keep this question open as an element of political success in the elections of 1870 and 1872. Look at what has taken place in the state of Indiana. The Democratic party, for the purpose of preventing the legislature, which has a large majority of Republicans, from ratifying the amendment, and of keeping such ratification an open question, broke up the session by resigning. That legislature was called together again yesterday, and I am advised that the very moment the amendment is presented the Democratic members will again resign. They have made the calculation that without the votes of Virginia, Texas and Mississippi the amendment can not be ratified, unless it receives the vote of Indiana. Indiana they regard, therefore, as the pivotal state upon which the amendment is to turn; but if it shall be ratified by these three unreconstructed states it will then become a part of the constitution without the vote of Indiana, and the revolutionary measure that has been adopted in that state will not be successful."

Williams supported Morton's amendment, Thurman spoke against it. It was proposed, he said, to coerce these states into the adoption of an amendment which affected every state in the Union. If he understood Morton aright it was for the purpose of overriding the will of Indiana that he wished these states coerced.

Morton interrupted: "Not to override the will of the

people of Indiana, but to override a revolutionary movement in Indiana by which the legislature has been broken up in order to prevent it from ratifying the amendment as it would otherwise have done."

Morton's amendment was adopted by a vote of thirty to twenty; the House of Representatives concurred and the bill passed.

But this was not the end. It was supposed that the reconstruction of Georgia had been completed. But the legislature of that state, after complying with the terms of Congress, had decided that its colored members were ineligible, and had illegally expelled them, filling their places with their defeated white Democratic competitors, and had also retained as members men who, according to the reconstruction acts, were under political disabilities. The legislature had then rejected the fifteenth amendment. When the senators elected by this body presented their credentials they were not permitted to be sworn, and Morton on the first day of the December session (1869) introduced a bill directing the Governor of Georgia to reconvene the legislature, including the negro members who had been expelled, and excluding all who were under disabilities.[1] His bill also provided that the legislature should ratify the fifteenth amendment before senators or representatives would be admitted to Congress.

The Committee on the Judiciary reported the bill without this last provision,[2] and Morton moved to re-insert it. Carpenter insisted that if it were put in the claim would be made that the state had not voluntarily ratified the fifteenth amendment, that it was in duress under military power. "I am opposed," he said, "to making up a bill of exceptions

[1] On the same day the President's message to Congress recommended this measure. It was through Morton's influence that this recommendation was made.

[2] They inserted in lieu thereof a clause that the legislature of Georgia should be regarded as provisional until the further action of Congress.

upon which some future Jeff Davis shall move for a new trial." Morton rejoined: "The objection made by the senator from Wisconsin, I take it, is a direct impeachment of our whole reconstruction policy, from first to last. The original act provided as one of the conditions of reconstruction that the rebellious states should ratify the fourteenth amendment. We could not require them to ratify it; we did not put them in duress; we do not now propose to require them to ratify the fifteenth amendment, but we put such ratification to them as a condition upon which they may return, and we do this for the future security and peace of the nation.

"Now, sir, if we refuse to require this in the case of Georgia we say to those who have constantly opposed our policy, we ourselves confess that the original and material condition of the reconstruction act was wrong. Are we prepared, at this stage of the proceeding, to make that confession? I am not prepared to make it, and if I did make it, it would be incorrectly and improperly made.

"Why, sir, when Virginia and Texas and Mississippi came before Congress, at the last session, for another act authorizing an election to be held, we put their return upon the condition that they should ratify the fifteenth amendment. If we did it in their case why shall we not do it in the case of Georgia? The senator from Wisconsin voted, if I remember, correctly, to require that as a condition at the hands of Texas, Mississippi and Virginia, and if it might be required of those states why not require it of Georgia?

"Sir, it is not our fault that Georgia has not been reconstructed. It is the result of her treachery, the treachery of her legislature, the violation of good faith upon her part. She has, by her acts, put off her reconstruction until the fifteenth amendment has come before the country, and until reflection and experience have shown that the ratification of the fifteenth amendment is necessary to the preservation of the whole work of reconstruction from the beginning.

"Without the fifteenth amendment there is no security for colored suffrage in any of the Southern states. When the late rebels shall get the power, if colored suffrage is secured in no other way except by the constitution of the state, they will disfranchise the colored men in every Southern state. There is no security for colored suffrage, there is no security for the whole work of reconstruction, except by putting universal suffrage in the constitution and under the protection of the laws of the United States."

Carpenter said in reply that he would not vote for the final admission of Georgia until that state had ratified the fifteenth amendment, but he did not see the necessity of announcing in advance that this would not be done. Upon which Thurman remarked: "The difference between the senator from Wisconsin and the senator from Indiana seems to be simply this: that the senator from Indiana says what he means; the senator from Wisconsin will not say on the record what he means." And Thurman paid this tribute to the efficiency of Morton's methods: "There is not a member of the Senate who does not know that if Mississippi and Texas and Virginia and Georgia were left to their free, unbiased judgment on this amendment, not one of those states would adopt it, not one of them would think of adopting it, and every senator well knows that without the votes of all four of those states the amendment can not become a part of the constitution." Edmunds thought it better to leave out the condition upon which Morton insisted. It had seemed to the Committee on the Judiciary, he said, that if the record should show that Georgia had acted without any condition, then no question could arise as to the validity of the ratification. Edmunds, however, like Carpenter, admitted that he would not vote for the final admission of Georgia unless that state ratified this amendment. Conkling also opposed Morton's provision. "It would," he said, "furnish ammunition to the enemy." Morton's answer to this was conclusive. "If that furnishes

ammunition they have got enough for our destruction already. We required the rebel states to ratify the fourteenth amendment, and by means of that requirement it stands ratified to-day. . . .''

''Allow me to say to my friend from New York that we shall give to the enemy a great deal of ammunition, if by refusing to require the ratification of the fifteenth amendment we thereby confess, as that senator has done this day, that our action in regard to the fourteenth amendment was wrong. There is where we furnish the ammunition to our friends on the other side. One senator nods his assent. We thereby confess that the requirement heretofore made in regard to the fourteenth amendment and the requirement heretofore made in regard to the fifteenth amendment, in the cases of Virginia, Texas and Mississippi, were wrong. . . .

''If we shall not now require this thing of Georgia it will be tantamount to saying that it is no condition of her admission, and when she comes here, having done all that we require her to do, with senators elected and representatives elected, who can take the test oath, if we then turn and say to her, as these senators say, 'You can not come in unless you ratify the fifteenth amendment,' that will be coercing her finally, that will be making a condition subsequent, when good faith requires that we shall make the condition in the first place.

''Mr. President, I think it is a matter of vital importance to this nation that the fifteenth amendment should be ratified, and I think it very likely, in view of the contingencies in several of the states, that the final success of that amendment depends upon the vote of Georgia. If we, in the Senate to-night, shall require Georgia to ratify it, this action will be regarded throughout the country as settling the question and all opposition will cease. The Democratic party will not make strenuous exertions to secure the little handful of men that hold the balance of power in the Ohio legisla-

ture. All doubt in regard to the legislature of Rhode Island will disappear, the New York legislature will not rescind her action, because all will understand that the ratification of the amendment has been secured, and then all will want to be on the strong side, and my distinguished friends from Delaware and New Jersey, instead of further denouncing the negro race will, I imagine, be found putting themselves in a position where they will be acceptable to the new voters, American citizens of African descent. . . .

"In my opinion there is not one chance out of fifty that the legislature of Georgia will ratify the amendment unless this condition is placed in the bill. We can not tell what will be the composition of that legislature. Several of its members have been killed, a number have been run out of the state, some are missing, some have resigned, and when they come together we can not tell whether or not there will be a Republican majority. Mr. President, we do not ask the military to force the legislature of Georgia to ratify the amendment. All the argument about coercion is without substance. But we have a right to say, 'If you are not willing to give us this security against future rebellion, against future revolution in the state, you can remain in your present condition. Take your choice.' If there is coercion in that, let it be coercion.

"But for this requirement Virginia would not have ratified the fifteenth amendment. We know that just as well as we know anything. The legislature of Tennessee, elected at the same time as the legislature of Virginia, led by a Republican candidate for Governor just as Virginia was, has spurned the amendment. I believe it got but ten votes in that body. Sir, this requirement in regard to the fourteenth amendment and the requirement in regard to the fifteenth amendment in reference to Mississippi, Texas and Virginia were all that saved the fourteenth or that will save the fifteenth amendment. And now, sir, when the ratification hangs on the vote of one single state; when we have come within just one state

of securing this amendment, and to secure it we have got to do only what we have done before—now to halt; now to fall back, would be regarded by the world as cowardice—would be regarded as an abandonment of the amendment."

Morton prevailed. His condition was inserted in the bill by a vote of thirty-eight to eighteen, and the bill passed by a vote of forty-five to nine. On December 22, 1869, it was approved by the President and became a law, and under its provisions Georgia ratified the constitutional amendment.

But even this did not end the struggle. New York rescinded her ratification. Other states might do the same before the final adoption of the amendment.

After Virginia had ratified it and had complied with all the terms of reconstruction, that state demanded to be readmitted to the Union, and a joint resolution was introduced in the Senate for this purpose. On January 10, 1870, Senator Drake, of Missouri, proposed a proviso that if Virginia should afterwards rescind this ratification the state should be excluded from representation.

Morton favored this proviso. Its adoption, he said, would not retard the admission of Virginia a single day. It would be a simple precaution against a possible act of treachery. He did not believe that Virginia would rescind the ratification of the fifteenth amendment. He had not thought that Georgia, after the bill of July, 1868, would commit an act of treachery by turning out the colored men; but he had been deceived in regard to Georgia. It was possible that Virginia, after her admission, might commit a similar act of treachery and rescind the ratification of the fifteenth amendment before enough states had ratified it to make it a part of the fundamental law; therefore he favored the adoption of this proviso.

It was folly to say that Congress had the power to set up new state governments, but no power to protect them afterwards. He wanted these states to understand that when they

had been re-admitted they were not then beyond the power of Congress; that they were not at liberty to impair the security they had given.

Morton begged senators not to be too hasty in disclaiming their power over a reconstructed state. Congress had just as good a right to preserve as to construct.

He believed in practical legislation. He believed in the officer who could gain a victory. He believed in the statesman who could do a thing.[1] Now, the great thing to be accomplished, of more political importance than anything else, was to secure the ratification of the fifteenth amendment. That would afford more security than any other measure for the final peace of the whole South.

A bill now came in from the House of Representatives for the admission of Virginia, so the Senate resolution was laid aside and the House bill was considered in its stead. Drake again offered his amendment, but somewhat changed in form. It provided that the admission of Virginia was to be upon condition that the constitution of that state should not be altered so as to deprive any citizen of the right to vote except for crime. Morton supported this amendment and it was adopted, as well as two others forbidding the state to deprive any citizen of the right to hold office on account of race, color, or previous condition of servitude, or to deprive any of its citizens of school rights. Morton insisted that these things should be expressed as conditions of re-admission. He spoke on several occasions in support of these propositions, which were all adopted by the Senate and agreed to by the House of Representatives. The act received the President's approval on the 27th of January, 1870.

The fifteenth amendment was now safe. On March 30, 1870, the Secretary of State announced that it had been ratified by thirty states, and had become part of the constitution.

[1] Morton's remarks characterized himself.

CHAPTER VI

TENURE-OF-OFFICE LAW — GETTYSBURG SPEECH — RECONSTRUCTION OF MISSISSIPPI AND GEORGIA — ENGLISH MISSION.

THE constitution provides that the President shall appoint certain of the more important officers of the Federal government "with the advice and consent of the Senate," and may fill vacancies during the recess of Congress until the end of the following session, but there is no provision for the removal of officers so appointed and the question has been much debated whether the President alone can make such removals. The constitution vests the executive power in the President, and Madison and other commentators have held that this includes the power to remove executive officers. The question came up during the first Congress and it was there held by a majority of one (Vice-President Adams giving the casting vote) that the chief executive had this power. It had been exercised by the several Presidents up to the time of Andrew Johnson. During his administration, Congress determined to strip him of the right of removal and therefore passed the "Tenure-of-Office" act, providing that persons appointed with the advice and consent of the Senate should keep their positions until their successors were duly qualified, and that when any executive officer was shown by evidence satisfactory to the President to be guilty of crime or official misconduct, or to be incapable or legally disqualified, in such case and in no other, the President might suspend him, reporting to the Senate within twenty days from the

beginning of the following session all such suspensions with the evidence and reasons for his action. If the Senate concurred, the President might remove such officer and appoint another; if not, the officer suspended should resume his place.

This law, which was designed to deprive President Johnson of the patronage, would now cripple the Republicans in turning out Johnson's men and getting the spoils of office for themselves.

When Grant became President he realized that as soon as the short session of the forty-first Congress should close, his hands would be tied. He accordingly let it be known that while the Tenure-of-Office act was in force he would not make any suspensions except in flagrant cases. This would keep in the men whom Johnson had appointed, and it would leave the new aspirants out in the cold. That was more than the Republicans could bear, and on the 9th of March a bill for the repeal of the act was passed by the House of Representatives. When this measure reached the Senate the Judiciary Committee reported in its stead a bill suspending the act until the next session of Congress.

Morton opposed the substitute proposed by the committee. If it was proper to suspend the law, he said, it was proper to repeal it. The proposition to suspend it until the next session was peculiar. The language was that of distrust. It would be interpreted as putting the President on probation. It was saying to him, "We will try you until the next session of Congress, and if your conduct does not meet with our approbation this law shall then go into force again."

Morton said that while he believed that the Tenure-of-Office act was constitutional, the principle of it was wrong. The President, he said, was bound to execute the laws. He could not do this in person; he must do it through various agents and officers of the government; but if those agents and officers were not subject to removal by him when they became delinquent, how could he efficiently administer the laws? If

his agents were unfaithful, who would understand that so well as he? He held all the sources of executive information.

Under the law the Senate became a tribunal for the trial of the causes for which men were suspended. Each one of these suspensions was a case, and the senators were the judges to decide it. The President was on trial also as to whether his judgment had been intelligent and honest. If he was to be judged in this way he would hesitate long before he made a suspension. He might be satisfied in his own mind that an officer was not doing right, but unless he could procure tangible facts which could be laid definitely before the Senate he would not suspend the man, and maladministration would go on. Could any government be conducted efficiently under such a law?

In the eight or nine months of vacation there would be very many suspensions, and when senators came back in December they would find a long docket of scores or hundreds of these cases to be tried, one by one. This would impose upon the Senate a labor it could not perform.

The proposition of the committee admitted every principle which demanded the repeal of the law.

An interminable discussion followed. Edmunds reviewed the constitutional history of the country in the matter of executive removals, setting forth the objections to the President's right of removal and the bills passed to restrain the growth of executive power. He insisted that the principles of the Tenure-of-Office act were sound. Was the race of bad presidents exhausted? The Tenure-of-Office law applied only during recess. The President had no power to make removals during the session of the Senate without its consent. Morton now asked the question, "If the principle of the law was right, ought not the spirit of that law to govern during the session of Congress and prevent removals except for a cause which would justify a suspension during vacation?" The

point to which this question tended evidently puzzled Mr. Edmunds, but after a short colloquy he answered that the President had no business to propose to put out one man and put in another unless there was cause. But what was cause? "The united discretion of the President and the representatives of the states, that was cause."

The sophistry of this argument was clearly shown by Morton in his reply. "The statute had said," he answered, "that certain things should be 'cause,' and nothing else." He simply confronted Mr. Edmunds with the statute.

The purpose of Morton's question was more fully set forth at another period in the debate, when he developed the consequences of Edmund's admissions. If this law was to be held over the President during vacation, there was no doubt that he would carry out its principle during the session of Congress. Was the senator from Vermont prepared to say that all Democratic officials should be continued unless it could be shown that they were guilty of misconduct or crime, or were incapable or legally disqualified?

At another point in the discussion Morton said that he believed that it was proper that the Executive should have his subordinate officers in harmony with himself in political opinion. Not only his cabinet but those below the cabinet in responsible positions should be men who agreed with him in his general line of policy.

Carpenter spoke in favor of the principle embodied in the Tenure-of-Office law. The determination of the first Congress, he said, 'that the President had the power of removal was never satisfactory to the country, and could not be justified by the constitution. That power had been exercised by all our Presidents, but it had been challenged at every step by patriots and statesmen.

Morton's answer to this claim was short and conclusive: "I take it," he said, "that there are some questions of constitutional law that can be settled by time and by contempo-

raneous exposition. After the constitution was formed came the first Congress. That Congress was largely composed of the men who framed the constitution, and that Congress passed upon this very question. It found the power to reside with the President, and that construction was acquiesced in for seventy-eight years, and yet we are now told that there is nothing settled."

The inconsistency involved in a mere suspension of the law induced the Senate tacitly to give up this plan. Another bill was reported empowering the President, during recess, to suspend officers and appoint others at his discretion—these suspensions to be reported to the Senate within thirty days after that body convened. Should the Senate refuse to assent to the suspension, the officer suspended could resume possession of the office after the session was over. Of this law Morton said: "This amendment relieves the law of all its practical difficulties; that is to say, it does not require the President to give reasons; he may suspend for any reason or for no reason at all. It relieves the Senate from the duty of considering suspensions, which I have before argued was a duty that could not be performed. But the Senate, by affirmative action non-concurring in a suspension, may veto a removal by the President, and at the end of the session the officer temporarily appointed goes out and the incumbent comes back. But this veto will practically amount to nothing because the President may instantly suspend him again. It preserves the shadow rather than the substance—an imperfect shadow of a substance that has already fled; a bad photograph of a dead body."

The amended bill passed the Senate, but the House refused to concur. A committee of conference was appointed and a law was reported differing but little from the Senate amendment, and giving the President practical control over removals. This bill was extremely indefinite. Trumbull declared, in the Senate, that a suspended officer

would go back at the end of the session unless somebody else was confirmed in his place. Bingham, from the same committee of conference, reported to the House exactly the reverse. The bill, as it finally passed, was a lame effort upon the part of the Senate to give the President practical control of removals and still to preserve its own consistency in voting for the tenure-of-office law, which deprived him of this control. President Grant, in his annual message nine months later, recommended that the law be repealed. This, however, was not done.

When Lincoln delivered his memorable speech at Gettysburg, on the 19th of November, 1863, Morton was standing at his side. The monument to the soldiers who fell in the great battle was now to be dedicated, and Morton was selected to deliver the oration. The theme which he chose was the "Progress of Liberty Throughout the World." The place, the occasion and the associations offered a supreme opportunity. The subject was rich in materials and suggestions. On the 30th of June, the day fixed for the ceremony, a great multitude came together. About fifteen hundred persons were upon the platform alone. Henry Ward Beecher opened the exercises with prayer, General Meade made a short introductory speech, and a poem by Bayard Taylor followed the oration.

Morton was not, however, at his best. The stimulus of conflict, the spur of some immediate object was necessary to arouse his highest energies. Hard work and heavy responsibilities had denied him the time necessary to prepare for the occasion. There were many noble passages, but the speech, as a whole, was not symmetrical.

He first drew a picture of the battle; of the Union army stretched along the heights, "a human breakwater against which the great tidal wave of rebellion was that day to dash in vain and be thrown back in bloody spray and broken bil-

lows;" he described the advance of Lee, the three days struggle, the cannonade which preceded the last charge, the consequences which hung upon success or failure, the final meeting and the overthrow of the Confederate forces. Then he considered the results of the victory and of the war. "Rebellion," he said, "was madness. It was the insanity of states, the delirium of millions brought on by the pernicious influence of human slavery." But from the conflict into which it had plunged the country, there had come the choicest blessings, "liberty universal soon to be guaranteed and preserved by suffrage universal." "Resurrection," he continued, "comes only from the grave. Death is the great progenitor of life. From the tomb of the rebellion a nation has been born again."

He spoke of the growth of popular government in France, Germany, Austria and Italy, of the enfranchisement of the serfs in Russia, of the establishment of liberal institutions in Spain, and of the broadening of the suffrage in England, until "the throne and the upper house remain like the feudal castles which distinguish the English landscape, emblems of departed power, curious to the view, full of historic interest, but no longer dangerous to the peace of the surrounding country."

The speaker then returned to a consideration of the moral forces which had made certain the overthrow of the rebellion. He declared, in conclusion, that the bonds of the restored union were made indissoluble by the community of the political principles of all, by the complete identity of all domestic and commercial interests, and by uniform systems of labor, of education, and of habits of thought and action. Henceforth disunion would be impossible.

A new constitution had been adopted by Mississippi, and on the 10th of February, 1870, the Senate considered a bill admitting that state to representation in Congress upon con-

dition that this constitution should never be so changed as to deprive any citizens of their electoral or school rights as secured by that instrument.

Thurman opposed the condition. "It could only be required," he said, "under the provision of the Federal constitution authorizing Congress to guarantee a republican form of government. If universal suffrage was necessary to this, had Massachusetts a republican form of government? Why was that state allowed to exclude citizens who were unable to read? When did it become essential to a republican form of government that there should be public schools? If that were so, how many states with republican governments were there when the constitution was formed?"

Morton answered: "I insist that definitions advance; that what was a democracy in the time of ancient Greece is not now regarded as a democracy; that such a republic as that of Venice would not now be regarded as a republic, but simply as an oligarchy, and that the definition of a republican form of government, when that clause was put into the constitution, is not now regarded as a definition of a republican form of government, either in the constitution or out of it. I controvert the position that this clause means the same thing now in the constitution that it did in 1787, because every amendment put into that instrument which is in conflict with an existing clause modifies and changes the meaning of that existing clause. . . .

"Now, Mr. President, by the thirteenth amendment abolishing slavery, we have declared that slavery in a state is not consistent with a republican form of government, have we not? By the adoption of the fifteenth amendment, declaring that suffrage shall not be denied on account of race or color, we have substantially declared that the denial of suffrage on account of race or color is not consistent with a republican government in a state; that is my argument. And by the fourteenth amendment we have declared that all persons born

in the United States are citizens of the United States and of the state where they reside, and that is a declaration which must be held to modify the definition of a republican form of government in a state; and we have further declared that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and therefore no state government that infringes this provision can now be considered to be a republican form of government, such as we are bound to guarantee. Again, 'Nor shall any state deprive any person of life, liberty or property without due process of law.' States did that at the time the constitution was first formed, but they can not do that now, and so far the original definition has been amended.

"To have a republican form of government now there must be no slavery, there must be equal rights, there must be protection to all, there must be no taking of life, liberty, or property without due process of law. All these things now enter into the definition, but did not before.

"Then the position taken by the senator from Ohio is not sound. The constitution requires that the United States shall guarantee to each state a republican form of government. I should like to inquire how that is to be done? How is the United States to guarantee or to secure, for that is what it means, a republican government to each state? It can not be done by joint resolution, declaring that each state shall have a republican form of government. That does not accomplish it. It can only be done by the use of means, and the means that may be proper in one state may not be proper in another state. Whatever means may be required to secure a republican form of government in the state of Mississippi may be used, although the same means may not be necessary in the state of Maryland or in the state of Massachusetts. . . . We are to use the appropriate means, and as to what the means shall be we are to judge, and as to the application of the means we are to judge. . . ."

Certainly the power claimed by Morton was extensive and extraordinary. Carpenter in reply conceded the authority of Congress to admit Mississippi as a state or continue to govern it as a territory, but denied that the Federal government could do both these things at the same time, and he implored his Republican friends in the Senate to consider well before assenting to a dogma which substantially struck state governments out of existence. Could it be claimed, he asked, that Congress had the power to regulate the school system of Massachusetts?

Morton answered: "The senator says that my interpretation of this clause will destroy the state governments. Sir, we are not responsible, we did not put that power there. But, sir, it will not destroy the state governments, it will preserve them, it is the great power of supervision placed in the government of the United States over the several states to keep them in their constitutional orbits."

On the following day Bayard delivered an impassioned reply to Morton's claim.

"Definitions advance!" he said, "And may heaven help us if our language is to be interpreted to mean to-day the precise opposite of what it did fifty years ago! You talk of instability in government; what doctrine is there like this to shake the permanence of all governments? Our government is founded on a social compact; its powers are delegated in words of well-known and carefully ascertained meaning, weighed well in advance. What becomes of all this care in the use of language if the senator's doctrine is to prevail? I think it was Chief-Justice Marshall, whose expositions gave such vitality to the meaning of our charter of government, who declared that the result of this claim to advance definitions, if assented to by the people of this country, would be to give the legislature a practical and real omnipotence in the same breath which professes to restrict its bounds within narrow limits; would thus reduce to nothing what we have deemed the

greatest improvement in political institutions—a written constitution."

Morton interrupted: "I should like to ask the senator whether he believes that after the adoption of the thirteenth amendment, abolishing slavery, and the adoption of the fifteenth amendment, declaring that suffrage shall not be denied on account of race or color—a state government recognizing slavery or denying suffrage on account of race or color would be republican within the meaning of the constitution of the United States?"

Bayard replied: "The answer is immediate. It is not the question of testing it by the epithet or the meaning of the term 'republican'; it is whether or not a state can come into this Union without the Federal constitution becoming the supreme law of that state. Certainly no state can hold slaves if the constitution forbids it. This is not because it is republican or anti-republican to hold slaves; that is not the question. The constitution of the United States will control that matter of holding slaves *proprio vigore*."

Carpenter again took part in the discussion, and insisted that Congress could not interfere unless a republican government had been overthrown. He said: "If the condition of things in a state is such as to call for the interference of Congress to establish a republican form of government we are to exercise the power and establish such government. But when we go for that purpose into a state we go as a physician to treat a political disease; and if no disease has appeared, if the state already has a republican form of government, there is no necessity, and consequently no right, for this government to interfere."

To this Morton answered:

"I accept the illustration fully. When the physician goes to eradicate disease he expects to go before death ensues, to prevent death, not after death to resurrect the body."

When a vote was taken, the conditions imposed upon the

admission of Mississippi were retained, and on the 23d of February the President approved the bill.

An act for the admission of Texas was accompanied by similar conditions, and was passed by Congress on the 29th day of March, 1870.

On the 14th of March a bill to admit the state of Georgia to representation came up for discussion. This bill contained the conditions imposed on Mississippi, and besides these the "Bingham amendment," as it was called, which had been put on in the House of Representatives, providing that the act should not extend any official term, nor deprive the people of their election in 1870, but that an election should be held in that year.

If the existing government of Georgia was merely provisional, the terms of all state officials might be construed to commence with the admission of the state to representation in Congress, and the legislature might postpone the next election so that the Republicans would remain in office for two years longer. It was to prevent this that the Bingham amendment was inserted. The recent elections had shown a change in the politics of Georgia so great that Morton believed that the negro vote had been suppressed by violence. He was not, therefore, in favor of turning over the government at once to adversaries who had acquired power by such means, and on March 16 he spoke in opposition to the Bingham amendment. He criticised the clause requiring an election to be held in 1870, because it took from the legislature of Georgia the right to place its own construction upon the constitution of the state. He insisted that Georgia was still under a provisional government; that the state government would not go into operation until the state was admitted; that the previous election and the formation of the constitution were mere acts of preparation, and that when the state was completely restored, the term of the state officers would begin. When the Georgia constitution was adopted it was not known whether the

state would get in at once or not, so it was provided that the General Assembly might change the time of election. The Bingham amendment, said Morton, was a proposition to strike out a clause from the Georgia constitution and insert another in its place.

The debates which followed were long and wearisome. On the 14th of April Morton spoke again. He contended that if Congress had the power to say that an election should take place in Georgia next fall, it had the power to say that it should not take place for two years. To require it to take place next fall would simply be to put the state promptly into the hands of rebels. To provide that it should take place two years hence would be for the benefit of the loyal men.

Morton now reviewed at length the evidence of coercion by secret political organizations in the South. In regard to Georgia, he quoted from General Meade's letter to General Grant in 1868, asking for an additional regiment to stop the disorders occasioned by these secret organizations. He read from a report of the Freedmen's Bureau a statement that there had been three hundred and thirty-six murders and assaults between January and November, 1868, and from the report of General Terry, an account of the numerous organizations of the Ku-Klux in that state and of the terror which they had inspired. He continued:

"In April, Bullock, as candidate for Governor, received 83,527 votes; Gordon, the Democratic candidate, received 76,356. Bullock's majority was over 7,000. In November following, Seymour received 102,828 and Grant received 56,386. Seymour's majority was over 46,000; making a change of over 53,000 votes in Georgia in seven months. How was that change brought about? . . . In the city of Savannah the number of white voters registered was 3,000; of colored voters, 3,900. Bullock received 2,854 votes and Grant received 400 The terror did its work pretty well in Savannah. I come now to Jones county. The number of

white voters registered in Jones county was 486; colored voters, 1,073. Of that number Bullock received 718; Grant received not one. The terror did its work pretty well in that county. I come to Columbia county. In that county the white voters registered were 669; the colored voters 1,554. Bullock received 1,122 votes and General Grant received one. I come to Randolph county. The white voters registered were 954; the colored voters 1,193. Bullock received 687 votes; General Grant received one. I come to Baker county, where the whole number of colored voters was 1,053. Bullock received 255 votes. The terror did its work pretty well there, as Grant received only 33. . . .

"To remand Georgia to a military government would be a repudiation of the loyal men of that state. All we ask is that they shall be allowed, through their own action, or, if you please, by the express action of Congress, to continue the present loyal state government during the term for which it was elected. . . .

"Mr. President, the Union men of the South are everywhere falling, silently in most cases, their fall noted only by their Father in heaven. Their bones may be found, like those of the murdered traveler, but there will be no epitaph to give their names or to tell by whose hands they have fallen. . . . The time for action has come. There is the smell of blood in the air; it is sprinkled all along the pathway. Why, sir, the commission of one murder by a secret organization will terrify a whole county—a whole district. When men go to bed at night apprehensive that before morning they will be aroused by the smoke of fire or be summoned to the door by the hoarse voices of the Ku-Klux, all resistance, all endurance gives way; the father trembles for his family; he will abandon his principles, he will surrender his property and fly to a more hospitable clime.

"No one has been punished yet. No, not one; not for treason, not for murder, nor for all the nameless crimes com-

mitted by the rebellion; no one punished yet. Mercy to the criminal has been cruelty and death to the innocent. If there is one duty resting upon this Congress more sacred and more solemn than every other, it is to protect the loyal men of the South."

Senator Pomeroy proposed an amendment that Georgia should continue subject to military control, and that the election should take place in November, 1870. This proposition was finally adopted, Morton opposing it. When it was sent to the House of Representatives that body was not satisfied, but passed a substitute admitting the state and declaring that nothing in the act should be construed to deprive the people of their right to an election as provided in the state constitution. The Senate refused to concur. Conference committees were appointed and finally, on the 14th of July, the two bodies agreed upon the House bill, with the proviso that nothing in the act should be construed to affect the term of any state officer or member of the General Assembly. These two ambiguous provisos, taken together, simply meant nothing, and thus Morton's efforts to strike out the essential part of the Bingham amendment were successful.

When information of the character of this bill reached the Georgia legislature the strife between the adherents of Governor Bullock on the one side and the Democrats and anti-Bullock men on the other was renewed.

Finally, upon the advice of A. T. Ackerman, Attorney-General of the United States, who was a citizen of Georgia, it was determined to hold the election on the 20th of December, 1870. This was done, and the result was a Democratic victory, and the return of five Democrats and two Republicans to Congress.

In the summer of 1870 there was a vigorous political campaign in Indiana for the choice of subordinate state officers, judges and members of the legislature. Morton took an active part in it, speaking in various parts of the state up to

the day of election. The principal matters discussed related to the payment of the public debt[1] and to the tariff.

Morton's position upon the latter question was that which the Republican party then occupied, in favor of moderate protection. He insisted that if the tariff were reduced below the point of competition, revenue only was obtained, the home producer was cut off and the market given over to the foreign producer. We did not want, he said, a prohibitory tariff; we did not want to create a monopoly in this country nor to exclude foreign products in order that home men might sell at their own price. But as we were to have a tariff it should be so arranged as to make a fair competition between the home producer and the foreign producer and bring revenue because there was competition.

In addition to his public interest in the result of the election, Morton's personal future depended much upon it. Our diplomatic relations with England were in a critical condition.

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[1] On the 22d of February, 1870, Morton had gone from Washington to Indianapolis to attend the Republican state convention and had delivered a carefully prepared speech at Masonic hall. He spoke of the change in the attitude of Democratic leaders toward the negro. Where were now the Democratic mottoes, "White husbands or none!" "Fathers, save us from negro equality!" "This is a white man's government!" Where were the "White Boys in Blue?" These cries were hushed forever. But now that the negro was no longer the "daily bread" of the Democratic party, they had cast about for a substitute and had fixed upon the bondholder, the man who had loaned his money to carry on the war. This man was now persecuted as the embodiment of all villainy, as the usurer and extortioner, as the plunderer of his government in the hour of its extremity, who was fattening on the flesh and blood of the people. During the rebellion, when the government had appealed to the people for money, Democratic politicians had advised them not to lend it, had warned them that they would lose it, that their bonds would be worthless, that the greenbacks would perish in their hands, that the rebellion could not be put down, that they might as well throw their money into the river as loan it to the government. These raven cries had not been heeded, and because they had not been, the men who had had faith in the government and had been willing to risk their money on its existence, were now calumniated as the enemies of their country.

The Johnson-Clarendon treaty had been rejected by the Senate, and the Alabama claims were pending undetermined. The administration had become dissatisfied with Motley as minister to England and he had been recalled. Frelinghuysen had been nominated for the vacant place but had declined. Grant now offered the place to Morton.

The following letter, written to his wife, explains his views:

"FIFTH AVENUE HOTEL, NEW YORK, Sunday.

'MY DEAR WIFE—I arrived here on Thursday, much exhausted. On Friday I telegraphed to the President at Washington to know when he would return to Long Branch, and received an answer that he would be there yesterday morning. Yesterday morning I was too feeble to get up in time for the Long Branch boat, and was surprised an hour later by the arrival of the President. I at once perceived that he was on business, and after some preliminaries he proposed to me the English mission, setting forth its great importance at this time and urging my acceptance. I promised to take it into consideration, and give him a speedy answer. It would be a new and in some respects a very trying position, but not attended with much drudgery. It has more importance now than ever before, and I have faith to believe that I could perform its duties satisfactorily. Think over it, for I shall hold the matter in reserve until I return home and see you. I expect to leave about Thursday, and under the circumstances I think I had better go home before going to Michigan.

"Give my love to the dear children. Kiss them for me.

"Yours ever,

"O. P. MORTON."

A few days later he writes again:

"FIFTH AVENUE HOTEL, NEW YORK, Thursday.

"MY DEAR WIFE—I am so sick and tired of this place I can hardly endure another day. I am anxious to see you

and the children. I have said to the President that I will reserve the decision of the English matter until I return. I told him that you and I were both invalids, and that we could not live in the diplomatic style of Johnson and Motley, but he said that our poor health would be a good excuse for seeing as much or as little of company as we pleased.

"I shall start home to-morrow or Saturday.

"Ever your loving husband,

"O. P. MORTON."

At last Morton decided that if the Republicans of Indiana should secure the legislature which would elect his successor, he would accept, otherwise he would decline.[1]

His term as senator did not expire until 1873, and it was not his purpose to surrender so important an office to the Democracy for so long a time. The President was willing to wait.

The contest was extremely close. But under normal conditions, Indiana was a Democratic state, and at this election the Democratic ticket was chosen by an average majority of 2,864. So Morton wrote to Grant declining the mission. The President, after expressing his regret that the country was not to have Morton's services at this important juncture, added: "Your course, however, I deem wise, and it will be highly appreciated by your constituents in Indiana, and throughout the country."

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[1] Morton's appointment was announced by the press about the middle of September. The comments made upon it were various. His political opponents were very bitter. The New York *Tribune* congratulated the country upon the selection. The Cincinnati *Commercial* said: "The mission is one which Mr. Morton is qualified to fill. Less scholarly than Motley, less convivial and fraternizing than Reverdy Johnson, and less unsympathetic and exclusive than Adams, he is superior to all of them in the positive character of his mind, and will deal with all questions which may arise during his ministry with a directness and force that will be refreshing in diplomatic circles."

No other appointment was announced until after Congress convened.[1] Upon the 22d of December, General Schenck's

[1] When Morton returned to Washington he wrote the following confidential letter to W. P. Fishback, editor of the Indianapolis *Journal:*

"UNITED STATES SENATE CHAMBER,
"WASHINGTON, Dec. 9, 1870.

"DEAR COLONEL—As I am confined to my room to-day by a rheumatic foot, and am decidedly at leisure, I will employ an hour in giving you an 'inside view' here so far as I think I have it.

"It is probable that Schenck will have the English Mission offered to him, and that he will accept it. Action in the matter is delayed just now for certain reasons. There is a strong feeling against Cox among all the senators with whom I have talked. They all say he has treated the President badly and Chandler and others say very hard things.

"Democratic politicians are canvassing actively for the next presidential candidate. Attention seems generally directed to Hoffman and a Democratic senator told me that if he (Hoffman) met with no political accident, he would be nominated by acclamation. The *True Georgian*, edited by Sam Ward, whom Grant appointed Governor of Idaho, boldly hoisted the name of Hoffman for the presidency and avowed himself a Democrat. It was a clear case of purchase by Tammany. Hendricks is here and is said by Democrats to be laboring at the presidential oar with great industry but without avail.

"Some of the revenue reformers have got up a scheme to have an election next fall for the additional members of Congress under the new census. I shall oppose it as I do not think we want an election in Indiana.

"The message of the President is well received with Republican members, and I think he is stronger in Congress than he was last session. Some, of course, dissent from this recommendation or that, but the general feeling is one of approval.

"The idea of a new party is thoroughly exploded. The revenue reformers say they intend to fight the battle inside the Republican party, and are explaining that they do not mean free trade and direct taxation, but simply a revenue tariff.

"The necessity for revenue reform is always recurring with the changing condition of the country, so that the work is never done, and the Republican party should see to it, every year, that such modifications are made in the revenue laws as justice and policy dictate.

"The impression entertained by some that the President, in his particular mention of the question relating to the fisheries and the free navigation of the St. Lawrence, is seeking cause of quarrel with England, is undoubtedly erroneous. They are old questions that ought to have been

name was sent to the Senate and that body speedily confirmed the President's choice.

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adjusted years ago. There will be nothing of importance transacted in Congress before the holidays and many members are already going home.

"The feeling is general in the Senate in favor of a repeal of the law providing for the session after the 4th of March.

"I am suffering severely from rheumatism in the right foot, but hope that I shall soon be better, and able to go home and eat my Christmas dinner. Very truly yours, O. P. MORTON.

"I think there is no doubt that the San Domingo matter will pass in something like the form suggested by the President in his message.

CHAPTER VII

SAN DOMINGO

THE island of San Domingo was occupied by two negro republics—Hayti in the west, with one-third of the territory and four-fifths of the population, and Dominica in the east with two-thirds of the land and one-fifth of the inhabitants. These had been under one government from 1822 to 1844, when Dominica revolted and became a separate republic. Insurrections and revolutions were common. Baez and Cabral, struggling with each other for supremacy, had for some years held power alternately in Dominica. Since 1868 Baez had been president, but Cabral still led a band of rebels in the interior, hovering upon the Haytian frontier. Shortly after the inauguration of Grant, Baez made overtures for the annexation of Dominica to the United States, and in July, 1869, the President dispatched to San Domingo General O. E. Babcock, one of his private secretaries (a man qualified for the mission neither by character nor by experience), with written instructions to look into the condition of the country and see whether it would be wise for the United States to acquire it. But after his arrival in San Domingo, Babcock signed, as "aid-de-camp" to the President, a "protocol" for the annexation of Dominica upon the payment of a million and a half of dollars to be used in settlement of the debt of that republic. The protocol stipulated that the President promised privately to use his influence with Congress in favor of annexation.

Upon Babcock's return the President approved his action, and in November sent him again to San Domingo, where he concluded two treaties, one for annexation and an alternative one for a lease of the bay of Samana, the President agreeing to protect Dominica against foreign intervention until the treaties should be submitted to the people of that republic. Armed vessels were sent to the island. The commander of these vessels, Admiral Poor, by direction of the Secretary of the Navy, announced to the neighboring government of Hayti that the United States would forcibly prevent any interference with Baez during negotiations. Ships of war were placed at the disposal of Baez for his protection. These things were done without the sanction of Congress, and were not known to the people until long afterwards.

Early in 1870 the treaties which Babcock had made were sent to the Senate and referred to the Committee on Foreign Relations, of which Sumner was chairman and Morton was a member. The President's policy of annexation found a ready supporter in the Indiana senator, who was always a warm advocate of territorial expansion. The majority of the committee, however, were unfriendly to the scheme. On March 15 an adverse report was made, in which Sumner, Patterson, Schurz, Cameron and Casserly joined. Harlan, of Iowa, was the only member who supported Morton.

The President showed his eagerness for the acquisition of Dominica in many ways. On March 14 and May 21 he sent messages to the Senate setting forth the benefits of annexation. He invited members of that body to the White House for consultation, and later he came to the President's room at the capitol, and on one occasion called as many as fourteen senators to confer with him upon the subject. The measure lay very near his heart. The debate in executive session began on March 24. Sumner led in opposition to the treaty in a speech of four hours, urging the difficulties of assimilation with the people of Dominica, the expense, the complications

with other powers, the chronic condition of civil war on the island, and the injustice of impairing the predominance of the African race in that republic. He was followed by Morton, who urged that the acquisition was desirable since the island was the key to the West Indies, and if the United States did not take it some foreign power would win the prize.

There were long debates; then the treaty was laid aside until June. On the 29th of that month discussion was resumed. Two-thirds of the Senate were required for ratification When the vote was taken, on the 30th, it was a tie. So the treaty was not ratified.

The President was bitterly disappointed. He was greatly offended at Sumner's opposition. His anger at the Massachusetts senator was deepened by a personal misunderstanding. In December, 1869, before the treaty had been sent to the Senate, he had called one evening at Sumner's house and, in the presence of two other guests, had asked the senator's support for the treaty. Sumner had declared that he was an administration man, and that whatever the President did would have his careful and candid consideration. The President had understood from this that Sumner would favor the treaty and he had left the house with that impression. Mr. Forney, who had been present, seemed to have had the same idea. None of those who had been there appeared to recollect Sumner's language exactly alike. On the following day Babcock had called on Sumner and shown him the treaty, and afterwards claimed that the senator had then promised his support. But Babcock's testimony was of little value when confronted with Sumner's explicit denial. Sumner had afterwards learned that Baez was being kept in power by the navy of the United States, and the conviction had grown upon him that the treaty was an effort to force upon a weak people the sacrifice of their country. Unfortunately he had not gone to the President and explained why he could not support the treaty, and when he afterwards opposed it in the

Senate the President was deeply offended at what he considered an act of bad faith.

The day after the treaty was rejected, Sumner's friend, Motley, Minister to England, who had been appointed upon Sumner's recommendation, was asked to resign, and upon his refusal he was afterwards removed. It was claimed that this was done on account of Motley's disregard of instructions concerning the "Alabama claims," but it was the belief of many that it was to punish Sumner for his opposition to the Dominican treaty, and the senator was filled with indignation at an act which he considered one of personal revenge.

The President was not disposed to let the San Domingo question rest and he began to use the patronage of his office in aid of his policy. When Congress convened in December, 1870, suggestions for reconstructing the Committee on Foreign Relations so as to obtain favorable action on the treaty were made in the Republican caucus. It was first proposed to drop Sumner or Schurz, but this was not found to be practicable. A caucus committee then presented a list in which Conkling's name was substituted for that of Patterson, but Sumner objected and the change was not made. It was reported that these changes had been proposed at Grant's suggestion.

In his annual message to Congress the President referred to the treaty, stating that it had failed to receive the necessary two-thirds vote, and that time had only confirmed him in the view that the best interests of the country demanded its ratification. The government of San Domingo had voluntarily sought annexation. It was a weak power, numbering less than one hundred and twenty thousand souls, yet possessing one of the richest territories under the sun, capable of supporting ten millions of people. He gave a glowing description of the soil, climate and products of Dominica, and greatly exaggerated the value of the latter to American commerce. The acquisition, he insisted, was a measure of national

protection. It would build up our merchant marine, furnish new markets and make slavery insupportable in Cuba, Porto Rico, and ultimately in Brazil! It would provide the means of paying our debt without over-taxing the people! This acquisition, he insisted, might be made by joint resolution of both houses of Congress, as in the case of Texas (thus dispensing with the two-thirds vote in the Senate), and the President urged that commissioners should be appointed to negotiate a treaty.

Morton and the other friends of the President in the Senate were satisfied that commissioners to negotiate a treaty would not be appointed. The best that could be done was to move for a commission to investigate[1] and report upon all facts relating to the proposed purchase. On the 12th of December, therefore, Morton offered a joint resolution authorizing the President to appoint three commissioners who were to inquire into the condition of Dominica and of its people, the disposition of the latter for annexation, the resources and character of the land, the debt of the government, treaties with other

[1] Holloway relates that Morton called one afternoon upon the President and informed him that the administration would be defeated on the San Domingo question and that it was desirable to get out of the matter as creditably as possible. The President asked what he had to suggest. Morton replied that he thought it would be best to ask for a commission to visit the island and make a report concerning the desirability of the purchase. The President laid this proposition at once before the cabinet. It was approved, and Mr. Fish, Secretary of State, was asked to draft a joint resolution. In the morning, just before the Senate convened, a page summoned Morton to the President's room in the capitol, where the senator found him with several members of the cabinet and a number of Republican senators. Fish read the resolution which he had prepared. The concluding paragraph authorized annexation, should the commission report in favor of it. Morton said that clause would be fatal to the resolution. Fish answered that it was material and must not be stricken out. Morton arose, and as he was leaving the room, he said: "Mr. Secretary, if you know more of what can pass the Senate than I do, suppose you undertake it. I will have nothing to do with it while that clause remains." When Morton presented the joint resolution it did not contain the objectionable clause.

powers, the terms of annexation, and such other matters as might seem important with reference to the future incorporation of the country into the United States. The commissioners were to serve without pay.

Sumner opposed the resolution. A motion was first made to refer it to the Committee on Foreign Relations. Morton insisted that the only effect of this would be to delay or stifle inquiry. He had hoped that the resolution would pass without objection. If the information elicited should be such as to make us reject annexation, that would be satisfactory, but on the other hand the report might dissipate some of the objections presented. Whatever its effect, it was legitimate and no one ought to oppose it.

On December 21, Sumner rose to make a personal statement. He caused to be read an article which had just appeared in the *Patriot*, a morning newspaper, referring to an effort to bring about a reconciliation between the President and himself and stating that the President had replied that Sumner had attacked him in executive sessions, had spoken bitterly of him in street cars and public conveyances, had abused him in Boston and during a recent journey West, and had attributed dishonest motives to him. The President had further said that if it were not for his office, he should hold Sumner personally responsible and demand satisfaction. The staff officers about the President (according to this article) shared his feelings, and one of them (Babcock) had declared that if he were not officially connected with the Executive, he would subject the senator to personal violence.

Sumner now commented upon this article. As to the attack upon the President in executive sessions, he appealed to his associates, and proposed to make them his witnesses. He appealed to Morton and asked him to say to the President what he had personally stated to Sumner the day before. Sumner insisted that he had never alluded to the President in executive sessions except with the most respectful kindness.

Later in the day, in the course of the debate on the Dominican resolution, Sumner made a speech full of bitterness toward the President and toward all who had taken part in the negotiation of the treaties. He insisted that Morton's resolution committed Congress to a "dance of blood." The previous negotiation, he said, had begun with Baez, a political jockey, who had about him two others, Cazneau and Fabens, and these three, a precious co-partnership, had seduced into their firm a young officer, who entitled himself "aid-de-camp" to the President of the United States. Together they had got up a "protocol," in which the young officer had proceeded to make certain promises for the President. Was there any such office in the government as that of "aid-de-camp" to the President? Did this title appear in the constitution, in any statute, or in history? This young officer had agreed that the President should promise privately to use all his influence, that the idea of annexation might acquire such popularity among members of Congress as would be necessary for its accomplishment. Senators knew how faithfully the President had fulfilled this promise, how he had labored privately and publicly too, that annexation should be agreeable. The young officer had returned to Washington. Instead of being called to account for his unauthorized transactions he had been sent back to negotiate a treaty. At the time of its signature Baez had been sustained by the presence of our naval force that he might sell his country. The speaker challenged the senator from Indiana to deny this.

Morton replied that the commission could return an answer to these broad statements. It was said that all parties in San Domingo were for annexation. If that were true, these statements were immaterial except to obscure the subject.

Sumner asked why we should send a commission when we had evidence that Baez was sustained by our navy. Could a commission be sent under such circumstances without our being a party to the transaction? This naval force

had also been directed against the neighboring republic of Hayti. The commodore of the American fleet had menaced that government, threatening to destroy one of its towns if there was any interference with the territory of Dominica. If he had done this without instructions from Washington he ought to be removed, and rather than carry out such instructions he ought to have thrown his sword into the sea. In 1858, while Hayti and Dominica were united, a treaty had been made with France by which the joint government had agreed to pay sixty million francs, and Hayti had proceeded with these payments and had claims against Dominica for contribution, but she had been interdicted from pursuing these claims by an American commodore. Every attempt at jurisdiction in the waters of San Domingo was an act of war made by the Executive without the consent of Congress. In September, Saget, the President of Hayti, in his annual message, had said that the anxieties which this project of annexation had caused, were dissipated before the wisdom of the Senate. President Grant had joined issue with President Saget, and had said that the Senate's rejection of the treaty was folly. If Grant had been content with this, Sumner would have left the two face to face, but nine times over in his message the President had referred to the annexation of "San Domingo," speaking in several cases of "The Island of San Domingo," which included Hayti as well as Dominica. Nine times over he had menaced the independence of the Haytian republic.

Here Morton arose, but Sumner declined to be interrupted. He knew what his friend from Indiana was about to say, that all this was accidental. Nine accidents in one column! Nine accidents of menace against a sister republic, in a document, every line of which must have been carefully considered, not only by the President, but by every member of his cabinet. He would not follow the senator from Indiana in supposing that the message was ill-considered.[1] This proceeding found

[1] This charge, founded upon what was evidently a verbal inaccuracy in

its parallel in the Kansas-Nebraska bill, by which it had been sought to subject a distant territory to slavery. In other days James Buchanan had tried to change a committee. Now we were called upon to witness a similar effort. The President had first asked for the removal of the chairman of the Committee on Foreign Relations. Somebody had told him that this would not be convenient. He had then asked for the removal of the senator from Missouri (Mr. Schurz), and he had been told that this could not be done without affecting the German vote. He had then called for the removal of the senator from New Hampshire (Mr. Patterson), who was, unfortunately, not a German, but it had been finally settled that this could not be made. Sumner appealed to the Vice-President (Mr. Colfax) to counsel the President not to follow the example of Pierce, Buchanan and Johnson; not to allow the oppression of a weak and humble people, not to exercise war powers without the authority of Congress; He made a similar appeal to Morton, whom he called the confidential adviser of the President, referring to their private conferences in the Blue Room. This portion of his speech, however, was omitted from the report published in the *Congressional Globe*.

The island of San Domingo, he continued, situated in tropical waters, had been set apart to the negroes. It was theirs by right of possession, and by reason of its burning sun and the unalterable laws of climate. It was the earliest of that independent group destined to occupy the Caribbean sea, toward which our duty was as plain as the Ten Commandments.

Morton rose at once to answer, but the discussion was for a time interrupted by other business, and his reply was postponed until the evening. Then he said:

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the President's message, shows clearly how much Mr. Sumner's hostility had warped his judgment.

"Mr. President, the senator from Massachusetts, this afternoon, in the course of his speech, thought proper to refer to my personal relations to the President of the United States, and he represented me as the confidential adviser of the President, and as a frequent visitor at the White House, conferring with the President alone in the Blue Room.

"I have seen the President in the Blue Room on several occasions, for I am somewhat lame and unable to go upstairs and the President is kind enough, when I visit the White House on business, to come down stairs to see me, and I presume he would do the same for any senator or representative, or any other person who was not able to climb the stairs without difficulty. But, sir, in going into the Blue Room, I beg to assure my friend, it has not been for the purpose of secrecy or of private conference.

"The senator advises me to go and tell the President certain things, and to give the President certain advice which he puts into my mouth. Sir, I do not propose to act in the capacity of a go-between. I am too old and too lame now to begin the exercise of that character. I sometimes go to the White House—not as often as a great many others—and I always go there on business. I have never obtruded upon the President my opinion on any subject. I have never given it except when it was asked, and then I have endeavored to give it honestly, and to tell the truth, for to advise a President falsely in regard to matters of state has always been and must ever be regarded as a crime.

"If the senator means to impute to me the fact that I am a friend of the President, personally and politically, he is quite right. I have been his friend and admirer ever since the battle of Fort Donelson; and although I sometimes disagree with him, perhaps in regard to appointments, or perhaps in regard to measures, I always try to differ with him in such a way as not to assail his personal character nor to demoralize the party of which he is the head.

"A series of assaults has been made on the President from time to time ever since his inauguration; scarcely has one subsided before another is begun. And I think he has been treated with a bitterness of persecution and calumny that has not been inflicted upon any Executive of the United States perhaps since the days of Thomas Jefferson. But, sir, one by one these assaults have failed, utterly failed; they have been exposed, and have become contemptible to the people of this country. The arrows of calumny have fallen harmless at his feet, and although it has been frequently announced that the President has fallen, he has always managed to fall upon his feet. . . .

"Mr. President, the people do not look to mere personal considerations. They do not care whether Mr. Cox is the Secretary of the Interior, or Mr. Delano; whether Mr. Motley is the ambassador to the court of St. James, or General Schenck. What they want to know is that the government is well and faithfully administered, and all these personal considerations are brushed aside as idle straws.

"I must say that the assault of the senator from Massachusetts upon the President this afternoon was most unprovoked and indefensible. It was not a difference with the President on mere political principles. He charged the President with usurpation, with crimes. He compared his administration with that of Buchanan and with that of Pierce, and denounced it as he formerly denounced the administrations of those predecessors; and, sir, he drew a comparison, and I was pained to hear it, between Saget, the murdering usurper of the government of Hayti, and President Grant, of the United States. Saget, who murdered Salnave in cold blood; Saget, who has led the 'dance of blood' of which the senator speaks, has been held up to the admiration of the American people in favorable comparison with President Grant.

"He says that President Grant has threatened Hayti; he says there are nine menaces against that republic in the Presi-

dent's message. I was surprised to learn that. I heard that message read here in the Senate; I read it carefully, and I confess it never suggested such a thought. Sir, these 'nine menaces' are simply nine men in buckram, existing only in the senator's imagination; and I submit to candid men of all parties that the President's message has no such meaning as the senator attributes to it. He gives it a strained and technical construction that has never been given to it before by anybody or by any newspaper that I have read or heard of. He says the President threatened the whole island of San Domingo, threatened the republic of Hayti, and he endeavors to support that statement by referring to the conduct of Admiral Poor upon the coast of Hayti.

"Mr. President, if you will take this message and read it on that point, you will say unquestionably that the President refers only to the acquisition of the territory of the republic of Dominica. He does speak of 'the island of San Domingo' in one or two places. He does that perhaps inadvertently. But, sir, allow me to read a brief extract to show what the President means; and I was surprised that the desperation of the senator's cause required him to put what I regard as a false and strained construction upon this message. Speaking of the republic of Dominica, the President says: 'It is a weak power, numbering probably less than one hundred and twenty thousand souls.'

"That is about the population of Dominica, while Hayti has seven or eight hundred thousand. . . . I therefore put aside this pretense that the President in his message has threatened the republic of Hayti. . . .

"Allow me to say that nearly all the senator's points are immaterial to the purpose of this resolution. He has spent his force upon matters that, so far as the merits of this resolution are concerned, may be designated as frivolous, wholly unimportant. We are not now proposing to examine whether the treaty was correctly and properly negotiated. We have

passed by the treaty; we are beginning *de novo*; we are proposing to examine this question as if a treaty had never been made, and we propose to go to the vital and material points in the matter, and in order to do that we propose to send a commission to the island, where this information is most accessible and can be most accurately obtained. We are proceeding, as I said before, as if there had been no treaty; and now, of what importance is it, in proposing to examine these questions and ascertain the facts, to go into a long, labored, ingenious, and I may say unfriendly examination of the mode in which that treaty was negotiated? The senator spent perhaps half an hour in commenting upon the way in which General Babcock had signed his name, alleging that he had styled himself 'aid-de-camp' to the President. Why, Mr. President, if we were considering the treaty itself, if that were before us it would be a mere frivolous objection, and could not possibly affect the merits of the case, but the senator brings that circumstance here as one of overwhelming importance, that must override the value of the interrogatories that are to be answered by this commission.

"And as to the protocol that General Babcock signed, the senator says that that protocol provides that the President should privately use his influence to bring about its ratification. Sir, it provides no such thing. The protocol was privately made, was not attached to the treaty, was no part of the treaty; it made no provision that the President should privately influence members of Congress, or try to do so, yet that was the interpretation the senator gave it. . . .

"Then the senator from Massachusetts says that this commission will commit Congress to the policy of annexation. Is there one word of foundation for this statement? The resolution simply provides for an examination; the commissioners are simply to report upon what terms San Domingo may consent to be annexed or desire to be annexed. That report is to be made to the President, and he is to lay it be-

fore Congress for consideration. If the facts therein stated are favorable to annexation—well; if they are unfavorable—well; the commissioners are not authorized to give their opinion upon the question. I was careful in drawing the resolution, to provide that they should have no authority to give their opinion at all. They are simply to report the facts, and we are to pass upon them. So nobody need be frightened at the resolution on the ground that it commits Congress to the policy of annexation. . . .

"Then the senator comes to the charge that we have kept Baez in power by three ships of war stationed upon the Dominican coast, and that the treaty was negotiated under the guns of that fleet. Admiral Poor has been denounced in the bitterest terms for his conduct in regard to Dominica and Hayti. Why, sir, I should regard this as a very serious statement, if it did not appear to me to be ridiculous. With all respect to the distinguished senator from Massachusetts, it seems to me that he has overdrawn this thing in a manner that can only be described as ludicrous. These revolutionists are not sea-going people. They have no fleet. Their field of operations, small as it is, is inland and among the mountains. And they have been kept in subjection by the three frigates of Admiral Poor! . . . .

"Mr. President, the annexation of San Domingo will come. I prophesy here to-night that it will come. It may not come in the time of General Grant, or in my time, but I believe it is destined to come, and with it, too, the annexation of Cuba and Porto Rico. Why sir, this thing was foreseen long ago. I will refer to a Massachusetts authority of high character nearly fifty years ago with regard to the propriety of annexing Cuba. Cuba is not now before the Senate nor involved in this controversy. But, sir, San Domingo lies between Cuba and Porto Rico. San Domingo is the key to the West Indies. It contains the finest harbor in the world. It commands the great Mona passage from the Atlan-

tic ocean to the Caribbean sea. I wish to refer to what Mr. John Quincy Adams said with reference to the acquisition of Cuba, to show his foresight and his philosophy. In a letter written by him as Secretary of State to our minister in Spain, as long ago as 1823, he used the following language, which I commend to the senator from Massachusetts:

"'Numerous and formidable objections to the extension of our territorial dominions beyond the sea present themselves to the first contemplation of the subject; obstacles to the system of policy by which alone that result can be compassed and maintained are to be foreseen and surmounted both from at home and abroad; but there are laws of political as well as of physical gravitation, and if an apple, severed by the tempest from its native tree, can not choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only toward the North American Union, which, by the same law of nature, can not cast her off from its bosom.'

"Sir, I regard it as destiny not to be averted by the senator from Massachusetts nor by any power, that we shall acquire San Domingo and Cuba and Porto Rico. . . .

"I know there is talk about the populations of these countries. Sir, they are friendly to us now, and will rapidly become incorporated and consolidated with the people of this nation in case of acquisition. They will become absorbed in this great people long before the people of Canada will be converted to annexation. The senator from Massachusetts is greatly in favor of the acquisition of all the Canadas, and I shall be, too, when the time comes, but I tell him that the most unconquerable and obstinate thing in this world is a British prejudice, and that the people of Canada are further from us to-day, and are less inclined to annexation at this time, than they were thirty years ago. When they are ready to come peaceably, and are anxious to do so, I am ready to

receive them. But the line of demarkation between them and us, in point of feeling and sentiment, will still remain distinct long after that between us and the people of San Domingo and Cuba shall have been obliterated.

"I remember when the proposition was made to annex California and New Mexico what fearful pictures were drawn of the character of the New Mexican population, and yet there is not to-day a more loyal people to this government than the people of New Mexico. . . .

"Now, sir, as a matter of fairness to all—and I appeal as well to those who were unfavorable to the proposition of annexation, as to those who were in favor of it—I appealed in the very beginning to the senator from Massachusetts to favor this examination—let us have the facts fairly and impartially stated—not something to be disputed—not something to be asserted by the senator from Massachusetts and to be denied by myself or by some other senator, but a statement authoritatively made to which we can all appeal, and by which we will consent to stand or fall. If that statement shall show *prima facie* that we ought not to annex San Domingo, I shall be as earnestly opposed to annexation as the senator from Massachusetts. But if, as I believe, it will show that the annexation of San Domingo would be profitable and expedient, then I shall be earnestly in favor of such annexation." [1]

This speech of Morton's was the beginning of an exciting and acrimonious debate.

Chandler made a speech filled with personal invective. He demanded the authority for Sumner's statement that the President had asked for his removal from the Committee on Foreign Relations. Sumner refused to give it, but said that if he had been misinformed he would be glad to be corrected

[1] The biographer of Sumner states that Morton's speech was the strongest on his side and that it kept within the limits of parliamentary law and good breeding, which was not the case with the speeches of several others who followed him.

by the Michigan senator, who was chairman of the Caucus Committee, and doubtless in communication with the President. Chandler retorted, that Sumner had now confessed that this was mere rumor, yet he had asked that the confidential conversations of the Caucus Committee should be divulged. A brutal assault had been made upon the President. No one would suppose from these speeches that Sumner had been the first senator consulted by the President in regard to the San Domingo treaty. Chandler now read letters from Forney and Babcock, claiming that Sumner had promised his support to the measure.

This brought out a reply from Sumner, who said that he had simply declared to the President that he was an administration man, and whatever the President did would find with him the most careful and candid consideration. This he had given. He had not assailed the President except in strict subordination to the main question.

Conkling followed. He had never been a friend of the senator from Massachusetts, and he now attacked Sumner viciously. He referred to an interview which had appeared in a Chicago paper, where Sumner spoke of the young military men the President had gathered around him, who had taken a notion that there was a good speculation in Dominica, while Grant had honestly enough been pressed into their scheme until the coast of the bay of Samana had been staked off into lots marked "Cazneau," "Babcock," "Baez," and one or two particularly large ones marked "Grant." The alleged authority for that blasting statement, said Conkling, was the chief among those who rose to deny to the President the privilege of sending a commission to report whether it was true that fraud had besmeared the treaty and the soil of Samana.

Sumner, he said, had caused to be read a statement that the President had declared that but for his presidency he would demand personal satisfaction of the senator. Conk-

ling wondered whether the senator from Massachusetts was alarmed for his own safety, and if it was to that he referred, when he spoke of the President menacing violence at the capitol? If he was uneasy, the President might be asked to detail two persons (Mr. Conkling thought they had better be *men*) to guard the senator by night, to guard his house, the casket which contained an endangered jewel, to the end that "neither moth nor rust might corrupt, nor thieves break through and steal."

But the most significant thing in Conkling's speech was this: "Speaking for myself," he said, "upon my own responsibility, I say that the time has come when the Republican majority here owes it to itself to see that the Committee on Foreign Relations is reorganized and no longer led by a senator who has launched against the administration an assault more bitter than has proceeded from any Democratic member of this body. I say for myself that it is fit in this epoch of international commotion that the committee of this body having charge of our foreign relations shall be so composed that the President of the United States, without personal degradation, without self-abasement and with self-respect, can go to the chairman, or send for him and hold conversation with him, receiving candid and frank treatment."

Sumner now characterized the Chicago interview as "a stolen thing with a mixture of truth, falsehood and exaggeration, producing in the main the effect of falsehood." One thing in it, however, was substantially true, and that was the information derived from an officer of the navy that he saw lots marked "Baez," "Babcock," "Cazneau," "Fabens" and "Grant."

Edmunds followed up the attack upon Sumner. The President, he said, had sought the senator's advice upon a subject of public interest, and Sumner had suffered him to go away from the house under the impression that he was friendly to annexation when he was not.

Sumner replied that perhaps he had erred in not going to the President and stating frankly his opinion of the treaties. Some misapprehension would have been thus avoided; but on careful reflection at the time he had not regarded it as expedient, but had thought it more gentle and considerate to avoid discussion. If in this respect he had erred it had been an honest mistake. He again disclaimed the Chicago interview, but Edmunds replied that while Sumner had disowned the preamble and prelude, he had owned to the only part of it which contained any serious reflection on the honor of the President, and that the world would believe he intended to have it understood that the President was corruptly interested in land grants in Samana. The interview, according to Sumner, was "stolen" and "manufactured," but the only poison in it happened to be the poison furnished by himself.

The debate lasted all night. During much of the time the principal supporters of the resolution were gathered in a group about Morton's chair, and when in the early morning the question was finally put, thirty-two senators voted for the joint resolution and only nine against it. Morton took no part in the personalities concerning Sumner, and the friendly feeling between the two was not impaired.

Morton's views in regard to this controversy are clearly and succinctly stated in a confidential letter written to Fishback, the editor of the Indianapolis *Journal*, shortly after this debate. It is as follows:

"UNITED STATES SENATE CHAMBER.

"DEAR COLONEL—There are so many conflicting reports sent from here in regard to the recent debate in the Senate, and to the circumstances that led to it, that I suppose you may be interested in getting a straight account. The difficulty between the President and Mr. Sumner had its origin nearly a year ago in regard to the San Domingo treaty. The President claims that he was misled by Sumner, who assured him that he would cordially support the treaty, and after-

wards took decided ground against it as soon as it was sent to the Senate. The circumstance was unfortunate and is regretted by all the friends of both parties. In the progress of the discussion on the treaty, Mr. Sumner became much excited and talked freely against the manner of its negotiation and bitterly assailed Babcock in a way which could only reflect on the President. Charges of fraud and corruption were sent from here over the country, which, the President believed, emanated indirectly from Mr. Sumner, and thus the breach went on widening. On Monday last, Mr. Sumner came to me in the Senate and asked me if I intended to call up my resolution that day. I told him I did. He then said he should oppose it and should feel bound to make statements that would be very painful statements, in regard to the President. I remonstrated with him earnestly and told him the resolution was one of inquiry only and committed nobody, and that I hoped it would pass without debate; that if he did what he threatened, the friends of the President would feel bound to defend him and it would lead to an open rupture. He then said he could not refrain, because his life had been threatened at the White House by Grant and Babcock. This I told him was ridiculous, and he would be laughed at if he talked about it. After further conversation he asked me to let the resolution go over till the next day, which I did. The next morning he rose to a personal explanation in regard to an article in the *Patriot* about threats of violence from the White House, in the course of which he improperly referred to a private conversation he had had with me on the day before, and asked me to appear as a witness in his vindication. In the course of his long speech, later in the day, he referred to my personal relations with the President as those of confidential adviser, and to my holding private conferences with Grant in the Blue Room, and he urged me, and then Colfax, to go to the President and give him certain advice, all of which was certainly in bad

taste. In speaking of the President his manner was bitter and excited, and his course is generally regretted by his best friends, among whom I am one.

"Some of the versions of my speech in the New York papers are very erroneous, and I enclose a true report from the *Globe*, not asking you to publish it, but in order that you may see I have not been the aggressor.

"Yours very truly,

"O. P. Morton."[1]

The resolution was passed by the House, although an amendment was added providing that nothing in it should be regarded as committing Congress to annexation. The decisive majority in favor of this amendment made it quite clear that the project of annexation could not be carried by a joint resolution. When the proviso came back to the Senate Sumner proposed other amendments, and debate was renewed.

Schurz made an able speech against the resolution. He discussed the characteristics of tropical civilization and race deterioration under its climatic conditions. Our republic, he said, stood at the parting of the ways, the one running southward pointing to a repetition of the Roman empire with its splendor, riches, demoralization and decay; the other point-

[1] At the time of this San Domingo debate, Morton's health was extremely feeble. He had spent the preceding Sunday in his room. On Monday he thus wrote to his wife: "Yesterday I moved only from the bed to the chair in which I sat all day. I shall attempt to go to the Senate to-day because it is the time fixed to bring up the Domingo resolution and because I feel the necessity of making an exertion to move and not give up entirely. It would be impossible for me to go home in my present condition, and if I am not better by Thursday I will telegraph you to come on, if you are able to travel, and to spend the holidays with me. I would be glad to have you bring the children, but fear you could not get them back in time for the opening of their school, about which I am very anxious. If it will hurt you to travel do not undertake it, nor do I want you to come alone. You must not do that. Give my love to the children. Your devoted husband."

This letter illustrates the difficulties under which he performed his most important work in the Senate.

ing northward, where the republic would grow upon congenial soil and remain a beneficent example to mankind. He thought it would be better to deal fairly with the President. If we were resolved to reject this fatal policy we should not by ambiguous action lead the President to indulge in false hopes.

Sumner's amendments were rejected, the proviso added by the House was concurred in, and in this shape Morton's resolution finally passed. Benjamin F. Wade, of Ohio; Andrew D. White, of New York, and Samuel G. Howe, of Massachusetts, were appointed commissioners, and at once departed upon their mission.[1]

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[1] The legislature of Indiana was Democratic, and the Democracy of Indiana was, above all other things, opposed to Morton. So it adopted a joint resolution disapproving of the acquisition of San Domingo, instructing the Indiana senators and requesting the representatives to oppose all action by Congress looking to such acquisition, and it directed the Governor to forward a copy of the resolution to Sumner, requesting him to present it to the Senate. This he did on January 23, and Morton asked that it lie upon the table, with the single remark that it was passed by a Democratic legislature.

CHAPTER VIII

DEPOSITION OF SUMNER FROM THE COMMITTEE ON FOREIGN RELATIONS—THE WASHINGTON TREATY—SAN DOMINGO AGAIN.

FOR some time prior to Sumner's speech on the 21st of December, all personal intercourse between him and the President had ceased. The senator had still continued, however, to have friendly relations with Hamilton Fish, the Secretary of State. Two days after that occasion Sumner and Morton had dined together at the Secretary's house. But soon these friendly relations had become interrupted. In the correspondence relating to the removal of Motley as minister to England, Motley, in a letter of December 7, had referred to a rumor that his removal was on account of Sumner's opposition to the San Domingo treaty. Fish, in reply, said that the rumor had had its origin in Washington in a source "bitterly and vindictively hostile to the President," and spoke of a "betrayal of confidence" and of "using the assurances of friendship to cover a secret and determined purpose of hostility." The Massachusetts senator understood that these words were intended for him, and shortly afterwards, meeting Fish at a dinner, Sumner declined to recognize him, although the senator still conferred with the Secretary on official business.

The intention of removing Sumner from the Committee on Foreign Relations was now freely avowed by the special friends of the President, and was a subject of comment by the public press. Morton said nothing. The time fixed for the change

was the beginning of March, when the Senate would be reorganized at the opening of the new session.

When the Republican caucus met, a committee on appointments made a report placing Cameron at the head of the Committee on Foreign Relations, and making Sumner chairman of a committee just created—that of Privileges and Elections—a place which he at once declined.[1]

There was an earnest discussion when these appointments were reported to the caucus. It was said that since a majority of the Republicans in the Senate were in favor of the annexation of San Domingo, the committee should represent that majority, and that this could not be done without removing the chairman. But the main reason urged was that Sumner was not on speaking terms with the President and the Secretary of State, and that it was therefore necessary for the convenient transaction of public business that some one else should be appointed in Sumner's place. Speeches were made on both sides. Morton was silent, but he voted for the change, and the proposition to make it was carried. When the Senate convened, Howe presented the list of committees as it had been agreed upon in the caucus. Schurz moved to postpone the election until the following day. He insisted that Sumner had, for many years, discharged his duties as chairman of the Committee on Foreign Relations with great credit. He asked the reasons for the change. Howe responded that the senator from Massachusetts had refused to hold personal intercourse with the Secretary of State, and that the relations between him and the President and Secretary were such as to preclude such intercourse. The head of the committee ought to be on speaking terms with these officers. Schurz declared that Sumner had not refused to enter into any official relations with them. He read the letter of Fish

[1] This was the committee of which Morton afterwards became chairman, and which he soon made in fact, as well as in rank, the leading committee of the Senate.

in regard to the removal of Motley, and insisted that Sumner could not be required to cringe and fawn before those who had publicly insulted him. The Senate ought to stand by him. If in any case there was a chairman who did not suit the taste of his Excellency, the President might say that he could not meet him socially, therefore senators must at once make haste to remove him. There were rumors afloat that in this proposed change, the Executive had taken a propelling part, which was rather stronger than in the better days of the republic was deemed compatible with the dignity of the Presidential office and of the Senate.

A long discussion followed. Sumner's ability and fitness for the position were conceded. Wilson and Logan referred to Buchanan's removal of Douglas from the Committee on Territories, and its unfortunate results.

Nye made a humorous speech. This was a matter, he said, of business convenience. The breach between the President and Secretary on the one side, and the senator on the other, was as wide as the gulf between Abraham's bosom and the rich man. The Senate could not remove the President nor the Secretary, but it could change the head of the committee, and make the operations of our foreign relations harmonious and pleasant to all.

Sherman declared that he felt bound by the decision of the caucus; that the proceeding had been unwise, but that it was settled, and if Sumner wished to add another good work to his services to the Republican party he could not do better than to rise in his place and say that if for any reason, sufficient or insufficient, a majority of his political associates thought it better for him to retire he would yield to their wishes. Sumner, however, remained silent, and Thurman, on behalf of the Democratic members, reminded the Senate that the minority had taken no part, and that the question as to whether they should interfere could not arise until the ma-

jority should say whether they considered themselves bound by the decision of the caucus.

Morton had said nothing during the discussion, but this remark brought him to his feet, and his speech on this occasion was an epitome of his belief on the subject of party fealty and party action. He said: "The question with us as Republicans, and as men owing allegiance to a party organization for the sake of its principles, is not now as to the propriety of the change that has been made in the chairmanship of the Committee on Foreign Relations, but as to whether we intend to stand by the organization and the usages of the Republican party. Whether the change was wisely made in the convention of the Republican senators that has been alluded to, I will not now consider. According to the usages of the party that question is past, and as I hold the Republican party superior in importance to any man who is a member of it, I intend to stand honestly and in good faith by its organization.

"Sir, this is a government of parties. Every free government is a government of parties. Parties can not exist without organization. Organization can not exist except by convention and by concert of action. Usually the principles of a party are determined by its platform, but however that may be, the nominations for office are determined by conventions, and unless that is done, a party can not exist as an organization. . . . .

"Whenever I go into a convention of Republican senators, or into a convention in my state, or into a national convention, I silently give my pledge that I will honorably abide by the decision of that convention, though it may be against my personal wishes and choice. It may even be against my convictions of right, *but, so far as all personal considerations are concerned*, I give my solemn pledge that I will abide by its action. If I do not, I have no place in it; and if, before the action is finally determined, I conceive in my own mind that

I can not abide by the action of the convention, it is my duty to walk out of it and announce that I separate myself from it, and that I will not be bound by its decision. I appeal to every senator, to every person present, be he Democrat or Republican, as to the soundness of this position, that if I remain in silence, make no dissent, and take part in the proceedings until the convention is closed, I am honorably bound to abide by its decision. Then, sir, I say this a question for Republicans to consider entirely aside from the propriety of the action which was had yesterday. Do we intend to stand by the usages of our party or do we intend to depart from them?

"Sir, a violation of the usages of the party in this respect would have consequences of a political character far transcending what may be the effect of putting this man or that man at the head of any committee, for if the convention is not supported in one instance it will not be in another. . . .

"But I desire to say one word in vindication of that convention and in vindication of the action of the majority. It has been said here to-day that there was something beyond the reasons assigned by the senator from Wisconsin (Mr. Howe) for this action; that San Domingo lay at the bottom of it. Allow me to enter my protest against that statement. So far as I know, it is not true. It is true the unhappy differences that have arisen may have had their origin, some time since, in the San Domingo question—that may have been the occasion, but to say that the action which was taken yesterday was because of that question or to gain some advantage in the future consideration of, or action upon, that question is a mistake. . . ."

When the question of appointing the committee was finally submitted to the Senate, Sumner's Republican friends refrained from voting, the action of the caucus was ratified and Sumner ceased to be chairman of the Committee on Foreign Relations.

His removal from the place which he had filled so well met with strong disapproval at the time, and has since been the subject of much censure. If Sumner had been without fault in his differences with the President it would have been an act of great personal injustice, yet even then it might have been necessary upon public grounds. But from his own statements and speeches this does not appear to have been the case. In the words of George William Curtis, "He had criticised the administration as a relentless enemy and not as a friend."

Important negotiations were pending with Great Britain in regard to the Alabama claims. The Joint High Commission for the settlement of these claims was in session in Washington. It was of the utmost importance that the American contention should be made by men who were united in spirit and purpose. Sumner's views differed radically from those of Grant and Fish, both as to the grounds of our complaint against England and as to the character and amount of restitution to be demanded.[1] Although Sumner was willing to communicate with the administration upon official matters,

[1] In Sumner's speech in April, 1869, on the Johnson-Clarendon Convention, he had declared that the British government was compromised; first, in the concession of ocean belligerency; second, in the negligence which had allowed the escape of the Alabama and other ships; third, in the complicity which afterwards gave them hospitalities and supplies in British ports. He insisted that England was responsible for the loss sustained by the capture and burning of American vessels amounting to some fifteen million dollars, for the loss in the carrying trade amounting to one hundred and ten millions, and for the loss occasioned by doubling the duration of the war, amounting to about four hundred millions.

On January 17, 1871, Sumner had furnished to Secretary Fish a memorandum of his views, insisting that the *withdrawal of the British flag from the western hemisphere could not be abandoned as a condition of settlement.*

The President and Mr. Fish regarded the proclamation of belligerency as within the discretion of an independent political power, and they believed that Sumner's demands and condition would close the doors against all negotiations.

there was a lack of personal confidence in a place where there was the utmost need of friendly co-operation. There was danger that what was done by the department of state would be regarded with an unfriendly eye by the chairman of the committee upon whose action the advice and consent of the Senate might depend, and the majority of that body felt justified in removing what they considered an obstacle to harmony between the Executive and his constitutional advisers.

The Joint High Commission, appointed for the consideration of the Alabama claims, had been sitting in Washington ever since the 27th of February.[1] When Congress adjourned, on the 20th of April, the negotiations were nearly completed. President Grant at once issued his proclamation for a special session of the Senate, to meet on the 10th of May. On the 1st of that month a preliminary copy of the treaty of Washington was mailed to Morton at Indianapolis. On the 3d he was summoned to Washington by telegram from the President. On the 5th he and Cameron (chairman of the Committee on Foreign Relations) were present at a meeting of the cabinet, when the treaty was discussed; and on the evening of that day J. C. Bancroft Davis, Assistant Secretary of State, came to the room of the Indiana senator, read to Morton and Cameron a private diary of the proceedings of the Joint High Commission, and gave to each of these senators a second proof of the treaty, printed upon that day.

Morton was soon hard at work with his private secretary, studying the treaty and the proceedings of the Joint Commission, as well as the history of the Alabama claims and the diplomatic correspondence in reference thereto. On May 8 the treaty was signed. On May 9 the cabinet met again, and

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[1] Hamilton Fish, Robert C. Schenck, Samuel Nelson, E. R. Hoar and George H. Williams, for the United States; Earl De Grey and Ripon, Sir Stafford Northcote, Sir Edward Thornton, Sir John McDonald and Prof. Montague Bernard, for England, composed the commission.

Cameron, Morton, Patterson and Harlan, from the Committee on Foreign Relations, were in attendance.

The first thing discussed was the propriety of allowing the Secretary of State to publish the text of the treaty or an abstract thereof. It was agreed, however, that the Senate should make such disposition of it as seemed fitting. There was also a discussion as to the propriety of the President's recommending an open session for the discussion of the treaty, but this was not advised. It has been said that the Secretary of State proposed that Morton should take charge of the treaty in the Senate, but that Cameron had shown some sensitiveness at the way in which Morton had been preferred to himself, and had declared that he would assume the responsibility of conducting the treaty to a successful conclusion. Most of the work, however, devolved upon Morton.

The treaty provided that the Alabama claims should be adjusted by a commission to meet at Geneva, Switzerland, to be composed of five arbitrators, one to be named by the President, one by the Queen, one by the King of Italy, one by the President of Switzerland and one by the Emperor of Brazil. In this treaty England expressed her regret for the escape of the Alabama and other Confederate cruisers from British ports, and for their depredations, and agreed that certain rules of international law should be taken as applicable to the decision of the case.[1]

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[1] These rules were that a neutral government was bound to use due diligence to prevent the fitting out or departure from any of its ports of a vessel which it had reasonable ground to believe was intended to cruise or to carry on war against a power with which it was at peace, and also to prevent either belligerent from using its ports or waters as a base of naval operations.

England did not assent to these rules as a statement of international law existing at the time of the escape of the Alabama, but agreed that the arbitrators should assume that she had undertaken to act upon them; and both governments promised to observe them for the future. The result of the proceedings was to be a final settlement of all claims. The treaty also made provisions regarding the fisheries on the eastern coast of North America,

Morton supported the treaty in the Senate in a speech which he had prepared with great care, but which, being delivered in secret session, was not published and has not been preserved. Sumner moved some amendments, providing for the security of private property at sea, the abolition of commercial blockades and other matters, but the Senate did not think it prudent to re-open negotiations, and the treaty was ratified without change.[1]

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regarding the navigation of rivers, lakes and canals along the Canadian and Alaskan borders and regarding the settlement of the boundary through the Fuca Straits.

[1] In some surreptitious manner the New York *Tribune* secured and published a copy of the treaty while it was yet before the Senate in secret session, and an investigation was held as to the manner in which it had been obtained. The correspondents of the *Tribune* were examined by a special committee, but declined to state from whom they had procured the copy. They were then arrested and placed at the bar of the Senate. Carpenter offered a resolution requiring an answer. Fenton moved to amend by asking whether they had received a copy from any senator or from any employe of the Senate. Morton supported Fenton's amendment. The Senate, he said, had no power to secure secrecy except among its own members and officers. If the treaty were made public by others the Senate was not responsible, nor had it any jurisdiction to punish the offense. The publication of true information, he added, could not be set down among the abuses of the press.

Carpenter's resolution was adopted, but the correspondents still refused to answer. He now offered a resolution that White (the first witness) be committed to custody until he should answer.

Morton moved ineffectually to lay this resolution upon the table. Later in the discussion he spoke as follows :

"The positive declaration of these gentlemen that this treaty did not come through the Senate was met by the statement of the senator from Wisconsin : 'If you let us go on, we will trace this to a senator.' If the committee had evidence which authorized him to say so, that evidence ought to be produced. If they had not yet taken such evidence let them send for the witnesses. If there was anything that placed this at the door of any senator let it be brought out, and not have this broad imputation that might rest upon one or a dozen members."

The report now started that the treaty had been divulged by Morton himself. He resented this with bitterness, saying that the intimation was an atrocious and cowardly falsehood ; that there was not a circumstance

It was a triumph of American diplomacy. Some eighteen months afterwards, in a speech at Aurora, Morton thus spoke of it:

"The treaty was made and what is the result? The arbitrators at Geneva have decided the great questions in our favor and awarded us fifteen millions and a half in coin—a very large sum of money. But there is another consideration much more important—the settlement of our troubles—and a third consequence still more important, we have shown to the world how arbitration can be made a substitute for war."

After Sumner had been removed from the Committee on Foreign Relations it was given out that he would soon renew his attack upon the President.

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that could even suggest such a thing to any man, and that it had been made out of whole cloth.

After the injunction of secrecy had been removed Morton made a full statement of the circumstances under which his copies of the treaty had been received. The first one, he said, had been burned by him upon the 10th of May, and the second copy had been given by him to the chief clerk of the Senate.

A few days later the two correspondents were discharged from custody, a conclusion which the press characterized as an absurdity, and declared that the Senate was "out of the woods with its dignity in rags."

Morton thus wrote to his wife a few days before this occurred:

"My Dear Wife—Since you left I have been as busy as at any time in my life. It was understood in the Senate and out of it that I was to take charge of the treaty, and expected to answer all objections to it, and I have been preparing accordingly. Sumner is in great difficulty. He wants to oppose the treaty but hardly dares to, and he is desirous of making a great show of learning upon the subject. In a brief debate on Monday he made several mistakes, upon which he was picked up, and he is unhappy. You have heard of the premature publication of the treaty. The copy was procured by White and Ramsdell, of the *Tribune* and *Commercial*. The story was immediately started that the copy came from me. It was very absurd and malicious, but I can not find where it started. In the investigation set on foot in the Senate by Conkling, Carpenter and Edmunds, it has transpired that their object was to trace it to me, and I am persuaded that they have secretly spread that notion among the senators. They hate Sumner, but they hate me more."

On the 28th of May, the expected blow was delivered. On that day Sumner spoke at length upon a series of resolutions offered by him declaring that the employment of the navy to maintain Baez in usurped power while attempting to sell his country was morally wrong, that the treatment of Hayti was inconsistent with the principle of the equality of nations and should be disavowed, and that the employment of the navy against a friendly foreign nation, without the authority of Congress, was a usurpation of power.

In support of these resolutions Sumner delivered an address which he read from printed slips. He gave a catalogue of the ships sent to San Domingo and a description of their armament. If the purpose was peace, why these engines of war? Why cram the dove into a cannon's mouth? He presented a biography of Baez, setting forth his character and "bloody usurpations." The constitution of Dominica forbade the alienation of any part of the republic. Our country could not ignore this constitution.

International law had been violated in two of its commanding rules, one securing the equality of nations and the other providing against belligerent intervention. The kingly prerogative had been asserted by the President. Never before had there been such executive interference, visits to the Capitol, appeals to senators, assemblies at the Executive Mansion, and pressure of all kinds, especially through the appointing power, in order to consummate the scheme of annexation. How could we condemn our Ku-Klux, while the President was putting himself at the head of a powerful and costly Ku-Klux, operating abroad in defiance of the constitution and of international law.

Morton replied at once. We had heard, he said, of acts of war, war made by kingly power, by usurped power, but this was the most peaceable war ever heard of, in which not a gun had been fired, not an act of violence had been offered, and in which Hayti had made no remonstrance. It had

remained for the senator from Massachusetts to present the complaint of that republic. The treaty with Dominica had been signed on the 29th of November, 1869. On the 18th of January, 1870, the Secretary of State had notified the Haytian government that negotiations were pending for annexation, and that we should expect that government to abstain from acts of hostility toward Dominica. Hayti had been previously allowing her territory to be used by hostile organizations for the purpose of making war on the people of Dominica, hence this notice had been given. Immediately after the notice, the government had learned that Haytian war steamers and troops had been put at the disposal of Cabral for the purpose of attacking the city of San Domingo and other towns. Hayti had no right to invade Dominica, and our government was simply calling upon her to observe the law of nations, notifying her that while the treaty was pending we should not permit her to prevent its consummation by invading Dominica.

Schurz now interposed and asked whether any government had not the right to make war upon another by the law of nations, and if so, why Hayti had not the right to make war upon Dominica.

Morton replied that Hayti had no right to invade Dominica for the purpose of preventing the annexation of that country by the United States. The question was not a new one. In regard to the acquisition of Texas, John C. Calhoun, Secretary of State in 1844, had sent a dispatch, which Morton said was too long to read, but which directed Mr. Shannon, our minister to Mexico, to notify the Mexican government that we were treating with Texas for annexation, and that any invasion of Texas by Mexico would be regarded as offensive. He had used language which meant war. The argument was that Texas was independent and had a right to contract with us, and that if, while engaged in making that contract, Mexico

interfered by force of arms, such interference would be cause for war.

Morton called attention to the object of the speech just made, which was to fix a crime upon the President. The senator could not do that without striking a blow at the country and at the great party which had elected the President.

Howe, of Wisconsin, followed, comparing the fall of Sumner to that of Solomon, Cicero, Sir Edward Seymour, Pitt, Patrick Henry and Daniel Webster, and declaring that Sumner's conduct toward the Republican party was like that of Judas toward Christ.

Freylinghuysen ridiculed the Massachusetts senator as one who claimed to "stand in peerless purity amid a bankruptcy of patriotism and of love for national honor." It was a matter for congratulation, he added, that Sumner had not made this attack as chairman of the Committee on Foreign Relations.

Schurz replied. The constitution, he said, provided that Congress should declare war. The President alone had ordered officers of the navy to capture or destroy the ships of a foreign nation. This was dependent, it was true, upon a certain contingency, the interference of Hayti. But had the President the power to define a contingency upon which our arms should be used against a nation with which we were at peace? If so he had the right to commit an act of war. What then became of the provision of the constitution lodging the war-making power in Congress? The shedding of blood had not occurred, it was true, but the President, after giving these orders, could not claim the benefit of that circumstance. As far as war could be made by the President he had actually made it. But, it was asked, might not the United States, during the pendency of a treaty of annexation, prevent foreign intervention? Most assuredly the United States might do this, but it must be through Congress. Yet, when the President had negotiated the treaty with Baez, and when orders

had been given to the naval commanders, Congress had been in session. Schurz now examined the Texas precedent cited by Morton. When the treaty for the annexation of that country was pending the President had dispatched certain war vessels to the Gulf of Mexico and certain military forces to the Texas frontier. Who was the President who had done that? His name was John Tyler. Who was the Secretary of State? His name was John C. Calhoun. Into what desperate straits the defenders of President Grant must be driven to crawl under the shadow of Tyler and Calhoun for protection! But even that company begged to be excused. The naval and military forces had been sent to Texas for purposes of observation only. Calhoun had said that it was the President's duty, during the recess of Congress, to use all his constitutional means to oppose Mexican aggression, leaving that body, when it assembled, to decide upon the proper course, and that in accordance with this conclusion the President would regard the invasion of Texas by Mexico, while the question of annexation was pending, as highly offensive. That was all.

Schurz asked whether this dispatch contained anything to indicate the President's determination to make war of his own will, without calling upon Congress.

Morton maintained that it did, that the dispatch in itself had given Mexico to understand that her invasion of Texas would be resisted. It had been followed by the march of troops to the disputed territory and there had never been a declaration of war by Congress.

Schurz replied that this dispatch conveyed the impression of disapprobation, which the Executive might always make to a foreign government. This was something very different from the act of President Grant. Tyler in his message of May 15, 1844, had said that the naval commander was directed to perform the duties of a fleet of observation, and to apprise the Executive of any hostile design upon Texas

with a view to submitting this information to Congress. The President had not arrogated to himself the right to belligerent acts. In another message, President Tyler had declared that the moment our terms of annexation were accepted by Texas, the latter became so far a part of our own country as to make it our duty to furnish to it protection and defense. Did the senator from Indiana see the difference? The joint resolution for annexation had passed both houses. Taylor had been ordered, if danger appeared imminent, to move to the Sabine river but not to proceed beyond the frontier without further instructions. Mr. Murphy, our agent in Texas, had written to the Texan Secretary of State that neither Mexico nor any other power should be permitted to invade Texas on account of the negotiations for annexation. Yet Mr. Nelson, our Secretary of State, had rebuked Mr. Murphy because in this pledge he had committed the President to measures for which the latter had had no constitutional authority to stipulate. The employment of the army and navy, said Nelson, against a foreign power with which the United States was at peace was not within the competency of the President. Did the senator from Indiana understand that language?

Schurz now quoted the recent order of the Secretary of the Navy to Admiral Poor directing him to protect the Dominican government, and adding: "There must be no failure in this matter. If the Haytians attack the Dominicans with their ships, destroy or capture them." Mr. Schurz now asked the senator from Indiana whether Calhoun and Tyler did not have reason to beg to be excused from being quoted in the company of President Grant.

On the following day Schurz concluded, and Morton replied. He read the following from Yoakum's "History of Texas:"

"Mr. Van Zandt inquired of Mr. Upshur (Secretary of State) whether, after the treaty was signed and before it was

ratified, the President of the United States would order a military and naval force to the proper points of the Gulf of Mexico sufficient to protect Texas from foreign aggression. In reply he was directed to assure the government of Texas that the moment the treaty was signed President Tyler would send a naval squadron to the Gulf and a military force to the Texan borders to act as circumstances might require, and, furthermore, the United States would then say to Mexico, 'You must in nowise disturb or molest Texas.' ''

''What was the sense,'' asked Morton, ''in saying that Mexico must in no wise disturb or molest Texas, and that we would send the army and navy to protect Texas, if this could not be done until after Congress had met the next winter and had made a declaration of war?''

Schurz interposed, insisting that Morton was confounding two things. One was a diplomatic threat and the other a military order.

Morton replied that that was a distinction without a difference; that Texas had asked: ''Will you protect us at once if we sign the treaty?'' and a solemn promise had been given: ''The moment you sign the treaty and before it is ratified, you shall be protected.'' The argument of Mr. Calhoun was unanswerable; and it was that we had such an inchoate right that we would not permit Texas to be invaded while the negotiations were pending.

Morton also read a dispatch of Calhoun, dated the day before the treaty was signed, stating that the Secretary of the Navy had been instructed to order a strong naval force to concentrate in the Gulf of Mexico, to meet any emergency, and that orders had been issued by the Secretary of War to move the disposable military forces on our southwest frontier for the same purpose, and adding that should the exigency arise, the President would use all the means placed within his power by the constitution to protect Texas from foreign invasion.

"Texas was asking for immediate protection," continued Morton; "Mexico had already proclaimed war against her if she signed that treaty; and here is the positive assurance given that if Texas signed the treaty the President would use the whole power of the army and navy for the purpose of protecting her until the question was settled. . . ."

The administration Republicans were quite weary of a discussion which was confined to members of their own party, and, when Morton had concluded, he was followed by Harlan, who, after a short speech, moved to lay Sumner's resolution on the table, a proposition which was not debatable. This motion was carried by a vote of 39 to 16.

Upon the 5th of April the President communicated to Congress the report of the commissioners sent to San Domingo. This report was favorable to annexation. But by this time the measure had become very unpopular, so he suggested that no action be taken at the present session beyond the printing and general dissemination of the report.

Public opinion continued to be adverse, and no further steps were taken toward annexation.

During all these proceedings Morton's relations with Sumner remained cordial. On the 8th of August, 1871, Sumner wrote to him as follows: "I understood you to say, or allege, that I had prepared my speech on San Domingo in advance, that this was before my sudden illness at the end of February, that I had announced that it would be very bitter on the President, embracing various topics, among them inattention to business and nepotism, and that I had actually read specimens of the speech to visitors. Of course, in making this allegation you evidently believed it true, nor was I much astonished, for there was an evident disposition in certain quarters to believe anything about me. At all events, you seemed incredulous when I denied it. Returning to the allegation, you quoted my colleague as

authority, at least in part. Now this whole story, in gross and detail, is an invention, without one word of truth. I write now to deny it in every particular. At the time of my sudden illness, the speech was in contemplation only, and there was no specimen to read, if I had had any such disposition. None such ever was read, repeated, or described. Never did I say anything to anybody giving the idea that the speech would be very bitter on the President, least of all that it would touch on the topics to which you referred—never even to my colleague. To him and the few others with whom I conversed, I simply expressed my strong desire for a hearing on the violations of international law and of the constitution in the employment of the naval forces at San Domingo. . . . In making this correction I do not intend to revive a controversy, but to correct a story which in every respect comes within the sphere of my own knowledge, so that if it were true I should know it, and as it is not true, I know this also.

"I hope you are not suffering from these heats.

"Faithfully yours,

"CHARLES SUMNER."

Morton's answer was friendly, but he evidently did not wish to commit himself in regard to his information or belief respecting Sumner's speech. It is as follows:

"INDIANAPOLIS, August 20, 1871.

"MY DEAR SENATOR—Returning yesterday I found your letter, and hasten to reply. The subject to which it refers is among the things of the past, the memory of which I would not willingly revive. It refers to a controversy which will ever be among my most disagreeable experiences in the Senate, for it was a controversy among friends. I am, as I have been for years, your friend and admirer, and an earnest well-wisher for your continued health and happiness. In the course I took I believed I was doing right, and what was best

for my country and party, and I give you credit for equal purity of purpose and patriotism. My earnest wish is now for the harmony of the Republican party for the sake of the country. I send you a copy of my late speech at St. Louis. It was badly reported, and has not been revised. I did not say what I am reported as saying about Chase. Some of the mistakes in the report you can correct from the context.

"Yours very truly,

"O. P. MORTON."

CHAPTER IX

KU-KLUX INVESTIGATION

On December 16, 1870, the Senate adopted a resolution, introduced by Morton, asking the President for information regarding murders and other outrages by political organizations in North Carolina. In answer to this, the President sent to the Senate reports and papers relative to acts of violence in that and other Southern states.

On the 18th of January, 1871, Morton moved for the appointment of a select committee of five to investigate these matters. A long discussion followed. The Democrats said that this investigation was for the purpose of fanning new life into the embers of sectional hate; that it was to be a pretext for putting the Southern people under martial law, and they insisted that the few instances of violence which existed were the fruits of the war and of Republican misgovernment. But Morton's resolution was adopted. He declined a place on the committee owing to his poor health, and senators Scott, Wilson, Bayard, Chandler and Rice were appointed, and Stewart and Blair were added later.

On the 10th of March, the committee made a report. On the 16th, Mr. Sherman offered a resolution that the Committee on the Judiciary bring in a bill to enable the President and the Federal courts to execute the laws, punish violence and secure to all the rights guaranteed by the amendments to the constitution.

On the 3d and 4th of April, Blair spoke against the Sherman resolution and Morton replied.

The Ku-Klux arguments on the other side, he said, were three-fold: first, a denial of the existence of the outrages charged; second, an admission of those outrages, with a claim that they were the result of mal-administration, and third, a complaint that they were the result of the unconstitutional reconstruction measures, and the "fraudulent amendments to the constitution" spoken of by Mr. Blair.

It had been said by that senator that the only convictions of Ku-Klux that had taken place were of Radicals—a very important admission, because the evidence showed that no Radical could become a Ku-Klux. The oath of organization excluded every Federal soldier, every Republican, every negro. So when the senator said that nobody but Radicals had been convicted, it was equivalent to saying that no Ku-Klux had ever been convicted. What constituted a Ku-Klux? It was not the disguise. That had sometimes been put on for a purpose, by persons who did not belong to the order. Counterfeit Ku-Klux had been convicted precisely because they were counterfeit, but no genuine Ku-Klux had ever been convicted.

The senator from Missouri, Morton continued, had intimated that the outrages were the result of corruption on the part of Republican officials. If this were so, the punishment would have fallen upon the guilty. But the outrages had not been inflicted upon the thieves, the victims had been innocent men.

Morton quoted the fourteenth amendment, that no state should deny to any person the equal protection of the laws, and that Congress, by appropriate legislation, should enforce the amendment. If the effect of this was simply to exert a negative upon a state it amounted to little, and such a construction would nullify the provision which gave to Congress the power to enforce the amendment by legislation. There could be no law enacted and enforced against a state. The legislation authorized must operate upon individuals. If there were organizations to prevent the equal enjoyment of rights

secured by the constitution, it was the duty of Congress to punish such organizations. A government that did not try to protect its people did not deserve their allegiance. Men had been murdered with impunity, yet no attempt had been made to bring the murderers to punishment. The negroes had no protection. Morton pleaded for these people, not because they were Republicans but because they were human beings, and he called upon all men, without regard to party, to unite with him.

Senators had seen every day those who had witnessed these outrages and had suffered from them. The testimony had come from Kentucky, Tennessee, Georgia, North Carolina, South Carolina, Florida, Mississippi and Alabama. The evidence had been uniform that acts of violence had been inflicted by men in disguise, having singular organizations, movements and purposes, and it could not be doubted that the same body, though it might differ in name, existed in all these states, and that its purpose was to force Republicans to abandon their political faith. The government was under the most solemn obligation to protect these people The Republican party was under the highest moral obligation to stand by them. Their crime was that they were its friends, and if it deserted them it ought to have no friends.

This society of the Ku-Klux was the result of a matured plan for the subjugation of the South by the party which had organized and conducted the rebellion. It proposed to gain supremacy by driving Republicans into submission or exile. It electioneered by murder, and persuaded by the lash and torch. But such a party policy was short-sighted and foolish. A victory thus purchased by blood could not be permanent or glorious. The spots that it made on the escutcheon of the party could never be washed out, but would deepen and redden from generation to generation. The blood that had been spilled cried from the ground, and the avenger would come, and punishment fall suddenly and terribly upon the guilty.

"It is not quite a year ago," continued Morton, "that I endeavored, in a speech on the Georgia question, to lay before the Senate and the country the condition of the South as I then understood it. I was not able to tell a hundredth part of the truth. What I knew was bad enough. But I was met with stern incredulity upon this floor, and even in portions of the Republican press. The Republicans who then doubted, doubt no more. The voices that were then lifted to rebuke me are now silent. The terrible truth has forced itself upon the knowledge of all men, and the duty rests upon all to rise and bear witness against these crimes.

"The persistent declarations of Northern politicians that the reconstruction acts are unconstitutional and void, that the people of the South have a right to resist them, and that the government of the United States has wickedly oppressed these people and wantonly inflicted upon them disabilities and degradation, have largely conduced to their present unhappy condition. The Southern mind, irritated by defeat, accepted these declarations as evidence of sympathy and of the justice of their cause, and the crimes and outrages that have been committed are the natural and inevitable result. Had these politicians advised the people of the South to accept the situation, who can doubt that peace, good-will and prosperity would have been restored?

"To the motives of the leaders of the Democratic party I impute nothing. I have no right to sit in judgment upon them. God alone is the searcher of hearts. From their standpoint they doubtless believe they are doing right. But of the consequences of their action I have a right to speak, and I declare to them solemnly that as their counsel before the war had much to do in bringing on the rebellion, their policy now contributes to foment and produce the disastrous condition of things in the South. . . .

"Shall reconstruction be maintained; shall the constitutional amendments be upheld; shall colored people be guaran-

teed the enjoyment of equal rights; shall the Republicans of the Southern states be protected in life, liberty and property? These are the great issues to be settled in 1872. Questions of tariff, currency, civil service reform, will play some part, but it will be a subordinate one. In all the Southern states the Republicans will struggle for the privilege of living in peace and security, while the Democratic party will struggle to regain its former power, and, as experience has shown, will not hesitate as to the means used for that purpose. And in view of the solemn fact that everything is at stake for which we suffered through ten years of war and storm, let us bury all personal grievances, and, forgetting past differences, banishing all selfish consideration, unite again, and with unbroken front, move forward, resolved to conquer for the right."

On April 5, after a long debate, Mr. Sherman's resolution was adopted.

Shortly after this, a bill "to enforce the fourteenth amendment," otherwise known as the Ku-Klux act, was passed by the House of Representatives and came up for consideration in the Senate. It provided for punishing all conspiracies to deprive any citizen of the equal protection of the laws, and authorized the President, where necessary, to call out the Federal troops, and to suspend the writ of *habeas corpus*. The Democratic senators declared that the bill was unconstitutional. Morton replied contemptuously:

"I have heard such declarations from the Democratic party ever since I have had anything to do with politics.

"I remember that in 1854, when the Missouri compromise was repealed, that repeal was put upon the ground that Congress had no power originally to make the compromise, or, in other words, that Congress had no power to exclude slavery from the territories, that that power belonged to the people

of the territories, and was denominated 'popular sovereignty.' The repeal of the Missouri compromise may be said to have been the beginning of the war.

"In 1858 the Democratic party took the ground that the people of the territories had no power to exclude slavery therefrom; but that the constitution, by its own inherent force, carried slavery into all the public domain and protected it there.

"In the winter of 1860–61, Mr. Buchanan, in his message to Congress, took the ground that the government had no power to coerce a state to remain in the Union, and that position was sustained by the Democratic party in Congress, with but few exceptions.

"When Mr. Lincoln called out seventy-five thousand men in April, 1861, this was said to be a violation of the constitution. It was alleged that he had no power to do so. When the issue of legal-tender notes was made, the Democratic party declared that that was a violation of the constitution, that there was no power to make those notes a legal tender for the payment of debts. Again, it was said that the conscription law, which became necessary to fill up our army, was a gross violation of the constitution of the United States. Again, it was said that Congress had no power to pass confiscation laws. I believe the constitutionality of those acts has been decided by the Supreme Court within the last ten days.

"Then it was said that Mr. Lincoln had no power to issue his proclamation of blockade. He was severely denounced for that. The act was said to be a gross and flagrant violation of the constitution of the United States. Then it was said that Congress had no power to prescribe test oaths for the purpose of keeping rebels out of office. . . .

"Then it was said the President had no power to suspend the writ of *habeas corpus*. Then it was denied that there was any power to make military arrests. That was a source of very bitter denunciation against the administration. Then

the Democrats declared that Mr. Lincoln had no power to issue his proclamation of emancipation, that it was a gross violation of the constitution. Then, again, it was said that Congress had no power to pass an act to disfranchise deserters. Then it was said that the states had no power to make appropriations of money to pay bounties to volunteers. That question was particularly made by the Democratic party in the state of Pennsylvania, and it was finally decided by the Supreme Court of that state.

"Then, Mr. President, you will remember that the Chicago convention which nominated General McClellan on the 31st of August, 1864, passed a resolution declaring that after having tried the experiment of war without success for four years, it was time to make peace, and further declaring that the constitution had been violated in every part, in the conduct of the war.

"Then, after the war was over, it was declared that the civil rights bill was a gross violation of the constitution; that there was no power to pass that. It was also declared during the war that there was no constitutional power to suppress treasonable publications and treasonable newspapers.

"Again, we were told four years ago, and this statement has been repeated constantly since, that there was no constitutional power to pass the reconstruction laws; that there was no constitutional power to impose any limitation or condition upon the return to the enjoyment of political rights of those who had been engaged in the rebellion. . . .

"Then it was said last session, when we passed the bill for the purpose of preserving the purity of the ballot-box in the election of members of Congress, that the constitution was torn and almost ruined by the passage of that act. And now we are told that we have no power to pass a bill for the protection of life, property and liberty in the Southern states; that the recent constitutional amendments amount to nothing so far as giving to Congress any power for their enforce-

ment is concerned. And so it goes. The history of the Democratic party for the last eighteen years has been one of denial. I do not mean self-denial, but of denial and negation.

"For these reasons I am not alarmed by the declarations made during this debate by distinguished senators that this bill is a violation of the constitution, destroying the existence of states; that it is a great and wicked usurpation of power.[1] I think that the constitution gives us the power to pass this bill, and that the condition of things in the Southern states makes it our imperative duty to do so."

It was mainly through Morton's efforts that the two Houses were held in session until the latter part of April for the purpose of passing the Ku-Klux bill. Eight concurrent resolutions from the House of Representatives fixing the day for adjournment were laid upon the table. Finally, on the 20th of that month, the bill passed, and received the approval of the President.

Naturally Morton's action aroused deep hatred and resentment among the Ku-Klux and their friends. The Democratic press teemed with attacks upon him,[2] which continued during the spring and summer. The Democratic papers asked how Morton could live at the rate of fifteen thousand dollars a

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[1] In a speech at Cincinnati in the following campaign Morton spoke of "unconstitutionality" as the harp of a thousand strings, upon which the Democratic party was forever playing.

[2] The following, from the Washington City *Patriot*, is a sample:

"He is a tireless incendiary, a ruthless, malignant, vile conspirator, and the most unscrupulous demagogue of these unhappy times. He supplements his bad head with a depraved and vindictive heart, and a viperous purpose to coil himself about the newly kindling cordialities of the people and sting them back into palsy and death."

George Alfred Townsend wrote of him in the Washington *Sunday Capital*, that one of the biggest bubbles in public life had been pricked. Whereupon the Cincinnati *Commercial* replied that Morton, as a bubble, would stand a good deal of pricking, that he lacked "airiness and transparency."

year upon a salary of five thousand dollars. Morton never did anything of the kind, but such a question found many prepared to wonder and suspect.

Another charge was that the state of Indiana had been twice paid for the use of steamboats transporting troops and supplies during the war. This accusation was contradicted by the treasury department in answer to a telegram from Morton himself.[1]

In the early part of April a serenade was given to him at the National Hotel. Grant, Colfax and the Republican members of Congress from Indiana were present. Morton, in his speech, advocated the renomination of Grant in 1872. This serenade was the occasion for caustic observations by the enemies of the Indiana senator.

The Ku-Klux investigating committee continued its labors, and at the following session of Congress another report of that committee showed that the organization had committed a vast number of political murders and outrages, mostly upon negroes, and that few, if any, of the perpetrators of these outrages had been brought to punishment by the state authorities. There were many pitiful instances of atrocious cruelty inflicted upon the helpless. In some counties a majority of the whole white population, either belonged to the Ku-Klux Klan or gave it aid and sympathy. Grand jurors refused to indict its members, and it was only after the President had suspended the writ of *habeas corpus* that its power was broken. Mr. Scott, the chairman of the investigating committee, introduced a bill prolonging the President's authority to suspend this writ, and he supported the bill in an earnest speech, reviewing the testi-

[1] *The People*, an Indianapolis paper, thus speaks of the criticisms upon him: "The senator's skin does not seem to be scarified by the attacks of multitudinous pens. . . . The best abused man in the country, he continues to be the most prominent—the shafts hurled against him only tending to raise him still higher in the minds of his countrymen. Accused of all the sins that flesh is heir to, the charges are forgotten in the man's transcendent power."

mony taken by that committee. He was followed by many other senators. Blair and Bayard delivered elaborate speeches against the bill.

Blair insisted that it was proposed to give to President Grant the power to re-elect himself by force; that the "rawhead and bloody bones" of the Ku-Klux was set up as an excuse for military tyranny

Bayard urged the unconstitutionality of the law, the robbery of the South by political rings, the sufferings of the Southern people and the corruption of the Federal courts. He appealed to the Senate to abandon a system of violence and adopt a policy of reconciliation.

Morton followed. He set forth the historical development of the condition of the South. When the war had ended there had been general good feeling throughout the country. Why had it passed away? The members of the Democratic party in the North had been largely responsible for the change. They had advised the people of the South that they had lost nothing by the rebellion, but might come back into the Union and resume their political rights as if nothing had occurred. The people of the South had been brought to regard any conditions of reconstruction as usurpation and tyranny. Their leading men had rejected the measures of Congress, and thus the government of the Southern states had been thrown into the hands of the negroes and the few white Republicans. These had been incompetent to engage in the work because of their want of experience. Northern men who had gone to the South to make it their home had been put forward as leaders and many of them elected to office. This had been a necessity of the situation. Thus the control of the Southern states had been thrown into the hands of the colored men, well-intentioned, but inexperienced, illiterate and unqualified. If the colored people were in this condition, who was responsible for it? Their former masters. If the poisoned chalice was now com-

mended to their own lips, it was not the first time in history that evils like these had come home to those who had inflicted them. Some of the carpet-baggers had turned out to be bad men. That was inevitable. But the mass of them were quite as good as the men who denounced them.

Morton also considered the evidence presented by the investigating committee. When he heard the efforts of able senators to attack this evidence, he said, he was reminded of the description that Voltaire had given of a prisoner who tried with wooden splinters to make his way out of his cell by picking the mortar from between blocks of granite. The proposition overwhelmingly established was that in nine states of the Union there existed a society, organized for a single purpose, armed and equipped, with uniforms, signs, pass-words, grips, ceremonies and oaths. General Forrest had testified that there were forty thousand members in the state of Tennessee alone. This society was distinguished by its disguises, its hideous uniform, its peregrinations at night from one state to another. The organization was political. It was aimed at the Republican party and at the colored people. Its machinery was scourging, assassination, crimes without name, and perjury both for self-protection and for assault upon its enemies. The Ku-Klux could furnish witnesses upon any subject. They could prove anything that might be required. If necessary they would swear that they were Republicans.

Bayard asked whether they held office under the administration.

Morton answered that he would not be surprised if they did. Men who committed these crimes were capable of imposing upon the administration. It had been part of the duty of some of these men to profess to be Republicans, and to acquire office and use that office for the protection of their confederates. In ninety-nine counties which the committee had investigated there had been five hundred and twenty-six murders and two thousand four hundred and nine outrages of

other kinds. Yet the committee had gathered only a small part of this crop of crimes.

Morton called attention to the remarks of Reverdy Johnson, who had been employed to defend the Ku-Klux at Columbia, South Carolina. Johnson had declared that he had listened with unmixed horror to the testimony; that the outrages proved were shocking to humanity, and admitted of neither excuse nor justification; that they violated every obligation which law and nature imposed upon men, and showed that the parties engaged in them were brutes, insensible to the obligations of humanity and religion. Morton now contrasted these remarks with the attempts made in the Senate to palliate these crimes by statements that they were the result of misgovernment, fraud and robbery. He maintained that Congress had never passed a law that had done so much good in so short a time as the law which empowered the President to suspend the writ of *habeas corpus*. This law had given comparative peace to the South; it had saved hundreds, perhaps thousands, of lives. It had saved thousands from being driven into exile, scourged and outraged. The power of the President to suspend the writ had been a sword hung over the heads of the Ku-Klux. The law had been a measure of peace, and its extension would do more to prevent bloodshed than all the influence which could be exercised by the Democratic party.

The bill extending the President's power passed the Senate but failed in the House of Representatives, and that power ended with this session of Congress.

CHAPTER X

LECTURE UPON "THE NATIONAL IDEA"—PATRONAGE—CIVIL SERVICE REFORM—AMNESTY.

In the latter part of June, 1871, Morton made two speeches, the first at Crawfordsville to the students of Wabash College; the second at Bloomington to the alumni of the State University. The doors of this university were open to women on the same terms as to men and the curriculum was the same for both sexes. He thought the occasion appropriate for the consideration of the rights of women, and in a logical and earnest address he declared himself in favor of equal opportunities for men and women in business, society and the state.

In the latter part of July he delivered a political speech at Louisville. It was at this time that the "new departure" of the Democratic party, which culminated in the nomination of Greeley, first began to attract public attention. Morton spoke with some bitterness of the personal calumnies with which he had been greeted in the Louisville newspapers on his arrival in that city, and then discussed at length the Ku-Klux bill which, he insisted, was dangerous only to murderers and robbers.

He would say to those who advocated the "new departure" that there could be no acceptance of the constitutional amendments while the power to enforce them was denied; there could be no "new departure" while school books were teaching the right of secession, and educating the children to hate the government; there could be no "new de-

parture" while Democrats insisted that colored children should be excluded from free schools.

The Democratic party, by history, education and tradition, was incapable of regeneration. You could no more graft reform upon it than you could graft a live branch upon a dead trunk, or place a new roof upon a house with rotten rafters and a crumbling foundation.

A few days later Morton delivered a speech at St. Louis, in which he discussed the question of universal amnesty, a measure to which he declared himself unalterably opposed. He would not sit in the Senate, he said, or advise any loyal man to sit there by the side of such men as Davis, Toombs or Breckinridge.

In September Morton took part in the campaign in Ohio. He made an address at Cincinnati on the 16th of that month, on which occasion he criticised a remark made by Mr. Pendleton in a speech at Delaware, where that gentleman, commenting upon the scarcity of the currency, had used the following language: "It is an appalling fact that there is not enough currency by one hundred and fifty millions to pay the taxes, if the people were required to pay them all in one day." Morton's comment was: "That is a tremendous thought! It is also an appalling fact that if the people were required to eat in one day all that they now do in the course of a year they would inevitably burst."

Morton afterwards spoke at Dayton and other points in Ohio. On the 6th of October he left for California with Mrs. Morton, Mr. and Mrs. W. P. Fishback, Mr. Beeson and Dr. W. C. Thompson. He returned in November. In this month he had engagements to lecture at Boston and Providence. His subject was "The National Idea." He had carefully prepared an address, in which, after discussing the character and sinister consequences of the Kentucky and Virginia resolutions of 1798, he said:

"It is a very common mistake among the people to say that

the doctrine of state sovereignty was devised for the benefit of slavery—to protect, establish and extend slavery; that it perished with slavery, and was buried in the same grave with the rebellion. That idea is a mistake, logically and historically. The Kentucky and Virginia resolutions were gotten up by Jefferson and Madison for a temporary purpose, having no connection whatever with the institution of slavery. They were gotten up for the purpose of bringing about the nullification of three laws. The first was a law punishing the counterfeiting of bills of the Bank of the United States. The second was the sedition law, and the third was the alien law. Although introduced for a temporary purpose, they have outlived that purpose; and they present one of the most pertinent illustrations in all history of the truth that statesmen should never do anything for a temporary purpose that will not stand the test of time. We have just recovered from a war which was the result of this doctrine of state sovereignty. Slavery was the immediate cause of the war; but the slaveholders could not have inaugurated that war except by seizing upon this idea of the sovereignty of the states. They operated through the machinery of the states, and without this doctrine they could have accomplished nothing. But its application to the case of the rebellion was the third or fourth application that had been made of it.

"And I may here remark that this doctrine is a perpetual threat against the life of the nation. The nation is not safe so long as there is any considerable number of people who entertain this doctrine. It is a poisoned dagger always at hand to be clutched by desperate factions. It is a ready-made instrument of destruction to be seized upon by desperate conspirators or demagogues, or by any section of the Union that may be estranged from the government. And I may remark that no party is safe from it. The party to which I belong may not be safe, for it is a notable thing in the history of parties that when they have a main purpose in

view they adopt the principles which contribute to their success in that main purpose. We find some of the New England states in 1812 resorting to this doctrine as a justification of their opposition to the war. We find the Governors of Massachusetts and Connecticut refusing to honor a requisition of the President of the United States for troops, upon the ground that they, the Governors, had a right to judge for themselves whether a contingency had happened, upon which the President had a right to call for troops. We find the celebrated Hartford convention, in 1814, breathing the doctrine of state sovereignty—the doctrine of nullification. How strange a lesson that teaches us! The Federal party which held and composed that convention had been distinguished for its advocacy of a strong central government, but in its opposition to the war of 1812 it gradually drifted into the assertion of state sovereignty and accordingly we find this party, in the Hartford convention, in its very first resolution, declaring it to be the duty of each state to adopt measures to protect itself against such drafts, conscriptions and levies of the government of the United States as were not, in the opinion of such state, authorized by the circumstances. On the contrary, the Republican party—the Democratic party of that day—a party that had been imbued with the notions of Jefferson and Madison—was supporting the war, and in order to support the war was asserting national principles and placing itself substantially upon the ground that had been occupied by the Federal party. . . .

"It is to be remarked that the great strain that has hitherto been borne by this government has not been caused by any danger of centralization. On the contrary, the strain has been caused by denying to the government its constitutional powers —denying the national character of our government. If the President and Congress, in the winter of 1860 and 1861, had exercised their just constitutional powers to snuff out the rebellion then just beginning, we should have avoided the ca-

lamities of a four years' war. The great strain upon the government in 1798 and 1812 and 1832 arose from an assertion of the character and power of the states, and a denial of the national power of our general government. And I may remark here that the doctrine of nullification put forward in 1832 was not in regard to slavery. It was to nullify an act of Congress levying duties upon foreign imports. And I refer to that to show that this doctrine, in its operation, is not confined to slavery, now in its grave, but may be applied to every subject in regard to which there may be dissension or sectional estrangement. It is a smouldering fire that may be blown into a consuming flame by any great national commotion.

"Now this doctrine, when we come to look at it in its essence and see what it involves and implies, is sufficiently absurd, almost contemptible. It assumes that each state is a nation —that Rhode Island is a nation, Connecticut another and Indiana another. These nations, having all the attributes and the powers of nationalities, have formed this government, which is a compact, a mere treaty of alliance.

"But it becomes even more ridiculous when we consider it with reference to a new state. For example, Indiana, a new state, was carved out of territory belonging to the United States. As a state, Indiana is the offspring of an act of Congress, and but for that act of Congress, would to-day be a dependent territory. And yet, according to this wonderful doctrine, as soon as Indiana was admitted into the Union she became a sovereign and independent state, a party to this compact by which the government was formed; which is quite as absurd as for a man to assume to be his own father.

"Now what can we oppose to this doctrine? We oppose what we call 'The National Idea.' We assume that this government was formed by the people of the United States in their aggregate and primary capacity. We assume that instead of thirty-seven nations, there is but one sovereignty.

We assume that the states are not sovereign, but that they are integral and subordinate parts of one great country.

"I may be asked the question here, 'Are there no state rights? Would you override the states? Would you obliterate state lines?' I answer, 'No.' . . .

"The preservation of local self-government is essential to the liberties of this nation. Nobody indorses that sentiment more strongly than I do. Nobody will stand by the rights of the states more firmly than I will. I hold that their rights are consistent with national sovereignty, and that national sovereignty is consistent with the rights of the states, but I deny that these rights are the result of inherent original state sovereignty. In other words, we differ in regard to the title. What the states should have, and what the Federal government should have, was settled by the act of the nation in convention in 1787, changed to some extent by the adoption of amendments since that time. It is not enough for a party to deny the right of secession. It is not enough for a party to deny the right of nullification. It must go farther. It must deny the doctrine of state sovereignty, for as long as that doctrine is admitted, these other things will spring up spontaneously from it whenever the occasion allows. . . .

"The small states are interested more than all others in the doctrine to which I refer. Their rights are secured by the constitution of the United States. The state of Rhode Island is made equal in the Senate of the United States to the state of New York. That is done by the constitution. The nation has done it by solemn agreement and compact, and not otherwise, and should the Union be dissolved, and this doctrine of state sovereignty prevail, then the larger states would swallow up the smaller ones as they have on every other continent and in every other age of the world. So that the smaller states of the Union are more particularly interested in the adoption of this doctrine of national sovereignty, and were

more interested in forming the government in 1787 than were the larger states. . . .

"Jefferson and Madison, the authors and supporters of the resolutions of 1798, have been forgiven by the people because of their distinguished services since that time. As President of the United States each one of them asserted the national character of the government, and exercised the powers that were denied by their fatal and unhappy resolutions. Jefferson was afterwards anxious to conceal the fact that he had made the original draft; Madison tried to explain away his connection with the matter, and they are loved and respected by the people because both afterwards rejected this doctrine of state sovereignty, and asserted the national character of our government. . . .

"The idea that we are a nation, that we are one people, undivided and indivisible, should be a plank in the platform of every party. It should be taught in every school, academy and college. It should be the north star, by which every political manager should steer his bark. It should be the central idea of American politics, and every child, so to speak, should be vaccinated with this idea, that he may be protected against the political distemper that has brought such calamity upon our country.

"The man who believes that there is no God, no immortality, and that when he dies he will melt into the earth to be seen no more, like the snow-flake sinking into the ocean, certainly lacks one of the most powerful stimulants to intellectual and moral advancement. The man who has no country has been represented as the most conspicuous example of human isolation and desolation. The soldier who feels that there is an army behind him rushing to his support is made strong and bold by that consciousness, and the sentiment of nationality is an element of individual and of personal power. The man who does not possess that sentiment is intellectually and morally weak in many of the great positions and trials of life. It

is an element of strength and courage to feel that you belong to a great nation, and especially to one that loves liberty and is not surpassed in wealth and power and valor. Two men met in Paris during the war; they were introduced to each other. One said, 'I am a citizen of the United States;' to which the other replied, 'I am a citizen of Virginia, sir.' 'Virginia!' said the first; 'That is a small part of my country which we are now compelled to punish for being refractory.' . . .

"The sentiment of nationality acts like gravitation, forever drawing a man to his home, forever placing his affections at home. Without the sentiment of nationality the Union would not be safe with only thirteen states, and with that sentiment it would be safe with a hundred states.

"When the mind of the nation is, so to speak, fully saturated with this sentiment of nationality, with the idea that we are but one people, undivided and indivisible, there will be no danger, though our boundaries come to embrace the entire continent. It is therefore of the utmost importance that this idea should be taught and inculcated upon all occasions. What the sun is in the heavens, diffusing light and life and warmth, and by its subtle influence holding the planets in their orbits and preserving the harmony of the universe, such is the sentiment of nationality in a nation, diffusing light and protection in every part, holding the faces of Americans always towards their home, protecting the states in the exercise of their just powers, and preserving the harmony and prosperity of all.

"We must have a nation. It is a necessity of our political existence. We find the countries of the old world aspiring to nationality. Italy, after a long absence, has returned. Rome has again become the center and the capital of a great nation. The bleeding fragments of that beautiful land have been bound together, and Italy again resumes her place among the nations. The great Germanic family has been sighing for a nationality.

The race, whose overmastering civilization is acknowledged by all the world, has hitherto been divided into petty principalities and states, such as Virginia and South Carolina aspire to be, but now they are coming together and asserting their unity, their national existence, and are now able to dominate the nations of Europe. . . .

"Without entering into any of the consequences that flow from this national idea, allow me to-night to refer to that national attribute; that great national duty—the duty and the power to protect the citizen. If the government of the United States has no power to protect the citizens of the United States in the enjoyment of life, liberty and property, in cases where the states fail, or refuse, or are unable to grant protection, then that government should give place to a better one. Great Britain sent forth a costly and powerful expedition to Abyssinia to rescue four British subjects who had been captured and imprisoned by the government of that country. She has recently threatened Greece with war if Greece did not use all its power to bring to justice two brigands who had lately murdered two British subjects. These things are greatly to the honor of Great Britain.

"Our government threatened Austria with a war if she did not release Martin Koszta, who had declared his intention to become a citizen of the United States, and was, therefore, protected by the government of the United States. More recently we have made war upon Corea, slaughtered her people and battered down her forts because Americans, shipwrecked upon her coast, had been murdered, and the government had refused to give satisfaction.

"If a mob in London should murder half a dozen American citizens we would call upon the English government to use all its power to bring the murderers to punishment, and if Great Britain did not do so, it would be regarded as a cause for war. And yet some people entertain the idea that our

government has the power to protect its citizens everywhere except upon its own soil. The idea that I would advocate, the doctrine that I would urge as being the only true and national one, flowing inevitably from national sovereignty, is that our government has the right to protect its citizens in the enjoyment of life, liberty and property wherever the flag floats, whether at home or abroad.'"[1]

The evils of the spoils system which had been engrafted upon the Federal service during the "reign of Andrew Jackson" had been constantly growing until, with every new administration, there was practically a "clean sweep," the great bulk of the officers and employes of the government, both high and low, being turned out to make room for new and untried men, who were appointed, not on account of their qualifications for the places they were to fill, but as a reward for political work, often of the most discreditable kind.

No part of the spoils system was more firmly established than the scheme of Congressional patronage whereby the great body of domestic appointments were apportioned among the members of Congress belonging to the party in power. At the time of which we write, the Republican members of the House of Representatives controlled the local appointments in their respective districts, and the Republican senators controlled the appointments for the state at large and also to a great extent those in Democratic Congressional districts.[2]

[1] The Boston *Journal* said of this address: "In point of simplicity and strength of statement, the capacity to invest a mere train of argument with attractiveness, he has not been surpassed since Daniel Webster's day. The resemblance is the more pertinent when, as suggested by the present lecture, the two minds are seen moving along the same track and enforcing the same principle of the supremacy of the Union over the states which oppose it."

[2] The so-called system of "The Courtesy of the Senate" had been for some time taking root in that body. According to this, whenever the President sent in a nomination on which "the advice and consent of the Senate" was necessary, the custom was for the Republican members of

Under such a system it was inevitable that an administration depending for support upon its party friends in Congress should yield to the wishes of congressmen belonging to that party in regard to appointments, no matter what might be the character of the men "recommended," and it was equally inevitable that a congressman should name for these places the men who had been most serviceable to him in his own campaigns, often regardless of their fitness for office.

Thus the time of senators and representatives was taken up with endless importunities for place, and their energies were given to alien occupations, to the neglect of their legislative duties. The discipline of the executive departments was also sadly impaired. The heads of these departments and of the subordinate bureaus dared not refuse to make bad appointments or even to discharge the incompetent and insubordinate lest they should offend the political "influence" which demanded the appointment or retention of these employes. There was no responsibility anywhere. There were increased extravagance, diminished efficiency, and many other abuses, bringing scandal upon the administration. But worse than all, it came to be believed among the people that the public service was the great bribery chest out of which political debts were to be paid. Offices were regarded as plunder to be distributed by successful parties, factions and candidates, rather than as public trusts to be administered for the benefit of the people.

Morton was an intense and uncompromising partisan. He had been convinced of the corruption, the incapacity and the lack of patriotism of the Democracy both in his own state

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that body to leave the question of confirmation or rejection to the Republican senator or senators from the particular state to which that appointment was credited, and thus these senators became the exclusive distributors of all the offices in their respective states which required confirmation, while the Senate itself ceased to be a deliberative body for the consideration of the nominations made. Morton was a supporter of this system.

and in the nation at large. To turn over to such a party any portion of the public service was, in his eyes, a mistake. He believed that the hope of the country was in the Republican party and he viewed with deep distrust any measure which might weaken its supremacy. In the debate upon the repeal of the Tenure-of-Office Act he had expressed his belief that not merely the members of the cabinet but also subordinate officers should be in political accord with the administration under which they held their places. He considered that the party in power was responsible, and ought to conduct the government by its own agents. Who were so well qualified to select these agents as the representatives of the party in Congress?

Bearing in mind these convictions, we must now go back in our narrative to the 4th of January, 1871, when a bill for the abolition of congressional patronage, introduced by Trumbull of Illinois, was considered by the Senate. This bill made it unlawful for any member of Congress to solicit or advise the appointment of any person to office, and for the President or any head of department or bureau to make any appointment so solicited with the privity of the person appointed. Any person violating the act should be guilty of a misdemeanor and fined not more than one thousand dollars.

Sherman spoke in favor of the bill, but said that one objection had occurred to him. How was the President to get the necessary information as to the appointments? If the bill were amended so as to provide that the President should have the right at his option to call upon a member of Congress for information, Sherman would support it.

Morton earnestly opposed this measure. It was, he said, unconstitutional, and proceeded upon false principles. The bill made it a penal offense for a Congressman to exercise a right that belonged to every citizen. The chosen representatives of the people were to be the only persons who were to have no voice in making recommendations. They were to

be criminals if they did so, and the President too, if he dared to make an appointment advised by a senator, with the knowledge of the person appointed. What would be the effect of this? If a senator, with the knowledge of the applicant, recommended a man for office, that man became ineligible. Had Congress a right to establish such a qualification for office? The President might appoint whom he pleased if the person appointed were eligible under the constitution. He could not be made a criminal for so doing, no matter who made the recommendation. The Senate would be degraded by such an act. Morton himself would be glad to be relieved of the labor of making recommendations. It was particularly afflicting to him in his present state of health. But what right had he to be relieved of it? If he took office he took it with its burdens. The bill actually undertook to make the President liable to a fine for making an appointment on the recommendation of a congressman. Suppose the amendment recommended by Mr. Sherman should be added, that the President might call upon congressmen for their opinions. Instead of being relieved he would be placed under additional embarrassment, because, having the right to consult the members of Congress, if he failed to do so he would be regarded as unfriendly.

Morton urged that an election to Congress implied that the man elected had some character; that there was a portion of the people in his state who believed that he was a good man, yet by this bill neither senator nor representative could give his opinion on appointments, and the President must fall back upon others who had no responsibility, who might recommend for venal and mercenary purposes, and whose instrumentality in procuring the appointment of bad men the public would never discover.

On the 10th of January the matter came up again. Mr. Trumbull made an elaborate argument in support of the bill, and read lengthy extracts from an article written by Mr. Cox,

late Secretary of the Interior, published in the *North American Review*, setting forth the grave abuses of the patronage system. If Congressmen had nothing to do with these appointments, did anybody believe that they would allow the government twice as many clerks as it needed? The use of patronage was often as corrupting as the use of money.

Discussion was resumed on the 12th of January. Trumbull amended his bill so that it allowed recommendations in answer to a written request from the President, and it confined the penalties to members of Congress.

Morton again attacked the bill. He was for reform in the civil service, he said, but a proposition to fine congressmen for making recommendations struck him as spurious reform. It was fashionable to denounce members of Congress as corrupt. He must question the taste of the senator from Illinois in thus dealing with these extensive charges. The cases in which they were deserved were the exceptions. The senator was in favor of organizing the civil service so that officers should be appointed without regard to politics. This would suit our Democratic friends remarkably well when they were not in power, but would not suit them one moment after they came into power. The senator had declared that in the departments there were twice as many clerks as were needed. This was a very injurious statement. There was not five per cent. of it true. It had been made upon the authority of the Secretary of the Interior, who had acquired considerable reputation as an advocate of civil service reform. Yet when Mr. Cox had gone into office in 1869, there had been six hundred and eighty-nine clerks in his department, and on the 1st of November, 1870, shortly after he had left, and before his successor had entered upon his duties, there had been six hundred and eighty-eight. No matter how clerks were examined or recommended, if the secretaries chose to employ more than were required, it was an abuse which could be corrected only by a change of officers.

Morton said he believed the civil service of the government was as well managed as any civil service in the world, where an equal number of clerks was employed, and as well managed as at any former period in our history. Had any proof been offered that the business was not well done? A system appropriate to Great Britain would not be appropriate here. In England the tenure was for life. Ten thousand men in Washington holding office for life would form a privileged class that would revolutionize the government. If a man held an office for life, it took a serious cause to get him out. We could not afford to adopt the English system. It was anti-republican. Were the English clerks better qualified than ours? They had "the insolence of office" which resulted from a life tenure; witness the "Circumlocution Office" and "Somerset House" described by Dickens. No system of examination could exclude the dishonest, or secure energy and courage. Morton said he was not opposed to competitive examinations. He was in favor of them, but they were not infallible. How often did those who took the prizes and honors at the law-school or at West Point fail afterwards in life! If it were a penal offense for Congressmen to make recommendations, would that cut off the ambition of men all over the country? If they could not apply to a senator or representative, they would come themselves—they would come in droves. If they could not present their applications through members of Congress they would go in an army to the White House. If they could not get admission, they would seek to do it through other men who would open brokers' offices and secure appointments for money. Mr. Trumbull had said that officers should be appointed without regard to politics. Whenever you could carry on a government without regard to politics, that policy would do. A man high in office who had climbed the political ladder might slap the faces of the friends who had helped him and call it virtue. Would that make it virtue? Morton had been in

the Senate nearly four years and there had been but three clerks appointed upon his recommendation. His friends had the same right to call upon him that he had had in times past to call upon them. And if they were capable and honest why should he refuse them that legitimate aid which might be within his power?[1]

Mr. Schurz afterwards moved as a substitute for the bill another measure providing for a civil service commission with competitive examinations, and he delivered a speech in support of the substitute.

No final action, however, was taken during this session upon either of these measures.

It could be easily seen that Mr. Trumbull's bill forbidding Congressional interference would be quite ineffective to produce any substantial reform, unless some way were provided by which the President and the heads of departments could receive reliable information as to the qualifications of those who sought appointment. The system of competitive examinations seemed to be the only solution of this difficulty, and in accordance with a strong public sentiment President Grant appointed a board of commissioners, of which George William Curtis was chairman, to prepare regulations for the reform of civil service. The President, in his message to Congress,

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[1] A short time after this discussion, Morton addressed to the heads of the various departments certain questions as to the qualifications for appointment, the force employed, the examinations held and the effect of congressional patronage. Answers were made by the Secretaries of State, the Treasury, War and the Navy, as well as by the Postmaster-General, saying that the qualifications were high, that no unnecessary force was employed, that the examinations required by the act of 1853 were generally held and that inefficient clerks were not urged upon the department by members of Congress. All the reports except that of the Secretary of the Treasury indicated an admirable condition of the public service.

Trumbull, however, insisted that this was not the way to procure accurate information, and he referred to the reports of the select committee of the two houses in 1867, showing the evils of the patronage system at that time.

on December 4, 1871, reported that the labors of these commissioners were not yet complete, but that it was believed they would devise a plan which would relieve both the Executive and Congress and greatly improve the service. Three days after this message, Trumbull introduced a resolution to organize a joint committee of the two houses of Congress on Retrenchment and Reform. This committee was to inquire into expenditures for the public service and to report what offices could be abolished and what salaries reduced—what were the methods of securing accountability, whether moneys were paid or officers appointed illegally or unnecessarily—also whether it was expedient to provide a system for preventing the public service from being used as an instrument of party patronage. Some of these inquiries were the same as those which the President had directed the Civil Service Commissioners to make. A committee with similar powers had been appointed during the preceding Congress, but, after making several investigations (among others one into "the general order system," an abuse prevailing in the New York Custom-house), it had been discontinued.

On the morning of December 13 the Republican members of the Senate met in caucus, and Mr. Trumbull brought the subject to their attention. An acrimonious discussion followed. A resolution was drawn up by Morton, to which the caucus agreed, providing for a standing committee of the Senate on investigation and retrenchment, instead of the joint committee proposed by Trumbull. This standing committee was to investigate and report upon such subjects as might be committed to it. Morton's resolution was introduced in the Senate by Anthony, of Rhode Island. Trumbull was not satisfied and offered an amendment conferring upon the standing committee the same powers as those proposed in his own resolution, which, he insisted, were the powers possessed by the former committee of the two houses.

The debates which followed took a wide range, and were among the bitterest of the session.

Schurz insisted that the former committee had been appointed for the reason that the civil service was demoralized. That reason was still good. Never had so many defalcations come to light as during the past few months.

Morton said that no standing committee of the Senate had ever had the power to make investigations of its own motion. To do this would be to create an inquisition. The Senate would authorize investigations upon any reasonable showing.

Trumbull's amendment was defeated, and Anthony's resolution was adopted by a unanimous vote. After this was done, Trumbull introduced his amendment again as a separate motion to confer authority to investigate upon the committee, and he criticised a statement made by Morton that the drift of the debate was an attack upon the Republican party.

Morton rejoined and reiterated his declaration. In regard to the reform of the civil service he said: "There seems to be a disposition on the part of some people in this country to become professional reformers; to have it understood that they are the reformers par excellence; that they, above all others, hate corruption, and that they make it the business of their lives to hunt down those who are corrupt. I desire to say to those gentlemen, wherever they may be, that I for one shall not permit them to monopolize that business. . . . There are Pharisees in religion and there are Pharisees in politics. Those who stand upon the corners of the streets and make loud prayers are not always the most pious or the best men; and those who are constantly clamoring about corruption and insisting that they are the purest and best men in the nation, may not be any better than the rest of us."

The debate was continued on December 18. On that day Anthony, evidently by the direction of the Republican caucus, moved that the Committee on Investigation and Re-

trenchment consist of Senators Buckingham, Pratt, Howe, Harlan, Stewart, Pool and Bayard. These nominations were justly criticised because none of those who had been active in seeking the investigation were included. Sumner urged that this was a violation of parliamentary usage. No member of this committee, he said, except Mr. Bayard, had voted for investigation in the strongest form. Could such a committee satisfy the country? The child should not be put to a nurse that cared not for it. Nor was the name of a single member of the former Committee on Retrenchment upon the list.

Bayard followed with a strong indictment of the administration and of the action of its friends in the Senate in the organization of this committee.

Senator Logan, himself a strong supporter of President Grant, declared that the friends of the administration had led the country to believe that an attempt was being made to smother investigation.

Morton, in reply, examined each clause of Trumbull's resolution, and insisted that none of these conferred any jurisdiction upon the committee for the investigation of fraud. The general instruction to examine the whole government in regard to the retrenchment of expenses, came very near amounting to nothing, because it covered entirely too much. It was formerly the practice of the French Academy of Science to ask a member to report upon some particular department of science. But upon one occasion they instructed a learned member to report upon the mystery of the universe, and his answer was, "I shall die before I find out where to begin."

But the impression produced upon the country by these discussions was unfavorable to the Republicans. The majority had secured the committee they wanted, and now deemed it prudent to give way, so Trumbull's resolution was

finally passed, a clause relating to the withdrawal of the civil service from patronage having first been stricken out.

On December 19 the President sent to Congress the report of the Civil Service Commissioners, with the rules proposed by them, which he had adopted and which would go into effect January 1, 1872. He asked for "all the strength which Congress could give" to enable him to carry out the reforms recommended.

The commission provided for the classification of the civil service, for admission to the lowest grades by examinations (competitive, so far as possible), for the certification of the names of the three standing highest, and for examinations for promotions from the lower to the higher grades. A probationary term of six months was prescribed, a board of examiners created and political assessments forbidden. The higher offices were exempted from these rules.

Morton was no great friend of the new measure, but he was a warm friend of the President. He did not desire, he said, to discuss the merits of the system. He could only say that, so far as he was concerned, what the President proposed to do should have a fair trial. He challenged the statement in the report of the commissioners, that one-fourth of the revenues of the United States were lost in the collection. No evidence, he said, could be found which would show that five per cent. had been lost in that way.

Later in the session the House of Representatives refused to make the necessary appropriations for the commission, and it was not until the time of President Arthur that the Republican party entered upon the performance of its promise for the reform of the civil service.

On February 2, Morton, in a letter to W. P. Fishback, editor of the Indianapolis *Journal*, said: "I am represented by the Northwestern newspapers as being opposed to the civil service reform which has been inaugurated by the President. . . . While I believe that the present civil service has been

grossly misrepresented and calumniated, and that, take it all in all, it is better than other systems, which have their peculiar faults that do not belong to ours, yet I have never hesitated to acknowledge its abuses and to avow my readiness to unite in any remedy for their removal. Great doubts are entertained here, and, I think, by a majority of both houses, as to the practical operation of the system of rules which have been prepared by the commission and adopted by the President, and I expect their merits will be very freely canvassed and strong opposition expressed. But, for one, I have declared my purpose to vote for all the appropriations necessary to give them a fair trial."

Shortly after Congress met in December, 1871, an amnesty bill, which had passed the House of Representatives some months before, came up in the Senate. It removed all political disabilities from those who had taken part in the rebellion, except members of Congress, officers of the army and navy, and members of the state conventions who had voted for secession. Certain amendments were offered and discussed, and in the meantime, another amnesty bill came from the House, in which the disabilities of all who had voted for secession ordinances were removed. It was proposed to substitute this for the bill under consideration, a proposition which Morton resisted. There could not be found, he said, a class of men more undeserving of amnesty than those who had attempted to carry their states out of the Union.

On the 23d of January Morton delivered a speech upon the general subject of amnesty, which, owing to the interruptions of Thurman, was finally diverted into a political channel.

Morton said he believed that universal amnesty was a violation of the spirit of the fourteenth amendment. That amendment had put it in the power of Congress to relieve the disability in any given case. But the proposition to grant amnesty by classes had not been within the meaning of Con-

gress at the time the amendment was passed. He believed there was a general disposition to grant amnesty to every man who would ask it in good faith, with the exception of the principal authors of the rebellion. These you could no more conciliate than you could conciliate rattlesnakes by restoring their extracted fangs. They had been cast in the mold of rebellion, and they could not bend. Whatever dignity history might give to their characters would depend upon their maintaining their consistency.

If the authors of the rebellion were to hold office ought it to make any difference in the payment of pensions that a man fought on the one side or the other? Should Davis or Toombs or Breckinridge be admitted to the Senate and the rebel soldiers be excluded from the pension roll? If the authors of the rebellion might come into this chamber should they not bring their dead and bury them in Arlington?

There were other legitimate deductions from the logic of universal amnesty. One of these was the payment to the Confederates for property taken by our army for supplies. There was a bill before the Senate to authorize loyal persons in the South to sue in the Court of Claims. The senator from California (Mr. Casserly) had offered an amendment to extend the same right to persons whose disabilities might be removed. Upon the principle of universal amnesty he was logical, and his amendment had received the vote of every Democratic senator.

If it was proposed to pay rebels for their property taken by our army why should we not pay for their slaves? If universal amnesty should be granted, the next step would be to pension the rebel soldiers, the next to pay the Confederates for their property taken by our armies, the next to pay for their slaves, and the last step would be to consolidate the rebel debt with the debt of the nation.

Thurman interrupted and asked Morton whether he considered the fourteenth amendment a part of the constitution.

Morton answered that he did.

Thurman then inquired how these things could be done.

Morton replied: "I will answer that question, and I thank the senator for propounding it. I acknowledge the fourteenth amendment to be a part of the constitution of the United States, but the Democratic party does not. If there has ever been a concession by the Democratic party in the Southern States, that either the fourteenth or the fifteenth amendment is a part of the constitution of the United States, I have never heard of it."

Thurman rejoined: "The senator assumes, then, that the Democratic party are to get into power, and that when they get into power they are to disregard the fourteenth amendment to the constitution. I should like him to say how soon he expects that that event will happen."

Morton answered: "Mr. President, I am hoping the Democratic party will not come into power during this generation. I believe it would be the greatest national calamity that could happen. I believe that the best interests of this nation and of civilization upon this continent are involved in the continued supremacy of the Republican party, at least for a number of years. But, sir, great calamities have happened; great plagues have come upon the world; earthquakes have rent and swallowed up cities; Chicago has been burned; and it is among the possibilities that the Democratic party may come into power."

In conclusion, Morton said, that while he believed that it was a great strain upon the fourteenth amendment to grant amnesty by classes, yet as the Senate bill excluded the three classes who were the principal authors of the rebellion, he was inclined to vote for it. Universal amnesty he regarded as immoral. We had no right to instruct our children in the innocence of treason.

Mr. Thurman in reply asked, if this were the right kind of a bill, containing the proper exceptions, what was the cause

of Morton's impassioned denunciation of amnesty? He could account for it in one way only. It had come to be the custom for the senator from Indiana, at the beginning of each political campaign, to make a speech which the lesser lights of the Republican party and the Republican press announced as the key-note of that campaign. This function had devolved upon him until it had passed into the common law of the Radical party, and now, at the beginning of this campaign of 1872, the senator had sounded his note again. It was the same old tune, the same old wickedness of the instigators of the rebellion, the same old suffering that that rebellion had entailed, the same frightful array of ghosts, found nowhere except in the senator's imagination, of what would result to the country should the Democratic party come into power. The things predicted were positively forbidden by the fourteenth amendment, and yet a senator, who was looked upon as the leader of his party and the particular mouthpiece of the administration, had the boldness to hold up preposterous pictures to frighten the credulous out of their propriety. This might do upon the stump in some swamp of Indiana, but with men accustomed to reflect, such apprehensions were preposterous.

Thurman now discussed the constitutionality of Sumner's civil rights bill, which it was proposed to add to the provisions for amnesty. He claimed that this bill was incompatible with the reserved rights of the states. He closed his speech with an eloquent panegyric of these rights. What was it which gave this unequal representation in the Senate, but the doctrine of the original sovereignty of the states? If local self-government were stricken out, our system would go the way that all consolidated governments had gone in all times past. First, there would be a despotism unendurable, and next, a rending into fragments more numerous far than the states of the Union.

Morton rose at once to reply: "This speech that we have

heard about the state governments being swallowed up," he said, "about the general government absorbing all power, and about the despotism that is to come, has been frequently heard in the swamps of Indiana, to which my friend referred. It is the same old Democratic speech, with which the people are perfectly familiar in the swamps of Indiana and everywhere else. The senator talks about state rights, but he expressed his whole philosophy in a phrase that dropped from him just before he concluded, 'the original sovereignty of the states.' I tell the senator that as long as that doctrine is urged upon this country, there will be those who will believe in the right of secession. I believe in state rights. I hold that there are state rights that are sacred and unapproachable. They are conferred by the constitution of the United States, and they are safest under the protection of the nation, and the states have them because the constitution has so declared, and not because of any original sovereignty. My state is the offspring of the republic; she was carved out of territory that belonged to the nation; she was born of an act of Congress; she never had any original sovereignty, and but for that act of Congress she would to-day be but a territory. And yet the senator talks about the original sovereignty of Ohio and Indiana."

The Senate defeated the motion to substitute the second bill passed by the House. On the 9th of February Sumner's amendment (which Morton favored), incorporating his civil rights provisions, was adopted by the Senate, but when the vote was taken upon the passage of the bill, the Democratic senators refused to support it with this amendment added, and it failed to become a law.

Later in the session (May 9) another amnesty bill, which passed the House, came up for discussion. A motion was made by Mr. Sumner to substitute his supplementary civil

rights bill, and Morton supported Sumner's proposal, which, however, failed by a single vote.

Sumner now moved to add this civil rights bill to the measure sent from the House. This was carried by the casting vote of the Vice-President, and the bill, thus freighted, again failed to receive the necessary two-thirds, and did not become a law. So no general measure of amnesty was adopted.

CHAPTER XI

THE FRENCH ARMS DEBATE

After the close of the war the Federal government had on hand a large amount of superfluous arms and ammunition. A law passed in 1868 authorized the sale of all that was damaged or otherwise unsuitable for use, and the war department was, for a long time, engaged in making sales of arms which had been superseded by recent improvements and were not needed. While this was going on, war broke out between France and Germany, and the President issued a proclamation of neutrality. The sales of arms increased, and the firm of Remington & Son was among the largest buyers. On October 13 the war department heard that this firm was an agent of France, and thereupon declined to receive its bids, but the department afterwards sold large quantities of arms to one Richardson, a neighbor of the Remingtons, at Ilion, N. Y., as well as to other purchasers, by whom these arms were turned over to the firm and afterwards sent to France.

On October 8, one Squire, an agent of the firm in New York, telegraphed to Samuel Remington, at Tours in France: "We have the strongest influences working for us." Samuel Remington afterwards came to America, and on December 13, he wrote Jules Le Cesne, President of the French Armament Commission at Tours, a letter in which he said that although he had bought one hundred batteries and had paid the advance required, yet the government had willingly reduced the number and consented to make cartridges, four

hundred for each gun; that this last question was a difficult one to get over, but that it had been done.

This communication, when discovered, was referred by the Secretary of State to the Secretary of War for explanation. The latter wrote in reply that the Remingtons had not bought arms or ammunition of the government but that cartridges had been manufactured for some breech-loaders sold to Thomas Richardson, and that this had been necessary to effect the sale of the arms. Senator Schurz remonstrated with the Secretary of War against these sales, and on January 24, 1871, he was informed that they had been stopped.

There was at this time great disaffection among many Republicans toward the administration of President Grant. The "Liberal Republican" movement had been organized in Missouri and a national convention had been summoned to meet at Cincinnati on the 1st of May. The call for this convention invited the co-operation of those who favored emancipation, enfranchisement, amnesty, civil service reform and local self-government, and it criticised the encroachments of executive power and the resort to unconstitutional laws to cure Ku-Klux disorders. Among the senators who were dissatisfied with the administration, Sumner, Schurz and Trumbull were the leading spirits.

There had been talk of a scandal in the sale of arms to France by which the opponents of the administration intended to startle the country, and the friends of Grant believed that the purpose of the promised disclosures was to arouse public feeling in behalf of the independent movement in the Republican party. On February 12, Sumner offered a resolution to appoint a committee to investigate all sales of ordnance stores made during the Franco-German war, and two days later he called up his resolution. Morton, Conkling and other administration senators joined in his request for its immediate consideration.

There was no objection to investigation. But Sumner,

with great want of tact, had prefixed to the resolution a preamble reciting, as facts, the telegram from Squires, the letter to Le Cesne, the statement of the Secretary of War, and also a supposed resolution of a committee of the French National Assembly, which afterwards turned out to be a fabrication. This preamble also recited that Richardson was the known attorney of the Remingtons, which was denied; also, that there was a discrepancy (which turned out to be unfounded) of one million seven hundred thousand dollars, between the reports of the Secretary of War and Secretary of the Treasury, in regard to the receipts from ordnance stores. The preamble further declared that there was a large difference between the amount paid by France for these arms and that received by the War Department, and that the good name of the American government had been seriously compromised.

Certainly the Senate could not be expected to adopt such a preamble. As there was a general willingness to vote for the inquiry a long debate did not seem needful. Yet Sumner opened the case by a discussion of the preamble in a speech which was singularly weak and indefinite.

On February 15 Harlan and Frelinghuysen spoke on the other side. Schurz followed in support of Sumner. The rule of action laid down by the government, he said, was that no arms should be sold to a known agent of the belligerent powers. If this rule of action were sound, no arms should have been sold when their going into the hands of either belligerent could have been foreseen with reasonable certainty. For what purpose was that large amount of arms required? It was not to scare away blackbirds, nor to kill geese in a pond.

Schurz denied that there was any right to make ammunition under a law which merely authorized the sale of damaged ordnance stores. When he saw that the international standing of the country was put in jeopardy without any public advantage, the suspicion forced itself upon him that there was

a job at the bottom of this otherwise senseless proceeding. He was unwilling to cast aspersions upon the Secretary of War. He had always esteemed the Secretary an honest man, and he believed that in these matters he was rather a victim than a guilty co-actor. But there was an impression prevailing that somewhere in the government was "a military ring," which exercised a dangerous influence upon this administration. An investigation would render a great service to the country.

On February 16 Morton addressed the Senate. His remarks were subject to constant interruptions and colloquies. He intimated that Sumner's resolution was a move upon the political chess-board, intended to affect the next presidential convention and election. The resolution, he said, was extraordinary. It proposed to institute an investigation of certain facts, but began with a preamble which assumed the existence of those facts, and the Senate could not vote for it without confessing the very thing which it was to investigate. Sumner knew that the preamble must be voted down. Was this to give rise to another great calumny that the majority of the Senate were against investigation? The preamble assumed that there was a discrepancy of over one million seven hundred thousand dollars between the accounts of the Treasury and War Departments. If the Senate voted for this preamble it would vote to make a lie the truth, for the the reports from the two departments did not show such a discrepancy.

There was need for the sale of arms and ammunition by the government. At the end of the war we had had great quantities of arms and munitions for which we had no use. The government had powder stored in forts undergoing rapid deterioration; and it was a matter of more importance to sell that powder speedily than to sell the arms, because arms would keep better than powder.

In 1866 the government had constructed breech-loading

arms. In 1868 these had been discarded, a new patent adopted, and the first breech-loaders constructed were now for sale. But the arms could not be sold without cartridges. Parties buying had no use for them unless they had ammunition. We had powder and lead, but the persons who bought the arms had no arsenals in which to work up these materials. Hence, we had to make the cartridges in order to sell the powder that was deteriorating.

The senator from Missouri had said there was power to sell arms but no power to make ammunition. That point was very fine and far-fetched. There was a general authority to manufacture ammunition at all times; and if the government had the powder, and could not sell it as powder, but could sell it as cartridges, there was a general authority to prepare it in the form of cartridges.

Schurz here interrupted and read the law authorizing the sale of "the old cannon, arms and other ordnance stores, damaged or otherwise unsuitable for service," and asked whether ammunition which had not yet been manufactured was damaged ordnance stores?

Morton answered that it was within the purview of the law. Many thousand barrels of powder were deteriorating. The purpose of this statute was to authorize the sale of these stores in order to prevent their total destruction; but the senator insisted that before we could sell the powder we must wait until it was so damaged that it could not be sold at all. That was the logic of his argument.

Why these complaints of the conduct of the administration? The Prussian government, knowing from day to day just what was going on—its minister within ten minutes' walk of the state department—never offered an objection. If that government made no complaint, why should American senators complain? If Prussia was not aggrieved, who was aggrieved? The Prussian government could have bought these arms as well as another. They knew how it was done;

they knew that anybody might buy them, that a private person had a right to the best purchaser he could find, whether it was the French, the Prussian or the Turkish government; that houses in New York and Boston engaged in this business continually.

The Prussian government had had no use for these arms. If that government had found no cause for complaint, there was no occasion for senators to object, and try to convince it that it had been injured.

Sumner interposed: "I know nobody who is trying to convince the Prussian government. . . . I am not a representative of that government, nor is my friend from Missouri. We are senators of the United States, pleading for the good name of our own country, and wishing to set it right."

Morton replied: "But, Mr. President, if they can convince the Senate that our government has violated international law, they will convince the Prussian government of that fact on the very day when it is sitting as arbiter upon a very important question between ourselves and the government of England, which we have referred to it. Our case has just been submitted to the German government, and if we should now succeed in convincing that government that we have broken our international obligations, unless the men composing that government and having that question in hand are something more than human, they might have a little feeling on the subject."

Sumner asked: "Does the senator suppose that Prussia will learn anything new out of this debate?"

Morton answered: "I assume that the Prussian government has known the real facts from the beginning, and has never had the slightest objection, has never made the slightest complaint, and that the senator can not now incense the Prussian government against ours unless he can bring something new to its knowledge, which I do not believe he can, because there is nothing in the charge. It was a blank cartridge in the beginning. And this matter brings to my mind something that

I once heard Mr. Lincoln tell. A violent assault had been made on him in a newspaper in the city of New York, and I happened to be in his presence when the matter was presented to him. On looking over it he laid down the paper and remarked that 'that reminded him of a story.' He said that two Irishmen had just come to our country, and that they took a walk in the evening, and, for the first time in their lives, they heard the cry of the bull-frog. One stopped and said to the other, 'Jamie, what is that?' After listening awhile, Jamie answered, 'Faith, I believe it is only a noise' [laughter]; and that is all there is in this—only a noise. . . .

"I was informed this morning by the other Senator from Massachusetts, not now in his seat (Mr. Wilson), that while in Europe this summer he saw a letter from Bismarck, written in answer to a dispatch which stated that the arms sold by the government of the United States to private parties could be bought from those parties by the Prussian government at an advance of fifteen per cent., and also suggested the question as to whether such a sale made by our government to parties here was not in violation of international law, to which Count Bismarck replied that it was not in violation of international law, but that they did not want the arms at that price, or at any other price, because they could get them cheaper by taking them from the French on the banks of the Loire. I am advised that such a letter was written by Count Bismarck."

Schurz asked: "Did the senator mean to inform the Senate that he had authoritative information of any such correspondence?"

Morton answered: "I give the authority as I got it."

Schurz said: "The authority, then, seems to consist in this: that some one told him. Who was it?"

Morton replied: "Ah, sir! After the long string of vague and faint and far-fetched suspicions, and reference to evidence and to statements in French newspapers, and what

A said to B and C said to D, that has composed the stock and staple of the speeches of the senators on the other side, they now want me to produce Count Bismarck's dispatch, or else my statement is not to be received! As I said before, the country will understand that this whole movement is intended to affect the sentiments and feelings of our German fellow-citizens. I do not believe the purpose will be accomplished. The Germans of this country, as a class, are intelligent and educated people. They think for themselves, and they understand remarkably well the politics of this country, and the policy and character of our government. And I want to say another thing right here, that the Germans of this country do not belong to anybody. They can not be carried in anybody's breeches pockets, I do not care how capacious those pockets are. They can not be used as stock in trade. They can not be led from one party to another at the whim and caprice of politicians. They stand by their principles, and they can not be driven from the support of their principles by being made to believe that this administration has contributed in some way, by the improper sale of arms, to the aid of France during the late war.

"So far as that war was concerned, it is a notorious fact that the sympathy of the Republican party was in favor of Germany and against France; and it is equally notorious that the sympathy of the Democratic party was for France and against Germany. . . .

"I might refer to the columns of the New York *World*, the leading Democratic paper, for evidence of what I say on this subject; and to the Chicago *Times*, and in fact to nearly every leading Democratic paper; and I can refer to the columns of the Republican papers for what I say in regard to their general sympathy with the cause of Germany.

"How was it in Paris? What was the conduct of the American government as represented by Mr. Washburn? The Germans of Paris and the German government deliber-

ately selected the American minister and the American consul as their protectors; and how faithfully Mr. Washburn and Mr. Read protected over forty thousand Germans in Paris throughout that long and desperate siege is understood by all, and Count Bismarck, on behalf of the German government, has publicly thanked our minister for his brave and devoted conduct. . . .

"Why did not the Germans select the English government for their protectors? The crown prince of Prussia had married an English princess. Why did they not look to the Russian government, their ancient ally? There were reasons why they preferred the protection of the American government, and that protection was given fully and amply. And now shall the attempt be made to drive a wedge between these two governments, and to excite and to array our German fellow-citizens against the administration and against the Republican party by reason of this sale of arms when the Prussian government at the time had full knowledge of all that was done and never made the slightest complaint; nor does it pretend now that we violated the law of nations either in letter or in spirit.

"Every government sells arms whenever it has them to sell. During our late war, English merchants sold arms to our people. . . . We bought arms in England, in Germany, in Belgium, and I do not know but that we bought them in France. It was not pretended that these governments that sold us arms or whose merchants sold us arms were violating the law of nations. They had recognized the Confederates, and they occupied the same relation between the Confederacy and this government that we occupied between Germany and France. Having recognized the Confederacy, they gave it the benefit of the law of nations; and yet no complaint was made, so far as the sale of arms was concerned, that they violated the law of nations by selling to either party.

"And now, Mr. President, whenever the government of

England, or of France, or of Germany, or of the United States sells muskets, artillery, harness, powder and lead to private persons, it is done with the distinct understanding that those private persons expect to sell to some other government. The arms are of such a character that they can not be used for private purposes; they can not be used for scaring away blackbirds, as the senator from Missouri suggested. . . .

"And now I come to the only point that was made by the senator from Missouri that I think really merits an argument in reply. The senator said that our government had a right to sell the arms to private parties. There is no dispute about that; no question can arise under the law. But he said the circumstances surrounding the case might make it important for the government to investigate the use to which those private parties might want to apply these arms, and if it had reason to believe that such parties were buying them for the purpose of selling them to belligerents, the government had no right to sell them to those private parties. I deny that proposition. . . . I insist that it can not be sustained by any authority, and that all that can be required of our government in that connection is the exercise of what may be called reasonable diligence. If it has reason to believe that the person buying the arms is the agent of the French government or of any belligerent, then our government has no right to make the sale; but the mere expectation on the part of our government that the person buying will sell to a belligerent creates no illegality at all and no bad faith. It knows that the merchant expects to sell to somebody. All that it is called upon to know is that he is not the agent of a belligerent, because if he is not such agent, and buys simply as a merchant, in a commercial enterprise, then he has a right to sell to anybody, and both parties have a right to buy the arms of him, if they can. . . .

"Now, Mr. President, is there any evidence of a want of good faith in this business? Was the government bound to

know when Mr. Richardson presented himself to buy arms, that he was the attorney of the Remingtons? How would the government know it? What ground of suspicion was there? How could the government know that he was 'a little country lawyer, living up at Ilion in New York?' Is it bound to send out a committee to investigate and find where he lives and what his connections are? And yet if the government was not bound to do it, there is nothing in the senator's argument. . . ."

Morton continued: "The argument was that because the prices received by our government corresponded with the itemized prices paid by the French government, therefore the arms were not sold to a merchant, who had his profit, but were sold directly to the French agent, who only got his percentage. But the senator failed to make this of any value by failing to say that our government knew that the purchaser was a French agent. The evidence showed that the government did not know it nor believe it. Our government was responsible only for guilty knowledge. If that could not be brought home, there was no responsibility. When the senator argued that the arms were sold to the agent directly because there was no intermediate profit, where did the charge of jobbery come in?"

Mr. Schurz interrupted again. Had Morton forgotten the trifling circumstance that though the prices on the items agreed yet a much larger sum was paid to Mr. Remington by the French government than that received by the United States?

Morton continued: "Remington did not cheat the French government because he furnished the true prices. If the French government paid Remington more money than they were required to pay, how did they come to pay it? The statement that the prices corresponded takes the insinuation of a job out of the case. The argument is *felo de se*. It destroys itself."

Schurz now suggested that what the senator did not see the committee might find out.

Morton replied that it would be a pretty sharp committee which would find out what did not exist.

Mr. Wilson had now entered the Senate, and Morton called upon him for his authority regarding the letter of Count Bismarck. Mr. Wilson accordingly read a letter from General Spinner, Treasurer of the United States, who referred to a statement in several German newspapers of the letter of Count Bismarck which had been cited by Morton. General Spinner also said that an examination of the accounts of the treasury department showed a difference of less than six thousand dollars between the amounts reported by that department and by the ordnance bureau as received from the sale of arms, and that this deficiency would doubtless disappear on further examination.

Morton said that he was sorry that Mr. Spinner had made any reference to the discrepancy. He did not see any use in mauling the corpse of that discrepancy. Perhaps the Treasurer had in mind the story of the man who was pounding a dead badger for the purpose of convincing the badger that there was punishment after death.

Morton then spoke of the political aspect of the question. The Republican party would hold a convention in Philadelphia on the 6th of June. Until then the question as to who should be the candidate was a proper and legitimate subject for discussion among Republicans. Morton said that he was for Grant. Others might differ from him up to the time the nomination was made. After that, if they were good Republicans, they would cordially support the nomination. The contest would be between the nominee of that convention and the nominee of the Democratic convention. Let no man deceive himself with the idea that a third party would nominate a ticket and the Democratic party rally to its support. The Democratic party would not be the tail to the

kite of any third party. If the Democrats were to lend their forces to the support of the candidates nominated at Cincinnati they would not carry a state in the Union. They would make no such effort. They were letting the Republicans do the fighting among themselves. They had scarcely opened their mouths. They knew that if they were to make party speeches that would draw party lines. They wanted the convention to be held in Cincinnati, and to nominate candidates, and when they had gotten Republicans fairly by the ears they would place a straight-out Democratic ticket in the field, and get the advantage of all this new party could take from the Republicans. If anybody hated General Grant so badly that he preferred the election of a Democrat, he could contribute to that result in one of two ways, either by going directly into the Democratic party or by going into the convention at Cincinnati and helping put a third ticket into the field. The platform upon which the Cincinnati convention had been called was essentially Democratic. It had been recently adopted by the Democratic convention in Connecticut. It denounced the resort to unconstitutional laws to cure the Ku-Klux disorders, irreligion, or intemperance. That was the vital point; a declaration that the Ku-Klux law was unconstitutional and void, and that the general government should not interfere to protect the loyalists of the South; a proclamation to the Ku-Klux themselves that there was no law by which they could be restrained. If the Democratic party should come into power pledged to that doctrine, then there were four to five million people who would have no protection for civil or political rights; the white Republicans must go into exile and the colored men must submit. How could that declaration be made in the face of the terrible record that the senator from Pennsylvania (Mr. Scott) was about to submit to the Senate, of more than ten thousand pages, that read like so many leaves torn from the very chronicles of hell!

Morton concluded on Saturday. On the following Monday Conkling delivered a speech filled with personal bitterness toward Schurz and Sumner. Friends of the President thronged the galleries. Conkling had offered an amendment to Sumner's resolution providing that the committee also inquire 'whether any senator had been in communication with the French government, or with any emissary or spy thereof in reference to sale of arms to France.' He proposed, he said, to find out whether there had been a violation of the statute forbidding, under penalty of fine and imprisonment, intercourse with the agents of foreign governments in relation to controversies with the United States. This amendment was evidently aimed at Sumner and Schurz, who had received information from the Marquis de Chambrun as well as from the Prussian legation.

On February 20 Schurz replied. He quoted from the testimony of Le Cesne, president of the French armament commission, to the effect that the commission had treated directly with the Federal government, which had delivered the arms without charge on board the vessels. He urged again that the sale of these arms was in violation of the statute, which only authorized the sale of arms "damaged or otherwise unsuitable" for the service and he read a letter recently written by the chief of ordnance to the Secretary of War, stating that the arms and ammunition sold were fit for the use of the army and the militia.

The senator from Indiana, he said, had pretended that this investigation would make out a case for Germany; that Bismarck, who did not care a farthing for the arms, would be stirred up by these proceedings to set up claims against the United States; that the discoveries might injuriously affect the German government in the arbitration with England. If an insult had been offered to that government, it was far more by such an insinuation than by all the arms that had been sold.

Mr. Schurz next spoke of the amendment offered by Conkling, providing that the committee also report whether any senator had been in collusion with the government of France, or any emissary or spy thereof. He regretted the introduction of this amendment for the sake of the gentleman who introduced it. Spies were used by respectable governments only in times of war.

Schurz then set forth the illustrious history of the Marquis of Chambrun, who had been the friend of Lafayette and De Tocqueville. From the Marquis, Schurz had received information of one thing only, the letter from the Secretary of War to the Secretary of State, mentioned in the preamble to the resolution, a letter which had been publicly read to the Marquis by the Secretary himself with the statement that it was not confidential.

Two American senators, whose only aim was to investigate abuses, had been met by one of the spokesmen of the administration flourishing a statute threatening them with fine and imprisonment. This was a curious spectacle. Let it be known in every nook and corner of the land that he who was in earnest, setting his face against those in power to detect fraud and punish violations of the law, had before him the prospect of a dungeon. Schurz had never believed that the administration was in a condition quite so desperate as that. If the senator from New York had thought that he could awaken fear in any such way, he was mistaken. On the paths of duty in which the speaker had walked he had seen men much more dangerous, and before a thousand of them his heart would not quail. He would vote for this amendment and vote for it with all the scorn which it deserved.

Morton had said, continued Schurz, that no man owned the German-born citizens of this republic. That was true. Least of all were they owned by politicians who desperately clung to the skirts of power through whatever mire they might be

trailed, who were ready to cover up any abuse, to justify any wrong when the discovery might displease the administration or injure the party. An attempt had been made to dismiss inquiry by a crack of the party whip. Those who had made it mistook the spirit of the times. The motives of those who were serving as the henchmen of power were no less open to doubt than the motives of those who scorned to seek its favors at the expense of an honorable independence.

A great crowd had collected in the galleries to hear the reply of Schurz to Conkling, and ladies had been invited to take seats upon the floor of the Senate chamber. There was much confusion after Schurz closed, and as soon as it was over Morton replied. It had been said that an attempt had been made to dismiss inquiry by a crack of the party whip. This was exactly the reverse of the truth. Nobody had resisted inquiry. Sumner's resolution would have passed without a word but for the senators who had made their speeches in advance to poison the minds of the country. The party capital was to be made, not in the investigation, but in the speeches. Because the friends of the Republican party stood up to defend the administration, they were called henchmen, and it was said they were clinging to the skirts of power for patronage. Up to the time when the senator from Missouri had fallen out with the administration he had made quite as many recommendations and obtained quite as many appointments as Morton himself. It was said that even his personal difficulty with the administration arose out of the removal of his friends from office.

Here Schurz interposed and authorized Morton to tell everybody who said so that he lied.

Morton replied that he was not convinced by that strong statement, nor overwhelmed by the senator's manner. If it were parliamentary, he might say the senator was overgrown. To follow an example which was not a very good one, he would say that when anybody charged that Republicans were

opposed to investigation, he would authorize the senator to say that the statement was false; that its falsehood could be established by the *Globe*, and by every person who had heard the discussions. The object of the present debate was to make capital against the Republican party. The occasion was manufactured, the charge was false, the evidence to support it was trifling, but it should be investigated.

Schurz had said that an insult had been offered to the German government. The senator was swift to vindicate that government. He was the protector of its honor. But his real purpose was to separate the Germans in this country from the Americans, and to hold them as balance of power to control elections. This effort to segregate the German vote was the worst form of Knownothingism. The proceeding was part of the Missouri movement, to prepare the country for the Cincinnati convention. In 1870 there had been a coalition formed between the senator and the Democracy of Missouri. The result had been the election of Gratz Brown (who was to-day a Democrat), as well as of Democratic state officers and a Democratic legislature. Another result was a Democratic senator. Mr. Schurz had brought Mr. Blair into the Senate chamber.

Morton now caused to be read an extract from a speech delivered by Blair at Meridian, Mississippi, in which he had declared that his colleague, the leading mind among the Germans, had openly expressed his dissent from the harsh measures adopted to keep the South subject to the North. Blair believed that the mass of the German voters would unite themselves with the Democratic party. By what authority, Morton asked, did he promise this? If he did not get his authority from his colleague where did he get it?

Blair and Schurz both arose. The Vice-President asked to which senator would Morton yield. Morton replied, "To both."

Blair spoke first. He had pledged no one, he said. He

had simply expressed his opinion. What he had said of his colleague was merely repeating his colleague's declarations."

Schurz expressed his sorrow at interrupting this close legal reasoning upon the sale of arms. He had now heard of Blair's speech for the first time, and he certainly had not authorized it. His public declarations were before the country.

Morton rejoined that it was possible he might not be making a very close, logical, connected speech. But how could he make such a speech in reply to that of the senator? Mr. Schurz, at Chicago, had declared that if Grant were nominated he would not support him. This had been done with the most perfect understanding that Grant would be the nominee. Was that not authorizing his colleague to speak for him in Mississippi? Mr. Schurz had thereby put himself against the Republican party. And when this declaration was repeated, showing that it had been made with deliberate purpose, it proved that the coalition with the Democracy in Missouri, of which Mr. Blair was the offspring, had not yet been dissolved.

In Montgomery, Alabama, on the 20th of October, Mr. Blair had declared that the future did not look gloomy, even after the losses sustained in the autumn elections, that the Republican party contained within itself seeds of discontent, bitterness, rivalry and disaffection, and that it was natural in these preliminary elections that those who were against the nomination of Grant should hold their position within their party in order that their influence might be used to defeat his nomination. Morton now insisted that if Mr. Schurz wanted to leave the Republican party he had a right to do so, but that he ought to do it openly; that he had no right to remain inside the party for the purpose intimated by his colleague.

Schurz now asked whether Morton really meant that those opposed to the renomination of Grant had no business in the Republican party.

Morton thanked him for the interruption. He had never, he said, intimated that. Those opposed to the nomination of Grant had a right to express it, but if they cared for their party more than for personal hatreds or preferences, when the nomination was made they would submit to it. When they declared in advance that if the party should nominate the man whom everybody believed would be nominated, they would not support him, the position of such men in the party became somewhat uncertain.

Morton continued his extracts from Blair's Montgomery speech. Mr. Blair had said that Mr. Schurz had taken his departure and burned his ships; that it was he who had led the Germans of Missouri to break down the disfranchising clause of the constitution of that state and had arrayed his fellow-countrymen against the administration. They were opposed to Ku-Klux legislation, and if the Democratic party would put forward a man, or accept one put forward by others, who was sound upon these principles, that man would receive the support of the entire German vote, numbering from five hundred thousand to eight hundred thousand. Here, said Morton, Mr. Blair had again pledged these votes to the Democratic coalition.

At this point the Senate adjourned. On the following day, Morton concluded. The men acting with Mr. Schurz in Missouri, he said, were in warfare against the Republican party, and had called a convention to meet at Cincinnati on the 1st of May to put another ticket in the field. But it was the work of time to build up a great party. Parties were not made to order nor could they be made of disappointments or personal grievances. They could only be created by great events.

The speaker regarded the Republican party as essential to the well-being of the nation and considered an attack upon its integrity as of the same character as an attack upon its principles. These might as well be assailed as the instrumen-

tality by which they were to be carried out. During the war there had been two armies. There could not be a third. Suppose a man had stepped out of the Union ranks and had said "I am a good Union man, but I don't like the way you are carrying on the war. Therefore, if you please, I will fire a while at both sides, but chiefly at the army to which I formerly belonged." What would he have been called?

Did these men expect to leaven the Democratic lump? Did they expect the mountain to come to Mohammed? Would not Mohammed have to go to the mountain? Or rather would they not be dissolved like flies in vinegar? Would they not be fused in the Democratic party? The union of these men with the Democracy presented a dreary prospect. He had once heard of a man who was asked to make a contribution to build a fence around a graveyard and who answered that he could not see the use, that those who were in could not get out and those who were out did not want to get in. Yet it appeared there were some who actually did want to enter the Democratic graveyard.

Morton now returned to the question of the sale of arms. He took up the argument of Schurz that the law had been broken, because the arms were serviceable. Morton read from the report of a commission appointed by the Board of Ordnance recommending a new model, which was adopted. Arms must be uniform, but parts of these new arms were not interchangeable with those of the earlier breech-loaders, and although the old arms were fit and in good order, the pattern itself had been discarded.

Morton declared that all which this movement for an investigation aspired to was to construct a suspicion. It had been thought last week that that suspicion had been constructed, but it was overturned. Then Mr. Schurz had come forward in the work of reconstruction, the only kind he was now in favor of, but that had utterly failed.

After Morton concluded Conkling withdrew the words "spy

or emissary'' from his amendment and substituted ''agent or officer.'' He spoke contemptuously of Schurz' declaration that he had known men more dangerous than the New York senator and before a thousand such his heart would not quail. Men eminent for courage, he said, did not strut nor boast of it.

Schurz replied that if he had done anything like strutting he begged the senator's pardon since he did not want to encroach upon the exclusive privilege of his friend from New York. This retort was greeted with general laughter. He added that if he had said anything that looked like boasting, it was not the remark ''If I met a thousand of *his* kind I would not quail,'' for that would not be a striking demonstration of courage.

After this passage, Conkling had no further personal intercourse with Schurz. One reading these debates might question whether his resentment was not rather caused by the outcome of this colloquy than by the fact that Schurz' allusions were more offensive than his own.

From these personal controversies Morton usually held himself aloof, and in spite of the sharp words between Schurz and himself, his personal relations with the senator from Missouri continued to be friendly.

Conkling's amendment to investigate the correspondence of senators with foreign officers and agents was adopted.

Trumbull moved to reconsider the vote, and on this motion he delivered, on February 23, a speech attacking Morton and defending the Missouri coalition. He called the Indiana senator the chief among those who would subordinate the public welfare to party, and added that every one proposing an investigation was assailed by Morton as unfaithful to the Republican party. He quoted from the speech of Patrick Henry describing the surrender of Cornwallis, where the only discord which disturbed the general joy was the cry of John Hook, hoarsely bawling through the American camp, ''Beef! beef! beef!'' So now when the country was reeking with

corruption, and an investigation was proposed, it was met with the cry of "Party! party! party!" from the senator from Indiana in opposition to every inquiry.

Trumbull discussed *seriatim* the resolutions of the Liberal Republicans in Missouri who had called the Cincinnati convention together. These resolutions indorsed the rightful sovereignty of the Union, emancipation, equality of civil rights, enfranchisement and amnesty, all of which were Republican measures.

The resolutions insisted that no taxation was just or wise which imposed needless burdens. Did the senator from Indiana think otherwise? The resolutions advocated civil service reform. Was this anti-Republican?

The resolutions declared that it was time to stop the resort to unconstitutional laws to cure the Ku-Klux disorders. Was Morton in favor of an unconstitutional law to suppress them? Mr. Trumbull was as much opposed to Ku-Klux disorders as Morton, but he wanted no unconstitutional laws. He eulogized the writ of *habeas corpus*, and condemned its suspension except in cases of invasion or rebellion, when the public safety required it. The Missouri resolutions had demanded the exposure of corruption, denounced usurpation and urged reforms necessary to the public welfare. Must Republicans who advocated reform not meet together for consultation? Was such a meeting anti-Republican?

Morton, in his reply, said that the country understood that Mr. Trumbull himself would be a candidate before the Cincinnati convention; that he had stepped out from the ranks of the Republican party, stopping, however, at easy returning distance, and having his back chalked all over, "Barkis is willin'." If they chose to take him for their candidate he stood ready. If such was not the fact this was a good time for Mr. Trumbull to say so. Morton admitted that he had spoken of the platform as essentially Democratic. He was referring to the pivotal resolution. There were some gener-

alities in every platform which all would agree to, but in this platform the fourth resolution was that which gave it character and life. Mr. Trumbull had intimated that the Liberal Republicans were opposed only to unconstitutional laws to suppress the Ku-Klux. Did the senator suppose he could deceive the country in that way? He did violence to himself when he attempted to give to the platform this pitiful construction. That platform meant that what Congress had done was unconstitutional. It meant to declare neutrality between the Ku-Klux and the government. It was a platform upon which the Ku-Klux themselves could stand, and the Ku-Klux had been invited to stand upon it.

Mr. Trumbull, continued Morton, had been perpetually talking of corruption. He had rolled that word as a sweet morsel under his tongue. He had lived, breathed, drunk and subsisted upon the idea of universal corruption. He had just now read from Patrick Henry's oration of the man who hoarsely bawled through the American camp, "Beef! beef! beef!" His own cry at all times had been "Corruption! corruption! corruption!"

Morton said that he had himself been charged with devotion to party. He was devoted to party, not for its own sake, but because it was an indispensable instrument for the salvation of the government. When had Mr. Trumbull become so indifferent to party? Had he not received office at the hands of the Republican party? When he had received the caucus nomination had he not expected every Republican member of the legislature to vote for him? If party had been a good thing then it was a good thing still. What was to be thought of a man who had received office at the hands of a party, and claimed the benefit of its usages, and who, when a higher office was looming up before him at the hands of another party, trampled upon party organization and denounced it. Good faith was due in political matters as in everything else. Those who thought it proper to leave the Republican party should

say so frankly and not stay inside the party for the purpose of accomplishing its destruction. Davis, Breckinridge, Toombs and Slidell had remained in Congress while they were preparing for rebellion. He hoped their example would not be followed. If there were those who intended to leave, let them do so frankly. He could take them by the hand and bid them a friendly good-by, but he was not willing that they should remain for the purpose of fighting the Republican party in its own camp.

During this episode the Senate had got a long way off from the subject of the sale of arms to France. On the main question Nye and Frelinghuysen addressed the Senate on January 26, and on the next day Schurz spoke again.

Morton was now anxious to bring the question to a vote. On the 27th he expressed the wish that the Senate should sit till the matter was decided. This, however, was not done. On the 28th Sumner undertook to sum up the case. On February 29 Mr. Carpenter followed, quoting from works on international law to show that sales, such as those complained of, if made in this country in the regular course of a business which had been pursued before the outbreak of hostilities, would have been no breach of neutral obligation even if made to the known agents of France.

Morton spoke once more. He would vote for this investigation, he said, in order to extinguish the scandal that had been sent abroad for political purposes. But if he had thought that the government had violated its neutrality, he would not vote for it, because there was no moral or patriotic obligation resting upon him to make out a cause of action against his own country. If there were any foundation for this proceeding, beyond that of making political capital, it was to give a foreign government a cause of action against our own, and whether that would be regarded as patriotic, he would leave to the judgment of mankind.

On February 29 the resolution for inquiry was adopted

by a vote of fifty-two to five. The question then recurred upon the preamble, which was now laid upon the table with Sumner's own consent.

On the 1st of March, Cameron moved that the committee consist of Sumner, Hamlin, Carpenter, Sherman, Sawyer, Logan and Stevenson. Sumner, however, was unable to serve on account of ill health, and the name of Harlan was substituted. This step gave just cause for criticism, for not a single senator who had spoken in support of Sumner's charges was placed upon the committee. Stevenson was the only Democrat. He asked that Schurz should take his place. Sumner urged the same thing, but the Senate would not consent. Sherman then declined to serve, and Trumbull moved that Schurz be substituted. But the Senate refused and Ames was chosen in his place by ballot. The remaining members who had been proposed by Cameron were elected. Morton was absent when the committee was finally made up.

Schurz was invited to attend the meetings of the committee and to summon and examine witnesses. Sumner was also asked to state the facts within his knowledge. He appeared, but only to protest against the organization of the committee. He submitted to examination, however, when summoned as a witness. The committee began its inquiry on March 6, and closed it on April 23. A voluminous report was prepared and signed by all the members except Stevenson. It exculpated the War Department and all the officials connected with the sales of arms, declared that no corruption had been found, insisted that Remington, at the time of the various sales, was not in fact the agent of France, but a merchant buying upon his own account under an agreement with the French government; but that even if these sales had been made to France directly there would still have been no breach of neutrality, since they had been made upon American territory, in the regular course of business, by a government

which was equally willing to sell to either belligerent. The report went on to say that the sales had been profitable, and that the proceeds had been duly accounted for. It criticised the relations of Sumner and Schurz with the Marquis de Chambrun, but did not specifically state whether these senators had been in collusion with an officer or agent of a foreign government.

Stevenson offered a minority report dissenting from the conclusions of the committee, and quoting largely from the testimony to show that long after the War Department had refused to sell to Remington, because he was the agent of France, it still delivered to him arms, which had been previously sold by verbal contract. Other extracts from the evidence indicated that Remington had negotiated directly with the Chief of Ordnance for the arms which were nominally sold to Richardson and others.

On May 31 Sumner delivered a violent Philippic against Grant. He referred to this report in a few words. It was, he said, unworthy of the Senate, and ridiculous in its attempt to expound international law, and it would be remembered as the "whitewashing report." He then attacked the personal pretensions of the President, whom he characterized as "Cæsar with a Senate at his heels." He criticised Grant's nepotism and gift-taking, his military satellites, his interference with elections and local politics, his quarrels and his San Domingo usurpation.

Schurz followed with a careful dissection of the report.

On June 3 Carpenter replied in a speech in which he sustained the legal proposition that these sales were not a breach of neutrality, by citations from Vattel, De Burgh and others, as well as by an official letter of Timothy Pickering, Secretary of State in 1796, and he insisted with much show of reason that upon our own soil the government had as good a right as a merchant to sell arms to a foreign power.

This argument closed the discussion. The controversy did not attract the interest expected throughout the country.

Morton, in a speech at Cooper Institute, on April 17, when the investigation was nearly concluded, and the result was known, declared that the government had been exonerated; that the relations between Germany and the United States had never been more cordial; that it was not in the power of busy-bodies to disturb these relations for the purpose of making political capital, and that the French arms scandal might be buried among "the nameless graves of shameless and forgotten calumnies."

CHAPTER XII

THE CAMPAIGN OF 1872—MORTON RE-ELECTED TO THE SENATE—SPEECH ON PRESIDENTIAL ELECTIONS.

ANOTHER Presidential election was approaching. It was plain enough that a great majority of the Republican party was in favor of the re-nomination of Grant. There was, however, much dissatisfaction on the part of many leading Republicans, and the New York *Tribune*, the Chicago *Tribune*, the Springfield *Republican*, the Cincinnati *Commercial* and other prominent Republican newspapers were open in their hostility to the President. As we have already seen, the supporters of the "Liberal Republican" movement in Missouri in 1870 had called a national convention to meet at Cincinnati on the 1st of May, 1872.

Morton's position as a friend of Grant could not be doubtful. On the 17th of April, he spoke with Senator Conkling, General Sickles and others at the Cooper Institute in New York, and criticised in advance the motives of those who were about to take part in the coming convention. It would not, he said, be so much a convention as a conspiracy. The men who would compose it would differ entirely in political principles and would be a unit only in their resentments. The regular Republican convention to be held at Philadelphia had been described as an office-holders' convention; but there would be more office-seekers at Cincinnati, than office-holders in Philadelphia. Poets had written of the age of iron, and the age of brass, but plain prose writers

would record this as the age of calumny. Whenever a slander had been brushed away it had been laboriously reconstructed, as the spider restored his web.

On the 1st of May, the Cincinnati convention met. Mr. Schurz was chairman. The contest for the Presidential nomination was between Charles Francis Adams, who had been minister to England during the civil war, and Horace Greeley, editor of the New York *Tribune*. Greeley was nominated upon a platform which opposed any re-opening of the questions settled by the amendments to the constitution, demanded the removal of all political disabilities, advocated civil service reform, and ambiguously remanded the question of the tariff to the congressional districts.

The Republican convention met on June 5, in Philadelphia.

Morton attended as a delegate, and in a speech before that body, he indulged in sarcastic allusions to the dissatisfied Republicans. Some claimed the paternity of the party, he said, and therefore they insisted upon their right to kill it, as certain ancients claimed the right to kill their offspring. That paternity was questioned, but even if it were admitted, the murderous conclusion was denied. Any man who supposed he had strength enough to break up the Republican party committed a grave blunder. An apple dropped into a pool produced a ripple for a little while, but the pool soon became placid.

Grant was nominated without a dissenting vote. The only contest was in regard to the Vice-Presidency. Colfax had, at the beginning of the year, written a letter saying that he would not be a candidate. Afterwards, however, he had reconsidered his determination. In the meantime, the name of Henry Wilson had been proposed, and received with favor. The Indiana delegation supported Colfax, but his friends throughout the country were lukewarm. The newspaper correspondents were active against him. The refusal

of Cameron and the Pennsylvania delegation to support him was decisive, and Wilson was nominated on the first ballot.

In Indiana Morton had to make his fight for re-election to the Senate. He realized that it was a doubtful and bitter struggle, and his whole strength was thrown into the contest. When he came home, after the Philadelphia convention, he set all the idlers to work.[1] He watched carefully the selection of candidates for the legislature. He took part in many of the county conventions which preceded the campaign, and saw to it that men were chosen upon whom he could rely.

Hendricks had been nominated by the Democrats for Governor. In accepting the nomination he had referred to a dangerous ring surrounding the President, of which Morton was a member, and he declared that a vote for Grant was a vote for Morton.

On June 16 Morton, in an address to the Republican convention at Greencastle, replied: "If it were true, as he says, that a vote for Grant would be a vote for Morton, I must be allowed to suggest, with becoming modesty, that a vote for Morton has always been better for Indiana than a vote for Hendricks. Had Indiana voted for Hendricks for Governor in 1860, it is not difficult to understand what would have been the consequence. Had he pursued the same course as Governor that he did as a leader of the Democratic party throughout the rebellion, Indiana would have been rent with civil war and drenched with fraternal blood. In escaping Hendricks as Governor in 1860, the state avoided a vast calamity, which

[1] Morton's complete control over the Republican politicians of Indiana was set forth in a series of articles which appeared about this time in the *News* (a paper unfriendly to him), entitled "Cats' Paws and Catpawism." Morton ran the party, it was said, as a country school master ran his school. He cared little whether his orders were liked or not, so long as they were obeyed. He controlled the politicians as a showman controlled his puppets. The *Sentinel* said: "Morton does not want brains on his side. He merely wants tools. Morton is a practical mechanic who works well with tools."

would have extended to the nation. The defection of a single Northwestern state, through the action of its Executive, might have made shipwreck of the Union. Now that the war is over, the debt of Indiana paid, and her credit fully restored, it is possible she might survive Mr. Hendricks as Governor for four years, but it is reasonably certain that such an experiment would have been fatal during the war. Humble as my political and official record is, I am quite willing to compare it with that of Mr. Hendricks. I was in favor of putting down the rebellion; he was not. I was in favor of using all means of preserving the integrity of the Union; he was opposed to every war measure. I exerted whatever political or official influence I had for carrying on the war; he cast the whole weight of his influence against the government. I do not remember a speech he made throughout the war of which he would dare quote a single sentence, and what he now most desires, in taking leave of the principles he has advocated all his life, is to leave behind him his record, and cover the past with oblivion. If there be any act or speech of his which can be used as an argument for his election as Governor, I am ignorant of it, for he has now accepted a platform which sets the seal of condemnation upon his whole political career and places him before the world as a penitent."

A few days later, at a Republican convention at Muncie, Morton thus returned to the attack:

"Mr. Hendricks said at the late Democratic convention: 'We have turned our backs upon the past forever. We live only in the present and the future, and the future will be ours.' But Mr. Hendricks was undertaking an impossibility. It is not in the power of man to thus shed his opinions, his history and the experience of his life. Men may resolve to forget what they are and have been, but the world is not so accommodating. A man's history for twenty years in the prime of his life becomes a part of himself, and he can not turn his back upon it . . .

"If it were in the power of politicians thus to get clear of the doctrines they have professed for twenty-five years, how long would it take them to dispose of the new principles which have been adopted for campaign purposes? These new robes sit lightly upon them, and will be laid aside with ease when the special occasion for which they were assumed has passed.

"Parties are but the instrumentalities of public opinion; they are of slow growth, having their sources deeply rooted in the public mind, and the pretense that their convictions can be changed in an hour by the resolutions of a convention of scheming and selfish politicians who are hungry for office, is a palpable falsehood. And it is among the bad signs of the times—it is a most demoralizing spectacle, when a large body of men pretend that they have undergone a sudden conversion, for the obvious purpose of obtaining office and plunder."

On the 22d of June Morton spoke in Indianapolis at a rally held at Masonic hall. When the defendant, he said, came into court and confessed judgment, the plaintiff was not required to prove his case. Where a great party, under the leadership of unwise, unpatriotic and selfish men had striven to make shipwreck of the nation, it was but natural that that party should try to obtain a new name and seek to come before the country upon new questions.

When Morton was thus attacking the Democracy, Hendricks was at Saratoga. He returned in July, and on the 20th of that month at the Academy of Music, in Indianapolis, he delivered a speech, repeating the accusation that Morton, Chandler, Conkling, Cameron and Butler constituted a "dangerous ring" surrounding the President; and he thus answered Morton's charge that he was opposed to the war: "Governor Morton has repeated this accusation until it ought to be stale and stupid to himself. At each time the people of Indiana shrugged their shoulders and turned their backs upon the calumny. They felt that he knew that what he was saying

was not true. I do not believe he has ever yet influenced a vote by it. He has known all the while that during the first month of the war I made a brief publication of my views, in which I said that I regarded it as the duty of the citizens to respect and maintain the national authority, and give it an honest and earnest support in the prosecution of the war, until in the providence of God it might be brought to an honorable conclusion.[1] He has known that my conduct throughout was governed by that sentiment. My legislative service in the United States Senate commenced in December, 1863, and Governor Morton knows that I voted for the army appropriation bill of that year. It passed the Senate on the 22d of April, 1864, and was approved by the President on the 15th of June. That bill furnished the abundant means by which the war was prosecuted to its conclusion. . . .

"In a more recent speech he has called my sincerity in question, in that I have said we turn our backs upon the past; we stand in the present and look forward to the future. No fair-minded man understands this language as a desertion of convictions of right, or as an abandonment of essential principles. This I may illustrate. I opposed the amendments to the constitution for I thought then, as I believe now, that during a civil war, and until the passions excited thereby have cooled, the public mind is not in proper condition safely to change the foundations and framework of government. But now that the amendments have been declared adopted it is no humiliation on my part to cease that controversy, to turn my back upon it, and to declare that the amendments must be respected and obeyed."

A few days later Morton, in a speech at Lafayette, replied to the above. He said in regard to Hendricks' publication at the beginning of the war: "I must confess that I have no knowledge of it and am surprised to hear of its exist-

[1] See Vol. I, p. 116, note 1.

ence. If he published such a statement during the first month of the war, it has escaped everybody's recollection, and was not repeated by him at any subsequent time during the war, or for years afterward. Mr. Hendricks made many speeches during the war, and, so far as I know, he did not in any one of them advocate the prosecution of the war, the suppression of the rebellion, and the maintenance of the Union by force of arms. On the contrary, his speeches were devoted to the condemnation of the government and the criticism of every war measure, and it must be said that he spared no argument that could possibly contribute to make volunteering unpopular and conscription necessary; and when conscription came, he denounced it as unconstitutional, tyrannical and wicked.

"When Mr. Hendricks claims that he was a war Democrat he trifles with the public intelligence and the recollections of men. He contradicts the recorded evidence of his opinions, and astonishes his most intimate friends. He owed his election to the United States Senate, by the treasonable legislature of 1863, to the fact that he was a recognized enemy of the war, and had more power and influence than anybody else to cripple the administration in its prosecution. He says, as evidence that he supported the war, that in 1863 he voted for the army appropriation bill. In regard to this I can only say that at that time his vote for it in the Senate was not necessary, and it would have required more political courage than Mr. Hendricks generally has credit for, to have given a vote in Congress against an appropriation for the army. I think his friends and mine will agree with me, that this is the first time they ever heard of that vote—that he has never boasted of it before. Several weeks ago Mr. Hendricks, in accepting his third nomination for Governor, announced that he had turned his back upon the past forever, and looked only to the future. But he seems now not to be satisfied with turning his back upon the past. He is attempting to reverse

the past, to obliterate his anti-war record, and appear in the interesting character of a war Democrat, whose labors were crowned with success in the suppression of the rebellion; all of which will be received with surprise and perhaps with indignation by his old friends, the Sons of Liberty.

"Another statement in his speech must have severely taxed the credulity and recollection of his audience, and for fear I shall be suspected of misrepresenting him, I will quote the passage. He said: '. . . . I opposed the amendments to the constitution, for I thought then, as I believe now, that during a civil war, and until the passions excited thereby had cooled, the public mind was not in a proper condition safely to change the foundations and framework of the government.' Here Mr. Hendricks gave the country to understand that he opposed the thirteenth, fourteenth and fifteenth amendments, because he thought it was a bad time to amend the constitution during a civil war, while the passions were excited—not that he had any objections to the amendments themselves. This pretense is like the other attempt to appear in the character of a war Democrat. It is perfectly notorious that Mr. Hendricks voted against and opposed the thirteenth amendment because he was opposed to the abolition of slavery, not because of the time when the amendment was brought forward. It is perfectly notorious that he fought at every step the adoption of the fourteenth amendment, bitterly denouncing every provision of it as subversive of the spirit and genius of our institutions. It is also notorious that he voted against the fifteenth amendment, and denounced negro suffrage and political equality as immoral and destructive of our institutions. It was because of the horror he entertained of the dreadful consequences of negro suffrage that he twice advised the Democratic members of the legislature of Indiana to resign, in order to prevent the ratification of that amendment. I have no objection to Mr. Hendricks changing his opinions in regard to the war, the amendments and everything else,

and turning his back upon the past, but when he undertakes to reverse the history of the times, and appear in a character which belongs to others, he places those with whom he was then in conflict in a false position. He and I were in political conflict during the war, and if he was in favor of its prosecution, I must have been against it, and the next step for him to take will be to assert that I was opposed to the war, and doing all in my power to make the rebellion a success, while he was in favor of the government, and that his efforts were finally crowned with victory."

On the 9th of July the Democratic National Convention at Baltimore adopted the Cincinnati platform without change and accepted the nomination of Greeley.

On the 7th of August Morton delivered at Rushville a carefully prepared address containing many quotations from the speeches and writings of Horace Greeley. Mr. Greeley, he said, immediately after Lincoln's election, had declared the right of secession to be a natural and inalienable right. If his views had been adopted, four millions of negroes, now free, would still be slaves. Mr. Greeley had become the advocate of the war after the firing upon Fort Sumter, and had prematurely raised the cry of "On to Richmond." In 1864 he had written to Mr. Lincoln that terrible letter, "Our country is bleeding to death. It is dying. We must have peace." He had suggested, as terms of the negotiation, the payment of six hundred million dollars for the slaves. After the war he had become bail for Jefferson Davis. In his letter of acceptance he had pledged himself not to interfere with the local government of a state; he had promised that, as between the Ku-Klux and the loyal men of the South, the power of the Federal government should not be exerted to protect life and liberty. Mr. Greeley had formerly been in favor of the Ku-Klux bill, but he now talked the old jargon of state rights, and, tempted by the Presidency, he repudiated his own declarations. Morton also read Greeley's former characterization of

the general corruption and debauchery of the Democratic party, and then referred to his statement in accepting the nomination by the Baltimore convention, that those who had made that nomination were more Democratic than they would have been in taking any other course. Morton now considered the other side of the picture, the administration of Grant, and he urged his hearers to renewed fidelity to the Republican party.

We now hear of Morton almost every day in various parts of the state—at Kokomo, Muncie, Centerville, Richmond, Petersburg, New Albany, Bedford, and at many other places. The efficiency of his blows again brought upon him the vituperations of a wounded and exasperated enemy.[1]

[1] The Chicago *Tribune* declared that he was fighting like Macbeth for very existence, bear-like, tied to a stake. He had been the evil genius of Grant's administration, and was now its ruling spirit. In his grim calculations the only way to keep the Republican party united was to keep the passions and animosities of the war at red heat.

The New York *World* was even more emphatic. "We now know that in the persistent attempts he has made to heighten the misery and increase the degradation of the South, Grant has pursued no cherished principle of conduct, but has merely, without any venom of his own, given easy way to the dark passions that rule Morton's heart and turn his blood into gall. The President has played persecutor and tyrant, not because he fancied that persecution and tyranny were necessary, but because his master told him to do so. For these reasons, in contemplating the possibility of Grant's re-election and the consequences likely to result from it, it is more important for us to know the character of the master than of the man."

The Louisville *Courier-Journal* said: "Of all the administration senators, Morton is the ablest and most depraved. Virtue would wilt under his approving smile, and honor itself would be sullied by his defense of it. His countenance and his voice mark the man. Impudence and ferocity glitter in his eye, and play along the savage lines of his mouth."

The Indianapolis *Journal* answered: "When the *World*, the *Tribune*, and other organs of the Confederate Democracy single out Morton for attack and concentrate their fire on him, it is equivalent to saying he is a representative man, and, among the Republicans of the state, *facile princeps*. We are willing to accept the issue. We agree to the statement that when they break down Morton they break down the Republican party in Indiana."

A story which went the rounds of the newspapers during this campaign resulted in making Morton responsible in the eyes of Democrats for the faults of Grant's administration. We have seen that in 1869, before the representatives of Georgia had been admitted to Congress, the legislature of that state had illegally expelled its colored members, filling their places with their white Democratic competitors, and that Morton had introduced a bill directing the Governor to reconvene the legislature, including the men expelled and excluding all the men under disabilities. On the day when Morton introduced this bill, the President sent a message to Congress reciting the facts and urging the passage of a law authorizing the Governor thus to reconvene the legislature. It was said that Mr. Farnsworth of Illinois, chairman of the Reconstruction Committee of the House of Representatives, went to Grant for an explanation of this part of the message, and that Grant replied, "I don't know what it means, Morton put that in." The story was taken up and repeated, and whatever was most objectionable in Grant's administration was now attributed to Morton.

There were a good many Democrats who were not prepared to support Greeley and the Cincinnati platform. A convention of these men, the "Straight-out Democrats" called together by one Blanton Duncan, was held in Louisville in the early part of September. It was charged that Morton had much to do with this convention On the day that he arrived at New Albany it was said that Duncan's circulars had been distributed under Morton's frank and that Morton was conferring with Duncan at a secluded hotel. In the evening Morton addressed a meeting in that city and thus referred to the matter:

"I do not know Blanton Duncan. I never saw him nor had any communication with him. As to my frank having been used to send his circulars, I do not believe it has been done; if it has been, the frank has been forged. I know

that it is possible to forge my frank. Speeches of Mr. Schurz and Mr. Trumbull which circulated in Michigan, under my forged frank, have been sent to me. I do not know anything about Mr. Duncan's convention except what I see in the papers. I do not care anything about it, for we can beat Mr. Greeley whether that convention meets or not. We have nothing to do with it."

In a speech at Indianapolis, on the 18th of September, Morton said, speaking of the charges made against Grant by the Democrats:

"Their criticisms are all answered and they are overwhelmed and stultify themselves when they support Horace Greeley, who has been the advocate and defender of all these things which they condemn. He has justified, from time to time, every act of Congress that has been passed in regard to the South. He justified the election law, the suspension of the writ of *habeas corpus*, the prosecution of the Kuklux. He defended the amendments and denounced their enemies; in short, he has furnished an argument in answer to everything his supporters say. How these things were right in Horace Greeley and wrong in General Grant, it is hard for an honest man to understand. . . .

"Turning aside from this painful apostasy and from the melancholy spectacle of a coalition held together by nothing but the prospect of plunder, I present the national platform of the Republican party, a party crowned with the glories of the past and fragrant with the sweet buds of promise for the future. On it are inscribed in letters of gold: 'Peace and security to all; equal political and civil rights to all; the protection of the laws to every class and condition; gratitude to the soldiers and sailors of the republic; the honor and dignity of labor; protection to American industry; safe and gradual return to specie payments; sound and uniform currency for the people; justice and firmness in our foreign relations; arbitration as a substitute for war; peace, kindness and fair

dealing with the Indians; the faithful collection of the revenue; gradual payment of the public debt; economy, retrenchment and improvement in administration; and covering all like a shield—"The Union must be Preserved"—the nation undivided and indivisible.'"

The 8th of October was election day in Pennsylvania, Ohio and Indiana. These state elections practically decided the contest. Hartranft, the Republican candidate for Governor in Pennsylvania, received more than thirty-five thousand majority. The Republicans carried Ohio by more than fourteen thousand. The hardest battle was fought in Indiana. Two years before, the Democrats had carried the state by an average majority of about twenty-five hundred. This year Hendricks was elected Governor by the narrow margin of eleven hundred and forty-eight. General Browne, his competitor, failed to get the full vote of his party on account of the defection of many of the temperance men of the state. The Republicans elected all the other state officers but one, as well as the Congressmen-at-large; and the legislature in both branches was Republican, thus insuring the re-election of Morton to the Senate.

On October 16 he left Indiana to take part in the campaign in Illinois. On the 17th he spoke at Central Hall, in Chicago. The financial question was the special feature of this speech. The country, he said, had never been in a better condition. The wages of labor would purchase more comforts and necessaries than ever before. There were few failures and men had more confidence in each other than at any former time. Look at Chicago. That city would soon be rebuilt, and it would not be known that there had been a fire, except for the fact that the old buildings had given way to grander ones. These structures were built upon credit. Mortgages had been given on long time. Houses would go up with the expectation that the rents would pay this indebt-

edness. But if there should be a convulsion and depression in business this apparent prosperity would end in destruction and ruin. There were a hundred thousand people in the city whose homes were not paid for. A decline in real estate would ruin thousands. The amount of the mortgages and notes would not be diminished, but the means of paying them would be cut off. Any change of financial policy would involve thousands in hopeless bankruptcy. Now that all were doing well, why make the change?

The effect of this argument was remarkable. An eye witness declares that the audience seemed panic stricken and under a spell, as if the calamity foreshadowed had already overtaken them.

Morton made three more speeches in Illinois; at Ottawa, at Peoria (where he was the guest of Colonel Robert G. Ingersoll) and at Decatur. From that state he went to St. Louis, where he spoke in "The Temple" on "Reform and Reconciliation." From St. Louis he returned to Indiana where he continued in the canvass to the end.

When the election was held and the votes were counted, it was found that Greeley had carried only six states, all in the South. The majority for Grant in Indiana was 22,515.

The next thing to be done was to see that Morton was returned as senator by the legislature just chosen. As one of the correspondents remarked, the senatorship was Morton's bone and he meant to hold fast to it. There was much jealousy exhibited. There was talk of "a ground swell for Colfax" in Northern Indiana. The Democrats openly declared that if seven Republicans could be found who would bolt they would unite with these Republicans and vote for any one else. Richard W. Thompson had been named for the senatorship, but he had declined in an open letter. Colfax too gave public assurance that he was not a candidate. No other man could be thought of. Still it was thought best to waste no time waiting for the election. Disaffection might

spread. So Governor Baker at once called a special session of the legislature, the Republican caucus met on the evening of November 13, and every man voted for Morton.

The 26th of November was the day set for the election of senator. On the night before, a number of the Republican members were absent and there were Democrats enough present to secure the election of James D. Williams, the candidate of their party. The friends of Morton were frightened. He did not share their alarm and expressed the utmost confidence in the return of the absent. There were deputations at the early trains to welcome the tardy, and great was the rejoicing when they came. All were present in time, and Morton was elected.

His political enemies admitted that in his election, the Indiana Republicans had paid a just obligation. They declared that "to his sleepless energy, indomitable will and devilish ingenuity his party was indebted for its recent victory."[1]

The system devised by the makers of the constitution for the choice of a President did not accomplish what they had intended. The scheme of an electoral college whose members, voting upon the same day in different states, should deliberate and separately choose by an absolute majority a Chief Executive for the whole country, was unreasonable from the beginning, and was soon relegated to the realm of impracticable dreams. Great parties arose whose power had not been foreseen by the constitutional convention and these parties named the men for whom the people really voted when they cast their ballots for the dummies called electors.

But the system, although worthless for the purpose de-

[1] The *Sentinel* uttered this lamentation: "The cable emits the annual chronic scare about the cholera. We'll none of it. Haven't we Morton, and the postmaster, and how could an impartial Providence afflict us with another burden?"

signed, was still powerful for evil. The state legislatures had all enacted that Presidential electors should be chosen by the whole body of the voters of their respective states, but had not provided any plan for settling election contests. The returns were to be sent to the President of the Senate, who was to open them in the presence of both Houses of Congress and the votes were then to be counted, but it was not provided by whom this count should be made or who should pass upon the questions of law or fact which might arise. If the President of the Senate had this right, a vast power was put into the hands of a man who would never be politically indifferent, and would often be personally interested in the result. If the two houses of Congress had this right, they must act as separate bodies, and who should decide in case they disagreed? If there were no choice by the electoral college, a mere majority of states voting in the House of Representatives, and often representing only a small minority of the whole body of the people, might control the election. This was an awkward and illogical system of choosing a President.

In 1865, immediately after the war, Congress adopted the "Twenty-second Joint Rule" as a safeguard against receiving the electoral votes of the states recently in rebellion. This rule provided that any question regarding the electoral vote of a state should be submitted separately to each House of Congress for its decision, and that no vote objected to should be counted except by the concurrent action of both houses. This rule was probably unconstitutional, and it offered a strong temptation to a party which, although defeated in the election, still remained in control of a single House, to stifle the voice of a state by technical or trifling objections, and thus throw the election into the House of Representatives, in which the popular majority might be defeated and a minority candidate elected.

Morton believed that the system ought to be changed, and that the present time, when there were no immediate interests

to be affected, was the golden opportunity for making the necessary constitutional amendment.

On January 6, 1873, he offered a resolution that the Committee on Privileges and Elections examine and report at the next session upon the best mode of electing the President.

On January 17 he delivered, in behalf of this resolution, a carefully prepared speech, pointing out the defects of the electoral system and the dangers likely to follow the observance of the twenty-second joint rule. He insisted that the path of duty was the path of safety; that in a time of political peace the country should remove these perilous obstructions to the public welfare. His belief in the need of immediate action was strongly reinforced by a matter which took place soon afterwards, in the counting of the electoral votes of Arkansas in February, 1873. An objection was made to receiving these votes because the certificate did not bear the great seal of the state. The impression of a seal was indistinct; the words "Secretary of State" appeared on it, and it was said to be merely the seal of a department. The House of Representatives overruled this objection but the Senate sustained it. The votes of Arkansas were thrown out, and nearly half a million of people were thereby disfranchised.

In March following, Morton's resolution was adopted. He was chairman of the committee to which the question was referred. During the summer recess he came to Washington to investigate the subject, and spent a week examining documents and references in the Congressional library. He then called the committee together. They met in New York in October[1] and agreed upon an amendment to the constitution

[1] The following manuscript memorandum, submitted by Morton to this committee, shows the order in which the subjects were discussed:

"Resolution requires report on—

"1. Best and most practical mode of electing President.

providing that the President should be elected by the direct vote of the people. Each state was to be divided into districts equal to the number of its members in the House of Representatives. The person having the most votes in each district was to receive the vote of that district, and the person having the most votes in the state was to receive two presidential votes from the state at large. A plurality of votes should elect. Congress was to have power to conduct the election and to establish tribunals for the decision of all contests.

This proposed amendment was not reported to the Senate until May, 1874, and no action was taken upon it that year.

In the fall of 1874 a Democratic majority was elected in the House of Representatives, and the result of the following Presidential election was considered uncertain. The Republican party would still control both houses until the 4th of March, 1875, and although this amendment was not a partisan measure, Morton was anxious to have it passed by Congress while the Republican party was in power.

In January, 1875, he again brought it up in the Senate, and on the 21st of that month he supported it by an elaborate speech, urging the same reasons for the change as those which he had presented in 1873.

"2. Tribunal for contested elections.

"Best modes—

"1. By people directly, as one community.

"2. By districts equal in number to representatives from both houses.

"3. By districts equal to number of members in House of Representatives, and two from states at large.

"Upon failure to elect—

"Second popular election from two highest candidates.

"Joint convention of House and Senate, members voting equally.

"Tribunal—

"1. United States courts.

"2.. Special tribunals.

"United States to provide election officers in case state does not."

He read a tabulated statement prepared by the Committee, showing the discrepancies between the electoral vote and the popular vote in Presidential elections. Lincoln, Buchanan, Taylor and Polk had not received a majority of the votes of all the people. He claimed that the proposed system came much nearer to representing the popular vote than did the existing system. An election by a plurality of the votes cast was far better than an election by the House of Representatives. The patronage of the President was ample enough to reach every member of the House, and there could be no greater opportunity for corruption than in the case of a Representative who might give the casting vote of a state. A few members by the sale of their votes might elect the President. The question was more important, insisted Morton, than any other measure before the Senate.

On the 27th of January, seeing that no amendment could be passed, he introduced a concurrent resolution to repeal the Twenty-second Joint Rule. A few days later, however, after consulting other senators, he determined, instead, to amend that rule, and he submitted a substitute providing that no objection to counting the electoral vote of a state should be valid, unless such objection were sustained by the affirmative votes of the two houses.

This amendment was referred to his committee, which reported a bill that no electoral vote should be rejected, except by the affirmative decision of the two houses, but that if more than one return were received from a state, that one only should be counted which the two houses, acting separately, should decide to be true and valid.

On the 25th of February this bill was discussed by the Senate.

Mr. Edmunds proposed, as a substitute, the appointment of a joint committee of eight, four from each house, who should pass upon the returns. Morton opposed this. It pre-

sented, he said, the greatest possible temptation to corruption.[1] The election would be placed in the hands of five men out of eight, and their action would stand unless overruled by the two houses.

The substitute was defeated. There was much further argument and the bill finally passed the Senate, but it was too late in the session to secure consideration in the House of Representatives, and it failed to become a law.[2]

Morton did not live to see incorporated into our constitution the change which he so earnestly advocated and the question of the choice of a President by some other means than that of an electoral college is one of the problems still awaiting solution.

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[1] In 1877 Morton made his constitutional amendment the subject of two articles in the *North American Review*.

In the second article he gave the following striking illustration of the dangers from corruption in elections by the House of Representatives: "In 1801 the House of Representatives balloted for a number of days without making a choice of a President. The 4th of March was approaching, and there was danger of its coming without the election of a President —danger of an interregnum. On the night of the day before the election, a member of the House, who represented a state that had but one member, went to a friend of Mr. Jefferson, and said to him: 'If Mr. Jefferson will give assurance that he will retain the collectors of the ports of Wilmington and Philadelphia, and will give two bills (which were named) his approval, I will change my vote to-morrow, and I know of two other members, from two different states, who will change their votes. The effect of it will be to change the votes of those states and give Mr. Jefferson three additional votes, which will elect him.' The message was carried to Mr. Jefferson (so said his friends), and on the next morning the assurance was given that the two collectors should be retained and the laws approved. The three members changed their votes, and Mr. Jefferson was elected. I know it is a common thing to say that public virtue has degenerated, and that public men have a lower grade of morals than they had fifty years ago, but such a thing as that would now destroy any public man."

[2] On January 17, 1876, a resolution was presented that the former joint rules of the Senate and House of Representatives should be adopted for the session. Morton moved to except from this the twenty-second joint rule which provided for the counting of the electoral vote. His amendment was agreed to and after this the only provisions for counting the vote were those contained in the constitution itself.

CHAPTER XIII

LOUISIANA ELECTIONS—PINCHBACK

WHEN Sumner was removed from the Committee on Foreign Relations it was proposed to make him chairman of a new committee just created, that of Privileges and Elections, but he declined the appointment. Morton was now the chairman, and this committee soon became in reality what it was in rank, the foremost committee in the Senate. Some of its most important duties were in reference to the political disturbances in Louisiana.

In 1868 Henry C. Warmouth, a young man, able but unscrupulous, had been elected by the Republicans Governor of that state. Bitter contests had arisen between two factions of the Republican party, and Warmouth had taken part in the Liberal Republican movement in opposition to Grant. In 1872 Kellogg was nominated for Governor by the regular Republicans, and McEnery by the Warmouth faction, composed of Liberal Republicans, Democrats and Reformers, upon a so-called fusion ticket.

The constitution of Louisiana provided that returns of all elections should be made to the Secretary of State. But in 1870 the legislature had passed a law authorizing the Governor to appoint supervisors of registration in each parish, who were to fix the places of registration and voting and to select commissioners of election, under whose direction the voting was to take place. The commissioners were to bring the boxes containing the votes to the supervisors, who were to count the ballots and send statements of the result by mail

to the Governor, who with the Lieutenant-Governor, Secretary of State, and two other members, John Lynch and T. C. Anderson, constituted a returning board, with power to fill vacancies in its own number. This board was to canvass the statements of the supervisors and report the result to the Secretary of State, who was to send it to the legislature and the latter body was then to canvass the vote for Governor. The election of 1872 was conducted under this law. Governor Warmouth held in his hands the entire machinery of election. He appointed the supervisors, and the returns were made to him.

The November election was marked by great irregularities and frauds. On the 13th of that month, the returning board met. Governor Warmouth, Lieutenant-Governor Pinchback, Secretary of State Herron, and Mr. Lynch were present. Before making the count, the board adjourned to the following day. But Warmouth had become satisfied that it would not execute his schemes and he resolved to reconstruct it.

On the 14th of November at 10 A. M., he appointed one Wharton Secretary of State in the place of Herron on the ground that Herron's commission had expired, and that he was authorized to fill the vacancy. Wharton at once obtained possession of the office.

When the returning board met at a later hour on the same day, Warmouth and Wharton appeared, also Herron and Lynch. There were two vacancies to be filled, the places occupied by Pinchback and Anderson, who had been candidates at the election and were disqualified. Hatch and DaPonte were elected by Warmouth and Wharton, while Longstreet and Hawkins were chosen by Lynch and Herron. This gave rise to two boards, the Warmouth board and the Lynch board. Each board commenced a suit against the other to try the title to the office.

On the complaint of Kellogg, the Republican candidate for Governor, Judge Durrell, of the United States Circuit Court, granted an injunction forbidding the Warmouth board to

canvass the returns and enjoining McEnery from acting as Governor. Judge Dibble, of one of the state courts, also decided in favor of the Lynch board. Thereupon Governor Warmouth took from his safe a bill passed by the previous legislature, not yet approved, but which was to become a law when signed by him, and on the 20th of November gave it his approval. It provided that five persons to be elected by the Senate should be the returning officers and should canvass the votes. The Governor claimed that this act abolished all previous boards and that since it took effect in vacation he was authorized to appoint the new board. He appointed De Feriet and others and at once called a special session of the legislature to meet on the 9th of December.

The De Feriet board, on the 4th of December, made a canvass which declared McEnery elected, and on the same day Governor Warmouth issued his proclamation declaring the result and giving the list of the members of the legislature which that board had returned.

Thereupon, Judge Durrell, late at night, on December 5, without application by any party, made an order commanding the United States Marshal to take possession of the state-house and to prevent the meeting of the legislature returned by the De Feriet board. This order was evidently beyond the judge's jurisdiction, but the marshal called for a detachment of United States troops that had been sent by the President to New Orleans, and, on December 6, by the aid of these, he seized the state-house and held it for six weeks. Judge Durrell also delivered an opinion maintaining the legality of the Lynch board and declaring that the act approved by the Governor did not abolish this board until it had finished its canvass. This decision also was clearly void for want of jurisdiction.

On December 6 the Lynch board pretended to canvass the returns and certified that Kellogg had been elected. But this board had no returns to canvass, since the returns had been made to Governor Warmouth and were withheld by him. The

board had, in some cases, what were supposed to be copies, in other cases nothing but newspaper statements, and in still others nothing whatever; in which cases they made estimates based upon the political complexion of the parish, of what the vote ought to have been. They counted a large number of affidavits, purporting to be sworn to by voters who had been denied registration. Many of these were forgeries. One man had forged over a thousand.

Afterward the Supreme Court of the state decided that the Lynch board was the legal returning board, but it was now claimed that this court had no jurisdiction since its power extended only to controversies where the matter in dispute exceeded five hundred dollars, and there was no salary provided for members of the returning board. A subsequent decision of Judge Durrell restrained the De Feriet board from canvassing the returns and the members of the Warmouth legislature from acting as such. It was practically an order of the Circuit Court organizing the legislature of Louisiana, and was plainly beyond the jurisdiction of that court. But these decrees, supported by United States troops, resulted in establishing the Kellogg government.

On January 16, 1873, the Senate adopted a resolution introduced by Morton, that the Committee on Privileges and Elections should investigate and report whether there was a legal state government in Louisiana; and if so, how and by whom it was constituted.

On February 20 that committee made its report. The facts were set forth in detail. Carpenter, Logan, Alcorn and Anthony, being the majority of the committee, declared it to be their opinion that but for the unlawful interference of Judge Durrell the canvass of the De Feriet board would have established the McEnery government, but that the orders of Judge Durrell and the support given to him by the United States troops had resulted in setting up the Kellogg government and legislature. If the election of November, 1872,

were not void for fraud, the McEnery government ought to be recognized. But a careful consideration of the testimony convinced the committee that Kellogg's election had been defeated by fraud. The constitution provided that the United States should guarantee to every state a republican form of government. It was impossible to say that Louisiana then had any government whatever. There was a legislative body recognizing Kellogg, but it had never had a quorum of legally elected members. It was pretended that the Kellogg government had been recognized by the Supreme Court of the state, but the decision merely recognized it as the government *de facto*. The question was a political one, and it was for Congress to decide it. The best solution, said the committee, was to order a re-election. A bill was accordingly prepared for this purpose.

Trumbull and Morton made special reports, each dissenting from the conclusions of the majority. Trumbull urged the recognition of the McEnery government. Morton, after reviewing the facts, insisted that Congress should not interfere. He argued that Louisiana had a constitution and system of laws, a supreme court and subordinate courts discharging their duties, a full complement of parish and local officers performing their functions without interruption, a legislature recognized by the Supreme Court as lawful, and an acting governor declared elected by this legislature and installed in office under the forms of law. It could not be said, therefore, continued the report, that Louisiana had no government. It was not every irregularity that would destroy a state government or impair its republican character. The election of state officers who had secured their places by fraud had occurred many times in our history, and had never been held to have destroyed the government.

The theory was that every such government had the power to correct these wrongs, and that the decision of its own tribunals must be received as final. When the state laws

had created a returning board to say who were elected, if Congress could go behind its decision the election of state officers and members of the legislature would be placed absolutely under the control of Congress.

The conduct of Judge Durrell could not be justified. He had grossly exceeded his jurisdiction. But the Lynch board had been decided by the Supreme Court of the state to be the legal one. Had the character of that board been impaired by the interference of Judge Durrell? The Circuit Court of the United States had unlawfully interfered to do certain things which the highest tribunal of the state had decided to be lawful and proper. It was better for the people of Louisiana to seek relief under their own laws and tribunals than to invoke the national government to the assertion of a power under which state governments would exist hereafter only by sufferance. Thus argued Morton's minority report.

When the bill providing for a new election came up for discussion Morton spoke against it. It was not necessary, he said, to pass a law to overturn an existing government. If Congress should adjourn without action all would go well.

Carpenter argued in support of the bill. The constitution, he said, provided that the United States should guarantee to every state a republican form of government. Louisiana had a constitution providing that the returns of all elections should be sent to the Secretary of State. The election law of 1870 conflicted with this in providing that these returns should be made to the Governor.

The Lynch board, he said, had pretended to make a canvass, but the law creating this board was unconstitutional. If valid, it had been repealed by the act which Warmouth had signed on November 20, and even if not repealed the Lynch board could not have canvassed the returns because it had had none to canvass. Great reliance had been placed on the decision of the Louisiana Supreme Court, but that court

had had no jurisdiction. Protected by the Federal troops, the Kellogg legislature had been organized. Morton had insisted that if this fraud were not sanctified state rights would be violated. Mr. Carpenter took a little malicious pleasure in seeing the senator from Indiana driven to a state rights platform. After Federal interference had established a government, to say with a straight face that state rights required that it should be sustained showed a gravity which he (Carpenter) did not possess.

The returns showed that McEnery had been elected. The testimony had satisfied the committee that the election had been fraudulent. But if a government growing out of that election must be recognized the McEnery government was the only one that had any right.

Morton interposed: "You prefer that fraud?"

Carpenter answered that he preferred it for the obvious reason that it was the smaller fraud. Morton's admiration of greatness extended to frauds as well as to virtues. The returns showed that the McEnery government had been elected. There was nothing whatever to show that the Kellogg government had been elected. But both governments were the creatures of fraud and the committee had recommended the fairest remedy, a new election.

Morton replied: It was said that Louisiana was without a state government. This was not true. There was a government in complete operation. But Mr. Carpenter said that it was not legal. The Supreme Court of the state had held otherwise in at least three formal decisions. Carpenter denied the jurisdiction of that court. With all due respect to him the Supreme Court of Louisiana understood the question of its own jurisdiction much better than the senator.

Mr. Carpenter had said that the McEnery government was the smaller fraud. Morton proposed to consider this. The Warmouth fraud had subverted a Republican majority of from eighteen to twenty thousand. Mr. Carpenter had admitted

in his report that if the election had been fairly conducted Kellogg would have been elected, but that as it was, a majority of the votes actually cast had been for McEnery. Morton conceded no such thing. From ten to twelve thousand Republicans had been kept from voting, but notwithstanding this the Kellogg government would have been elected if the votes had been counted as they were cast. It had been the subsequent manipulation of these votes which had given to McEnery his supposed majority. Governor Warmouth had sworn that he had opened these returns on November 14. In the parishes of Catahoula and St. Bernard the returns had neither been signed nor sworn to. In Carroll parish they had been signed fifteen days after Warmouth had sworn that he had opened them; in Pointe Coupée, one day after they had been opened; in La Fourche, one hundred miles from New Orleans, they had been signed the same day they had been opened; in Iberia, two hundred miles away, in East Baton Rouge, one hundred and forty miles away, in Grant, three hundred miles away, they had been signed on the 13th, only one day before they had been opened. There had been no time to take them from these parishes to the city. In St. Tammany they had been signed on the 15th, the day after they had been opened. These returns had been manufactured in New Orleans. The returns from Madison, Grant, Pointe Coupée and East Baton Rouge were forgeries. An examination of the signatures showed them to be by the same pen. St. Tammany, Terre Bonne, Iberville and St. James had been thrown out by the Warmouth board. These were frauds, by which a majority of nearly twenty thousand votes had been overcome. Was this the larger or the smaller fraud? The votes for McEnery had never been counted by any board that had had authority to count them. How had the legislature been organized? Governor Warmouth had called an extra session on the 9th of December at the Mechanics' Institute. On that day and in that place the Kellogg legislature had been organ-

ized. It was not disputed that there had been a lawful quorum in the state Senate. It took fifty-six members to make a quorum in the House. There had been forty-five men acknowledged by all parties to have been elected, and thirty-one others whose election had been disputed. The legislature had been organized, and then each house had become the judge of the qualifications of its own members. How was it with the McEnery legislature? They had met, not at the time they had been called together, but three days afterwards, not in the place appointed, but in Odd Fellows Hall, where they had had no right to meet.

The question of fraud under state laws ought to be determined by state tribunals. The authority of the Supreme Court of Louisiana must be recognized as well as the authority of each house of the legislature to determine who were entitled to seats and who were not. These were all state questions and the state tribunals had settled them. The returning board, held by the Supreme Court to be the lawful board, had determined who had been elected members of the legislature. It might be said that they had decided wrongly, that they had acted without returns, but this was the tribunal created by the laws of that state to settle that very question, and credit must be given to its findings. If Congress could go behind it the same thing could be done in every other state. This would result in the destruction of state governments.

The path of duty was the path of safety. Morton recommended "masterly inactivity."

After a discussion lasting the entire night, the bill reported by the committee was rejected. Morton's "masterly inactivity" prevailed.

At the time the committee made its report there was a considerable majority of the Senate in favor of a new election. Morton was the only member of the committee who supported the Kellogg government. It was owing to his efforts, both on the floor of the Senate and by personal interviews with his

fellow-members, that a change of feeling was brought about, resulting in the rejection of the bill.

A good deal of personal feeling lay behind this question. Conkling was a rival of Morton for leadership in the Senate. He did not take a prominent part in the discussion. Carpenter was put forward as the champion of those who were opposed to the Kellogg government and his brilliant speeches were much admired. It was hoped that Morton's influence would be broken. But Morton had behind him the Republican senators from the South, and while Carpenter was making fine speeches, Morton was at work securing the co-operation of the doubtful, and he came out of the controversy the unquestioned leader of the party.

The result of the recognition of Kellogg in Louisiana was by no means happy. On March 6 there were riots and bloodshed in New Orleans. In several parishes there was organized resistance to the collection of taxes, and armed conflicts occurred between the factions. Later in the year the President issued his proclamation requiring the people to disperse and to cease from opposing the Kellogg government.

The local disturbances were suppressed but the legal contest was renewed at the following session of Congress, when P. B. S. Pinchback, who had been elected senator by the Kellogg legislature, presented his credentials. The Committee on Privileges and Elections were evenly divided upon the question as to whether he should be sworn in. Morton offered a resolution that since these credentials were regular, he was entitled to take the oath, and that any contest for his seat should be made afterwards.

Up to this time the President had been constant in his support of Kellogg, but after interviews with Senators Carpenter and Conkling and with General Butler he had begun to favor a new election. The matter came to Morton's ears. He drove to the White House and had a conference with Grant. He was very earnest. He had undertaken the de-

fense of the Kellogg government, he said, with the understanding that the President would support him, and he insisted that this support should not now be withdrawn. Before they parted Grant told him that he would continue to uphold the Kellogg government.

The Pinchback matter remained without further action until the latter part of January. In the meantime Morton had heard charges of improper conduct on the part of Mr. Pinchback in connection with his election.

On the 26th of January he stated that he did not feel at liberty to withhold this information and to go on with the original resolution asking that Pinchback be seated. To do so would be an assumption upon his part of the right to determine the question. He thought it his duty to devolve the responsibility upon the Senate. He therefore moved for an investigation.

On January 29 and 30 Carpenter delivered an elaborate speech, occupying the greater part of two days, reviewing the Louisiana controversy. This question, he said, had been investigated for weeks by the Committee on Privileges and Elections, and Mr. Pinchback's *prima facie* case had been overturned. The committee had reported that there had been no state legislature in Louisiana on the day it had been pretended that Pinchback was elected. Carpenter urged the inconsistency of Morton's two resolutions. On one day the Indiana senator had asserted that Kellogg was Governor, and that this being the case the whole subject was ended, and Pinchback must be seated. On another day Morton had proposed to refer the matter back to the committee that they might investigate certain improprieties before Pinchback was seated. Carpenter gave notice that he would offer a bill providing for a new election.

To this speech Morton replied at once. The purpose of Mr. Carpenter, he said, was to overthrow the existing government. Who demanded this? The Republican party was

against it. The colored men considered it a movement to put them in the power of their enemies. The business men of New Orleans were opposed to it. They desired the preservation of order, the protection of property. The men who were moving in this thing were those who had covered Louisiana with blood. They were the assassins of 1866, 1868 and 1873. Morton now described the massacre at Colfax, the county seat of Grant parish. The official returns in that parish had been forgeries, so the Lynch board had declared the Republican officers elected. In April, 1873, one Nash, who had been Democratic candidate for sheriff, had commenced collecting forces to seize the office which he claimed. The actual sheriff had assembled a posse of colored men to defend him in the possession of the place. They had gathered about the court-house and thrown up a little intrenchment. On Easter Sunday Nash had surrounded these fortifications. The negroes had retired to the court-house and the assailants had set fire to the roof. As the flames spread the colored men had held out white handkerchiefs and other emblems of surrender, and when they could stay there no longer, they had rushed out, some of them covered with fire, and they had been met at the door and murdered, stabbed and mutilated. Scarcely a body had been found that had not from three to a dozen wounds. Some thirty men had been captured, put in lines and shot. A number had been taken to the river bank after dark and shot and their bodies thrown into the stream. The men had been put breast to back four or five each and a man would stand at the end of the line and see through how many bodies he could send the bullet from his rifle. Over one hundred men had been murdered on that occasion. Fifty-seven bodies had been found around the court-house three days afterwards. From 1866 to 1873 there had been a continual series of murders in Louisiana. The life of a colored man had been of no more account than that of a mad dog, and

for all the murders committed not one of the murderers had been punished.[1]

Upon the following day (February 2d) Morton continued his remarks, answering the arguments of Carpenter. The first proposition of the Wisconsin senator was, he said, that according to the returns the McEnery ticket had been elected by some nine thousand majority. His next proposition was that by the unlawful interference of Judge Durrell the Kellogg government had been installed in defiance of law and maintained by Federal bayonets. But his third proposition was that McEnery and his colleagues had not been elected at all, that the election of 1872 had been an organized fraud and that the majority of the people were Republicans. This put the whole case in a shape with which the supporters of Kellogg ought to be satisfied; but it left the senator not an inch of ground to stand upon. Suppose a man were in possession of a piece of land to which he had good title, should he be turned out because he had been put in possession by a court which had acted without authority? A title which the highest legal tribunal had declared to be good was not impaired by unlawful interference in its support.

Morton declared that he made no defense of what had been wrongfully done, but he presented the history of Louisiana for the last seven years as a substantial vindication of the Republicans of that state. They had been shamefully slandered. Newspapers and politicians had held up the irregularities of the Lynch board, and had made these things conceal all the rest. The election frauds committed by the Republicans were but the drift-wood upon a pool of blood. He called upon the Senate and the country to take notice of the persecutions through which the Republicans had passed.

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[1] Morton's speech on the Colfax Massacre had been prepared when he was at Hot Springs with R. R. Hitt.

It was important to the people of Louisiana, continued Morton, that this agitation should cease. They had a government. Whatever its faults, it was the best that Louisiana had had since the war. It would not be set aside. But the agitation did harm; the proposition to inquire whether Pinchback had been elected by a legal legislature did harm. That legislature was in session. It was enacting laws. It had passed one hundred and nineteen acts, which were all being enforced in Louisiana. The proposal to inquire whether it was a lawful legislature contributed to cripple the Kellogg government and to bring about anarchy. We knew not what day the bloody scenes of the Mechanics' Institute and of Colfax might be renewed, and those who encouraged the criminals would have a fearful load of responsibility if such things happened again. Morton knew what exceeding joy was carried to the hearts of these men by the movement for a new election, and he hoped for the sake of the people of that state and for that of the people of the Union, that this agitation would cease, and that the Kellogg government would be held to be the government of Louisiana until under the constitution and laws of Louisiana it should pass away.

The Pinchback case was not determined during this session but the discussion of Louisiana matters was transferred to the consideration of the bill for a new election introduced by Mr. Carpenter on February 5.

On this bill Morton, on April 16, delivered an argument urging with much force the danger of congressional interference. The power to set aside a state government, he said, for faults in the election of state officers involved a power to investigate every state election and made Congress a court of last resort in all questions of contested elections arising in any of the states. It not only involved the power to set aside elections, but to abrogate constitutions and to impose upon states officers elected under Federal regulations. It involved the power to supervise the administration of a state govern-

ment, to suspend its operations, and to set it aside and create a new one according to caprice or party interest. The power contended for would place the states as completely under the control of Congress as the territories. The constitution of Louisiana provided that the Governor should serve for four years, but if Congress had the power to turn out the present government and provide for the election of a new one two years and a half in advance of the time, it might as well provide that the election should be annual, or that the Governor should be appointed by the President. The power to preserve republican forms of government in the states should not be converted into a power to destroy them; and the protectorate given to Congress over republican institutions should not be perverted into a despotic authority with no limitations but the will of a majority. [1]

In spite of the importance of the Louisiana question it failed to attract any great general interest. Bayard complained that senators fled from the chamber during its discussion. The result of the controversy was the same as at the previous session. Nothing was done. Carpenter's bill failed to become a law. Morton had gained his point. The Kellogg government remained in power.

When Congress met in December, 1874, one of the first things which claimed its attention was the Louisiana question.

[1] On April 20 Bayard, in support of an amendment to recognize the McEnery government, said that when Morton pleaded for state rights it was difficult to listen with a grave countenance. After Louisiana had been throttled on the highway by Federal power aiding the footpads, and it was proposed to grant relief, the senator had declared that this would be an invasion of the rights of the state. He was no fit guardian of the rights of a state. Mr. Bayard had seen a picture of a wolf who had killed the shepherd and possessed himself of his garments and who was watching the unwary lambs that were to become his prey. And when he heard Morton turning to those who regarded the rights of the states and warning them against interference, then again did the picture arise before his mind and he recognized what manner of shepherd the senator from Indiana was where state rights were concerned.

On December 22 the Republican senators held a caucus. Some of the Southern members advocated the sending of troops to several of the states, and declared that unless decisive steps were taken to put down the turbulent whites, the Republican party could not carry the elections. Northern senators did not, however, agree with these views, and some of them spoke against Federal interference in the South. Morton, who had been counted upon by the Southern Republicans, did not come to their relief, believing it unwise to send more troops to the South unless further provocation were given. The affairs of Louisiana, however, soon became so critical as, in the opinion of the President, to justify the use of the army.

At the November election, in that state, a new legislature was to be chosen. The history of 1872 was, in a measure, repeated. The votes cast, according to the returns, elected a Democratic majority of twenty-nine in this legislature. The returning board was appointed by the Governor. The law provided that it should be selected from all political parties, but the one "conservative" member who had been placed upon it resigned on account of its irregular action. His place was not filled, and the board then consisted wholly of Republicans. There were claims of intimidation in some of the parishes, but not enough to change the result. The returning board was in session for many weeks, and finally seated fifty-three Republicans and fifty Democrats, but made no decision as to five other places; the determination of these being left to the legislature when convened. The action of the returning board was evidently irregular and illegal.

There had been much misgovernment in Louisiana during the Kellogg administration, and the credit of the state was impaired. An armed organization, known as the White League, was formed for the purpose of resisting what was considered Republican usurpation.

As the time for the assembling of the legislature drew near there was great excitement. There were threats of assassi-

nation, and one of the Republican members was arrested just before the legislature met and taken to a distant part of the state to prevent his attendance. General Sheridan had been sent by the President to Louisiana and authorized to take command whenever he should find it necessary. He was in New Orleans when the legislature met. General Emory, upon the requisition of Governor Kellogg, had stationed troops near the state-house. William Vigers, the clerk of the last House of Representatives, proceeded to call the roll of members from the list made out by the returning board. Fifty-two Republicans and fifty Democrats answered to their names. The clerk had not finished announcing the result when a Democratic member nominated Mr. Wilts as temporary speaker. The motion was declared out of order, as the proper motion was for permanent speaker. But some one put the question, and amid much confusion it was declared carried. Wilts dashed to the rostrum, pushed aside Mr. Vigers and declared himself Speaker. A protest was made by the Republicans and disregarded. In a similar manner one Trezevant was declared elected clerk. He sprang forward and occupied the clerk's chair. Upon another motion Wilts declared that one Flood was elected sergeant-at-arms, and assistants were ordered to be appointed. A number of men throughout the hall turned down the lapels of their coats, upon which were pinned badges with the words "Assistant Sergeant-at-Arms," and the House was now in possession of the Democrats Most of the Republicans left the hall. There was great confusion in the lobby, and General De Trobriand, who commanded the Federal troops at the state-house, was asked to preserve order, which he did. The five Democratic members not returned by the returning board were at once admitted to seats. Governor Kellogg, at the request of the Republican members, now asked the aid of the Federal troops to remove from the hall the members thus irregularly admitted. De Trobriand returned, and his soldiers, with fixed

bayonets, removed these men. The Republicans who had left the hall came back, and the Democrats withdrew. General Sheridan, who took command on the evening of the same day, approved of the action of De Trobriand, and the President, when informed of these transactions, concurred in this approval. The event aroused great feeling throughout the country. Many asked: "If a legislature can be organized by Federal troops in Louisiana, why not in any other state?"

On the following day Thurman offered in the Senate a resolution that the President inform that body whether any portion of the army had interfered with the organization of the General Assembly of Louisiana, and if so by what authority.

Morton proposed as an amendment that the President also inform the Senate in regard to the existence of armed organizations in Louisiana intent on overturning the government. He said: "Let the whole story come. We are always safer in the presence of the whole truth than of a part."

A bitter debate followed. Thurman insisted that the time had passed when a plain violation of the constitution could be justified by the cry of Southern outrages. During the preceding summer an outrage mill had been started and the grist ground out, but the people had rejected the product and set their seal of condemnation upon this attempt to keep alive the fires of the late war. It was said that these murders were due to the existence of the black population. Thurman denied that there was any necessary antagonism between the races. Where was there a more peaceful state, he asked, than Virginia or North Carolina or Missouri?

Morton replied. It was claimed, he said, that the outrage business had not paid last fall. Statements of acts of violence had been published and then there had come ten thousand times ten thousand lies denying them, excusing them and justifying them until the public mind in many places had become confused and confounded. What was the remark of Talleyrand? "The same lie never wins a second victory."

The victory won by these falsehoods could not be held in the same way.

Morton added that if there was an armed conspiracy in Louisiana to overturn the state government the country would say amen to the presence of the army. Republicans had a right to be protected, whether they were white or black. He asked his Democratic friends whether murder was to become an established institution in this country?

Thurman retorted that it would be so long as it was to the interest of the Republican party to say that such was the case.

Morton asked whether the senator meant to say that the Republican party had committed these murders? It was not necessary to contradict that. The senator had referred to the fact that Virginia and other states where Democrats had power were peaceable. What a confession! Where they had the power there was no need to murder, but where they did not have it, there they committed murder to get it. The sentor said we ought to encourage peace and fraternal love. That was true. But murder was an enemy to love, a great barrier in the way of friendship. He would say to his Democratic friends in the North that they could not handle pitch without being defiled, nor acquiesce in murder without being affected by it.

The debate continued for some time. Finally the resolution together with Morton's amendment was adopted. But before the President had made his answer to Congress, Schurz offered a resolution that the Committee on the Judiciary inquire what legislation was necessary to secure to the people of Louisiana the rights of self-government He supported this resolution in a carefully prepared speech. Where, he asked, was the constitutional provision furnishing a warrant for Federal military interference with the Louisiana legislature. It was said that he who justified murders was the accomplice of the murderers. In like manner, he who justified

a blow at the fundamental laws of the land made himself an accomplice of those who struck at the life of the republic. Mr. Schurz would hail the day as auspicious for the colored men when they should cease to stand as a solid mass under the control of one political organization and when they should throw off the scandalous leadership of adventurers. There was safety for them not in union but in division.

Morton rose at once to reply. A resolution had been passed, he said, calling on the President for information. The President would respond to that resolution on the following day. Morton regretted that the senator from Missouri could not wait until that information came, for when it did come the senator would find himself in the attitude of a juryman who had delivered his verdict before he had heard the testimony.

Morton read Sheridan's dispatch to the Secretary of War that the Wilts legislature was an attempted usurpation. Morton was further advised that after the House had been organized it had been the intention to organize in like manner a "McEnery Senate" and then to inaugurate McEnery as Governor. This transaction had been part of a revolution deliberately planned to overturn the existing government. On the 14th of September last, the Kellogg government had been overthrown for a few days by military power. The President had been called on to interfere, and he had properly reinstated the Kellogg government. He had issued his proclamation, calling upon the insurgents to break up their organizations and surrender their arms. With this proclamation they had not complied. Their organizations were intact. They had never surrendered their arms. They had taken part in the attempt on Monday to seize the government of Louisiana. This attempt had been a continuation of the insurrection of September 14. If the President had had a right to put that down, he had a right to keep it down. If he

had had a right to prevent Penn[1] from being inaugurated, he had a right to prevent an insurrectionary legislature from being established. Here was a system to carry an election by blood, to seize the state of Louisiana, not by legitimate methods of electioneering but by murder; not by public documents, by making speeches and seeking to convert men, but by the argument of the shotgun, revolver and bowie-knife. That system of electioneering was cheaper than the other. It did not cost as much as mass-meetings. And when a man was taken from the Republican party by the shotgun he never returned to it. When he was converted by the pistol or bowie-knife he never came back. We were told that the colored vote should be divided. Let the colored men divide their votes, if they desired. It was their right to do it. They would do it if the Democratic party could satisfy them that it was their friend. But it was most unnatural now for them to vote the Democratic ticket. They remembered that these Democrats had owned them as slaves. They remembered that the war had been made to perpetuate slavery. They knew that Democrats had resisted their enfranchisement and would like to put them back into a condition of vassalage that was next to slavery. Were the negroes to be blamed if they did not vote the Democratic ticket?

Two days later the President sent to the Senate the information asked for. He set forth the acts of violence in Louisiana, and took the same view of the situation as that which had been taken by Morton.[2]

Schurz' resolution was debated at great length, but no final action was taken upon it. The purpose seemed to be rather

[1] The Democratic candidate for Lieutenant-Governor on the ticket with McEnery, who in McEnery's absence had attempted to take possession of the Governor's office.

[2] The Indianapolis *Sentinel*, in its comments on the President's message on Louisiana affairs, says: "The document reads like an abstract of Morton's speech at Masonic Hall in September last, and lacks much of the fire and vigor of the original."

to set before the country the views of the respective senators than to reach any legislative conclusion.

On January 14, 1875, a few days after the President's communication, the report of a special committee appointed by the House of Representatives to investigate the affairs of Louisiana was given to the public.

A sub-committee, composed of Charles Foster, William Walter Phelps and Clarkson A. Potter, two Republicans and one Democrat, had gone to New Orleans and examined some ninety-five witnesses. Their report criticised severely the acts of the returning board. In parishes which had elected Conservatives, the board had returned Republicans without any public evidence and without any opportunity to rebut affidavits which had been filed in secret session. The committee declared that the people had had a free and peaceable election, in which a clear Conservative majority had been set aside by the action of the board; that the Kellogg government had been upheld only by Federal power; that the so-called White League, throughout the state, was composed of ordinary political clubs, neither secret nor armed, except in New Orleans, where it was composed of reputable citizens and property-holders, whose purpose was simply self-protection.

This report was regarded as a serious blow to the Kellogg government.

Morton, in an interview which was widely published, criticised it severely. It was false, he said, as to the White League, as to intimidation, and as to the returning board. As to the White League, it might as well be said that the Ku-Klux was a political body of men of peaceful habits. Even as far back as the 14th of September this league had numbered seven or eight thousand men in Louisiana alone. It had extended over Georgia, Mississippi, Alabama and other states, and there was abundant evidence that it had committed acts of brutality and murder. The legality of the action of the returning board could not be impeached by a congres-

sional committee. No full, fair and unprejudiced conclusion could be made from an examination which had lasted only a few days.

The report of the sub-committee was not considered satisfactory, so the committee itself subsequently visited New Orleans and continued the examination. On February 23 three out of its seven members (Messrs. Hoar, Wheeler and Frye) made an elaborate report, which set forth with impressive particularity the acts of violence and bloodshed in Louisiana, the political massacres and barbarities committed upon defenseless negroes and white Republicans. The report revealed a condition of society unworthy of civilization. The White League was declared to be a military organization, designed to put the whites into power. The nominal Conservative majority, said the report, had been about five thousand, but a far greater number of Republicans than this had been prevented from registering or had been driven in terror from the polls. The action of the returning board, however, in seating a Republican majority, had been unauthorized and illegal. The action of the legislature in admitting the Conservative members had also been illegal, and the Federal military officer who had removed them had done so at the request of the true majority of the Assembly. A new election was not desired. The only alternative was to recognize one of the present claimants. Kellogg had been recognized by the President. His government was a fact, and its legality had been sustained by the state courts. The recognition of Kellogg would give peace and quiet to Louisiana until the next election. The committee believed that he was the choice of the majority of the voters.

The other four members of the committee, Messrs. Foster, Phelps, Potter and Marshall, differed in their conclusions as to the election, but Foster and Phelps united with the recommendation in regard to the Kellogg government, and a reso-

lution was adopted by the House recognizing Kellogg as Governor of Louisiana.

In the Senate the Louisiana question was brought up again by a resolution that Pinchback be admitted as a senator.

On the 15th of February, 1875, Morton supported this resolution in a brief speech in which he confined himself to the legal propositions.

A long discussion followed. On February 17 he urged upon the Senate the necessity for immediate action, since the peace of the state was involved. The question had been so often discussed that it was time to vote. The Senate, however, decided otherwise, and laid the resolution upon the table.

The matter came up again in the special session of that body, after the 4th of March, and consumed a great part of the time in this session.

Morton again offered his resolution for the admission of Pinchback, and delivered an elaborate speech discussing the legal aspects of the case for the benefit of the new senators. He insisted that if those presenting proper credentials could be refused admission until after full inquiry, objections might keep out one-third of the members of the Senate, and a party having the numerical majority in the previous body might thus retain their supremacy. The integrity of the Senate required that applicants presenting credentials in due form should be admitted.

Senators Merrimon, McCreery, Saulsbury, Christiancy, Thurman, Ferry and Whyte followed, all opposing the admission of Pinchback.

For a long time Morton had to carry on alone the argument in his favor. Thurman insisted that neither the decisions of the state courts nor the recognition of the President could bind the Senate, because that body was the sole judge of the elections, qualifications and returns of its own members.[1]

[1] A sharp colloquy between Morton and Thurman took place during this argument. Morton asked whether the Supreme Court of the United States had not decided in many cases that it would follow the decisions

As the debate progressed it was manifest that while the Republicans were divided in opinion the Democrats were all united in opposition to Pinchback. In his closing speech Morton availed himself of that fact. "Our Democratic friends," he said, "play this game of politics very much as they play cards; when in doubt they take the trick. They never allow any question to stand between them and any chance of strengthening their power."

The Democratic party, he added, was opposed to seating Mr. Pinchback; first, because they did not like his color; next, because they expected a Democrat to get his place. They were thankful to any Republicans who would aid them in keeping him out.

It was found that the opposition to Pinchback was so strong that the resolution giving him his seat could not be passed, and Mr. West, the sitting senator from Louisiana, declared that he was not willing to submit the claims of his colleague to the test of a vote, and therefore moved to postpone the question until the second Monday of December.

The motion was carried by a small majority, the friends of Pinchback supporting it by their votes.[1]

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of the state courts upon actions arising under the constitution and laws of the state.

Thurman answered that the senator had been so long from the bar that he had become prodigiously rusty or he would never make such an assertion. A few minutes later Thurman spoke of Morton's ignorance.

Morton was exasperated, and when Thurman proceeded to read an extract from the opinion in Luther *vs.* Borden, Morton offered to continue the reading.

Thurman answered: "If the senator wants to read for the purpose of enlightening himself it will take more time than I can spare."

Morton retorted: "I want to read enough to send back the charge of ignorance where it belongs." And then he read a portion of the opinion which declared that the decision of a state court repudiating a previous state government was one which the courts of the United States were bound to follow.

[1] The practical advantage of this action over a definite vote rejecting Pinchback was that it would prevent the Democrats (if in any way they should get possession of the Louisiana legislature) from electing a Democrat in Pinchback's place.

On the 5th of March Morton introduced a resolution declaring that the Kellogg government was the lawful government of Louisiana, was republican in form, and that whatever assistance was necessary to sustain it should be given by the United States. Although the Senate was not willing to admit Pinchback, yet the general sentiment was in favor of sustaining the President.

A Republican caucus was held, and Mr. Anthony, the chairman, was instructed to bring in a resolution approving the action of the President in protecting the Kellogg government. This was done and the discussion which followed was confined to the Democratic senators. One of the features of the debate was a rambling speech by ex-President Andrew Johnson (who had now become a member of the Senate), insisting that the purpose of the resolution was to enable Grant to ride triumphantly into the Presidency for a third term. When that was done, farewell to the liberties of the country! He spoke of the President's gift-taking. He asked 'upon what meat our Cæsar fed.' He defined the government as a stratocracy, and talked much about the Goddess of Liberty.

On the 23d of March Anthony's resolution was adopted.

Thus the Kellogg government was recognized by the Senate, although that body was unwilling to admit to membership the man who had been chosen by the Kellogg legislature.

When Congress met in regular session in December, 1875, the Pinchback election case again came up for consideration, and on February 4, 1876, Morton made another argument urging his admission. In this speech he also considered certain personal charges against Mr. Pinchback, and challenged the production of any evidence to sustain them.

The opposition to Pinchback, however, was too strong to be overcome. On March 8 an amendment offered by Edmunds that he be *not* admitted was carried by a vote of 32 to 29, and the long contest ended in his exclusion from the Senate.

CHAPTER XIV

CALDWELL BRIBERY CASE—"BACK PAY"—OHIO CAMPAIGN OF 1873.

In January, 1871, Alexander Caldwell was chosen senator from Kansas. There were charges that his election was the fruit of bribery, and in the following year a committee of the Kansas legislature reported that money had been paid and official favors promised by Caldwell to various members of the legislature in exchange for their votes. This report was sent to the Senate and referred to the Committee on Privileges and Elections. In the investigation which followed the examination of witnesses was thrown open to the public.

When the rumors of Caldwell's corruption first reached the Senate, Morton paid little attention to them, believing that they were political slanders. But as the evidence accumulated, he became impressed with the gravity of the case He said to Hitt, his private secretary, that the point had now been reached where it was the duty of Republicans, without any cant or special assumption of virtue, to put an end to such practices.

On the 17th of February, 1873, Morton, on behalf of the committee, submitted a report which set forth a written contract between Caldwell and another candidate, one Thomas Carney, by which Carney agreed to withdraw from the contest and to give his influence to Caldwell for fifteen thousand dollars. The committee also submitted testimony concerning an arrangement with one Sidney Clarke, another candidate, whereby Caldwell was to pay Clarke's expenses (esti-

mated at from twelve to fifteen thousand dollars, and Clarke was to withdraw and urge his friends to support Caldwell, which they did. Witnesses testified that Caldwell had admitted that his election had cost him sixty thousand dollars. Other circumstances showing bribery were mentioned in the report. The committee said that it was a subject of discussion among the members whether Caldwell's offense should be punished by expulsion (which required a two-thirds vote) or whether the bribery had not made the election void, in which case a mere majority of the Senate could declare the seat vacant. They offered a resolution that Caldwell had not been duly elected.

No minority report was submitted, but three out of the seven members of the committee (Messrs. Carpenter, Logan and Anthony) dissented from the conclusions of the majority.

On March 10, at the special session of the Senate, Morton opened the debate on this question. Caldwell, he said, had furnished to the committee a printed argument denying the existence of any sufficient evidence of bribery, and insisting, first, that his agreement with Carney was a private affair, about which the Senate had no right to inquire; second, that bribery of a legislature had not been made a crime by any Federal law, and that he could not be unseated for it, because he could not be indicted and punished for it; third, that the right to investigate belonged only to the state; fourth, that the Senate had no power to expel him for a crime committed before he had become a senator.

To these contentions Morton replied that the Senate was authorized to judge of three things in regard to its members; qualifications, returns and elections—whether the elections were conducted according to law and were free or were attended by circumstances which would make them invalid, such as bribery, fraud or intimidation.

The power of the state legislature was exhausted when it had elected a senator and it had no right to annul its action

for any cause. If it could do so, membership in the Senate would not be under the control of the Senate but of the several states, and the Senate would not be the judge of the election of its own members; and if there were no power either in the Senate or in the legislature to inquire whether an election had been procured by bribery or fraud, then the evil would be irremediable. If such were the position of the Senate, it was the only legislative body in the world in such a helpless condition. The ground upon which bribery and intimidation invalidated an election was that they impaired the freedom of that election. There was no difference in principle between buying votes and buying influence. To employ persuasion was legitimate, but buying off opposing candidates went much farther. Such an offense was more common than bribery and more effective. It was less troublesome and dangerous, but it involved more turpitude. The vendor of his friends and his influence was making merchandise of those sentiments of attachment which were honorable to human nature and relieved political contests from much that was sordid, selfish and mean. And the purchaser knew that he had obtained votes under false pretenses and that he had bought them just as effectually as though he had paid a bribe, although the purchase-money had been paid to another. The principle of the common law was applicable, that whatever impaired the freedom of an election was illegal, and would make the election void. If the transaction was not technically bribery that was immaterial, for it was an undue influence, even more dangerous, and it was begotten of a corrupt money consideration.

Bribery bore the same relation to an election that fraud did to a contract. If there were any difference, bribery was the more vital. The doctrine that the purchase of a single vote would vitiate an election was a consequence of this prin-

ciple. If the candidate fraudulently elected was entitled to his seat unless it could be shown that the whole majority in his favor had been corruptly procured, justice would be defeated. Corruption in an election might be compared to a drop of fatal poison injected into the human system, circulating in every part and destroying every function. The man who had purchased one vote had shown himself willing to purchase all. The constitution declared that the Senate, by a two-thirds vote, might expel a member. The causes were not defined, but rested in the discretion of that body. The position taken by Mr. Caldwell, that a senator could be expelled only for causes arising subsequent to his admission, was not sustained by authority. The power of expulsion was absolute. It might be for a cause existing before the election as well as afterwards, and for any cause which in the sound discretion of the Senate would make it improper for a man to continue to be a member. It was admitted that the Senate might expel a member for a crime committed during his membership, although that crime had no connection with his official duties, since his presence in the Senate would degrade that body and since he had shown himself unworthy of public trust and unfit to be associated with honorable men. Did not all these reasons exist with equal force where the crime was committed before admission and not discovered until afterwards? It had been argued that a state had a right to be represented by a criminal if it so desired, and that the Senate must receive whomsoever the state should send. Morton dissented from this doctrine. The Senate, he said, had a right to protect itself against the admission of a criminal, although the legislature electing him was indifferent upon the subject or chose him for that very reason. But the reasoning as to expulsion for an offense disconnected with the election fell to the ground where the offense was the very means by which admission was obtained, where it was the stepping-stone to the Senate. Here the offense affected the

title to the office, and the power of the Senate to adopt the proper remedy was given by that clause of the constitution which authorized it to judge of the elections of its members. To say that the Senate could not expel for a cause arising before election, when that cause was the very means of the election, was to say that if the crime had a favorable result, and the perpetrator of it entered upon the enjoyment of its fruits, he was by that very fact exonerated from any inquiry into its character and protected in his guilty possession.

Morton now reviewed the testimony. He considered that the evidence established this as the most flagrant case of bribery in the history of English or American politics. Caldwell had had no political status in Kansas. A man of large wealth, he had been unknown to the people except in so far as his business had brought him into contact with them. The fact that such a man could step into the political arena and distance competitors who had been before the people for years, implied that there had been some influence at work other than that of a political character. Caldwell had made a statement to the committee, but it had not been made under oath. He had been notified that he had the right to make his statement under oath, but that in that case he would be subjected to cross-examination. He had preferred to submit his unsworn statement. Caldwell lived at Leavenworth, eighty or ninety miles from the capital of Kansas. Among his friends Len T. Smith had been his chief adviser. Mr. Smith had made the negotiation by which Carney, in consideration of fifteen thousand dollars, had signed a paper agreeing to withdraw from the contest and use his influence for Caldwell, and as security for his industry and zeal, one note for five thousand dollars had been made contingent upon Caldwell's election. There was an understanding in Kansas that senatorial elections were carried by money, and there was such demoralization that members of

the legislature had spoken to their friends of how much they had been offered, what they had received and how much they had asked, and this talk of corruption had been so common that just before the election, Mr. Fenlon, a Democrat from Leavenworth, had offered a resolution that the Speaker should administer to the members an oath that they had not received, and would not receive, any money or other valuable thing to influence or control their votes. The resolution had been adopted, and when the time had come for the vote the Speaker had called upon the members to stand up and receive the oath. A little more than half of them had done so; the remainder had refused. The fact that such a resolution had been offered, and that the House would tolerate it, showed a consciousness of guilt and a demoralization that would hardly be believed if it had not been well attested.

Morton now detailed the circumstances attending the drawing of seven thousand dollars at night from a Topeka bank by one of Caldwell's agents, the placing of this money on the table in a room where it could be taken by those for whom it was intended, and its immediate disappearance. He outlined the testimony, tracing other sums drawn from the banks at unusual hours, spoke of Caldwell's admission that the election had cost him over sixty thousand dollars, and that he had paid large amounts to members for their votes. Morton read from the testimony a description of a caucus of Caldwell's friends, to whom Mr. Smith reported the men that he had purchased and the progress of the negotiations. While there were contradictions, Morton insisted that the conclusion was irresistible that Caldwell's election had been procured by money.

On the following day Caldwell submitted a written argument prepared by Caleb Cushing.

Carpenter followed in a speech devoted, not so much to the defense of Caldwell, as to insinuations against Morton. He told of a nice old deacon of the Seventh-day Baptist church,

who had become sick through the revelations of wickedness made to a grand jury of which he was a member. A similar motive no doubt explained the indignation of his friend from Indiana, who had had so little political experience, who had acted in sublimer spheres and had known nothing of the dirty means or dubious struggles by which campaigns were carried on. Morton had lived in a state where it was unnecessary to spend money to secure a political result. That could be proved by the national committee, by gentlemen in New York, Boston and elsewhere who contributed funds to carry on political campaigns in doubtful states.

Carpenter could not say how a political canvass would have been conducted in the Garden of Eden; perhaps upon the same plan as in the state of Indiana. But in other states money was used in politics. It was spent to maintain the church and promulgate the Gospel, to encourage Sunday-schools and Bible societies, to distribute the Scriptures and Christian tracts; and the same thing was done in politics.[1]

Caldwell, he insisted, was elected unless a sufficient number of members of the legislature had been bribed to have changed the result. This would not be pretended.

On the following day Morton read authorities to show that bribery was an offense at the common law, and that seats in Parliament had been declared vacant on account of it before any statute had been passed. In these cases no reference had been made to the number of votes purchased. It had not been put upon that ground but upon the ground expressed by Lord Coke, that "bribery poisoned the whole fountain."

Senator Logan now undertook an elaborate defense of Caldwell, reviewing the evidence at great length. Logan had become impressed with the belief that Caldwell's enemies were

[1] The Cincinnati *Enquirer*, March 12, says: "Morton's brow grew blacker than usual under these allusions. They conveyed to those who understood the special relations between Conkling and Carpenter a deeper significance than the contest over Caldwell."

persecuting him, and that unfair means had been taken to secure his removal from the Senate.

He criticised Caldwell's accusers, their inconsistent declarations, their dishonorable conduct, their personal motives, and the bitterness of their feelings. His analysis of the evidence showed that many of their statements were unreliable.

The debate continued at great length. Bayard insisted that expulsion was the only proper remedy. Thurman spoke in support of the conclusions of the committee, and Conkling, on the other side. That gentleman, as we have already seen, had been for some time an aspirant for the leadership of the Senate, a position that was accorded to Morton.[1] Conkling was often found opposing the things which Morton favored, and it was noticed that his behavior toward the Indiana senator was marked by scant courtesy. He now delivered a carefully prepared speech to upset, if possible, the conclusions of the committee.[2]

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[1] This struggle for leadership received much notice in the newspapers.

"An exciting contest," said the Washington *Dispatch* to the New York *Tribune*, "may be expected between Mr. Conkling and Mr. Morton for the leadership of the Senate. The former is already disputing the supremacy of the latter."

The Cincinnati *Commercial*, of March 11, quoted the foregoing and set forth the advantages possessed by Morton, his greater popularity, his larger grasp on public affairs and the wider range of his political influence.

[2] The act of the state, he said, in choosing a senator, was one of a family of acts so identical in their attributes that it was hard to see how they could differ in the tests of their validity. Among these was the ratification of an amendment to the constitution. Who would say that if a member of a state convention were bribed, the amendment would fail? Each state appointed Presidential electors. This might be by the legislature. Yet who ever dreamed that electors were not appointed whenever it might be discovered that a member of the legislature had received a bribe? Appointments to office were by advice and consent of the Senate. Could a commission be vitiated by proving that a member of the Senate had been bribed to vote for confirmation? The President and the Senate made treaties, but would Christendom scream with laughter or be grim with contempt if a nation should say, "we refuse to observe this treaty because

Other senators followed and when, on Saturday, March 22, the Senate adjourned till Monday, it was understood that Morton was to close the debate. He had been engaged for many days in the preparation of an elaborate argument. His private secretary, Mr. Hitt, had examined for him the history of Walpole's briberies and the cases of the so-called "Forty Thieves" in Wisconsin. Morton had dictated a speech which Hitt considered one of the ablest he had ever prepared. On the 24th of March, when the Senate met, he was about to take the floor to deliver it. One who was present thus described him. "All eyes were turned upon Morton, who had buckled on his armor for the death-blow. Usually he

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it was carried by bribery"? Pardons were granted and vetoes imposed by President, Governors and councils. Might these be canceled for bribery?

But it was asked, was there no remedy for bribery? Did no storm slumber anywhere with power to burst upon the heads of those who profaned elections and bought seats in the Senate? The senator from Indiana had mused in a hopeless strain. But the case was not so sad, the state had the power to punish, Congress might do the same thing, and the Senate might expel a member guilty of this crime. Expulsion might be for one bribe as well as for a thousand. But bribery, to undo an election, must be the bribery which had controlled it. Would it be contended that the Senate could find that twenty-six members of the legislature of Kansas had been bribed?

Mr. Caldwell had paid a rival money to induce him to retire. Conkling condemned this; but, to undo an election, the transaction must be the bribery of those who voted. Was the payment to Carney bribery of the members of the legislature? Suppose a candidate imported a noted temperance man to speak to temperance men, or a noted tariff man to speak to tariff men, and paid him two hundred dollars a day to make speeches, what effect upon the election would such a transaction have? Those whose morality was finer than Mr. Conkling's might understand the difference between giving money to Carney to advise others to vote for the candidate and giving money to him as a public speaker for the same purpose. Mr. Conkling did not understand the whole breadth of the distinction.

It was said that removing Carney had reduced the number of candidates. Suppose Carney and Caldwell had cast lots to see who should withdraw, or had referred it to mutual friends, would that have been bribery of the legislature of Kansas?

comes into the Senate with head inclined forward, a deathly pallor on his face, and moving with a dragging, shrinking step. To-day he walked erect, his head thrown back and his eyes dark and luminous, darting glances of triumphant meaning. . . . No wonder it sent terror to Caldwell's soul. . . . The poor little man of money did not try to stand up under his withering gaze."

Before Morton rose to speak the Vice-President laid before the Senate the resignation of Caldwell.

The public was taken by surprise. It is said that this determination had been made on Saturday and that the Governor of Kansas had been brought to Washington to acknowledge the receipt of the resignation. Caldwell's friends, by carefully polling the Senate, had found that although two-thirds were not in favor of expulsion, a clear majority would vote that his election was void. Caldwell did not dare to face Morton's speech and the vote which would follow it and he therefore took a sure way of avoiding them.

Morton was now asked whether he proposed to take any further steps. The answer was short. It was, he said, hardly competent for the Senate to expel a man who was not a member, or to declare a seat vacant which had already been vacated by resignation. Therefore Morton considered his duty at an end.

The resignation was regarded by the public as a confession of guilt and put in an embarrassing plight the senators who had been conspicuous in Caldwell's defense. These gentlemen were much surprised at his flight from the field of battle.

Morton's triumph was complete. He was the object of general congratulation. Sumner who had just come back from Europe was warm in his expressions of approval. The press had been practically unanimous in demanding Caldwell's removal and the praise bestowed upon Morton was unstinted.[1]

[1] Among the bitter articles which had heretofore been written against Morton none were more venomous than those of George Alfred Townsend

The technicalities under which it had been sought to hide the question at issue had been brushed away (so said the independent press) by such men as Morton, Thurman and Schurz. The Republican papers were equally emphatic. Here, it was said, was an invalid, worn and anxious, who had surprised all his associates by an energetic, searching, honest investigation, continued for weeks, entirely open to the public eye, without an attempt to whitewash or distort the facts. The politicians, among whom Morton had been counted the chief, had tried to cry him down and cover the case with ridicule, but he had

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or "Gath." Townsend was now introduced to Morton by Mr. Hitt on the day of Caldwell's resignation. They had never met before. Townsend remarked that it was a pity that Morton could not make the closing argument. Morton answered that it was of no consequence, that he had done his duty and that was the end of it. Some commonplace remarks followed regarding Morton's health and upon the slender thread of this interview Gath published two columns in the Cincinnati *Commercial*. He said :

"To take the position Morton did against Caldwell required courage, for the Senate is such a little body that fellowship prevails in it as in a female seminary. A big conspiracy gathered around Caldwell for his support, led by Simon Cameron, whose three cavalry majors were Matt Carpenter, Roscoe Conkling and John Logan. . . . I forget how many more entered into the arrangement to save Caldwell, but they were a very scared lot when they knew that the great, black, smithy face of Morton was in pursuit of them. I did not believe that Morton would make his point because in the congregation of small particles you can sometimes dust out the eyes of a giant. The moral atmosphere which prevailed over the capital was dark and heavy, in view of the probability of corruption being solemnly defined by the Senate as outside of its responsibilities. But Morton is a man who kindles and enlarges by opposition when aware that his cause is legitimate and popular. Not all the outside button-holing of Cameron, nor the froth of Conkling, made headway against his determined spirit. He had prepared a closing speech to overwhelm Caldwell; and from what I have heard of the contents of that speech I presume that had he delivered it, it would have spread his reputation abroad as one of the most determined moral reformers of his time. Aware of the calamities impending in that speech, little Caldwell, who preserves this redeeming quality, that he can feel, hastily delivered his resignation to the Governor of the state and disappeared like a will-o'-the-wisp."

held his course and more than any other man he had saved the Senate from disgrace.

There was one subject that came up during this session of the Forty-second Congress which did not attract any great amount of attention at the time but aroused much criticism afterwards. The salary of Congressmen was five thousand dollars a year. This was thought to be very little for offices whose duties were so important, and a bill providing for an increase of compensation was brought into the Senate in January, 1873, and referred to the Committee on Privileges and Elections. Morton does not seem to have taken an active part in regard to this measure. On the 23d of January Senator Hill, of Georgia, stated that he had been instructed by the committee to say that his own amendment, raising the salaries of Congressmen from five thousand to eight thousand dollars, dating from the commencement of the Forty-second Congress, had met the approval of the committee, and he reported it on their behalf. A motion was made to lay Hill's amendment upon the table, and it prevailed. Morton, although present when this report was made, was absent when the vote was taken.

On the 28th of January Hill reported another amendment, which he said was approved by the same committee, making the pay of Congressmen seven thousand dollars per annum, to commence with the beginning of the Forty-second Congress. This amendment, however, was not adopted, and no change was made at that time. The Congressmen who wanted an increase of salary now thought that the best plan to secure this would be by means of an amendment to the appropriation bill at the close of the session. The Senate rule, providing that no one should speak on such an amendment for more than five minutes, would limit debate and cripple opposition. An appropriation bill had been sent in from the House of Representatives on the 30th of January, amended

in the Senate and sent back to the House, where it remained until February 24, one week before the expiration of Congress, when General Butler moved to increase the pay of the President, Vice-President, Judges of the Supreme Court, Cabinet officers and members of Congress, making the pay of these members seventy-five hundred dollars a year, to commence with the beginning of the Forty-second Congress. This amendment was changed by substituting sixty-five hundred for seventy-five hundred dollars, and was reported to the Senate on the first of March, three days before the close of the session.

Edmunds moved ineffectually to strike out all except the provision increasing the salary of the President.

Morton then moved to strike out so much of the amendment as referred to the pay of Congressmen. He said that if he was to have the name of having his salary increased he wanted it substantially increased. The increase giving sixty-five hundred dollars in lieu of mileage, stationery and newspapers would be for him an increase of about eight hundred dollars. He preferred to leave the question to some future session. Morton said that he hoped the President's salary would be raised, but as to the rest the matter could be left until the next session. Subsequently, however, upon the suggestion of other senators, he withdrew his amendment so as to let the bill go to a committee of conference.

Edmunds then re-introduced Morton's motion that the increase of salaries of Congressmen be omitted from the bill, and Morton voted for this proposition, which, however, was not adopted. The subject went to a conference committee, and that committee reported an increase in the pay of Congressmen, to date from the beginning of the Forty-second Congress. When the report came in, Morton, who had been in his seat almost continuously for forty-eight hours, had gone home to get a little rest. The report of the Conference Com-

mittee was adopted. The salaries were raised to seventy-five hundred dollars and "back pay" was given.

Shortly after this Morton had a conversation with his colleague, Senator Pratt, and they mutually determined that the principle of this law, thus adopted at the close of Congress, before the people could express their views upon it, was so questionable that they would not draw the money for the term which was now expiring. Shortly after the adjournment Morton went to Hot Springs, where he remained until the summer, making a final effort for the restoration of his health.[1] It was generally considered at the time that the back pay would find its way into the national treasury, provided the Congressmen left it untouched. In point of fact, however, the amount thus drawn was placed to the credit of the different members of Congress, and had to be returned to the treasury by them. The opposition press kept calling attention to the fact that Morton had not returned the money. The list of those who had given up their back pay was pub-

[1] His private secretary, Mr. Hitt, accompanied him. Letters written to his wife nearly every day describe his occupations and the progress of his improvement. The letters are not dated. "I work some hours each day upon different subjects, but am much hindered by the want of books. It is impossible to stick to a novel long at a time. The bitterness of the people who live here against those who come from the North is unabated, and they show it on all occasions when they have the opportunity."

"I am pained at the course of the government in regard to Louisiana, and fear it is an almost fatal blunder. I will stand by the colored people there at all hazards."

"This water is working some changes in my condition. My complexion is better, and I have more sensation in my limbs. It is the opinion of physicians that I ought to stay until I have taken forty baths. The one to-day is the thirty-first, but I don't see how I can stay. I am much interested in writing my speech on the Louisiana affair."

"I made up my mind to start home to-morrow morning, but it was against the judgment of everybody here, and I have concluded to stay a week longer. It is irksome beyond endurance, and nothing but the conviction that I am making a last effort for health enables me to bear it. Your last letter said you were not so well, but I pray God you are improving again."

lished again and again, with the additions made to it from time to time, with comments upon the absence of Morton's name. Finally, on August 14, he wrote to H. C. Gorham, secretary of the Senate, as follows: "I had determined from the first that I would not draw this money, and now comply with the formality which seems necessary to close up the matter in your accounts."

Morton had been invited to take part in the Ohio campaign, where Governor Noyes was the Republican candidate for re-election against the venerable William Allen, who had been nominated by the Democracy. His first speech in that state was delivered at Athens on August 25.

In this speech he criticised the reorganization of the Democratic party on the basis of its original principles, after repudiating the professions of the year before. He referred to the declarations of Mr. Groesbeck and other eminent Democrats favoring the dissolution of the old organization and the formation of a new one. When members of that party were divided in opinion as to whether it should continue to exist, there ought to be little hesitation on the part of others. But the nomination of ex-Senator Allen signified that the party had rejected all ideas of progress and had returned to its ante-bellum principles. Mr. Allen had been a state rights Democrat, and the effort to elect him was like an attempt to restore the customs of ancient Egypt by presenting well preserved mummies for admiration and pattern. The Democratic party again proclaimed its ancient heraldry and stood before the world the hateful political thing that it had been during the war and for ten years before. At its head were the ancient banners, on which had been inscribed "The Preservation of Human Slavery—The Repeal of the Missouri Compromise—The Dred Scott Decision—The Resolutions of 1798—The Government has no Power to Coerce a State to Remain in the Union, no Power to Suppress the Rebellion—

Not a Man nor a Dollar for the Unholy War—Opposition to the Amendments—The Reconstruction Laws Null and Void—No Power to Punish the Ku-Klux—This is a White Man's Government—No National Unity but Sovereign and Independent States." When the Union army had met the rebel hosts at Gettysburg they had not asked for a declaration of intentions. The banners and uniforms had shown what was meant. And so when the Democratic party was found in battle array with its ancient banners flying, we knew what was meant; its present declarations were wholly unimportant.

This speech aroused great indignation among the Democrats. On the following day the *Enquirer* had twelve editorials and paragraphs denouncing Morton.

Thurman, at Batavia, on the 16th of September, attacked him bitterly: "A renegade Democrat himself, he verifies the adage that 'one renegade is worse than ten Turks.' In his Athens speech he calls the Democratic party the 'hateful political thing it was during the war and for ten years before.' That takes us back to 1851. And yet Oliver P. Morton clung to the 'hateful political thing' for years after that and until it refused to gratify his vaulting ambition. And now he is never weary of traducing his old political associates and blackening the principles for which he once expressed unbounded devotion."

In a later speech at Dayton, Morton criticised the men who found nothing to commend in the government. Such men, he said, were like those who gathered their opinions of a city from an inspection of its sewers rather than from its parks and public edifices.

Thus the battle waged. But the Credit Mobilier scandal, the purchase of seats in Congress by Republican senators, the "Salary Grab" (as it was called), the Louisiana turmoil, and most of all, the financial panic which occurred in New York about the middle of September, were too heavy a load for the party to carry. Allen was elected governor of Ohio.

CHAPTER XV

PANIC OF 1873—CURRENCY BILL AND VETO—RESUMPTION.

We have seen that Morton's influence had been exerted in behalf of the resumption of specie payments. During a period of "good times" when business was comparatively prosperous, he had favored fixing a day for such resumption far earlier than the date when it was actually accomplished. His plan had not then been adopted. The financial condition of the country was now greatly altered, and his opinions changed with what he considered the needs of the time and the demands of the public. It will be hard to reconcile his later utterances with those that went before, and history will no doubt decide that his earlier convictions were the truer ones. His course, however, upon this as upon all other matters, will speak best for itself.

In September, 1873, an extraordinary panic occurred. It commenced with the failure of Jay Cooke & Company, a great banking house in New York which had been engaged in the building of the Northern Pacific Railroad. Many banks stopped payment. Confidence was shattered and money became scarce. The government was called upon for help and bonds were bought by the Secretary of the Treasury for the purpose of furnishing to the country the needed currency. Morton met the President and Secretary in New York a day or two after the panic began and he was in frequent consultation with them. He urged them to use the whole reserve of legal tenders (some forty-four millions of dollars) to relieve the money market, but they doubted their legal power

to do this, as well as the wisdom of such a course, and it was not done, although twenty-six millions of this reserve was soon put into circulation.

Morton, who had spoken so often of the prosperity of the people under a Republican administration, was now called to account for these utterances. He did not, however, attribute the disaster to any act of the government, but rather to the improvidence of those who had embarked in enterprises which they were unable to carry out. Most of the people, he said, had been but slightly affected, the trouble was confined to bankers and capitalists, and he believed that in sixty days the evil results of the panic would pass away. The end, however, was not so near as he thought. In about thirty days after the beginning of the panic thousands of business houses had fallen, the wages of hundreds of thousands of workmen had been cut off, the negotiation of American securities in the money markets of Europe had been suspended, the banking system of the country had become paralyzed and the national revenues had fallen so far short that payments on the public debt were stopped.

The financial question was naturally one of the first to receive the consideration of Congress. The President in his message to that body spoke of the panic. Permanent prosperity, he said, would not come until a specie basis was reached, and this would not take place until exports were sufficient to pay for imports, interest due abroad and other obligations. More currency was needed during the fall and winter than at other times. *In view of the contraction which had taken place he did not believe that there was too much of it now for the dullest period of the year.*

The inference was strong from these words that the President thought there ought to be more currency.

Early in the session the Committee on Finance determined to learn the sense of the Senate in regard to resumption, and a resolution was reported that it was the duty of Congress to

take measures to fulfill the pledge made in the act of March, 1869, for the redemption of the United States notes in coin.

The hard times had created a great demand for more money, especially in the West, and Morton had been influenced by this demand. In discussing the resolution of the finance committee he admitted that the faith of the government was pledged to pay the greenbacks in coin. But the question was whether this should be done at once. There was a wrong time to do a right thing, and this was not the time to redeem these notes unless the day of redemption were put so far off that it would not increase the present embarrassments nor intensify the effects of the panic. "There is," he said, "a sort of fanaticism about a return to specie payments. I had it pretty badly once myself. But experience and the lapse of time have abated the violence of it." . . . The country, he said, should come to specie payments in prosperous times, not in adversity. If greenbacks were brought up to par within twelve months, their purchasing power would be increased ten per cent. One who had debts to pay must sell ten per cent. more of his property in order to pay the debts. Was the country prepared for that? Should not the process be more gradual? Should it not be distributed over two or three years? Ten per cent. was more than twice the average profits of business. The panic had not been caused by the depreciation of the currency. Greenbacks, national bank notes and bonds were the things in which all had faith. And if the panic had not been caused by a depreciation of the currency, how would it be relieved by specie payments? A good physician looked into the disease before he attempted to prescribe. There had been plenty of money the morning Jay Cooke failed, but none to be had that night. The people said, "If Jay Cooke can not be trusted who can be?" There was a run upon the banks. They refused to discount; many refused to pay their depositors, and they collected all they could. Money was scarce, made scarce by want of confidence. Morton claimed that for a panic a sus-

pension rather than a resumption of specie payments was the remedy. He referred to the panics of 1853 and 1857 in proof of this. When the present panic took place the government had authorized the purchase of bonds to the amount of the currency balance in the treasury. About fourteen millions of bonds had been sold by savings banks, which had thus obtained currency to pay their depositors. Morton had been in New York on Saturday, and on what was called "Black Sunday" when there were rumors of mobs and runs upon these banks; and if the people had not been assured of the ability of the banks to pay their depositors by the sale of bonds there would have been violence and great disaster. Morton reviewed the history of the panics in England from 1745 to 1866. In each case the remedy had been either a suspension of specie payments or an increase in the currency. Financial philosophers had said that a panic must be let alone, that it must run its course like the measles or the small-pox or a fever. It might as well be said that if a fire broke out in a great city you must let it alone, not try to put it out or circumscribe it by blowing up the buildings around it, or that when yellow fever broke out you must not strive to hem in the pestilence and stamp it out. Morton maintained that when a panic occurred it was the duty of the government to stay its progress and shorten its duration. It would not require a large addition to the currency to restore confidence. Money was scarce because people hoarded it. Add a little to the currency and that would call out what had been hoarded. When good times came again it could be taken back. If a wagon stuck in the mud, after a fifth horse was put on, and a single revolution of the wheels was made, the others could pull it out easily, and the additional horse could be taken off. Morton remembered going to mill when the mill was not running because the water was low, but the miller and his boys went with buckets and took water out of the race and carried it to the overshot wheel, and lifted the head-

gate and poured the water on from the buckets, and the wheel started, slowly at first, but finally it turned faster and the grist was turned out. When a pump had gone dry, you would pour in a quart of water at the top, the pump would resume, and water could be pumped all day.

The panic was an accident like the explosion of a boiler or a collision, something that nobody could have foreseen. Morton was sorry that when it commenced the government had not seen its way clear to put into circulation at once the whole reserve of forty-four millions. That would have stopped the panic. But the President had not been at liberty to do this. The Secretary of the Treasury had not felt safe in doing it because he had feared a falling off in the revenues which would make this reserve necessary to carry on the government, and his fears had proved to be well founded.

The debate on the resolution in favor of resumption continued for a long time. On January 14 Schurz delivered a speech attacking Morton's position. The obligation of the legal tender notes, he said, was to pay in gold coin as soon as the government, relieved of the pressing necessities of the war, should become able to do so.

Schurz insisted upon the binding force of this duty. Every other doctrine was repudiation Morton had proposed an increase of the currency. Schurz would call this by its right name, inflation. He denied Morton's claim that the panic was caused by an accident, and he set forth the causes which had led to it—the spirit of speculation, the improvident credits, the fictitious values created by the employment of capital beyond the limits of present demand, the sudden loss of confidence, the general distrust. Morton had said that this panic was not caused by any defect in the currency. Schurz insisted that the spirit of speculation had held its first orgies in the gold room; that the fluctuations in the currency had obliged merchants and manufacturers to become gold

speculators, and that while the currency was not the sole cause of the crisis it had stimulated the agencies by which the crisis had been brought forth. As to the remedy, Morton had said that not resumption but suspension and additions to the currency were the cure for panics. But suppose a sudden fright and run upon the banks might be thus stopped, had we not passed that stage of the business? The Secretary of the Treasury had bought bonds, and twenty-five millions of the reserve had been drawn upon. Morton had said he wanted only a small addition to the currency to relieve the panic. He had had more than that. There was now plenty of money in the banks, but the crisis was not over because liquidations were going on which had been made needful by the unsound transactions of the past. The crisis was working itself out and under these circumstances, and not to head off a sudden panic, an addition was urged to our depreciated currency. The purpose was to make money easy, to give a new impulse to enterprise. This meant the inauguration of a system by which the government would issue any amount of irredeemable paper money which would further depreciate, thus changing current values. It would place private fortunes at the mercy of the government. It was virtually the power of "debasing the coin of the realm." Schurz spoke of the "hallucination" that inflation would bring down the rate of interest. The more the currency was expanded the further we would slide down the slope at the bottom of which was repudiation, and every descending movement would make it more difficult to arrest the dangerous course.

On the following day Morton replied. He was opposed, he said, to reducing prices, but if that were done, it ought to be done gradually. The prudent sailor would descend from Lake Erie to Lake Ontario by the Welland Canal, but these bold admirals of finance insisted upon going over Niagara. The senator from Missouri had tried to show the bad effects of an irredeemable currency in producing speculation.

Morton, on the other hand, insisted that the greatest periods of speculation in England had been those when there was a coin currency. Germany was suffering from such speculation, not on account of irredeemable paper, but because the gold of France had been poured into her lap. Speculation was due to an excess of currency, not to the character of the money employed. Schurz had denied that by making money abundant you decreased the rate of interest. Morton had supposed, he said, that the law of supply and demand governed this rate, that when money was plenty interest would be lower than when money was scarce. But according to the senator the right way to make money cheap was to make it hard to get. An abundance of money, said Morton, produced enterprise, prosperity and progress. He did not propose to increase the greenbacks beyond the four hundred million limit, but he would add to the national bank circulation forty-four or fifty millions more. To increase the national bank currency to this amount would not cheapen the greenbacks, nor raise the premium on gold, nor interfere with a gradual return to specie payments.

On the following day Sherman spoke in favor of providing for resumption. There was no time, he said, unfit to fulfill a sacred obligation. If Congress now yielded an inch to the desire for paper money there would hereafter be no power to check the issue.

The debate continued, but without result. The Senate did not act upon the resolution of the Finance Committee.

A law had been passed in 1870 for the transfer of twenty-five millions of national bank circulation from states having an excess of this circulation to states lacking their proper share. Other clauses in the act had prevented the Comptroller of the Currency from making the redistribution, and on February 3 the Senate Committee on Finance brought in a bill to remove these hindrances. Morton declared that he had no objection to the measure, but that if the bill was intended to answer the

demand of the South and West for an equalization of the currency it was a delusion. Not a dollar of the twenty-five millions would go to Indiana, Illinois, Wisconsin or Iowa. What the West and South demanded was an increase of currency. There was no more sense in advocating a scarcity of money than a scarcity of food. It was said that an abundance of money would increase speculation. Morton was not frightened at that. Speculation was the stimulus of growth. It had given the country thirty thousand miles of railroad within nine years.

Merrimon moved an amendment providing that forty-six millions more of national bank currency should be issued to banks in states having less than their proper share.

On February 16, Cameron, of Pennsylvania, gave notice of an amendment removing all restrictions on the volume of national bank currency, and he supported this proposed measure by a speech, which some of the newspapers of the time declared had been prepared by Morton.

Merrimon's amendment was carried and the question then was upon a motion to recommit the bill. Upon this question, Schurz, on February 24, delivered an elaborate speech. He referred to the extraordinary character of the scheme for inflation "to promote prosperity." Would the establishment of more banks in the West and South increase the amount of loanable money in those sections? The persons who wanted to establish banks must buy their bonds at a premium in the Eastern markets. The money would be withdrawn from their home circulation and added to that of New York. For each thousand dollar bond they would get nine hundred dollars in currency. They would lock up from fifteen to twenty-five per cent. of this as the reserve prescribed by law. The country bank would put in circulation eight hundred and sixty-five dollars, and the city bank six hundred and seventy-five dollars for eleven hundred and twenty dollars carried to New York. The loanable money would be diminished thirty

or forty per cent. It was true that greater banking facilities would be offered, but the value of these would not make up for the diminution of the home circulation.

It had been argued that free banking would not lead to inflation. The Chicago *Tribune* had insisted that paper currency was worth as much as the money in which it was redeemable, and since national bank currency was redeemable in greenbacks, if no more legal tenders were set afloat, its value would remain just what it was. Schurz contended that this result would not follow, that the two kinds of currency would form virtually the same system of paper money. Lack of confidence would begin as soon as the quantity of the currency rendered doubtful the willingness or ability of the government to redeem it, or exceeded the requirements of business, and it would matter but little whether the inflation was of greenbacks or of national bank notes. Concerning the rates of interest, Morton had said that if more money were put upon the market it would become cheap just as if more horses were put upon the market. Morton had not appreciated the difference between capital and irredeemable currency. Inflation would raise the rate of interest. The depreciation in the currency would make a larger amount necessary to perform the same transactions, and the aggregate interest would be more. The inflation of the currency excited speculation. The loaner must run the gambling risk and add it to his interest. Schurz entreated senators to consider well before they gave their names for a policy that stood condemned by the experience of mankind.

His speech took three hours in delivery. It was written and had been carefully prepared. Morton undertook to reply upon the moment.

The senator from Missouri, he said, seemed not to comprehend the country nor the times in which he lived. He was a doctrinaire, a political litterateur. Four of his doctrines might be called the weird sisters; they went hand in hand—

free trade, a small volume of currency, low wages and direct taxation. Morton insisted that speculation was begotten not because the currency was irredeemable but because it was abundant. He referred the senator to his own country. Mr. Schurz was just from Europe, and knew that there was wild and furious speculation in Berlin, while the land was overflowing with gold. Mr. Schurz had read an article from the Chicago *Tribune* but he could not answer it.

There were three questions, said Morton, before the senate. In the first place some senators wanted to return to specie payments. Were we in a condition to do it? Specie payments were the result of a condition, not of an artificial process. The balance of trade was against us, and we were drained of sixty or seventy millions of gold to pay interest on our debt abroad. While this condition continued we could not maintain specie payments without great cost and trouble. When we had brought our bonds home, and the balance of trade was in our favor, then we could do it. The next proposition was that national bank facilities were not equally divided; that more were needed in the West and South. How should the people get them? And thirdly, since business and population had increased, more currency was needed. Every period of growth in our country had been a period of abundance of money. There might be an excess, but was that possibility an argument? Men might become gluttons, but did that prove that food was undesirable?

On the 25th of February Sherman quoted from a speech which Morton had delivered six years before. Morton had then said that if the government did not owe a single bond the currency could not be improved except by making arrangements for redemption; that the proposal to take the surplus gold and invest it in bonds would be regarded by capitalists as absurd. When we had three hundred and fifty-six millions of dollars of the public debt overdue, and took

the means of paying this debt and applied it to the purchase of bonds not due, what would be said of our integrity?

How pertinent, said Mr. Sherman, were these remarks of Morton to the present occasion. His argument was too strong to be overcome even by his subsequent speeches, yet, since Morton had uttered this language we had paid nearly four hundred millions of bonds and not a single dollar of the notes. And yet Morton now proposed to add to the volume of circulation forty-six millions of dollars, and to make a market for bonds already above par in gold.

When Sherman concluded, Schurz arose. He referred to the inconsistencies in Morton's record. Yesterday when he had himself pronounced some opinions different from those of the senator from Indiana, that gentleman had alluded to the fact that he had been born on foreign soil, and had concluded that he did not understand this country. To agree with the senator from Indiana was a little difficult. There was no public man who had been so often on both sides of a question. Much as Mr. Schurz would like to be recognized as a full-fledged American citizen, he could not purchase that honor at the price of following the senator in all his changes of opinion.

Some remarks by Mr. Allison intervened and then Morton replied. He admitted that he had changed his views regarding a speedy return to specie payments, and that in 1870 he had thought that a sum would be sufficient to give to the West and South the currency they needed, which he now knew would come very far short of this. His inconsistency had gone no further. Mr. Sherman had also had occasion to change his views, particularly in reference to the right of the government to use the greenbacks in the payment of the five-twenty bonds.

In replying to Schurz, Morton said that he had had occasion to change his mind several times and should still do so whenever he thought he was in the wrong, but he had

never done it to such an extent that he had been required to leave his party. He had not betrayed those who had elevated him to power, nor sought to use that power for their destruction.

Schurz in reply asked Morton to point out a single principle which he had ever betrayed. Morton, he said, had never left his party. Mr. Schurz himself had not betrayed his principles. That was the difference.

On March 23 Morton delivered a carefully prepared speech upon the pending measures. There were three general classes of opinions, he said; those in favor of immediate steps for redemption, those in favor of doing nothing, and those that believed that the country was not in a condition to resume, that there should be some increase in the currency, and that the benefits of the national banking system should be extended to all states alike.

Those who proposed resumption should show how the country could procure the gold. The promise to resume meant to resume when the government was in a condition to do so. The inconveniences of an irredeemable currency were trifling by the side of the hardships of forced resumption. Morton believed that the present volume of currency was too small and he had asked for the increase which free banking would give. This would be regulated by supply and demand. The currency could not be unduly inflated.

Morton discussed the rights of the West and South to share in the benefits of the national banking system. He disputed the claim of Mr. Schurz that the banking facilities offered would not make up for the loss of circulation in establishing the bank. If the bank were well conducted it would attract deposits at least equal to its capital stock. Bank checks would take the place of currency, and the influence of the bank would be seen in the increased enterprise of the town and surrounding country. Mr. Schurz's argument that banks would be unprofitable for the West and

South repelled the argument that there would be a rush into the business, and that the currency would be inflated.

Schurz replied at once. Morton, he said, had argued that the augmentation of the currency by forty or fifty millions would have no evil consequences. In answer to this, Schurz quoted from Morton's former speech in which he had asked: "Did not every man know that the result of inflation was to increase the price of everything? We had already suffered these evils; we had had one great inflation and had got part of the way down. It had cost the American people dearly in coming down." Here, said Schurz, was the senator's own answer to his own argument. Morton was now in favor of free banking on an irredeemable currency. Yet one short year ago he had said that free banking should not be allowed before specie payments were restored lest the currency should be inflated scores of millions before the country knew anything about it.

Morton, continued Schurz, had spoken in the following words of the establishment of national banks in the West and South: "Let me suppose that it is proposed to establish a bank by the citizens of Raleigh, N. C. They will buy their bonds in New York. They want a bank large enough to issue five hundred thousand dollars of currency. They must therefore deposit bonds to an amount greater than the currency they want to get. The bonds command a premium. Therefore, the citizens of Raleigh, to get their bank, must gather about six hundred thousand dollars of currency and carry that to New York to buy bonds, and after their bank is organized, they get five hundred thousand dollars of currency back. In other words, the operation would take out of North Carolina one hundred thousand dollars more than it would get back."

Morton, continued Schurz, now thought that it was nonsense to talk of a violation of the pledge to redeem, but in 1869 he had said that it would be breaking that pledge if, instead of making provision at the earliest practical moment

to redeem these notes, we proposed to substitute for them bank paper, for the redemption of which no provision had been made.

Morton's principal objection to the return of specie payments, said Mr. Schurz, was that we could not get gold enough. We had about one hundred and forty million dollars, and that, he thought, would be absolutely insufficient. The senator must have been born abroad when he had spoken of one hundred and fifty million dollars only as being necessary for resumption. His argument now was that resumption could not be the result of legislation, but that it must be the growth of circumstances. Upon this subject he had said: "It will not come round incidentally or indirectly by resorting to some other gentle, ineffective, meaningless measure. Sir, the way to return to specie payments is by taking some direct step in that direction."

Schurz read from the *Congressional Globe* other extracts from Morton's former speeches, and predicted that the time was not far off when the senator from Indiana, recognizing the miscarriage of his inflation vagaries, would complete the circle and land again upon the basis of specie payments.

Morton was certainly hard pressed by this record of inconsistencies, but he parried the blow adroitly. He said: "The senator shows that he is quite familiar with my record. I thought so when he made his speech two or three weeks ago. As he went along, I thought he had been reading my speech, made in 1869. Of course, I do not believe he would take my speech bodily, but it struck me as remarkable that his mind should run in precisely the same groove as mine. The resemblance was striking. So I took my old speech and went over it again, and I was forcibly struck to see how two minds had traveled in the same path. Mine happened to have gone over it about four or five years before; the senator followed afterwards There was much the same order. Of course there was a different dress. The dress was greatly improved, be-

cause fashions in dress have improved since that time. . . . One thing attracted more attention than anything else he said, and that was his argument in regard to persons who wanted to establish banks in the West, taking $1,120 out of circulation in the neighborhood, going to New York to buy bonds to establish a national bank, leaving $1,120 there and getting only nine hundred dollars in currency in return. I recognized that at once, and my friend has shown to-day just where he got that idea. [Laughter.] I did not say a word about its origin for I was a little ashamed of it myself. [Laughter.] I thought then that it was a tolerably good thing; it had seemed to me to be plausible, but on reflection I was satisfied that there was no sense in it. But the senator has shown, by referring to my speech on the bank bill, just where he got it. There was one thing a little curious, that when the senator put it forth . . . he forgot to give credit for it. I do not care anything about that. I want, to say, however, that it was not original with me. I think I had seen it somewhere else, and had fallen into the trap."

Conkling asked: "Where did you borrow it?"

Morton replied: "I have no idea where I got it. I think it was anonymous, but the senator had a responsible indorser, and he took it without giving me credit. I think I have answered that speech to-day, as I have been satisfied that there was a true answer to it for a long time."

The discussion up to this point had been upon the bill for the redistribution of the national bank currency. In the meantime, on March 23, the Committee on Finance introduced a more general measure, and the redistribution bill was laid aside.

The new measure fixed the maximum limit of the greenbacks at the three hundred and eighty-two millions then in circulation. It provided that in January, 1876, the Secretary of the Treasury should redeem greenbacks in gold, or might,

at his option, issue five per cent. bonds therefor; that national banks might be organized in states where there was a deficiency of circulation, but that greenbacks equal to seventy per cent. of the national bank notes issued were to be retired until the amount of greenbacks outstanding was reduced to three hundred millions of dollars; that the banks should keep as part of their reserve one-fourth of the coin received as interest on government bonds, and that there should be no increase of the national debt.

This bill was a compromise measure. It had scarcely been introduced when it became subject to radical amendments.

Senator Wright moved that the maximum amount of greenbacks should be fixed at four hundred millions, and his amendment was adopted.

Morton moved to strike out the provision that the greenbacks should be paid in coin or five per cent. bonds in January, 1876, and his amendment was agreed to.

He then moved to strike out the provision which required seventy per cent. of the new bank notes to be retired in greenbacks, and this was done.

Sherman besought those who had stricken out these things to remember that the first act of the administration had been a promise to pay in coin at the earliest day.

Morton answered that no human being could tell how to get the gold in one, two, three, four or five years. He thought it was time to cease darkening counsel by talking about resumption.

Sherman asked if we increased the legal-tenders eighteen millions, what would be done to maintain the character of these notes?

Morton answered that they would not depreciate since the nation stood behind them.

Thurman declared that he had always regarded with amazement that singular audacity of Morton's which made nothing that he had ever said before stand in the way of what he

wanted to say to-day. Morton had just treated Sherman's inquiry with derision. Yet, in December, 1868, he had said that the reason the currency was depreciated was because the greenback was the promise of the government to pay what it did not pay; that the solvency of the promisor had never kept overdue paper at par.

Morton was nettled, and he answered: "I have made some changes, and I expect to make others. There are two classes of men who never change. The first class is dead—the second I need not name."

On April 2 Merrimon offered a provision that forty-six millions of additional currency should be issued to national banks. This amendment was adopted, Morton supporting it. The provision against increasing the public debt was also stricken out.

The bill was now in the shape that Morton desired.

On the 6th of April the debate came to a close. The last speeches (as Schurz said) were like funeral orations, and dismal results from this legislation were predicted by those who opposed it.

Morton said that he would forbear to make any reply. He demanded a vote. It was taken. He carried the Senate with him. The bill passed both houses, and, on April 14, it was submitted to the President.

Morton had reasons for believing that the President approved of this measure. Grant had said in his message that the currency was insufficient. He was thought to be in sympathy with the effort to expand it. Morton had been in frequent consultation with him and did not doubt that he would sign the bill. But strong influences were brought to bear upon him at the last moment by those who were in favor of resumption. On the 26th of April he sent to the Senate a veto message declaring that an expansion of the currency would be a departure from true principles of finance, national interest, obligations to creditors, congressional promises and

party pledges and from the personal views and promises made in his own message; that it would be a violation of the pledge for specie payments, and that he was not a believer in any artificial method of making paper money equal to coin, when the coin was not held ready to redeem the promises to pay.

Morton was greatly surprised at the President's action. He considered it quite different from what he had been led to look for. He had had no knowledge of the President's change of views.

He was absent when the question came up of passing the bill over the veto. The concurrence of two-thirds of the senators could not be procured for this purpose, so the bill failed to become a law.

An exultant chorus of denunciation now greeted his defeat. What, it was asked, had become of Morton's influence? Was Conkling crowding him out in Grant's affection? This veto, said the *News*, was a bit of ingratitude not less than that which drove Lear mad. It might be a sensible act of statesmanship, of financial prudence, but from the point of view of those former champions whom the President had not only deserted, but insulted, it was not easy to find any epithet that would fit it better than "mean." It was "mean."

Harper's Weekly contained a caricature in which Morton, Logan, Cameron and others were represented as bullies and plunderers, making an assault on Grant. Morton was a ruffian with an open shirt collar, his pantaloons tucked in his boots, a heavy bludgeon in his hand, and over his head a banner inscribed, "Down with National Honor," "Death to Honest Money," emblazoned with skull and cross-bones.

Dissatisfaction with Morton's course was widespread even in his own state, and in a letter to the Indianapolis *Journal* he sought to correct a misapprehension in regard to the bill which had been vetoed.

The clause fixing the limit of the greenback currency at four hundred millions, he said, had merely declared the law

to be what the President and Secretary of the Treasury had already assumed it to be. The section increasing the national bank circulation forty-six millions had required the banks to keep as part of their reserve one-fourth of the coin interest which they received upon their bonds. This provision had looked to the resumption of specie payments and had been the first step taken in that direction.

The bill, he said, would have produced some contraction since it required the country banks to keep three-fourths of their reserve at home and would have withdrawn some millions from New York where contraction would have done no harm.

Nobody, he continued, had denied the binding force of the pledge for specie payments, but very few members of Congress had agreed upon any method for resumption, and many thought that it was not practicable during the present business depression.

This letter was taken as a qualifying explanation of Morton's course, and while it was received by some with approval, it called forth from others strictures quite as bitter as those provoked by his advocacy of the bill.[1]

In the meantime new projects were considered by Congress and after two conferences between the Senate and the House of Representatives, a currency bill was passed, which fixed the maximum of greenbacks at three hundred and eighty-two million dollars, and provided that fifty-five million dollars of the national bank currency should be redistributed in favor of those states which had not received their proper shares under the previous laws. This bill repealed the requirement that the national banks should keep a greenback reserve to secure their circulation, and it was estimated that

[1] "Toward whom will the inflation people look now," asked the *News*. "Morton has been playing with them, it seems. If this is not a sad, wicked world we hope we may never see one."

this repeal would release about twenty-six million dollars of greenbacks which were locked up in the vaults of the banks.

When Congress met in December, 1874, a law was finally enacted which provided both for free banking and for the resumption of specie payments. The circumstances attending the passage of this law were peculiar. The opposition to any contraction of the currency and to the conversion of greenbacks into bonds was so great that the plan of fixing a day for the resumption of specie payments was decided upon as the only practicable method of reaching such resumption.

At the first Republican caucus, a committee was appointed to prepare a bill for resumption.[1] Morton was a member. When this committee met it was agreed that each senator should state how far he would go in the direction of resumption. When these statements were made it was clear that the difference in views was very great, yet an agreement was necessary to avoid a serious rupture in the Republican party.

Morton and Edmunds represented the extremes of the different views, Edmunds being in favor of contraction and Morton opposed to it. The bill upon which they finally agreed provided that national banking should be made free, but that whenever bank notes were issued, the Secretary of the Treasury should take up legal-tenders to the amount of eighty per cent. of such notes until the outstanding legal tenders were reduced to three hundred millions. On January 1, 1879, all legal tenders were to be redeemed in coin.

The committee held a long session lasting a great part of the night. Nothing was said in the bill as to whether the legal tenders redeemed should be canceled or re-issued, and the members of the committee differed in their interpretations of the law which they proposed to enact. Edmunds declared

[1] This committee consisted of Senators Sherman, Allison, Boutwell, Conkling, Edmunds, Ferry, Frelinghuysen, Howe, Logan, Morton, Sargent.

that if these legal tenders were to be re-issued he would not vote for the measure. Morton said if they were not to be re-issued he would not vote for it. Edmunds believed that under the bill as it stood the legal tenders could not be re-issued, while Morton believed that they could be. The members of the committee were all willing to vote for this bill, but they were unwilling to declare what the bill meant as to the re-issue of legal tenders. So it was agreed that Sherman should submit the measure to the Senate Committee on Finance, that it should be reported from that committee as the unanimous act of the Republican senators and that nothing was to be said in the Senate in regard to this re-issue. Sherman was to have charge of the bill and no other Republican members of the committee were to speak. If any inconvenient inquiry were made Sherman was to avoid answering as far as he could.

And sure enough when the bill was discussed, Schurz asked this question: "When the eighty per cent. of greenbacks are retired will they be destroyed and never issued again?" Sherman answered: "I will speak of that in a moment in connection with another section." But he spoke so vaguely that Schurz thought the question had not been understood and repeated it. Sherman again sought to evade it. They could not be re-issued, he said, until the United States notes had been reduced to three hundred millions and we might leave to the future a question which tended to defeat and distract us. But Schurz was not satisfied. Sherman had admitted, he said, that the bill was open to a double construction and that it was the intention that it should be thus open. Sherman answered that he had made no such admission but had left every senator to construe the law for himself.

Schurz inquired what Sherman's construction was, but Sherman did not care to give his opinion.

Schurz asked whether a bill should be passed, the mean-

ing of which was so obscure that its champion had to admit that its construction must be left to the courts.

Sherman answered that no human mind could meet all possible questions which might arise in construction.

Various amendments were proposed and rejected and the bill passed by a vote of thirty-two to fourteen. Every Democratic senator voted against it. On the 7th of January it passed the House of Representatives and the President, in signing the bill, took the unusual step of sending to the Senate a special message in regard to it.

In spite of the defects of this law, resumption was successfully accomplished under its provisions.

CHAPTER XVI

THE CHIEF-JUSTICESHIP—INTER-STATE COMMERCE—WOMAN SUFFRAGE—CAMPAIGN OF 1874

SALMON P. CHASE, who had been appointed Chief-Justice by Lincoln, died on May 7, 1873, and the duty of nominating his successor devolved on Grant. Senators Cameron and Chandler had an interview with the President in relation to this appointment, and as the result of the interview it was understood that Morton could have the place. His wife wanted him to take it, believing that he would find in it a relief from the more exciting duties of the Senate, and that his health might improve. Rumors of the proposed appointment quickly spread, and Judge Davis asked Mr. Hitt, Morton's secretary, if they were true. Hitt answered that he believed that Morton could have the place if he would take it. Davis said that if Morton accepted the Chief-Justiceship the duties of the office would kill him; that he could not endure listening to the long arguments made in the Supreme Court. Hitt told this to Morton, adding that he believed that Davis' judgment was sound. The next morning Morton said: "That matter is all over with me, and I hope it is all over with the President. I am entirely satisfied where I am." He had indeed no great liking for judicial duties. He once said to a friend that when he had been judge in Wayne county he had found the place irksome; that he was not a good listener; that he would catch the point in a case very quickly, and that it was tiresome to hear long arguments upon matters which he already understood.

Another motive also influenced him. If he should accept the Chief-Justiceship, Governor Hendricks would appoint a Democratic senator to succeed him until the Indiana legislature met. Morton had declined the English mission because he would be followed in the Senate by a Democrat. He was equally unwilling to accept this place under the same circumstances.

When Congress met in December, 1874, Attorney-General Williams was nominated but was not confirmed. Early in January the name of Caleb Cushing was sent to the Senate, but a compromising letter from Cushing to Jefferson Davis was brought to light, and the nomination was withdrawn. The President wanted to appoint Conkling, but Conkling would not take the place. Finally, on the 19th of January Morrison R. Waite was nominated. The choice was generally approved, and Waite was unanimously confirmed.

An important subject engaged Morton's attention about this time. On January 27, 1874, he moved that the Committee on Transportation bring in a bill creating a commission to report what legislation was practicable to promote inter-state commerce by railroads at reasonable rates, and secure the safety and comfort of passengers and the reform of abuses arising from extortion or unjust discrimination. He supported this proposition in a carefully prepared speech. Congress, he said, had power to regulate commerce among the states. It had assumed the right to control navigation upon rivers, lakes and harbors. It had an equal right to regulate commerce upon railroads and canals. When the constitution had been formed, navigation had been the chief means of communication. Now another agency had superseded it. Whatever privileges a state conferred upon a steamboat company were subject to the power of Congress. Railroad companies derived their rights from state charters, but they must accept their franchises upon condition that if

they engaged in commerce between the states they would be subject to the powers vested in Congress. They should be controlled by uniform rules. If the lines from the Atlantic to the Mississippi might be regulated in one way by Ohio, in another way by Indiana, and in still another by Illinois, they might become victims of unfriendly legislation, and be greatly crippled. Moreover, the people, if acting separately in each state, would be less able to protect their rights against great corporations. In respect to navigation, the powers of Congress had been exercised in clearing out obstructions and in providing rules to insure its safety, efficiency and growth. The exercise of similar powers over railroads would give rise to regulations looking to the safety of passengers, the regularity of trains, uniformity of operation, connections, inspection of tracks, bridges, locomotives, cars, etc., in order to promote the safety, efficiency and development of the railroad system and the convenience of the people. The power to regulate commerce included the power to regulate both the common carrier and the highway.

The Committee on Transportation, however, instead of creating a commission, undertook an investigation, and, on April 24, they submitted to the Senate an exhaustive report regarding the cereals transported and the charges thereon, and advocating the use of certain new channels of commerce to be created or improved by the national government along (1) the Mississippi, (2) the lakes, (3) the Ohio and Kanawha, and (4) by the Tennessee river through Alabama by canal.

Morton favored an appropriation for a survey to ascertain whether these routes were practicable, but nothing important was done in the matter at this session. Some years after Morton's death, many of the suggestions in his speech were embodied in the Interstate Commerce law.

On May 28, 1874, a bill to establish the territory of Pembina, out of a porton of Dakota, was considered by the Sen-

ate. Mr. Sargent moved an amendment introducing woman suffrage into the new territory.

Morton spoke in favor of this amendment. The Declaration of Independence, he said, had announced the principle that all human beings were created equal, and endowed with certain inalienable rights. If these rights were fundamental, if they belonged to all human beings as such, then all persons having them had a right to use the means for their preservation. The means was government. "To secure these rights," said the declaration, "governments were instituted among men, deriving their just powers from the consent of the governed." Had the women of this country ever given their consent to this government? Had they the means of giving their consent to it? There was but one way in which this consent could be given, and that was by the right to vote.

The theory of the common law had been that the father represented his daughter, the husband his wife, and the son his mother. Women had been deprived of legal rights because it was said that their rights would be taken care of by those who stood to them in these family relations. But this had not been done. The husband had been a tyrant and a despot. He had absorbed the legal existence of his wife so that she could not make a contract except as his agent, and from the moment of marriage he had become the owner of her personal property. The theory of the common law had been that if the wife were allowed to own property separate from her husband it would make a distinct interest and destroy the harmony of the marriage relation. We had gotten over that belief. We had added to the rights of the wife and had given to her a legal status which she did not have in any European country, and progress was still going on in that direction. Instead of disturbing the marriage relation such reforms had improved that relation. Morton declared his belief that woman had the same natural right as man to a voice in the government, and that to give women the right

of suffrage would elevate the character of suffrage. Therefore he would give his vote heartily for this amendment.

Senator Merrimon answered that women had consented to the present system of government, since the number who had petitioned for suffrage as compared with those who had not done so was as a drop in the sea compared to the waste of waters. The men who had made the Declaration of Independence had given their views of it in the several state governments they had adopted, which provided civil and political distinctions in favor of the male sex and of the white race. The Declaration of Independence referred only to natural rights.

Senators Morrill, of Maine, and Anthony, of Rhode Island, also insisted that the right of suffrage was political and was not asserted in the Declaration.

Morton answered: "Mr. President, the senator from Rhode Island, the senator from Maine, and the senator from North Carolina have all said that the right to vote is not a natural right, but merely a political right. Is not that a distinction without a difference? . . . To say that I have a right to defend myself, but that I have no right to use the weapon necessary to protect my life against the assassin, is nonsense. Whatever is a proper means to enforce a natural right becomes a part of it. So far as the government is concerned, the right to consent or to dissent is the right to vote." It was said, continued Morton, that women had consented to our government, because a great part of them had not dissented. But they had had no power to dissent. There had been four and a half millions of slaves who had not remonstrated against their bondage. Would it be argued that these had consented? But *some* women were asking for the suffrage, and even supposing that a majority did not want the ballot, how did that affect the right of those who did want it? One woman could not consent for another.

It was notorious that women were paid only about one-half

as much as men for the same quantity and kind of labor. That would never be remedied until women had the right to vote.

Senator Bayard spoke of the gross irreverence of the proposition, its utter disregard of the Divine will, its defiance of the laws of revealed religion. What would become of the hearthstone? There would no longer be that healthful and necessary subordination of wife to husband required by a Christian marriage.

Senator Stewart referred to the time when it was discussed in the law books what size the whip should be with which a husband could chastise his wife. That had been the time, he said, when God's will had prevailed.

When the final vote was taken the amendment was defeated, and soon afterwards the bill organizing the territory of Pembina was rejected.

The Republican state convention met in Indiana on June 17, before Congress adjourned. Morton was not present, but his influence was predominant. The platform demanded free national banking and additional currency, and while the resolutions expressed a belief in the honesty and integrity (not the wisdom) of President Grant, they viewed with "special pride and hearty approval," the course of Senators Morton and Pratt and commended the fidelity with which these senators had represented the sentiments of Indiana.

After Congress adjourned Morton returned to Indianapolis. His health was very poor. He had planned another visit to Hot Springs, but before going he prepared the opening speech for the state campaign, which he was to deliver at Terre Haute, on his way to Arkansas. He was so ill that the meeting had to be postponed. The correspondent of the Cincinnati *Commercial* thus described him: "His countenance was death-like. Every particle of color had fled from his lips, and the heavy eye-lids clung to his great sorrowful

eyes. It was a helplessness of face and figure that anticipated the feeble complaint, 'I have no strength.' ''

Morton's address at Terre Haute was finally delivered on the 31st of July. It was rather a series of statements than a speech, and it became a text-book for the campaign. He began by referring to the inconsistencies of the Democratic party, which attempted to seize upon every popular discontent and avail itself of every local passion. It professed in one locality what it denied in another. In Maine it advocated free trade, in Pennsylvania it favored a protective tariff and in Indiana a revenue tariff so adjusted as to afford no protection to American industry.

Morton's position on the financial question was at this time a critical one. He had advocated a measure which had been sustained by a Republican Senate but vetoed by a Republican President. It was no easy matter to uphold his own position and satisfy a constituency that clamored for more money without reflecting upon the administration. His remarks upon this subject were adroit. He quoted from the President's message concerning the lack of currency. He referred to the resolution for resumption and the debates upon it, and to the bill providing for the issue of the additional forty-six million dollars of national bank notes. Owing to the reserves required, the expansion of the currency under this bill, he said, could not have exceeded thirty-six millions. A large part of this would have been apportioned to the Southern states, and they would have taken it up very slowly, so that any danger from sudden inflation was most visionary. ''This bill,'' he said, ''was vetoed by the President.'' Morton made no further comment on that act, but went on to speak of the later bill, which fixed the amount of legal tender notes at three hundred and eighty-two millions for permanent circulation. This bill, he said, provided for taking fifty-five millions of national bank currency from the Eastern states having more than the proportion to which they were enti-

tled, and for distributing this currency among the states of the West and South that had less than their proportion. It also abolished the legal tender reserves that the banks were required to keep on account of their circulation. This would set free not less than forty millions of legal tenders; it was an expansion of the circulation to that amount, and extinguished the threat of contraction which had hung over the business of the country like a suspended sword.

Morton now contrasted the action of the Republican Congress with that proposed by the resolutions of the Indiana Democratic convention, favoring the repeal of the national banking law, and the substitution of greenbacks for the national bank currency, and then demanding a return to specie payments as soon as the business interests of the country would permit. These resolutions, he said, were contradictory. To adopt the first would put it out of the power of the government to comply with the second. In 1864 a pledge had been given that the volume of greenbacks should not exceed four hundred millions of dollars. During the rebellion, when the issue of greenbacks was necessary, the Democratic leaders had denied the power to issue them, and now in time of peace to gain a political advantage they asserted this power, though it involved a broken pledge and was stripped of the plea of necessity.

Their platform, continued Morton, favored the redemption of the five-twenty bonds in greenbacks. In March, 1869, Congress had passed an act providing that the five-twenty bonds were payable in coin The whole world had been invited to deal in these bonds upon the pledge that they should be so paid. The Democratic platform therefore involved a double repudiation; first, by proposing a new issue of greenbacks with which to pay these bonds; and second, by proposing to repeal the pledge upon the faith of which the bonds had been bought and sold for more than five years.

The substance of Morton's argument was that the Presi-

dent had himself suggested the legislation he had vetoed; that the bill finally passed had expanded the currency more than the one that had failed, and that the Democratic principles were far more dangerous to the credit of the country than those which he had advocated.

Morton now turned to the discussion of the Civil Rights bill. The Democratic convention, he said, had gone upon its knees to the prejudice against color and to the hatred of negroes. The bill that had passed the Senate making provision for the equal rights of negroes in public schools, in colleges, churches, hotels, railroads, steamboats, theaters and public graveyards had been made the occasion for a special attack upon Senator Pratt and himself. It would be remembered that the men who had made this attack had been the apologists of slavery, and had done everything in its defense, except fight They had at every step resisted giving the negro his rights and had declared that to confer upon him the suffrage would be to destroy the republic. Beaten at every point, they would still exclude him from the blessings of education, from the equal privileges of travel, or refreshment and rest while on his journey, and of honorable burial when dead. They would even exclude him from the privilege of worshiping God in company with white people.

There was something remarkable, continued Morton, in this prejudice against color. Persons who in their infancy had been nursed by negro women, who in their childhood had slept and played with negro children, who in youth and manhood had been the daily companions of negroes in the workshop, upon the farm and on the journey, who had employed negroes as body servants, who had been dressed by them, shaved by them, nursed by them in sickness, having with them that physical intimacy and contact which did not exist between equals, these persons now, when the same negroes as freemen presumed to stop at the same hotel, or to ride in the same car, or to send their children to the same

school, or to kneel in the same church, were inexpressibly shocked, and declared that negro equality would destroy society. In communities where the children of each color were numerous enough to be formed into separate schools, there need be no trouble on the subject, but in neighborhoods where there were few colored children, if these were not admitted into the public schools, they must grow up in ignorance, and the man who insisted that they should do this because it would be offensive to have them go to the same school-house with white children, needed education in the principles of common humanity.[1]

Morton, after his Terre Haute speech, proceeded to Hot Springs, where the restoration of his health occupied his attention more than did the political situation. It was insisted, however, that even here his purpose was to stir up trouble in

[1] The speech attracted general attention. *Harper's Weekly* declared that it was significant because Morton was a recognized leader who represented the opinions of the Republicans of the West. Upon the financial question he was unsound, but he had certainly shown that the Democratic party of his state was much more so. His address was a capital campaign speech and the Democrats must wince as they reflected that they had nobody to oppose him upon equal terms. The speech of Hendricks at their convention was feeble and ineffective in comparison with the sledge-hammer blows of Morton. Yet no speech could exactly meet the real danger that threatened the Republican party. Probably among Senator Morton's auditors there were some plain, thoughtful Republican Hoosiers, who listened intently and, with approving nod, said to themselves, "that is so"; yet who were by no means sure to vote the Republican ticket. There had been a great deal of corruption. There was no great issue pending, and they thought that a little change would be useful. Here was where the danger lay, and against this, speeches, however logical and powerful, were as ineffective as bullets against cotton.

The New York *Sun* declared, that ever since the advent of Grantism, Morton had been the acknowledged leader of the Republican party. He had shaped its policy, directed its organization and manipulated its discordant elements into external harmony. In spite of the President's sudden desertion of the inflationists, Morton had been able to secure a majority of both houses. He spoke, therefore, as one in authority, and his speech had been read with more interest than the Congressional Address with all its claims to orthodoxy.

the interest of the Republican party. "To the Democratic mind he appears," said the *Journal*, "as a horrible monster, whose greatest delight is in bloodshed, and whose sole diet is boiled Conservatives and roasted Democrats. No matter where he goes this wild suspicion follows him." The Little Rock *Gazette*, in an article entitled "Checkmate to the Devil," set forth the terrible significance of Morton's visit to the Hot Springs. He was there to stir up bloodshed, to put the Ku-Klux machinery in running order, to foment a war of races, and to subjugate the state! He had not been innocent, it was said, of a share in the recent disturbances at the South.

These disturbances had become serious in Louisiana. Toward the close of August, six Republican officials had been shot near the town of Coushatta, and troops were afterward stationed at various points in the state where outbreaks were anticipated.

On September 14 a mass-meeting at New Orleans demanded the abdication of Kellogg. Penn, the Lieutenant-Governor on the McEnery ticket, issued a proclamation as acting governor, calling upon the militia to arm and assemble. There were conflicts in the streets, many supporters of Kellogg were killed, and the state-house was surrendered to the Penn militia. Kellogg took refuge in the custom-house, and the state property was seized by the insurgents. On the 15th Penn was installed and he put into office those who had been voted for on the McEnery ticket in 1872. President Grant ordered the insurgents to disperse, and General Emory, in command of the Federal troops, demanded the surrender of the state property. McEnery and Penn complied. On the 18th Governor Kellogg resumed his executive functions.

In the meantime Morton had returned to Indianapolis, and on the day of the restoration of the Kellogg government he delivered, at Masonic Hall, a speech filled with expressions of deep resentment. Public feeling ran high and the vast

audience (thousands could not gain admission to the hall) was in full sympathy with the speaker.

Morton was very ill. For nearly a week he had kept his bed and those who heard his first low, broken sentences, doubted whether he could continue. He said:

"All is quiet to-night; order has been restored. The leaders of the bloody insurgents in New Orleans have surrendered the offices they held for a few brief hours, have exchanged compliments with General Emory, have washed the blood off their hands, put on their gloves and gone home to dinner. The pretended Lieutenant-Governor Penn telegraphed General Grant Monday night before the dead had been buried and before the wounds of the wounded had been dressed, that all was quiet in New Orleans. The authorities at Shreveport telegraphed that all was quiet in northern Louisiana. That was so, I suppose, at that time. Those who had been murdered at Coushatta, some three weeks before, were certainly making no noise about it. Those who had been driven into exile were not heard from, and those who were trembling for their lives from day to day and from night to night were making no disturbance."

Morton now took up the murders in the various Southern states, beginning with Alabama, where the negroes, he said, were hunted like squirrels. He read a letter written by Charles Hays, a member of Congress, a man who had been a slaveholder and a Confederate officer, but who was at that time an exile on account of his political opinions, and did not dare to go into the district that he represented. In Pickens county the boast had been publicly made that no white man had ever cast a Republican vote and lived through the year, and that "no nigger school-house adorned the county." In Carrolton four colored men, sent to tell the negroes of their rights, had been taken from their cabins and hung by the roadside in open daylight. Morton referred to other cases, not only in Alabama, but elsewhere. The excuse was that the negroes were

conspiring to kill the whites. This was a stupid lie, manufactured by knaves to be believed by idiots. How had the negroes behaved during the war, when their masters were in the field fighting to perpetuate slavery? How was it with them now? All they asked was to be suffered to live. They knew they could not cope with the whites in arms. Thus murder went on from day to day, and lies were sent forth to blind the eyes of the people.

Some three weeks before, in Red River parish, armed men had come with the threatening notice that if the Republican officials did not resign they would be killed. So they had agreed to withdraw if their lives would be spared. Their enemies had made that contract with them. For safe keeping they had been put into jail at Coushatta. They had then been taken out against their will to be conducted to Shreveport, and while on the way they had been murdered—six of them in cold blood, together with five negroes who were in their company. It was a deliberate and atrocious murder of men against whom there was no charge of offense.

Louisiana had been a vast slaughter-house. Murder had been committed on nearly every plantation. The streets, the woods and the by-ways had been slippery with blood. The Democrats had kept control of the associated press and of the telegraph. They had filled the ears of the people with stories of corruption while they had concealed the pools of blood.

Morton reviewed the history of Louisiana for eight years. He thus concluded: "We can not go back. We have made free four millions and a half of slaves; we have clothed them with equal civil and political rights, and we are bound before God and before the world to protect them in the enjoyment of those rights. I was told the other day that there could be no peace in the South so long as the negro was allowed to vote. I answer that there can be no peace in the country

until the rights of all men are everywhere recognized and enforced. Innocent blood cries to heaven and makes barren the soil on which it is shed. Innocent blood contaminates like the plague. Wherever it flows dragon's teeth spring from the land. Those who instigate murder must perish by it. Security for life and property lies at the foundation of society. It is the basis of integrity, of morals, of religion, and of all that holds men together. Until security shall be established in the South there will be no peace and no prosperity."

Applause and enthusiasm greeted the utterance of every sentence. Morton had never spoken with greater effect.[1]

But the administration had a heavy load to carry in this campaign, and the result of the elections was unfavorable to the Republicans, not only in Indiana but throughout the country at large. For the first time since the war a Democratic majority was returned to the House of Representatives.

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[1] Shortly after the delivery of this speech Morton started for California, accompanied by his wife, his sister-in-law, Mrs. Holloway, and by Mrs. William H. English and her daughter. He spent some weeks at the Hot Springs of Santa Barbara in another effort to regain his health, and he returned to Washington early in December.

CHAPTER XVII

CONTROVERSY WITH HENDRICKS—OHIO CAMPAIGN OF 1875

THE short session of Congress that began in December, 1874, was not an eventful one, and the special session of the Senate that followed it came to an end on the 24th of March, at which time Morton and his wife started upon an excursion to Mexico in company with Senators Clayton, Anthony and others upon the invitation of Senator Cameron and President Scott of the Pennsylvania railroad. But upon the arrival of the party at New Orleans, rumors of an epidemic of yellow fever at Vera Cruz and elsewhere were confirmed, the trip was abandoned, and after a few days' stay in that city, where Morton was warmly welcomed by the Republicans, he returned to Indianapolis. His health had greatly improved. The Presidential campaign of 1876 was approaching. It was not thought likely that Grant would be a candidate for a third term and the question arose as to who should succeed him. Morton was the Republican leader of the Senate. He was intensely ambitious and his own aspirations and those of his friends were beginning to take definite shape. In the early part of June he made a visit to the President at Long Branch, and there were rumors that the next Republican nomination was under discussion and that Grant had assured him of support. There was no foundation for these reports, but they directed public attention to Morton's candidacy, and about this time an article written by E. W. Halford appeared in the New York *Times*, referring to Morton's splendid services as Governor, and declaring that the Republican press of Indiana

was his advocate, and that unless he forbade it, the Indiana delegation would go to the next convention pledged to his support. The article went on to say that the Democratic leaders had made up their minds that Governor Hendricks was to be their nominee, and that if their hopes should be vindicated by the action of their party, the people would be treated to a contest between two men as far apart in their mental characteristics as the poles; that Morton was a positive man, always on one side or the other of every great question; that Hendricks was a negative man and during his public life had done little to command either approval or condemnation.

This article was the occasion of a violent controversy between the *Sentinel* and the *Journal*, the organs of the two parties in Indiana.

The *Sentinel* began the dispute. Its issue of July 15 contained a leader entitled "Morton and the Presidency," which contained personal insinuations and remarks concerning his physical disability that filled Morton and his friends with indignation. The style in which it was composed, and the ability which characterized it, was so different from the ordinary work of the *Sentinel* that it was believed to have been inspired and written by some high authority, and on the next day there appeared in the *Journal* a caustic article attacking Mr. Hendricks. It was written with a vigor that contrasted so strongly with the usual editorial articles of the *Journal* that the Democrats attributed it to Morton himself.[1]

[1] Morton about this time wrote another article upon Mr. Hendricks containing the following passages:

"That bold, frank and patriotic statesman, Mr. Hendricks, is making a prodigious effort to become the Democratic candidate for the presidency. Every possible string is being pulled, everybody is being 'seen.' To the South he is represented as the friend of the rebellion; to the North as a war Democrat; to Pennsylvania as a liberal tariff man; to Missouri as a free trader; for the new departure and against it as suits the neighborhood; all things to all men; the Artful Dodger, Mr. Plausible, Mr.

Hendricks, in an interview with George Alfred Townsend, referred to the fact that Morton's carriage had been before the door of the *Journal* office, and that he had been closeted there for quite a while the day before the article had appeared. Hendricks thought it looked like an article that Morton had inspired, even if he had not dictated it.

On the following day the *Sentinel* renewed its attack in an editorial filled with vile scurrility and personal defamation. This was followed by others in a similar strain until the conflict between these papers became so venomous that the *News* declared that if Morton and Hendricks became opposing candidates a peaceable Hoosier would wish he could swap places with Job.

Later in the year this controversy was transferred from the press to the stump, and criticisms of each other's conduct, more decorous in language but still bitter in intent, were made by these distinguished leaders, who were then taking part, on behalf of their respective parties, in a campaign in the neighboring state of Ohio.

At Zanesville Hendricks insisted that specie payments must come through an increase of home productions, and a decrease of importations. He opposed the resumption act upon the ground that it would add to the interest-bearing debt, and would cause a contraction of the currency.

Morton, at a barbecue at Jackson, ridiculed these views.

Facing-Both-Ways, Mr. Surface and Mr. Pecksniff. His friends are devoted to him because they all know where to find him. Each one knows that Mr. Hendricks agrees with him, because he has told him so privately, with a request that for particular reasons his views should not be communicated. . . . He has fearlessly refused to commit himself upon any question until after his party had taken a position upon it, and has contemptuously defied the minions of radicalism to find out his opinions. With the ability and courage characteristic of the greatest statesman he has persistently and successfully avoided suggesting or maturing any measure through sixteen years of public life. In this respect his record is without a mark."

Hendricks, he said, proposed to import less from foreign countries by repealing the tariff and buying goods cheaper abroad. Morton referred to him as one of the Democratic leaders who, during the war, had thrown his influence on the side of the rebellion so that it could be felt all through the contest, pressing, like the force of gravity, against the government.

On the 9th of October Hendricks replied, complaining that Morton had impugned his motives and his fidelity to the country, and he insisted that there had not been a word in his Zanesville speech upon the subject of the repeal or modification of the tariff. He then discussed Morton' political inconsistencies.

The speech of Hendricks was published just on the eve of the election. Immediately afterwards a meeting was held by the Republicans in front of the post-office, in Indianapolis, and Morton thus discussed Hendricks' complaint.

"The fabrication he charges me with is that of representing him as in favor of the modification or repeal of the tariff, while, he says, there was not a word in his speech on the subject. I had it in my mind that Governor Hendricks was notoriously in favor of the repeal or modification of a protective tariff, but his point is that I misrepresented him, since he did not say it in that particular speech."

Morton reviewed the devious course of Hendricks and of the Democratic party in regard to the currency, and then quoted the following from Hendricks' speech at Zanesville: "I was Protestant born, had an education as a Protestant, and belong to the Protestant church. . . . When it becomes necessary that I shall have to rely upon political associations for the preservation of my religion, I will have but little hope for that religion, and for him who thinks he can make his Protestant religion more secure by taking it inside the Republican organization, and making the Chandlers, the Logans

and the Mortons its high priests, I would not give much, nor for his religion either."

"I have no objection," said Morton, "to Governor Hendricks advertising the fact of his church membership and his piety, but I think he went entirely out of his way to make an insinuation upon mine. The meaning of that passage is not to be misunderstood by anybody. It was intended to be, and is, grossly personal and offensive. I have never, in my life, referred to the personal character of Governor Hendricks. No one can quote a passage, in any speech I have ever made, in which I have done so. I have never spoken of him except as a politician and of his course in public affairs. I have always spoken of him with respect, but his public record is public property, as mine is, and I have a right to deal with it as such. I did so, and that is what he complains of. He says I impugned his fidelity to his country. I did that upon his public record—upon his acts as a statesman and politician during the war. I did say that Governor Hendricks had been unfaithful to his country; and if, by exerting all his political influence with his party and his people to make the war unpopular and to break down the administration in the prosecution of that war—the result of which would have been to make the rebellion a success—I say, if by doing that a man is made unfaithful to his country, then Governor Hendricks was unfaithful to his country."

The Ohio campaign, in which Morton had been called to take part on one side and Hendricks on the other, was a contest for the Governorship between William Allen as the Democratic candidate and Rutherford B. Hayes as the Republican candidate. It was believed that the result of this campaign would be a test of the political feeling of the country.

Morton's first speech in that campaign was delivered at Urbana on the 7th of August. The farmers were then busy with their crops and it was some time later before any great

public interest was awakened. The meeting was held in the open air, but it was not a large one. There were about a thousand persons present and to these Morton read from manuscript an address which he had prepared with great care.

He began by a review of the constitutional principles held by the Democratic party. He quoted from speeches of Alexander H. Stevens and of Senator Eaton of Connecticut, insisting that this government was not a nation but a confederacy, and that the states were sovereign in everything except in the powers delegated to the Federal government.

This, he said, was the sentiment of the Democratic party and proved that party to be the enemy of our national existence. Who were the leaders of that party? Not one who had taken part in the suppression of the rebellion. They were the Thurmans, Hendrickses, Tildens, Bayards, Seymours, Kernans, Eatons and Pendletons, the unrelenting antagonists of the government since the day the flag had been hauled down in blood from Fort Sumter. Service in the Confederate army was still the only passport to office in the Southern states. The next House of Representatives would contain seventy-four members who had been in the rebel army, and a number from the North who had been Confederates in everything but the actual bearing of arms.

The Democrats of the North had no policy, and were harmonious only in their desire for office; they were mere clay in the hands of the Confederate potters. The South would give them the offices and they would give to the South the measures—an arrangement satisfactory to both sides. The men engaged in the rebellion had been forgiven, and political disabilities had been removed from nearly all. But forgiveness did not imply honor nor reward. We must remember that there had been a wrong side, that the right must be honored and respected now and hereafter. There could be no true reconciliation that was not founded upon the unity of

the nation, upon equal rights, equal justice and equal security for all. Until these things should come to pass the Republican party could not ground its arms, nor could it be said that the mission of that party had been performed.

The Democratic party had labored under the mistake that it was Northern sentiment and not Southern sentiment that required reformation, yet a rebel could come into any Northern state with assurance of respectful treatment. He was secure from violence, insult and persecution. He could advocate any opinion, could attend any church, his children could go to any school without insult or interruption. When this state of things should be reciprocated, reconstruction would be complete. When Republicans in the South were no longer oppressed by society, nor persecuted in their business, in schools and in churches, because of their opinions, there would be political fraternity, and not until then. Reconciliation could not take place at Northern junketings, it must take place in every Southern neighborhood by the concession of protection, justice and the full enjoyment of their rights to people of all colors and opinions.

Morton gave a history of the currency legislation of Congress. The bill for resumption, he said, was in its nature a compromise. It recognized the obligation of the government to pay the greenbacks in coin, and fixed the 1st of January, 1879, as the day for such payment. It was thought that with four years' notice the business of the country would be prepared for resumption, that the value of the greenbacks would gradually appreciate and be at par when the time arrived and that there would not be a large demand for coin. The theory of the bill was that there should neither be contraction or expansion. National banking had been made free and it was provided that for every hundred thousand dollars of bank notes issued, the Secretary of the Treasury should retire eighty thousand dollars in greenbacks, which, added

to the reserves, would keep the volume of the currency about the same as it had been.

Morton declared that he had had something to do with the preparation of this bill, had voted for it in good faith and intended to stand by it until experience had demonstrated that it was impracticable, and needed amendment. Its main feature, fixing a day for resumption, he had proposed to the Senate six years before. And whether the time fixed was a proper one or not (he would have preferred it a year or two later) it was the method by which he believed specie payments would finally be reached.

It was not to be expected that Morton could deliver a political address anywhere without exciting contention. Advance copies of his Urbana speech were distributed to the various newspapers, but on account of the recent bitter personal attacks upon his character by the Indianapolis *Sentinel*, that paper was omitted. The *Sentinel*, however, procured advance slips surreptitiously and published them on the morning of August 7, before the speech was delivered, under the heading "Mortonism—Full Text of the Address which, God Willing, Oliver will Inflict upon the People of Urbana Today."

The *Journal* declared that the speech had been stolen, and rather foolishly offered a reward of five hundred dollars for the detection of the thief. The *Sentinel* insisted that it was a case of petit larceny, and of course nothing came of the search for the guilty man.

In Ohio, too, Morton's presence was greeted with the usual amenities that distinguished the Democratic party of that state, the Cincinnati *Enquirer*, in an article entitled "The Bloody Shirt," declaring that he carried a skull and crossbones in his carpetbag. Abusive editorials of great length appeared in that paper from day to day.[1] Meanwhile Mor-

[1] The general criticisms of the press, however, upon Morton's Urbana speech were highly favorable. George William Curtis, in *Harper's*

ton continued his canvass. He visited Springfield, Akron, Ravenna, Niles, Orwell, Youngstown and other places, speaking twice a day. Every effort possible was made to interfere with his meetings. At Niles there was an organized Democratic crowd in the audience to cheer for Allen.

In the latter part of August he delivered eight speeches in Maine. The people were cordial and his reception was enthusiastic.

In September he returned to Indiana, and a few days later he went again to Ohio to resume his canvass of that state. The apathy that had prevailed at the opening of the political contest was now over. The meetings grew in size as the election approached.[1]

On the 23d of September Morton spoke at Lafayette Hall, in Pittsburg, reviewing the currency question. From Pittsburg he went to Toledo, then to Bryan, Piqua, Dayton, Xenia, Lebanon, Zanesville and other places in Ohio. The Republican committee sent him to the counties that were most closely contested. His speeches were regarded as "vote winners."

Weekly, said that it reminded the country of what should not be forgotten. The financial question was not the only vital issue. There was peace in the South chiefly because the national government was in Republican hands. Morton had wisely deprecated the confusion of right and wrong implied in the equal honoring of soldiers upon both sides in the conflict. The gushing eagerness to shake hands over the bloody chasm might lead men to forget the eternal gulf between the lost cause of slavery and the sacred cause of liberty and justice.

[1] On the 20th he attended a meeting of the United States Grand Lodge of Odd Fellows at Indianapolis and delivered a brief address of welcome. The order, he said, avoided all intrusions into the domain of church or state, while it taught the principles which lay at the foundation of religion and good government. It recognized the truth that faith without works was dead, and it applied itself to the actual condition of mankind, visiting the sick and the distressed, burying the dead, educating the orphan. It came as the good Samaritan with oil and scrip. In seasons of prosperity it provided a fund for misfortune. It had no jealousies nor rivalries. It worked in harmony with every human organization, having for its object the relief and elevation of humanity.

On the 6th of October he returned to Indiana and spoke in a drenching rain at the soldiers' reunion in Fort Wayne to an audience that had gathered for shelter in a building by the side of the race track opposite the speaker's stand.

On the 9th of October he delivered his final address in the Ohio campaign to an immense concourse at the Court street "Plaza" in Cincinnati. Most of his speech was devoted to the question of currency. He said: "The Democratic party in Ohio has, on certain financial positions, separated itself from the great body of the Democrats in the United States. . . . It has declared in favor of abolishing national banks, of retiring their currency, and substituting greenbacks in its place. It has declared that all laws looking toward resumption shall be repealed; that specie payments shall go unprovided for, and that if they are ever to come they shall come of themselves or by the operation of natural and general causes. This platform, in substance, is for a general and indefinite increase of the greenback currency. The further issue of greenbacks is not to be confined to a volume equal in amount to the national bank notes now in circulation, but, beyond that, 'to meet the wants of trade,' these wants to be determined by the action of Congress and the judgment of politicians from one campaign to another, some placing the amount at eight hundred millions, some at a thousand millions and some going as high as two thousand millions. The proposition to abolish the national banking system in the present condition of the country is a serious one, whatever the intrinsic defects of that system. To change a banking system in a time like this, with the business of the country already depressed, with enterprise flagging and public confidence low, is a serious matter. The national banks have made loans to the people amounting to a thousand million dollars—to the people of Cincinnati and of every town and neighborhood in the United States—and if these banks are to be abolished, they will take care of themselves. The first step will be to

call in their loans, to refuse further discounts, and, virtually, to destroy business of every kind that depends on bank accommodation; and as all kinds of business are closely connected, such a change would affect the entire business of the country. . . .

"The premium on gold in the month of June, 1864, ran up to two hundred and eighty-four, and Congress, compelled to save the credit of the nation and prevent the total destruction of our financial structure, came forward with a bill, which is the law of the land to-day, promising the people that the whole amount of greenbacks to be issued should never exceed four hundred million dollars. That pledge became the law of the land on the 30th of June, 1864, stopped the advance of the gold premium, and saved the credit of the United States; and it is just as sacred to-day as on the day it was given. No man can propose to violate that pledge without involving the plighted faith of the United States."

Morton's efforts in Ohio were crowned with success. Hayes was elected governor, and the Republican party throughout the country was greatly re-assured by the outcome of this hard-fought campaign.[1]

On the 29th of November, some days in advance of the opening of Congress, Morton arrived in Washington ready to commence the work of the approaching session.

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[1] In addition to his work in Ohio, Morton delivered addresses elsewhere upon other subjects. On the 4th of July he spoke at Indianapolis in the court-house yard, on the 7th of September at a soldiers' reunion at Rushville, and about the middle of October, at another soldiers' reunion in Indianapolis. On this last occasion, as well as at the later meetings of the Ohio campaign, it was noticed that he had so far recovered from his paralysis that he was able to speak standing.

CHAPTER XVIII

THE MISSISSIPPI ELECTION—TRIBUTE TO ANDREW JOHNSON —CONTROVERSY WITH SENATOR GORDON.

In the election of 1875, in Mississippi, the former Republican majorities of from twenty-three to thirty-eight thousand had been turned into a Democratic majority of over thirty thousand. This election had been characterized by much violence, and it was believed by Republicans that the result was due to extensive frauds and widespread intimidation. Ballot-boxes had been stuffed, spurious tickets imposed upon the voters and a reign of terror established in the state.

Morton moved for the appointment of a committee of five to investigate the election, and on December 16 he gave his reasons therefor. He had in his possession, he said, many affidavits, letters and statements regarding the election. The highest Democratic vote at any previous time had been less than forty-eight thousand. Now it was more than ninety-six thousand. He gave an outline of the manner in which the campaign had been conducted. Bodies of armed men had ridden through the country by day and night. Meetings had been dispersed and negroes killed. In Colfax county leading Republicans had been threatened and ordered to leave. It had been publicly announced that Democrats would not employ nor rent land to any who voted the Republican ticket. At Columbus an alarm of fire had been given the night before the election and a rumor set on foot that the fire was the work of negroes. A riot had followed in which colored men had been killed; the negroes

had fled for their lives and the white Republicans had not dared to vote. Where there were over a thousand Republican voters only seventeen Republican ballots had been cast. In Noxubee county an attempt had been made to assassinate the Republican candidate for sheriff at a public meeting, and the Republican candidate for county treasurer had been shot four times. In several localities cannon had been brought to the voting places. Armed men from Alabama had been present in the border counties to aid the Democrats. Ballot-boxes had been seized, false tickets substituted for the true ones, and ballots so manipulated that one man could cast five votes. In several counties more votes had been counted than there were voters; twenty thousand votes more than the number registered had been polled.

Bayard, in answer, said that the Republican party had had the making and execution of the laws in Mississippi, and that if wrong had been done these laws furnished the amplest remedy. He denied the authority of the Senate to interfere. These accusations had come from the ever-bubbling spring of knowledge that the senator from Indiana seemed to possess on such subjects. His proposition was revolutionary.

Morton replied that his proposition was intended to guard against revolution. The revolution had come when it was made possible for a majority to be beaten by fraud and violence.[1]

On January 19 he again addressed the Senate. The galleries were crowded. He declared that if the information he

[1] Morton was now bitterly denounced in the Democratic press. The Louisville *Courier-Journal* declared that he saw the scepter departing from his party in the South and was resolved to restore the black carnival of corruption in that desolated section at the cost of destroying the constitution of his country. He would have been the Barère of the French revolution. He would have rejoiced in sticking the fingers of women in his hat, in hacking off the limbs of infants, in filling his pockets with the ears of young girls. He would have gloated in the office of carrying the head of a child upon a pike.

And all this was because Morton had proposed to investigate the violations of law in the late Mississippi election!

had received was true, the late election in Mississippi had been an armed revolution. A little less sudden than the revolutions in Mexico and South America, it did not differ from them in character, and was equal to them in atrocity.

If the charges were not well founded it was of the greatest importance that the truth should be shown since the prosperity of the state was deeply concerned. Morton could not, therefore, look upon the opposition to this investigation in any other light than as an admission of the truth of the accusations. To shrink from such an investigation unquestionably betrayed fear of the result.

Before the war, men entertaining opinions adverse to slavery had been visited, in the slave states, with social excommunication, deprivation of business, and often with personal violence. In 1856 and 1860 Republicans in ten of these states had not been permitted to nominate electors or other candidates. The sentiment that had thus denied to Republicans the exercise of their dearest rights had afterward hurried the South into rebellion.

A large body of white people in that section would act with the Republican party but for the dread of social ostracism and of the destruction of their business. Republicans could not consent in silence to be excluded from nearly one-half of the states of the Union. All they asked in the South was that they should be permitted to enjoy the same rights and privileges as others.

The league that had been formed to turn them out of their homes and to refuse to employ them might not be in violation of any law for which any legal punishment could be inflicted, but it was wicked in principle, infamous in practice, and struck at the very foundation of republican government. It presented to the colored man the alternative of starvation or of the support of the Democratic party. Distinguished officers of the Confederate army had been disposed to accept

the amendments and to act with the Republicans, but when any one of them had announced his purpose to do so he had been met with a storm of abuse, and threatened with social punishment, until men that had never flinched upon the field of battle quailed and turned back. When General Longstreet had declared his intention to act with the Republican party he had been denounced as a traitor and coldly passed in the street by his companions in arms, and the doors of lifelong friends had been shut rudely against him and his family. He had been engaged in a prosperous insurance business, and that business was destroyed in a single day.

The colored people were fiercely denounced for their ignorance and want of moral training, and their condition, which was in many respects unhappy, was imputed to them as a crime. Slavery had been a bad training school, yet the behavior of the negroes had been remarkable for its pacific character. Nothing could be more infamous than the attempts to justify the atrocities committed upon them by alleging that they had themselves provoked the conflicts in which they had suffered. The conclusive answer to these calumnies was found in the fact that in nearly every instance colored men only had been killed.

The white line policy had been established by the Democrats immediately after the war, and had never been relaxed or abandoned. The first legislature elected in Mississippi, under the government established by President Johnson, had enacted a black code, which for satanic ingenuity and malice had never been exceeded.

That corruption and misgovernment had been the cause of violence was utterly untrue. This violence had existed before the war, it had preceded any attempt to reconstruct the Southern states; the most fearful outrages had taken place before Republican state governments had been formed. The Ku-Klux organization had begun as early as 1866, and had

practiced its atrocities in South Carolina, Mississippi, Alabama and Louisiana from 1867 down to 1871. The slaughter at the Mechanics' Institute in New Orleans in 1866 had taken place while that state was still under a government organized by President Johnson. But if the misgovernment had been all that was represented, what justification or excuse would it be for the murders committed?

Morton had no faith, he said, in the virtue that assailed fraud and corruption, but connived at murder, outrage and oppression. State after state had been conquered by violence, and there was no longer a doubt as to the purpose thus to establish a solid South in the interest of the Democratic party, to reconstruct the Southern states upon the white man's basis and to destroy the Republican party, by making it impossible for Republicans to enjoy and express their opinions in peace and safety. When it was considered how rapid the progress had been in that direction, even under a Republican administration, we could understand how it might be accelerated and consummated under a President elected chiefly by the Southern Democracy and sympathizing with its aspirations.

Many well-meaning persons deplored any reference to the outrages committed in the South as inimical to reconciliation and harmony. They were anxious that all past differences should be forgotten and that the people, North and South, should meet and embrace as a nation of brothers. It was a consummation devoutly to be wished; but he must remind such persons that any formal reconciliation, while the rights of millions were violated and the greatest wrongs passed unnoticed and unpunished, would be rank hypocrisy, revolting alike to divine and human justice. It was only the knavish quack who put a plaster over the mouth of the wound and said that it was healed. All gushing and handshaking that preceded the concession of equal rights and justice to men of

all colors and opinions would be the veriest sham. There was but one highway to reconciliation, and that was open, straight and free, and over its portals were inscribed these words, "Equal justice to all, to all the equal protection of the laws." If the Southern people would walk in that highway they would arrive at the temple of peace and find unbroken rest.

At this point Morton concluded his remarks for the day, resuming his speech upon the following morning.

In recommencing, he showed from public documents that the condition of the finances of Mississippi was favorable beyond precedent; that its net obligations amounted to only half a million of dollars, and that the receipts in 1875, over disbursements, would be four hundred and ninety-six thousand dollars. He contrasted, in detail, the cost of the successive Republican administrations with that of Democratic administrations before the war. Taxation was lower in Mississippi than in the principal states of the North.

He next enumerated the defalcations in that state under Democratic rule before the war. Governor McNutt, in his message, had declared that not more than one-half of the taxable property had ever been assessed, and that large portions of the taxes collected had never been paid into the treasury. In 1843 the State Treasurer had defaulted to the amount of one hundred and sixty-five thousand dollars. In 1858 the State Auditor had defaulted to the amount of fifty-four thousand dollars. In 1866, under President Johnson's government, there had been a defalcation by the State Treasurer to the amount of sixty-one thousand dollars.

In 1838 the state had chartered the Union Bank and issued five millions of state bonds for the stock of this bank. The Planters' Bank had also been organized and state bonds issued in like manner. When the banks had failed these bonds had been shamefully repudiated. The money of the Union Bank had been loaned to members of the legislature and to party

leaders who had incorporated the bank, and then an act had been passed dissolving the corporation at the instance of the very men who had borrowed its funds, so that they could not be sued, and the state had repudiated the bonds that had been sold in good faith to innocent purchasers.

In 1841 sixty-five thousand dollars had been appropriated to the improvement of the Chickasaw river. John McRae had taken the contract. He had done no work, but had drawn the money in advance. Suit had been brought upon his bond. Before the case was tried he had been elected Governor, and the action would have had to be prosecuted in his own name against himself, which was impossible, so the proceedings had abated and he had kept the money. In 1857 eight hundred and twenty-six thousand dollars, arising from the sale of Chickasaw lands and paid into the treasury for school purposes, had been unlawfully loaned to four railroad companies and lost. A million and a half of school funds, arising from the sale of government land, had been paid into the treasury, and more than a million of that had been lost by mismanagement. And now the White Liners of Mississippi pretended that they had been outraged by the frauds and corruptions of the Republican party!

Morton next considered in detail the circumstances attending the late campaign in Mississippi. He read numerous extracts from the Democratic papers in the state recommending that committees should be appointed to silence Republican speakers, and that all who chose to stand with the negroes should be marked, and declaring that if the negro could not be voted down he could be knocked down. The election, it was said, must be carried "peaceably if we can, forcibly if we must." The boast had been made that in Yazoo county there had been no radical ticket in the field, since the leaders had not dared press their claims. In that county there had been a Republican majority of two thousand, but at the election of 1875 the Republicans had cast seven votes and the

Democrats *four thousand and forty-four*. Other extracts from these papers had advised hanging any registrar who proposed to throw out a Democratic vote. The Yazoo *Herald* had said "Shoot him on the spot." The Vicksburg *Herald* had declared that as long as the Ames power ruled in Mississippi the white men must "sleep with guns handy to reach." The Yazoo *Democrat* had said "Try the rope." The Forest *Register* had announced that white men who allied themselves with negroes need not expect any better fate. The Vicksburg *Herald* had said that the negroes in Northern Mississippi needed a little killing. The Mobile *Register* had promised men, money and troops from Alabama. The Holly Springs *Reporter* had said that the times demanded the organization of more companies, and that if it were impracticable to organize by daylight the work would go on at that dead hour "when graveyards yawn and hell itself breathes out contagion to the world." The Hinds County *Gazette* had declared that the men voting folded tickets must be entered on the club books as Radicals, since the land-owners and merchants wanted to know who were their friends.

Morton caused to be read numerous agreements refusing to lease land or give employment to radicals, as well as lists of those who were to be refused contracts.

He quoted from the letters of Mr. Redfield, a Democrat, the Mississippi correspondent of the Cincinnati *Commercial*, statements to the effect that one hundred persons had been killed in political quarrels within sixty days, and that fifteen negroes had fallen to one white man. While Morgan, the sheriff of Yazoo county, was making a speech, somebody had denounced him as a liar, and about fifty shots had been fired; a leading white Republican had been killed, several negroes wounded and Morgan had fled for his life. Patterson, a colored member of the legislature, had been taken by the whites and murdered. With these extracts from Redfield's letters Morton closed his remarks for the day.

He was physically unable then to conclude his speech, but he expected to finish it the following morning. On that day, however, and for some time afterwards, the condition of his health was such that he could not go on, and he was taunted with having delivered "a speech cut in two like a serial romance at the most thrilling point." More than two months elapsed before the discussion upon Morton's resolution was resumed.

On March 30 Bayard spoke against the resolution. He did not propose, he said, to reply to the indictment of the people of the Southern states which the senator from Indiana had filed, since the leading Republican officials in Mississippi —men like Cardozo and Governor Ames—on whose behalf these charges were made, had already pleaded guilty to misdemeanors, by resigning, in order to escape impeachment.[1]

Bayard quoted from Morton's report on the Louisiana question the declarations that every state possessed the power to correct the violations of its own laws; that the decisions of its own tribunals must be received as final; that each house of its legislature was the judge of the election of its own members, and that if the Federal government should go behind the action of the legislature, and inquire whether the members had been lawfully elected, the independence of the state would be destroyed. If Morton could give utterance to such opinions in regard to Louisiana in 1873, Mr. Bayard asked him to apply the same doctrines to Mississippi in 1876.

In his reply Morton said: "The senator had the record of

[1] A resolution had been passed directing the impeachment of Cardozo, the colored superintendent of education. On March 22 Cardozo resigned and the proceedings were discontinued. On February 22 Governor Ames was impeached for failing to remove certain officials, for making removals without cause, and for inciting a war of races by causing a company of colored militia that had taken part in the Clinton riot to parade the streets of that town "armed and defiant." Ames declared that when he found himself confronted with a hostile legislature and baffled in his endeavors, he had resolved to resign, but that he would not do this while charges were pending against him. The articles of impeachment were then dismissed and Ames resigned.

my speech in his hand. He had the proofs that I offered of the truth of what I said, nearly all collected from Democratic sources. The evidence was overwhelming. He said he would not undertake to answer it, and he did not answer it, for the simple reason that he could not. . . .

"The senator was exceedingly unfortunate in one thing. He undertook to show that I was inconsistent. He read an extract from my report in the Louisiana case to show that I denied the power of the Senate to go back and inquire whether the members of a legislature had been elected, to inquire whether the tribunals of the state that had passed upon the qualification of members of the legislature could be impeached; and that I declared that we were bound to take the legislature as the state gave it to us. I stand upon that doctrine to-day. I have not, in any speech on the Mississippi resolution, said one word in conflict with that position, and the senator can not point it out.

"I am consistent, but the senator, unfortunately, is not, and he stands here to-day upon ground opposing that which he occupied through the Louisiana controversy. It is within the memory of the members of this body that he argued that we had a right to inquire whether the members of the legislature who elected Pinchback had themselves been elected, and that he denied the legality of the state tribunals to pass upon that election. . . . Therefore, I say I have an immense advantage over the senator. . . .

"The senator, in speaking of Mississippi, said that Ames had pleaded guilty, and proceeded to denounce him. I do not know that Ames has pleaded guilty. From what I know of the condition of things in Mississippi, from the articles of impeachment against him, which I read carefully, and from all that I know about the case, I have no doubt that the prosecution was without foundation; that it was simply an effort to get power by driving him out of office. When Ames resigned yesterday he knew that his impeachment was a foregone con-

clusion. The Democrats had seized the legislature by fraud, murder and intimidation. They were determined to have the Executive. He knew it and resigned. What did they do? They withdrew their charges. It was not the punishment of crime they were after, but it was simply the office, and when he resigned, they condoned the pretended crimes. If Ames had been guilty of a felony, then your Democratic legislature compounded that felony; and the charge comes back——''

Here Mr. Bayard interrupted and said that he had not the least belief that there was a stain of personal dishonesty upon Mr. Ames; but he had said that Ames had been guilty of misdemeanors for which he would have been impeached if he had not resigned.

Morton replied: ''The senator now exonerates him from any moral wrong. I believe the country will exonerate him. . . . The senator represented me as having assailed all the white population of the South. I have never done so. I assailed the murderers of the South; those who trampled upon the rights of white and black Republicans; and I do it again. Not only that, *but I assail their defenders.*''

The committee proposed by Morton was appointed. Boutwell, of Massachusetts, was chairman, and with him were associated Cameron and McMillan, Republicans, and Bayard and McDonald, Democrats. The committee visited Mississippi and took a large amount of testimony.

On the 8th of August their report was presented to the Senate. The majority found that force, fraud and intimidation had been generally and successfully used in the canvass, and set out the details in full. The minority report endeavored to controvert or qualify these statements.[1]

[1] The minority insisted that no mutual confidence was possible between the two races, that the whites lived in fear of assassination, and that if negroes were intimidated it was not because they were negroes but on account of their obnoxious political views, and that Congress had no power to punish any such invasion of the right of suffrage !

The minority expressed their abhorrence of the acts of lawless and often

This report was presented only one week before Congress adjourned. There was no time therefore to enact the legislation recommended. The Presidential contest of 1876 had already begun, and the main object of the report undoubtedly was to awaken the indignation of the people against a party by whose members and in whose behalf the atrocities had been committed. But so many similar occurrences had been published for so many years that the incredulous were still unconvinced, while others despaired of finding a remedy.

Andrew Johnson had come back to the Senate, his heart filled with bitterness against many of the Republicans who had turned upon him during his administration. He had pronounced a rambling Philippic against Grant. It was said that he had in preparation another against Morton, but if so he did not live to deliver it. He died on the 31st of July, 1875, and the usual resolutions of respect were offered by Senator Cooper at the following session on the 11th of January. In spite of their political differences, Morton always had a feeling of personal friendship and a certain admiration for the old military Governor of Tennessee, and with more feeling than is usual upon such occasions he paid the following tribute to Johnson's memory:

"Mr. President—As a member of this body, in the discharge of what I regarded as a high official duty, I voted for the impeachment of Andrew Johnson. I believed he had violated the law, and for that vote I have no excuse or apology to offer; but, sir, I would let the memory of what I regarded as

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brutal interference with the rights of citizenship that had been related in their presence, but they believed that under the present state government all needed reforms would be developed. As to the threats to discharge men from employment if they did not vote in compliance with their employers' wishes, the minority said that in many cases such facts were proved, but that this thing had been done in all sections of the Union, and Mississippi should not be selected for the enforcement of a rule that was disregarded elsewhere!

his faults be buried with him, and choose to remember only his virtues and his services to his country. I would exercise for him the same charity that I would ask to have extended to myself in the inevitable hour.

"Mr. Johnson was a man of remarkable traits of character. He was distinguished for his tenacity of purpose, perhaps for his impatience of opposition. He was combative in his temperament, and that quality of his mind, I have no doubt, led him to do many of those things to which objection was taken. He was born in the humble walks of life. He lived in poverty, and had no advantages of early education. I have heard it said that his wife taught him to read. But he was distinguished by his thirst for knowledge and by an honorable ambition, and he went up step by step, first holding an office in the town in which he lived and afterward in the legislature of Tennessee; then he became a member of the other house of Congress, and then a member of this body. In every position in life he showed himself to be a man of ability and courage, and I believe it is proper to say of Andrew Johnson that his honesty has never been suspected; the smell of corruption was never upon his garments.

"As a member of this body in 1858 he introduced a bill to grant a homestead of one hundred and sixty acres of land to every actual settler. He was far in advance of the statesmen of his own section, and even of those of the North upon that question. It was a measure that was not popular in the South, for reasons that we can all understand, but to which it is not necessary now to advert. That measure did not become a law then, though it did afterwards, but Mr. Johnson was entitled to none the less credit for his early and bold advocacy of it. The establishment of the homestead was an era in the history of this country. It was one of the greatest blessings that was ever conferred by a single act of Congress.

"When the storm of secession swept over the South and through this hall, Andrew Johnson was the only member of

Congress from the South in either house, so far as I remember, who resisted that wave and stood faithfully by the Union. In introducing this matter, of course, I desire to arouse no partisan feeling here, but simply to do justice to history. It cost something to be a Union man in the South. These Southern senators can testify to that. It required courage and daring that were not needed in taking a similar position in the North. Mr. Johnson understood full well that it would cost him the friendship of his life-long neighbors in Tennessee; that it would, at least for a time, make him an outcast from their society; that he might even become an exile from the state in which he had lived, and which he had so long and so ably served; but he stood in this chamber and declared his devotion to the Union, turned his back upon all seductive influences luring him to go with the South in that terrible controversy, defied all threats, and hurled back with indignation the epithets that had been launched upon him. He made a speech here on the 5th and 6th days of February, 1861, that I have taken the pains to hunt up. I remember the effect of his words as they rang through the North. In the course of that speech Mr. Johnson said: 'Sir, I intend to stand by that flag, and by the Union of which it is the emblem. I agree with Mr. A. H. Stephens, of Georgia, that this government of our fathers with all its defects comes nearer the object of all good governments than any other on the face of the earth.'

"And again he said: 'I have been told, and I have heard it repeated, that this Union is gone. It has been said in this chamber that it is in the cold sweat of death, that, in fact, it is really dead, and merely lying in state waiting for the funeral obsequies to be performed. If this be so, and the war that has been made upon me in consequence of advocating the constitution and the Union is to result in my overthrow and in my destruction, and that flag, that glorious flag, the emblem of the Union, which was borne by Washington

through a seven years' struggle, shall be struck down from the capitol and trailed in the dust; when this Union is interred, I want no more honorable winding sheet than that brave old flag and no more glorious grave to be interred in than the tomb of the Union.'

"Those were brave words to be uttered by Andrew Johnson under the circumstances. I admired and honored him at the time; I do so now, and ever shall. He was a brave man, and he encountered risks and subjected himself to dangers of which we of the North knew scarcely anything. Perhaps no other man in Congress exerted the same influence as Andrew Johnson on the public sentiment of the North at the beginning of the war.

"Afterwards, in the spring of 1862, I think it was in March, Mr. Lincoln appointed him Military Governor of the state of Tennessee. He went there at the imminent risk of his life. He was subjected to violence, I think, at Lynchburg, on the road; and when he arrived at Nashville he was threatened with assassination on the streets and in public assemblies; but he went on the streets; he defied the danger; he went into public assemblies, and, on one occasion, he went to a public meeting, drew his pistol, laid it on the desk before him, and said: 'I have been told that I should be assassinated if I came here. If that is to be done, then it is the first business in order, and let it be attended to.' No attempt having been made, he said: 'I conclude the danger is past;' and then he proceeded to make his speech. His conduct as Military Governor was distinguished for courage and for devotion to the interests of the Union; and the admiration aroused throughout the North by his conduct led to his nomination for Vice-President upon the Republican ticket in 1864. He was elected and afterwards became President of the United States by the assassination of Mr. Lincoln.

"We were personal friends. The first time I met Mr. Johnson was in this chamber. I was on a casual visit here

and heard the debate in which Mr. Breckinridge made his final speech before leaving to join the Confederate army. I was introduced to Mr. Johnson then, and from that time we were friends. After I had voted for his impeachment, I met him accidentally; he wore the same kindly smile as in times before, and offered me his hand. I thought it showed nobility of soul. There were not many men who could have done that.

"He has gone. We are all soon to follow him. If he had his faults, let them be buried with him. Let us remember the great services he rendered to his country. He was faithful to his country in a time of great trial, and let that fidelity and those services always be remembered."

The simplicity of diction, depth of feeling and admirable taste that characterized this brief eulogy can hardly be excelled.

In January, 1876, there was a proposition for a constitutional convention in Georgia, and Robert Toombs, who had been a senator from that state before the war, and had resigned in order to take part in the rebellion, made a public speech at Atlanta to the members of the Georgia legislature and others, upon the subject of this convention. The speech contained the following passages:

"We got a good many honest fellows into the first legislature, but I will tell you how we got them there. I will tell the truth. The newspapers won't tell it to you. We got them there by carrying the black vote by intimidation and bribery, and I helped to do it. [Applause.] I would have scorned the people if they had not done it. And I will buy them as long as they put beasts to go to the ballot-box. [Cheers.] No man should be given the elective franchise who has not the intelligence to use it properly. The rogue should not have it, for government is made to punish him; the fool should not have it for government is made to take

care of him. Now, these miserable wretches, the Yankees, have injected five millions of savages into the stomach of our body politic, and the man who says he accepts negro suffrage, I say, accursed be he! [Cheers.] I will accept everything. I will accept Grant and empire before I will accept such a Democrat! [Applause.] The poor, ignorant negro; talk of him governing you and me! It takes the highest order of intellect to govern the people, and those poor wretches talk of governing us! Why, they can't perpetuate their own negro power. In the counties where they were in the majority they did not preserve their power and perpetuate their rule. My remedy helped us to break that up. We carried them with us by bribery and intimidation. I advised it and paid my money for it. [Applause.] You all know it but won't say it. . . .

"I don't want representation based on population alone. We never before had it so in Georgia. It was always based upon population and territory, and if you have a convention I can make you a constitution by which the people will rule, and the nigger will never be heard from again." [Cheers.]

On February 4 Morton, in discussing the Pinchback resolution, spoke of a conspiracy to overwhelm the Republican majority in the South, and quoted these passages from the speech of Mr. Toombs as evidence of the course pursued in Georgia.

Morton's purpose was to draw out a reply from the Democratic senators, and by bringing on a political discussion to solidify the Republican vote in favor of Pinchback. The Democrats, however, prudently concluded to remain silent and let the Republicans do the fighting among themselves. The Southern Democrats were criticised for this by their constituents, and Senator Gordon, of Georgia, some few weeks later, went to Atlanta and delivered a speech at the same place where Toombs had delivered his, and to an audience of the same character. In this speech he spoke of an under-

standing that silence should be kept by the Democratic senators during the Pinchback discussion, and he thus referred to Morton's criticism:

"A few days before I left Washington, Senator Morton, in the United States Senate, read from his seat a speech delivered from this stand, by a distinguished son of Georgia; delivered, as Mr. Morton said, by the invitation of the legislature, in the presence of the legislature and with the approval of the legislature [Cries of no! no! no! from members in all parts of the house], and it has gone to the North, flying upon the wings of the telegraph, that the champion of the convention in Georgia has at last informed the country and the world of the real purpose of Georgia Democrats in calling a convention. What is that purpose? Mr. Morton gave it in the classic words of this Georgian "to put the nigger where he will never be heard from again." Now, fellow-countrymen, this has gone forth to the North as the echo of the sentiments of this body. There is not a man in Georgia that does not know how unjust is such an imputation. . . .

"I share with you, my countrymen, all your pride in the past of that distinguished Georgian. For his past services to the state and country, I honor him. But I would be an unfaithful sentinel on the watch-tower to which your confidence has assigned me, if I did not warn you, that that sentence, wild as it was, is brimful of poison for the Northern mind, of defeat for Democrats and of calamity for you."

After Gordon had returned to Washington he introduced, on March 7, a resolution reciting the frauds committed by distillers and asking the Committee on Finance to ascertain whether the laws levying the whisky tax should not be amended and a corps of excise created, whose members and employes should be removable only for incapacity or malfeasance.

Gordon referred to the demoralization in the public serv-

ice, to the Credit Mobilier, the Sanborn Contracts, the Washington city rings, and, lastly, to the whisky ring, gathering into its network of temptation officers high in the internal revenue service.

Morton considered that Gordon's resolution was aimed at the Republican administration, and he found no difficulty in turning the discussion into a political debate.

He observed that civil war was generally followed by a period of demoralization, and that in that case the responsibility came back upon those who made the war. They were the last persons who had the right to complain of its consequences. There were some other forms of corruption, he added, quite as dangerous as the whisky frauds. Referring to the Atlanta speeches, he said that one of the most distinguished men in Georgia had said to the world: "We carried the election by bribery and intimidation; I confess it; I was a party to it." If the charge was true, it was a damning charge against the Democracy of Georgia. If it was not true, it was a foul calumny, and then and there was the place to repel that calumny; in the capital of the state, in the presence of the very men before whom it had been uttered. The senator from Georgia had passed it by in silence. . . .

"What must we understand by this?" asked Morton. "That he did not feel authorized to deny that charge. There was a case of corruption, equal in its turpitude to a whisky fraud, and in its consequences more far-reaching; one that was to overrule the will and the wishes of half a million of people in the state of Georgia. Now, while the senator is proposing a remedy for whisky frauds—and I am very glad to have him turn the powers of his intellect in that direction—perhaps he could present some remedy for these election frauds, a remedy against bribery; and as he would appoint officers for life to prevent whisky frauds, perhaps he would abolish all elections, so that there would be no occasion to buy men to vote the ticket, as Mr. Toombs said the Democracy of Georgia did.'

Gordon now secured a copy of certain resolutions passed by the Georgia legislature the day after his Atlanta speech, and caused them to be read. They declared that no interference with equal political rights was contemplated, that the relations of all classes in Georgia had been harmoniously adjusted and that it was neither the desire nor the interest of the people of that state to re-open these questions.

Morton observed: "Now the resolutions have been read, and they have been as silent in regard to the bribery and intimidation as my friend was."

Gordon interposed: "I deny that the election was carried in that way in Georgia. I assert here to-day roundly, and in the hearing of the senator, that what might have been General Toombs' experience I know not, but I know that large bodies of the colored men in Georgia marched to the polls of their own accord with Democratic badges pinned upon their lapels, and that colored clubs were organized all over that state. The senator has had an opportunity of finding out all of these facts. Why does he not show the fact that there was intimidation in Georgia?

Morton answered: "I did show it, by Mr. Toombs."

Gordon added: "By colored Democrats, I mean to say."

Morton replied: "He is the most distinguished Democrat in Georgia to-day. The senator stood in the same place with this great charge resting upon his party. He did not answer it."

Gordon retorted that he had no doubt General Toombs told the truth when he said he had given money to the election, that he had no doubt Morton would tell the truth if he would admit that there never had been an election in Indiana to which he had not given money.

Morton rejoined: "Ah, Mr. President, that will not do. Mr. Toombs did not say that he had given money as men can do legitimately to carry on an election, but he said he had given money to buy votes. I never did that."

Morton thus referred to another speech made by Gordon to his constituents, in which he had said: "You have to meet the world, the flesh and the senator from Indiana." "You see," continued Morton, "he carefully excepted from among the enemies of the Georgia Democracy, the devil. In fact we may understand that they are friends and allies. The devil is understood and believed to be the progenitor of the great and noble order of the Ku-Klux which did so much in revolutionizing the politics of Georgia. It would not do to speak of him disrespectfully."

Gordon declared that he had meant that the senator had usurped the place of that enemy.

Morton retorted: "I understood what the senator meant from what he said. In quoting the usual sentence he struck out 'the devil' and inserted 'the senator from Indiana,' because they regard the senator from Indiana as unfriendly to the Georgia Democracy, and because they regard the devil as being its friend, up-builder and upholder."

Of this debate the Cincinnati *Commercial* said: "Morton failed to put his beloved Pinchback into the Senate, but he got in some resounding thwacks upon the hide of Gordon."

CHAPTER XIX

THE CINCINNATI CONVENTION

THE year had now come for the election of a President. Grant was near the end of his second term. Whom would the Republicans choose as their candidate to succeed him? It was understood that Morton was an aspirant for the nomination, and that Blaine, Bristow, Hayes and Conkling would be his principal competitors. There were some who still believed that Grant would be nominated for a third term. It was not hard to see, however, that this would be a dangerous experiment for the Republican party, and the question was soon settled by a public letter from the President declining to enter the contest. At the outset the Indiana senator was regarded as the strongest candidate of any. It was chiefly through the efforts of his friends that the National Republican Committee had selected Cincinnati as the place for holding the Republican convention. Cincinnati was more accessible to his supporters than any other city available for the purpose. Morton was popular in Cincinnati. During the war he had given effective aid to that city when it was threatened by the invasion of Kirby Smith and the raid of John Morgan, and his portrait, painted by Buchanan Read at the request of the city, hung in the council chamber. He had been the life and soul of the Republican party in the last Ohio campaign. In Chicago the friends of Blaine were numerous and active. In the East there were influences favorable to Conkling, to Blaine, and to other "favorite sons," such as Hart-

ranft, of Pennsylvania, or Jewell, of Connecticut. Cincinnati was the best city for Morton. But even here he had to share his advantages with Bristow, who came from the neighboring state of Kentucky, and with Hayes, whose friends in Ohio, it was thought, would give him a sincere though not very enthusiastic support in the convention. Moreover, Cincinnati was emphatically a "hard money" city, and the Indiana senator was not considered a "hard money" candidate.

Morton was sure to come to the convention with the enthusiastic support of his own state. There were, of course, some malcontents, whose complaints were re-echoed in greatly increased volume by the Democratic press and by the Indianapolis *News*, an independent paper, which was opposed to him. But his authority among the Republicans of Indiana was supreme. The time set for the state convention was the 22d of February. As the news came from township meetings and from county conventions, declarations indorsing him were chronicled therein, and when the state convention met, a resolution was unanimously adopted presenting his name to the Cincinnati convention, and the state committee was instructed to prepare a sketch of his life and public services.

Morton also relied upon the support of the Republicans of the South and his confidence was not misplaced. The colored people resented the exclusion of Pinchback from the Senate and were grateful for Morton's advocacy of his claims. Friends of other candidates had endeavored to secure their support, but had found them nearly all loyal to Morton. A national convention of colored people, held at Nashville on April 7, was strongly in favor of the Indiana senator. Had it not been for three Kentucky delegates who supported Bristow, Morton would have been definitely indorsed. "The frantic foolishness of the negroes about Morton" was spoken of in Democratic newspapers.

Morton's friends believed that besides his own state he would have some support in Massachusetts and New York,

and scattering votes from several Western states in addition to his heavy preponderance in the South, and that he would carry the convention on the second ballot.

There was, however, an essential weakness in his Southern support, not only because it came from a class ignorant and easily influenced, but also because it came from states, many of which the Republican party had little hope of carrying in the election.

Morton's candidacy at once led to a renewal of the attacks upon him by the Democratic newspapers in Indiana. They teemed for months with all sorts of vapid charges. An effort was made at Washington to implicate Morton in the Emma Mine scandal, but the senator confronted Lyon, the witness from whose testimony his participation in the matter had been inferred and compelled this witness to admit, not only that Morton had never had any connection with it, but that he had refused a retainer of twenty thousand dollars as counsel, because he had become satisfied that the object of the parties was to secure his political influence.

Morton's strength in many parts of the country was weakened by the attitude of the Republican party in Indiana in regard to resumption. The so-called "greenback craze" in that state was at its height. The advocates of an increase of legal-tender currency were not only strong enough to organize a separate party, but they controlled the Democratic state organization, and their influence was powerful even among the Republicans. The Indianapolis *Journal* demanded the repeal of the resumption act, which, it said, "was hanging like a mill-stone about the neck of the country."

In the platform of the Republican convention of the 22d of February there was much that was known to be an echo of Morton's sentiments, and among these resolutions was one declaring that so much of the resumption act as fixed the time for specie payments should be repealed, and that the financial troubles of the country should be corrected by natural

laws. In point of fact Morton had had nothing to do with this particular resolution, yet he was naturally held responsible for it.

Republicans in other parts of the country censured the Indiana convention for trying to "sound the keynote" in national issues, and the resolution, taken in connection with Morton's own expressions, had placed him in an ambiguous position, which, for him, was extremely rare. He had said in his Urbana speech that he would stand by the resumption law until experience had demonstrated that it was impracticable or needed amendment. What would be sufficient to show this was not stated, and it was considered both in the East and the West that his future course would be uncertain. The result was that he did not command the support of that great body of the Republican party which insisted upon the literal and exact fulfillment of the promise to resume.

Moreover, Morton and his friends had overestimated the advantage of having the convention held in Cincinnati. Although the citizens of that town were friendly, and the afternoon paper, the Cincinnati *Times*, supported him, the two morning Republican dailies, the *Commercial* and *Gazette*, showed a friendship for Mr. Bristow, which, in the case of the *Commercial* (edited by Morton's old fellow-student, Murat Halstead), soon grew into open hostility toward the Indiana senator. The constant attacks made by the press of Cincinnati had weakened Morton's influence in that city before the convention met.

During the winter Blaine had developed phenomenal popularity, and had secured the support not only of the greater part of New England but also of many of the states of the Northwest. Early in April charges were made affecting his personal integrity. It was alleged that funds of the Union Pacific Railroad Company had been illegally used, and that Blaine had made profit out of the transaction. J. C. Harrison, a banker of Indianapolis, was thought to be in possession

of knowledge that would ruin Blaine's prospects for the presidency, and since Harrison was a friend of Morton it was charged that Morton had instigated the publication of these matters in order to injure Blaine. It was answered that Morton would be lacking in the sagacity attributed to him if he had set afloat at his own home such a story about his competitor.

The New York *World* now brought charges against Morton, and on April 28 published a dispatch stating that there were documents in the office of the Second Auditor of the Treasury which would show that among the expenditures made under an appropriation of July 31, 1861, for protecting loyal citizens of states in rebellion was the following item: "For supplying transportation and delivery of arms and munitions of war in states in rebellion against the government of the United States, O. P. Morton, Governor of Indiana, two hundred and fifty thousand dollars." Indiana had never been in rebellion. Why had Morton had this two hundred and fifty thousand dollars when there was no purpose for which the money could have been legally expended?

This dispatch was copied in other leading papers and scattered broadcast over the country.

Springer, of Illinois, was one of the congressmen who had been making inquiries into Morton's expenditures, and it was said that he had informed the representatives of Democratic newspapers that he was going to open a volcano which would overwhelm the Indiana senator. Bristow told Morton of the proposed investigation. Morton called upon Springer and asked whether he desired to see any particular papers, or whether he had any charges to make regarding Morton's expenditure of money while Governor of Indiana. Springer replied in the negative. Morton said that he had no objections to the fullest investigation, but that he would insist that W. H. H. Terrell, who had been his Financial Secretary, and General Sturm, Chief of Ordnance, who had had charge

of many of these expenditures, should be present. Springer suggested that if any injustice should be done, Morton might explain afterwards. Morton said he wished the publication of his accounts with the government to be correct in the first place, and he telegraphed to Terrell and Sturm to come to Washington.

On May 2 these gentlemen called upon Springer and told him they were ready to go with him and examine the accounts. Springer declined to go, and afterwards wrote to Morton that he had no charges to make. "Everybody," said the *Journal*, "is laughing at Springer."

On May 3 Morton rose to a personal explanation. At his request the dispatch published in the *World* was read to the Senate. Morton's statement was as follows:

"Mr. President, the President of the United States, in the spring of 1863, advanced to me $250,000 to enable me to carry forward military operations in the state of Indiana. Of thus sum I expended $133,302.91 in the service of the state, with which I charged the state, in my settlement with it, and the remaining $116,697.09 were not expended. This amount I returned to the treasury of the United States. . . . The $133,302.91, that I had expended on behalf of the state were paid back to the government by giving the government credit for that amount upon advances which had been made by the state in the conduct of the war, which advances were duly audited by the treasury department and allowed as just and valid claims against the government in favor of the state. This settlement and final adjustment of the whole sum of $250,000 are shown by the following voucher and quietus from the office of the Second Auditor of the Treasury:

"TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
"November 8, 1865.

"SIR—The charge of $250,000 on the books of this office on account of 'supplying arms to loyal citizens in revolted

states' has this day been closed on the books of this office, to wit, by a deposit, by you, of $116,697.09 and a transfer of $133,302.91 of funds from the books of the Third Auditor's office to your credit on the books of this office.

"Very respectfully,

"Your obedient servant,

"JOHN M. SIMS, for Auditor.

"His Excellency, O. P. MORTON,

"Governor of Indiana, Indianapolis, Ind.

"From these vouchers it will appear that the whole sum of $250,000 was accounted for and repaid to the government.

"It will be proper in this connection to state the circumstances under which the $250,000 were advanced to me by the President and the use made of it in order that I may show that it was not misapplied."

Morton now described the conduct of the Democratic legislature of 1863, its hostility to the prosecution of the war, its contemptuous rejection of his message and approval of that of Governor Seymour, its disloyal resolutions and the treasonable sentiments uttered by its members, the attempted passage of the military bill to strip the Governor of all power over the militia of the state, the withdrawal of the Republican members of the House, the failure to make appropriations, his own efforts to raise the necessary funds with which to carry on the government and the loan made to him by Lincoln and Stanton, who both agreed that Indiana was threatened with rebellion, and that the condition of the state came within the letter and spirit of the act of July 31, 1861. Stanton, he said, had declared to the President, with great emphasis, that if Indiana lost her position as a loyal state, the final success of the government would be endangered, and that the Governor must be sustained at whatever cost or hazard.

Morton then read the portion of his message to the legisla-

ture of 1865 describing these transactions, and asking for the appointment of a committee to investigate his expenditures.

He continued: "A joint committee of the two houses, embracing some of the ablest Democratic members, was appointed, as requested in my message, and having patiently investigated all my accounts, including the expenditure of the $133,302.91, that I had obtained from the President, they unanimously reported these accounts correct, taking no exception event to the amount of one cent.

"My course was approved by the people of Indiana in my re-election as Governor in October, 1864, by a majority of more than twenty thousand, and in the election of a Republican legislature and Republican state officers."

Morton now described the rise, progress and conspiracies of the Knights of the Golden Circle and Sons of Liberty, and the final overthrow of these secret orders.

He thus concluded: "It may be proper to state here that the Democratic legislature of 1863, before its sudden adjournment, had appointed an auditing committee of its own members to audit and supervise all of my accounts and expenditures for military purposes. That committee sat almost continuously until January, 1865, and did audit and approve every one of my expenditures, including the $133,302.91 of the fund obtained from the President. The same legislature also appointed a committee to investigate all my expenditures and accounts from the beginning of the war up to January, 1863. This investigation was prosecuted with great diligence until late in the spring of 1863, and after the breaking up of the legislature. Failing to find anything wrong in my accounts the Democratic majority of the committee refused to make any report at all, but the Republican minority made a report indorsing and sustaining my official conduct in every particular."

Anthony and Cameron also gave testimony to Morton's patriotism and the value of his services during the war.

Morton had been ill, and shortly after delivering his speech he was overcome with prostration, and after being removed to his hotel he was confined to his bed for some time. But his speech had crushed the charges against him.

The New York *World* publicly recanted. "Whichever one of Morton's rivals," it said, "was instrumental in letting out the fact that he got two hundred and fifty thousand dollars to expend in Indiana during the war . . . is probably sorry that he told the story, for the way in which the great war Governor put on the bloody shirt and strutted about the Senate in dyed garments from Bozrah yesterday, certainly advanced his chances before the Cincinnati convention. Never before did he shoulder his crutch so gallantly and show how fields were won, or slay the slain with such thrilling execution. The hearts of Blaine and Bristow must be sad to-night, as they think how petty and insignificant they and their little railroad and mule scandals must appear compared with the experience of this organizer of armies, this defier of legislatures, this comrade of Stanton. Even the Adonis from the valley of the Mohawk must bow his stately head and distil the briny tear at the thought of the triumph of Morton. . . . The attack on his record as Governor was an exquisite piece of good fortune."

The New York *Herald* declared that Morton, so far from deserving censure, deserved lasting renown. His action would be remembered to his honor as one of the brave deeds of the war long after the questions of the present hour had been forgotten.

"It is a lovely exhibition of Democratic policy," said the Cincinnati *Commercial*, "to have this matter raked up just now. There are red hot coals still in the old ash heap." "The attack upon Morton," it continued, "showed the discretion of the bull that challenged the locomotive, or of the old ram that precipitated himself against the harrow tooth upon which a ragged hat had been hung for his provocation."

By this time it became clear to Morton's foes that nothing was to be made by hunting up his war record, or by charges of personal corruption.

As the time for the convention drew near, Morton's physical infirmities were brought forward as the main reason why he should not be nominated. If he should die during his term, it was said, the country might have another John Tyler or Andrew Johnson. His friends urged that he had done more work than any man in the Senate, that he had not missed a meeting of his committee, and that the thousands who had heard him speak during the Ohio campaign needed no testimony as to his condition. Yet notwithstanding this, Morton's paralysis was, perhaps, a stronger reason than any other to hinder the opponents of Blaine from uniting upon the Indiana senator.

But there was still another reason. The men who opposed Blaine were many of them men who were dissatisfied with Grant, and who demanded a reform of the civil service. There had been many scandals during Grant's administration. Morton, although he had had no part in these, had always been a staunch supporter of the President and had taken an active part in the distribution of patronage.

On the 16th and 17th of May a conference (mostly of Republicans) was held in New York to organize a movement for the purification of the government and for preventing the nomination of Blaine, Conkling or Morton. This meeting was not large in numbers, but it was composed of men of influence, such as Theodore Woolsey (who was elected president), William Cullen Bryant, Prof. Seeley, Prof. Sumner, Parke Godwin, Carl Schurz, Horace White, David A. Wells, Peter Cooper and others. In an address adopted at this conference the signers agreed to support no candidate who had failed to use his opportunities in exposing and correcting abuses, or in whom the impulses of the party manager were predominant over those of the reformer.

Many state conventions in different parts of the Union were held in the latter part of May, and in these Blaine developed unexpected strength. Several days before the convention, it appeared that nearly three hundred votes would be given for him upon the first ballot and that Morton, although second candidate, would not have half that number and would not receive a vote from any Northern state except Indiana.

Conkling would have sixty-nine votes from his own state and a few scattering votes from the South. He believed that he would be the second choice of the South if Morton failed. He had the support of Grant and the administration. The betting, strange to say, was in his favor.

Bristow, in addition to Kentucky and a few scattering votes in the South, had (whether deservedly or not) the support of many who sought as their paramount object the reform of administrative abuses. His candidacy, as well as that of Hayes, was regarded as a nucleus around which the opposition to Blaine was likely to gather.

Hartranft, of Pennsylvania, and Jewell, of Connecticut, were "favorite sons" of their respective states, whose nomination was not considered possible. The Pennsylvania delegation of fifty-eight men was under the lead of Cameron, who was strongly opposed to Blaine, while a majority of the delegates were personally friendly to the Maine candidate and might support him if opportunity offered.

The Hoosiers came to Cincinnati in trains and steamboats chartered for the purpose "as thick as mosquitoes in blackberry time" (to use the words of adverse contemporary criticism). Thousands were present. A few men from Indiana who were opposed to Morton also came to Cincinnati as supporters of Bristow. Among them were Judge Walter Q. Gresham and John H. Holliday, editor of the Indianapolis *News*, but they were lost amid the multitude of Morton men. Indiana was more in earnest for her candidate than any other state, and supported him with fervid enthusiasm.

But it was soon evident that Blaine was making dangerous inroads among the friends of other candidates, that if he was to be defeated these must unite upon some one man, and that they could not unite upon Morton. There was already some talk of Hayes, since he had fewer enemies than any of the others.

On June 14 Governor Morgan, of New York, called the convention to order. M. D. Pomeroy was chosen temporary chairman, and Edward McPherson, of Pennsylvania, was made permanent chairman. The platform was adopted on June 15. It began with the declaration, that the United States was a nation, and not a league, and that the fundamental principle of the Republican party was "that all men were created equal." It demanded the enforcement of the amendments, resumption, civil service reform, the punishment of official misconduct, non-sectarian schools and a protective tariff. It opposed land grants, insisted upon treaty protection for naturalized Americans, urged an investigation of the effect of Chinese immigration, promised respectful consideration to the claims of women for additional rights, demanded the extermination of polygamy, advocated liberal pension laws, deprecated sectional feeling and charged against the Democracy sympathy with rebellion, imbecility upon financial questions and general incompetency to administer the government. It indorsed the administration of President Grant.

The speeches nominating the candidates were also made on the 15th. The states were called in alphabetical order. J. W. Kellogg, on behalf of Connecticut, presented the name of Jewell. When Indiana was called Richard W. Thompson rose to nominate Morton. There were great hopes of the effect of Thompson's speech. He was the "Old Man Eloquent" of Indiana. His clear, ringing voice always produced an electric effect. But in this instance he did not fulfill expectations. After a rather commonplace eulogy of the "old War Governor," he thus spoke of Morton's physical disability: "True, he has been afflicted in his legs, but it does not re-

quire legs to make a statesman. [Laughter and applause.] If he had been in the condition of Jeff. Davis, his legs would have been of service to him. [Laughter and applause.] His head is clear, his heart is sound, his will is uncontrollable, his devotion to the Union is unabated, and he is ready now, tomorrow or the next day to give his life for the honor of the old flag.''

While Morton's name was received with enthusiasm, the speech was a disappointment. The allusion to his infirmity was inappropriate. Pinchback, in a few words, seconded the nomination.

Bristow was nominated by General Harlan amid much applause, especially from the galleries. Poland, of Vermont, and George William Curtis, of New York, seconded the nomination. Richard H. Dana, Jr., did the same for Massachusetts. He knew of no other name, he said, that would surely carry that state.

When Maine was called, Robert G. Ingersoll[1] rose and delivered that stirring speech which has become a classic in American oratory, beginning with the words, ''Massachusetts may be satisfied with the loyalty of Benjamin H. Bristow. So am I, but if any man nominated by this convention can not carry the state of Massachusetts I am not satisfied with the loyalty of that state.'' His comparison of his candidate to the ''plumed knight, who thrust his shining lance full and fair against the brazen forehead of every defamer of his country,'' gave to Mr. Blaine the title that he bore through the rest of his life among his admiring followers. The enthusiasm of the convention was unbounded.

Stewart L. Woodford presented the name of Conkling, and

[1] William R. Holloway says that Ingersoll told him, before the convention, that he was there to beat Bristow, but if the time came when his vote could nominate Morton, Morton would have it. Holloway went to Ingersoll immediately after his speech and congratulated him. Ingersoll replied, "How much better I could have done for the old man," meaning Morton.

ex-Governor Noyes that of Hayes. Mr. Bartholomew nominated Governor Hartranft.

That evening Senator Cameron, who was ill in his room at a hotel, sent for Colonel Holloway, who represented Morton. Holloway visited him at midnight. Cameron said that Blaine had to be beaten before Morton or anybody else could be nominated. He wanted to keep Hartranft in the field so as to hold the Pennsylvania delegation together. Otherwise fourteen delegates would vote for Blaine. He asked that Morton, as well as other candidates, should furnish a few votes outside of Pennsylvania for Hartranft, which Holloway agreed to do.

On the 16th the ballots were taken. A disappointment to the Morton men occurred at the start. The organization of the convention had been controlled by Blaine's friends, and they had excluded the "Spencer delegation" from Alabama, which was favorable to Morton, and had seated a contesting delegation, which divided its votes between Blaine and other candidates.

The result of the first ballot showed 285 votes for Blaine. It came from all sections of the country. There were 124 votes for Morton from Indiana and the Southern states. There were 99 votes for Conkling, 113 for Bristow and 61 for Hayes, while Pennsylvania cast 58 votes for Hartranft, and Connecticut 11 for Jewell.

After the first ballot, Morton had to give part of his strength to Hartranft. On the second ballot his vote fell to 111, while Blaine received 298. The third and fourth ballots were taken and the result was not greatly changed. On the sixth ballot Morton's vote fell to 85. The Blaine vote had risen to 308, the vote for Hayes to 113. Three hundred and seventy-eight votes were necessary for a choice. Blaine was dangerously near the nomination. The fate of Morton and Conkling was now decided. If Blaine was to be beaten, it must be done by combining the votes of all his opponents on Hayes or Bris-

tow. A difficulty arose on the sixth ballot. The Pennsylvania delegation had agreed to vote as a unit, but three of the friends of Blaine insisted upon casting their votes independently. Cameron, who led the delegation, contended that they had no right to do so. The chairman ruled that they had the right, and he was sustained by the convention. It was thought that if the unit rule had been observed Blaine might finally have had the vote of the entire Pennsylvania delegation, since a majority of its members were more friendly to him than to some of the other candidates, but in the end the delegation divided. Morton had telegraphed to his Indiana friends not to give up the fight, but after the sixth ballot it was evident that his nomination was impossible. The question then was to whom the Indiana men should transfer their support. It was recognized that the seventh ballot would be decisive. On this ballot Arkansas transferred her vote from Morton to Blaine. The Morton votes in Florida were also given to him. Thus the chances were in Blaine's favor until Indiana was reached, when Mr. Cumback, the chairman of the delegation, announced that Indiana withdrew the name of Morton and cast twenty-five votes for Hayes and five for Bristow.

When Kentucky was called, Harlan withdrew the name of Bristow and cast the vote of that state for Hayes. The opponents of Blaine were now united, and when the result of the seventh ballot was announced Blaine had 351, Bristow 21, and Hayes 384 votes. Hayes was nominated.

The Ohio candidate and his friends had not aroused any bitter antagonism, and all factions of the party united cordially in his support.[1]

[1] It was something, said the New York *Herald*, for the convention to have produced a ticket which united in its support Conkling, Curtis, Morton, Cameron and Schurz, and which brought back to the Republican fold such errant sheep as the Cincinnati *Commercial* and the Chicago *Tribune*, which had either been straying in strange pastures or looking over the fence with wistful eyes. "The harmony that fills the Republican party,"

As soon as the result became known, all the defeated candidates hastened to send their congratulations. Morton was the first. The dispatches were characteristic. Morton's simplicity, Blaine's exuberance, Conkling's impressiveness plainly appeared. The dispatches were as follows:

From Morton: "I congratulate you upon your nomination for the Presidency, and shall labor earnestly for your success."

From Blaine: "I offer you my congratulations on your nomination. It will be alike my highest pleasure as well as my first political duty to do the utmost in my power to promote your election. The earliest moments of my returning and confirmed health will be devoted to securing you as large a vote in Maine as she would have given for me."

From Conkling: "I heartily congratulate the country, the Republican party and you, on your nomination. You need no assurance of the cordiality of my support."

The candidates were all "interviewed." Morton received the reporter with a laugh, and declared that he was satisfied with the nomination and would do everything in his power to prove that feeling. He was particularly pleased with the platform. Its living and vital parts were those for which he had been contending for years. He had no fault to find with his friends for withdrawing his name and did not doubt that there had been good reason for their doing so.

The following morning when he appeared in the Senate, he turned to Conkling with the blandest smile and asked: "How does the Eagle of Oneida feel?"

Although four of the candidates were in Washington, Morton was the only one of them to speak at the ratification meeting held in that city the evening following the nomination.

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growled the Democracy through the lips of the Cincinnati *Enquirer*, " would make an Æolian harp sick at the stomach."

CHAPTER XX

THE HAYES-TILDEN CAMPAIGN

Two weeks after Hayes was nominated the Democratic National Convention met at St. Louis. The prospects for Democratic success were flattering. The scandals of Grant's second term had produced widespread dissatisfaction. The issues of the war and of reconstruction were fading. Questions of finance and administrative reform were coming to the front.

Thomas A. Hendricks was perhaps the most prominent figure among the old-time Democrats. His friends had been busy pressing his claims, but the surrounding conditions demanded a candidate of a different sort. Samuel J. Tilden, of New York, had been a successful corporation lawyer, and had amassed a large fortune. He had been chairman of the state Democratic committee during the time of the notorious Tweed ring, but he had taken no part in its profligate and dishonest measures, and when its criminal transactions were brought to light he had done much to bring the guilty to punishment. He soon became the leader of the New York Democracy and the "reform" candidate for Governor. He was elected by a great majority. He devoted his energies as Executive to the overthrow of a formidable "canal ring" which was conducting its operations in that state, and he soon won a leading place in the national Democratic party. In the coming campaign "reform" was to be the watchword of the Democracy, and Tilden was considered the natural candidate. Personally cold, subtle, sagacious, selfish and unscrupulous, his skill in

administrative duties and as a political organizer was unquestioned.

The platform had been prepared under Tilden's personal supervision. It set forth in great detail the particulars in which "reform was necessary." It contained an elaborate indictment of the Republican administration. It denounced the failure to prepare for resumption and "the hindrances enacted against it," among these the resumption act of 1875. It criticised Republican methods of taxation, extravagant expenditures, the waste of public lands and the evils of Mongolian immigration. It set forth the need of reform in the civil service. It recounted the defalcations of those in authority. It demanded a change of system, administration and parties, that there might be a change of measures and of men.

Some of Tilden's political rivals in New York organized a movement to defeat him in the convention, but the effort was unsuccessful. Before the second ballot was concluded the vote for his nomination was made unanimous. Hendricks was chosen candidate for Vice-President. The ticket was considered a strong one. One candidate suited the hard money men and the other the friends of the greenback. One aimed to draw recruits from the reformers, the other to keep up the enthusiasm of old-time Democrats.

Hayes, in his letter of acceptance, advocated civil service reform, and declared his inflexible purpose not to be a candidate for a second term. He desired, he said, the pacification of the South, but added that there could be no peace if the rights of any portion of the people were disregarded. He would cherish the interests of the white and colored people alike, and uphold a policy that would wipe out the distinction between the sections.

Tilden's letter was an elaborate political treatise on the state of the country and the conditions of good government.

The campaign of 1876 was on hand, and Morton was

early in the field. On July 17 he began his attack on the Democracy by a speech in the Senate during a debate on the River and Harbor bill, which had just passed the Democratic House of Representatives. The House had made great reductions in general appropriations, but in this bill, where members asked for expenditures in their respective neighborhoods, the sums demanded came to nearly six millions, to which the Senate added some nine hundred thousand more. Thurman, seeing that the bill was not in harmony with the promises of retrenchment made by his party, moved that it be sent back to the Committee on Appropriations with instructions to reduce the amount to a sum not more than four millions. In the discussion that followed, Morton remarked that the River and Harbor bill was a good illustration of the prevailing Democratic spirit. Where the local interests of congressmen were involved there was no disposition to diminish appropriations. But there were large reductions where the effect was simply to cripple the general government. For the Court of Claims, where Congress was bound to provide for the payment of judgments amounting to two millions, there was no appropriation at all. That was retrenchment, but it was retrenchment by means of repudiation. In the navy yards where the property of the government amounted to fifty millions of dollars in value, and repairs were needed to make that property serviceable, no appropriation had been made. The effect was to impair the efficiency of the navy. There were very few of these retrenchments that did not indicate the simple purpose of making political capital. Next year there must be a large deficiency, or public works would go to ruin, and the public service be seriously impaired. Sometimes there was a necessary increase in appropriations which it was just as patriotic to make as it was to vote for a reduction. The great bulk of reductions had not been in the interest of economy, but simply in the interest of a party, to enable it to go before the country, and with great show of

retrenchment to say, "See how much we have reduced the appropriations!"

On the following day Merrimon of North Carolina, with greater zeal than discretion, took up the gauntlet. Morton's charge, he said, was unjust, unfair and discourteous. He had stated no fact and made no argument. Merrimon proposed to give figures. The Republican party, he said, was distinguished by its extravagance and its gross and appalling frauds.

Sherman interrupted and asked, upon what principle the Democratic party stood?

Merrimon answered: "To reform mal-administration and retrench the expenses of the government."

Sherman asked Merrimon to name a single reform that had been carried out by the Democratic party.

Morton interposed: "I should like to add to that question. I should like my friend from North Carolina to name one single good act of any kind that the Democratic party has performed in twenty-five years."

Merrimon spoke of the purity of Democratic administrations down to 1860, and then quoted the report of the civil service commission appointed by Grant, in which it was estimated that one-fourth of the revenues had been lost in collection. Merrimon then exhibited a table showing the number of gallons of distilled spirits upon which the government had received a revenue. According to Fessenden's estimate in 1864 the number of gallons actually distilled had been about a hundred millions per annum. The taxes from 1865 to 1868 inclusive had been two dollars per gallon. This ought to have yielded eight hundred millions. In fact, only one hundred and four millions had been realized, so the loss was six hundred and ninety-six millions. Into whose pockets had that money gone? It had gone into ten thousand avenues to corrupt and demoralize the country, and to secure Republican majorities.

Merrimon continued at great length his criticism of Republican extravagance. When he concluded, Morton again repeated his question: "I will ask what good thing has been done or suggested by the Democratic party in twenty-five years? I should like any senator on this floor to name it. I will give him the floor to name it."

Saulsbury arose. The Democratic House of Representatives, he said, had exposed the corruptions practiced under the administration which Morton supported, and had brought to light a degree of extravagance and loose administration that had astonished the country.

Morton rejoined: "We know that the Democratic party has assumed the role of the detective. How much it has discovered will appear more fully when we get the evidence. But that is dodging the question. The senator has mentioned certain investigations which I think have merited and received the contempt of the country. I repeat the question, 'What good thing has been done or suggested by the Democratic party in the last twenty-five years?' I see my friend from Connecticut (Mr. Eaton), who has an excellent memory. If there was one good thing in the history of his party for twenty-five years he would not hesitate to name it."

Eaton replied: "And he will name it before we get through with this discussion."

Morton continued: "When I look back I remember the Fugitive Slave law in 1850; I remember the repeal of the Missouri Compromise in 1854, that breach of faith which was the beginning of the war; I remember the Lecompton constitution and the Dred Scott decision in 1857; I remember the Democratic party in 1860 saying there was no power to coerce a state to remain in the Union; I remember its opposition to every war measure; I remember its meeting at Chicago in 1864, during the last great struggle, when every honest man knew that the rebellion was doomed unless it was saved from the North, and

the declaration to the world (Mr. Tilden himself being on the committee) that the war was a failure and ought to be abandoned. I know that in any other country than this, struggling with armed rebellion, that declaration would have been punished as high treason, as it deserved to be. I remember the opposition to the abolition of slavery. I remember the opposition to the fourteenth and fifteenth amendments. I remember the counsel given to the South to reject all measures of reconstruction. I remember the outrages of the Ku-Klux and White Leaguers, who received protection and encouragement in the tents of the Democratic party. I put the question to my friend—and I will give him the floor to answer—'What good thing has his party done or even suggested in twenty-five years?' Continually evil; the blackest and the most damnable record in the history of parties in this or any other country.

"My friend from North Carolina talked a great deal about the increased expenses of the government. He said that during the last four years it had cost the country more to maintain the government than at any previous period. Who is responsible for it? I answer—my friend and those with whom he has acted. If we are oppressed by a national debt, if we are burdened by heavy taxes, I tell him that he and those who acted with him have laid those burdens upon us. They are directly responsible; and it requires all the good countenance, even of my friend, to stand up and say to the Republicans, 'You Republicans did not conquer our rebellion quite as cheaply as you ought to have done; you have not handled taxation and the public debt and other consequences growing out of our treason as well as you ought to have done. Therefore we are indignant. You ought to have whipped us at half the expense, and you did not. We propose to take the government out of your hands and deal ourselves with the consequences of our crimes and blunders.'"

Morton then spoke sarcastically of the exceeding purity of the government under Democratic administration, and how vile and how wicked it had been under Republican administration. "I have been mingling with Democrats," he said, "for a great many years, and I know them pretty well."

MR. MERRIMON—"You used to belong to them."

MR. MORTON—"Yes, I did in their better days, and I suppose I shall never cease to have that thing thrown up to me. I left them in 1854, twenty-one years ago and better. I am now of age in the Republican party, and whenever a Democrat wants to hurt my feelings, he charges me with having been a Democrat." [Laughter.]

MR. MERRIMON—"I can assure my friend I did not intend to wound his feelings. I thought it very probable that was the proud part of his life."

MR. MORTON—"No, Mr. President, that is not the proud part of my life. The proud part is that which was occupied in assisting to put down the rebellion, to preserve this Union, and to conquer my friend and others who were in arms with him."

MR. MERRIMON—"My proudest part is the attempt to break up this corruption."

MR. MORTON—"I am coming to 'this corruption' now. The senator has brought in a statement that the government lost during the administration of Andrew Johnson over half a billion of dollars by frauds in the revenue. This illustration, like the others, is exceedingly unfortunate. It happens that it was during a Democratic administration."

MR. MERRIMON—"Oh!"

MR. MORTON—"My friend describes the Republican party generally as being a most wicked and corrupt organization. It has done some good and generous things, my friend must admit that. It passed a bill enabling my friend to take a seat here and to give us the benefit from time to time of his distinguished eloquence.

"Mr. President, it so happens that under the administration of Mr. Johnson, when the Democratic party had full control of him and his appointments, the frauds upon the revenue in the collection of the tax on whisky increased enormously, and although the tax at that time was two dollars on the gallon, the last year of his administration the collection was a little over twelve million dollars, a mere bagatelle. The senator from Ohio stated the fact here this morning. So much for Democratic administration compared with Republican administration. The most corrupt administrations this country has ever had were those that were purely Democratic, and the documents in the treasury department show it."

MR. MERRIMON—"I ask the senator to cite his facts."

MR. MORTON—"That is what I am going to do, and there is where I shall have the advantage of my distinguished friend. My friend believes all he said this morning, but when his speech is in print, it will look like the history of Baron Munchausen. I have the statement from the treasury department. I am going to read it. Some four or five months ago, on the 9th of February, I believe, the Senate passed a resolution calling on the Secretary of the Treasury to make a statement from the books of the treasury of all the defalcations and failures to make settlement from whatever cause that had occurred in our country since the 1st of January, 1834. . . .

"During the last administration of General Jackson, the defalcations on the thousand dollars of collections were $10.55; in Van Buren's administration, $21.15; in Harrison and Tyler's administration, $10.37; in Polk's administration, $8.34; in Taylor and Fillmore's, $7.54; in Pierce's administration, $5.86; in Buchanan's administration, the last Democratic administration, $6.98; in Lincoln's administration, $1.41; in Johnson's administration, forty-eight cents; in Grant's first administration, forty cents; and in the last

three years of Grant's administration, twenty-six cents on the $1,000. Here we have the statement from the treasury department that puts to flight these Munchausen stories that are told about the monstrous corruption and degradation of the Republican party, and I undertake to say now that, all things considered, while there are defalcations (and there always will be until human nature is regenerated), and while there will be failures and short-comings and frauds, I believe to-day the present administration is the purest and best this country has ever had."

MR. MERRIMON—"Gracious alive!"

MR. MORTON—"The senator says 'gracious alive.' It requires stronger declarations than that to get over these figures. My Democratic friends have but two arguments in this campaign. The argument in the South is violence and intimidation, and the argument in the North is the cry of reform. The first argument is the shotgun, the revolver, the bowie-knife, and it is sharp and murderous; and the second argument is false and hypocritical. . . .

"I asked my friends to state what good thing the Democratic party had done or proposed to do in a quarter of a century, and my friend from Delaware referred to investigations set on foot by the House of Representatives which, he said, had developed great frauds and corruption. . . . Now, in view of this very broad statement, the only saving clause he can possibly make for the Democratic party in twenty-five years, I ask him to name the investigation that shows that the government has lost anything by fraud. I will give him the floor."

MR. SAULSBURY—"The senator from Delaware will answer after the senator from Indiana finishes his speech."

But after Morton had finished, and Saulsbury had replied, the question still remained unanswered.

Early in August another occasion arose for a political debate. The Senate had called upon the President for informa-

tion in regard to the killing of American citizens at Hamburg, South Carolina, and on August 1 he had laid before that body a message, with documents, describing the slaughter of unoffending men in that town. A resolution was introduced to print ten thousand copies of this message, and on August 5 Morton moved the consideration of the resolution.

Thurman objected. There was no necessity, he said, of bringing such a matter to the attention of the people in any extraordinary manner in order to secure their condemnation, even if the transaction was as reported; of this, however, he knew nothing, having seen no authentic account. Whenever violence took place in one section of the Union there were senators ready to print accounts of it at public expense, while murders might go on in other sections and not one word be said about them. Murders in Pennsylvania, Indiana or Ohio excited no indignation in the breast of the senator from Indiana.

Morton replied that there were bad men in the North and murders were committed sometimes in passion, sometimes in drunkenness, sometimes for gain, sometimes for revenge. But this particular class of murders was always committed in the Southern states. They were murders for the purpose of controlling the politics of the state, not committed by common cut-throats, but under the direction of intelligent gentlemen, who held public office. Morton next spoke of the letters of acceptance written by Tilden and Hendricks. While these candidates had talked about everything else, they had forgotten to condemn the massacre at Hamburg. They had not dared denounce the murders in Mississippi, at Coushatta, at Colfax and elsewhere because their prospect of carrying the South depended upon the support of the men who had committed these murders. Therefore they were silent. For the purpose of enlightening the Senate, he asked the secretary to read the letter of Governor Chamberlain and that of the Attorney-General of South Carolina.

When this last letter was read, it certainly disclosed an atrocious crime. On the 4th of July a negro company of about eighty men was drilling in Hamburg on one of the public streets, more than one hundred feet wide and little used. Two white men passed in a carriage and demanded that this company should make way for them. The negroes remonstrated, but finally opened ranks and allowed the two men to drive through. Complaint was then made against the company for obstructing the highway. Two or three hundred armed white men collected in the town and General M. C. Butler demanded that the company of negroes should surrender their arms. They refused. The whites then began to fire upon the building that the negroes used as an armory. The fire was returned. Then a piece of artillery was brought into play and the men in the armory fled and concealed themselves under the floors of adjacent buildings. About twenty-five colored men were taken prisoners. When captured they were unarmed. They were taken to a place near the South Carolina railroad where a party of armed white men stood guard over them. One of them was taken out of the ring. He and his mother begged for his life but in vain. He was shot to death. Others were let loose and told to run for their lives and they were shot as they ran. The demand upon the negroes to give up their arms, said the letter, had been made without lawful authority, the attack had been without excuse and the whites had added to their guilt the crime of robbery and the plunder of defenseless people. No reply to these dreadful charges had been attempted.

Thurman asked what Morton proposed to do about it.

Morton answered that he proposed to let the country know about it, and to furnish authentic information to the senator himself. If these crimes were denounced and not apologized for by senators saying "I do not know, I have no information," then they would stop, but they would not stop so long as men ignored or justified them. His friend might as well

attempt to conceal Vesuvius by spreading his pocket handchief over the crater as to deny that these murders were political.

A few days after the Cincinnati convention Morton had been invited to open the campaign in Indiana. He had at once accepted the invitation, but it was not until August that he was able to return to Indianapolis.[1]

The Republicans of Indiana were demoralized, not only in consequence of the unfortunate platform adopted at their February convention, but also on account of serious accusations against their candidate for Governor. Godlove S. Orth had been nominated in February. Charges of corruption had been made against him in connection with certain claims against the Venezuelan government, and so bitter were these attacks that the Republicans felt it would not be safe to risk the October election in a Presidential year with his name at the head of the ticket. He was asked to withdraw, and on August 2 he addressed a letter to G. W. Friedley,

[1] Morton was detained in the Senate owing to the impeachment of Secretary Belknap. About the 1st of March it was discovered that post-traderships had been farmed out by the wife of the Secretary. Morton was very indignant when this scandal transpired. When he heard one morning in the Senate that Belknap had resigned, he exclaimed, "Resigned! He ought to have hanged himself." It was rumored that Morton had advised the acceptance of the resignation, but he authorized an emphatic denial and declared that he had not seen the President until after the resignation had been accepted. Belknap was impeached. His resignation was pleaded in abatement. On the day that the case came on for hearing, a serious accident occurred to Morton. The chair upon which he had been sitting in the committee room during the morning, broke, throwing him backward with much violence, and leaving him for a short time insensible. He recovered sufficiently to take part in the closing vote on the impeachment. He voted "guilty." A two-thirds majority, however, was not secured and Belknap was acquitted upon the ground that his resignation was a bar to further proceedings. Subsequent developments have led to the belief that he was rather the victim of the intrigues of others than a criminal himself.

chairman of the Republican state committee, tendering his resignation as candidate. Orth seems to have believed that the request to withdraw had been made at Morton's instigation. This, however, was not the case. When Morton heard of the Venezuela scandal and was asked what Orth ought to do, he said that this was a matter for Orth himself to determine; that no one else could decide for him. When further pressed, "What would you do if such charges were made against you?" he growled, "What would *I* do?" and nobody asked anything more.

General Benjamin Harrison, who had been unwilling to become a candidate for Governor at the February convention, was now persuaded to accept the nomination at the hands of the Republican committee.

On the 11th of August Morton delivered, at the Academy of Music in Indianapolis, the opening speech in the Indiana campaign. Three times as many persons as those who gained admission were turned away from the hall. When Morton appeared the enthusiasm was so great that it was some time before the meeting could be called to order. Albert G. Porter presided. "The greeting that the senator has received," he said, "shows that any introduction would be inappropriate. What a throng of recollections his presence awakens! What memories of field, campaign and hospital! The voices of the living and the dead seem to salute him."

Morton now began one of the most bitter speeches of his life. In a campaign where slander was the chief weapon of the Democracy, Republicans must be excused, he said, if they spoke plainly of the character, history and purposes of their antagonists.

If the old world should believe what had been said by the leaders of the Democratic party, by sham reformers and by the night ravens of politics, it would conclude that the United States was the most corrupt and degraded of all nations claim-

ing to be civilized, and that Republican government had been a hopeless failure.

These charges, said Morton, were slanders, shameless and enormous. Defalcations were fewer than at any previous time Morton contrasted the present administration with that of Buchanan, when the revenues fell short of the expenditures, and the bonds of the government were sold at a discount of seventeen per cent. It was during that administration that Hendricks had been Commissioner of the Land Office, that Floyd and Thompson had been in the cabinet, that trust funds had been stolen in broad daylight and the national arms conveyed South and seized by traitors. It was a marvel of audacity for any one connected with the administration of Buchanan to ask the confidence of the American people.

Morton next discussed the composition of the St. Louis convention, which had placed in nomination the "distinguished reformers," Tilden and Hendricks.

There was the old slaveholder, with a heart full of bitter memories, who believed that emancipation was robbery, and that his only hope of indemnity was in the Democratic party.

There was the old agitator, who had hurried states into rebellion and drafted ordinances of secession.

There were the officers and soldiers, who had borne the Confederate flag upon many a bloody field, and who proudly pointed to their rebel record as their title to office and glory.

There were the members of the rebel Congress at Richmond, who had debated with closed doors the question of the black flag.

There were the architects and defenders of Belle Isle, Libby, Andersonville and Salisbury.

There were the Northern sympathizers and dough-faces, who had waited and watched over the border, whose hearts and hopes were in the South while their bodies were in the North.

There were a few Union soldiers who had carried their scanty laurels to a Confederate market where decoy signals were scarce and in large demand.

There was the soreheaded Republican, whose neglected claims for office had shaken his faith in civilization, and convinced him of the necessity for reform.

In short, there were assembled the mourners for slavery, the organizers of rebellion, the Ku-Klux and White Liners, the Northern sympathizers and dough-faces, the advocates of state sovereignty, and the representatives of every element that had torn the country with civil war, drenched it with blood, and watered it with the tears of widows and orphans.

Morton continued: "Of Mr. Hendricks, the Democratic candidate for Vice-President, it is not very important to speak in this community. You have known him as member of Congress, of the legislature and of the constitutional convention, as Commissioner of the General Land Office, as Senator of the United States and as Governor of the state, for nearly thirty years, and during all that time he has suggested no policy, produced no measure, started no idea that any human being can remember, save and except one, which we are all asked to forget. His place of general retirement and relaxation has been upon the fence, and he has never gotten down upon the one side or the other until his party had taken such decided ground as left no doubt about its position. Like Tilden he will be the last of his line, and will leave no idea, measure or policy, as a political contribution to those coming after him. His official life in small things has been respectable, and successful in dodging larger responsibilities.

"Perhaps no political career of equal extent in this country can be referred to that has been so barren of good or important results. In the winter of 1860–61 he stood with Buchanan and the leaders of his party in denying the right of coercion, in justifying the South and in throwing all blame for

the then threatened rebellion upon the Republicans of the North. After the breaking out of the war he sank from sight for a time and his position was wholly unknown. Toward the close of 1861, when the country was depressed by misfortune, he again came to the surface, along with the leaders of his party, and was bitter in his expressions against the war and the government.

"On the 8th of January, 1862, at the state convention of the Democratic party, he made the most celebrated speech of his life, in which he attempted to show, by labored argument, that the interest of the Northwestern states was wholly with the South, and that New England had been our oppressor, so that the inference was that the states of the Northwest should form a Northwestern Confederacy for the time being, to be afterward united with the South, and to cut loose from the East.

"He arraigned the war party as intolerant and corrupt, and as the author of hard times and desolation, and said that if the war should be so prosecuted as to abolish our market in the South by destroying the peculiar system of labor in that section, he would advise the Northwest to look out for itself. His favorite phrase was 'the restoration of the Union upon the basis of the constitution' (by which he meant the preservation of slavery, giving to it equal rights in all the territories), and in referring to this he said:

" 'If this is rendered impossible by the folly or wickedness of the party in power, then the mighty Northwest must take care of herself and her own interests, and not allow the arts and finesse of New England and Eastern lust of power, commerce and gain to despoil her of her richest commerce and trade.'

"Mr. Hendricks fully believed, at the time, that he had struck the current of Democratic thought and action, but he afterward feared that he had gotten off the fence prematurely. It was, in my opinion, the worst speech made in any Northern

state during the war, and exerted the most deleterious influence. It was the fruitful parent of that crop of conspiracies which afterward disturbed the peace of the state and so nearly compromised her position in the Union. The Sons of Liberty and other disloyal organizations, and the treasonable schemes that were formed were but the offshoots of that central idea of his speech—that the interests of Indiana were not with the East, but were with the South, and that the Eastern states should be left out in the cold. Mr. Hendricks did not belong to any of these organizations, as I believe, but that he knew all about them, and that their leaders and contrivers were his friends I never doubted for a moment. His position was this: if they succeeded in their purpose he would reap the benefit, but if they failed, he was not responsible for their action."

Morton now spoke of Hendricks' hatred of the negro. In the Senate Hendricks had resisted giving freedom to the slaves that escaped into our lines during the war. Long after the Emancipation Proclamation he had been against the repeal of the Fugitive Slave law, and he had opposed propositions to allow negroes to ride in the street cars or sit on juries or hold office in the District of Columbia, saying that this was a "policy that subjugated the white to the colored race." He had voted and spoken against all the amendments, and had declared to an astonished Senate that the people of the United States had no power to abolish slavery, even by an amendment to the constitution. He had opposed the enlistment of negro soldiers. In 1854 he had voted for the repeal of the Missouri Compromise, that slavery might go into Kansas and Nebraska. As a member of the Indiana Constitutional Convention of 1850, he had made but one speech, and that was against permitting free negroes to come into the state. His unbroken record of blunders, unredeemed by any good measure, presented the question, whether he was promising material for a great reformer.

The word "reformer," said Morton, became odious when it was used as a mark to conceal the repulsive features of those who had championed every great abuse in the past, who had been unfaithful to their country, who had brought upon that country its chief misfortunes, and whose names were indissolubly connected with the greatest political crimes of the age.

Morton's strictures upon Hendricks were repeated in several speeches that the senator made throughout the state. One of these speeches was delivered at Lebanon, and Hendricks, at Shelbyville, a few days afterwards, thus referred to them: "With a view to prejudicing the people of Lebanon when I was not present, Governor Morton told them, as reported in the papers, that during the war I was in sympathy with a treasonable organization, understanding its motives and its purposes."

A voice: "It is a lie."

"I am much obliged to my friend for furnishing the only reply that can be given to it. It is a lie.

"There is one resolution in the platform adopted at Chicago in 1864 that has been the subject of great misconstruction. It has been construed to mean that the war up to that time had been a failure. I don't think it properly bears such a construction, but that is a theory of the past which I shall not discuss to-day. Morton said yesterday that Governor Tilden and I were both members of that convention, and both in favor of the resolution. Governor Tilden's friends, who where on the Committee on Resolutions, informed the country long ago that in the committee he opposed the resolution, and so far as I am concerned it is simply a lie made out of whole cloth for I was not a member of the convention at all."

A few days after this Morton, in a speech at La Porte, quoted Hendricks' language as given above, and thus continued: "He says I made this remark in his absence.

I did. What I said in his absence I would say in his presence were he now here, and I now say to the Governor that, as far as my meetings are concerned, I will divide the time with him everywhere. If he chooses to come to any of my meetings, he shall have part of the time and I will give him the opening and close of every debate, or, if he does not like the places where my appointments are, I will withdraw my appointments and go to those counties that he may select, so that he can not claim that what I say is said in his absence."

Morton's proposition to meet Hendricks in joint debate was formally sent on September 7 by Mr. Friedley, the chairman of the Republican Committee, to General Manson, chairman of the Democratic Committee, with the request that it should be forwarded to Governor Hendricks.[1] The following answer was returned:

"INDIANAPOLIS, September 8, 1876.

"*Hon. Geo. W. Friedley, Chairman, etc.:*

"SIR—Yours proposing a joint discussion between Governors Hendricks and Morton has been received. In reply I have to say that after his nomination Governor Hendricks hesitated about the propriety of participating in the canvass, and only yielded to the solicitations of his political friends to the extent of making a few speeches at points to be named by the committee. These points and the time for the addresses have been fixed and will not be changed. The proposition is declined. Yours truly,

"M. D. MANSON, *Chairman.*

"RUFUS MAGEE, *Sec. D. S. C. C.*"

Morton continued his attacks. On the 19th of September he spoke at Tipton, quoting Hendricks' statement at Shelby-

[1] Morton said after the challenge: "If Hendricks will accept, I will insure the state for Harrison by a large majority, but he will never accept an invitation to a joint debate, where his record during the war can be discussed."

ville. "Governor Hendricks," he continued, "here accused me of willful falsehood, and intended to brand me before the nation as a liar. He intended the country to understand that he was not in the Chicago convention, had no connection or complicity with it, and did not sympathize with it. . . .

"I hold in my hands a number of the Chicago *Tribune*, bearing date September 1, 1864. It contains the proceedings of the Democratic national convention that had occurred the day before, and a report of the speeches made that evening at the Chicago court-house in a great ratification meeting. Among the speeches reported is that of Governor Hendricks, in which he ratified the action of the convention and bitterly denounced the administration and its policy of prosecuting the war. As specimens of the tone and temper of his speech I read the following extracts:

" 'He said we must elect whether we would be ruled by the law or by one man. By the power of the law we were all equal, but the law had been set aside, and we were now an outlawed people, subject to the will of one man. The speaker felt sanguine that the ticket nominated would be successful. The people wished a change. We would be resisted by argument and physical force. We would not willingly become slaves when we could save our liberties. . . . He trusted life still remained in the masses, and that they had not sunk so low by the four years of despotism, but that they could rise to crush out abolitionism and hurl the smutty old tyrant at Washington out of political existence.'

"Now, from this number of the *Tribune*, more than twelve years old, it appears that Governor Hendricks was at Chicago on the evening of the day the nomination was made, and it is highly probable that he was in the convention when the platform was adopted a few hours before, and that that was his very business in Chicago—to look after the platform and nominations. He made haste to ratify the action of the convention and to claim that there was enough life left in the

masses of the Democratic party to hurl Lincoln, 'the smutty old tyrant, from political existence.' The speech is bitter and malignant to the last degree. But the point is, that it appears he was in Chicago, and at the convention, notwithstanding he charged me with having lied about him by stating that fact at Lebanon. I am told that Judge Osborn (late of the Supreme Court of Indiana), and several other gentlemen at Valparaiso, saw the Governor in the room of the Indiana delegation at Chicago, and also heard him make this speech. Whether I or Governor Hendricks told the truth I leave to the people of this state upon the evidence I have quoted."

A few days afterwards, Governor Hendricks, at Rushville, answered Morton's Tipton speech. After quoting the passage from the *Tribune*, he said: "When I read that passage I was astonished and annoyed. I could not believe that I had thus, in coarse language, spoken disrespectfully of Mr. Lincoln. I had then served one session in the Senate, and had come to know him, and my respect for him would not allow any one to speak unkindly of him, much less with disrespect. I was unwilling that the people should believe that I had spoken so of him. Though I was confident I had not expressed such a sentiment, I delayed a denial until I might have the matter carefully examined. I have now had it as thoroughly examined as seems possible, and find that I may say most positively that in the speech made on that occasion I did not utter the sentiment or use the language attributed to me. The report in the *Tribune* does not purport to give the language of the speech, but only the reporter's statement of its substance. The Chicago *Times*, of the same date, has an account of the meeting and gives the speeches in the very words of the speakers, taken in shorthand, I suppose. A copy of my speech has been made and sent to me, which I now hold in my hand, and I say to you that there is not in it one unkind or disrespectful word or sentiment towards Mr. Lincoln. The passage read by Governor Morton is not found,

either in sentiment or language. I can not read my speech in full to you, but will be happy to hand it to any gentleman who may desire to judge of its spirit as well as to see its language. . . .

"I think probably the *Tribune* reporter intended to state the substance of the speeches correctly, but that his report of another speech became confused with mine. I am informed that in the *Times*' report a sentiment very similar to that attributed to me is found in a speech made by another." [1]

Morton, in a subsequent speech, thus referred to Hendricks and his explanation: "He first made a broad, coarse and offensive statement, intending to put the lie upon me and to have it understood that he was not at the Chicago convention, did not indorse the platform of that convention or sympathize with it. But, when the speech was produced, showing that he was at that convention, that he indorsed the platform fully

[1] At the close of his formal denial of Morton's charge, Governor Hendricks spoke of the amicable personal relations subsisting between Lincoln and himself, and observed:

"The last conversation that I had with Mr. Lincoln is distinct in my memory. It was at the adjournment of the special session of the Senate, about the 10th of March, 1865. Before leaving for home I called to pay my respects. As our conversation was agreeable, I remained some time, and, when I arose to leave, he said as he cordially pressed and held my hand, 'Hendricks, you are a Democrat, and have stood by your party, but my administration has no reason to complain of you, and it is perhaps proper, before you leave, that I should say to you that in a short time things will assume a shape across the river' (pointing out of the windows across the Potomac), 'when I can have a general jubilee.'

"These were the last words I ever heard him utter. When I returned home, I informed my party friends that we would soon be in support of Mr. Lincoln's administration in its policy toward the Southern states."

In answer to this statement, Morton said: "This part of Mr. Hendricks' speech reminds me of a conversation I had with Mr. Lincoln, in which he asked me what was the course of Mr. Hendricks in Indiana, and whether he was regarded as a partisan. I answered him that Mr. Hendricks was an unrelenting Democratic partisan; that we had none more bitter in the Democratic party. He said: 'Well, that's funny, for he always talks to me more like a Republican than a Democrat, and has led me to believe that he was a very mild and moderate politician.'"

and denounced President Lincoln in vulgar and abusive language, he is compelled to come forward and admit that he was at the convention, and he seeks to escape from the position in which he was placed by showing that he was falsely reported at the time."

The amount of work performed by Morton in this campaign was enormous. Before the October election he spoke generally twice a day and each of his speeches was usually two hours in length. He was at work late at night and early in the morning, traveling with great rapidity by rail or carriage from one point to another. The meetings increased in size as the election drew near. At first his audiences were numbered by the thousands, then they were described as "acres of people."

In this campaign, however, the current of public opinion in Indiana was against the Republicans. In spite of his war record, Mr. Hendricks was popular in that state and Mr. Tilden was an admirable political organizer. When the returns of the October election were counted it was found that the Democratic plurality was over five thousand.

CHAPTER XXI

CHINESE IMMIGRATION—DISPUTE OVER THE ELECTION

THE Democratic convention at St. Louis had demanded that Chinese immigration should be stopped. The Republican convention at Cincinnati had recommended an inquiry as to the effect of that immigration. A joint committee was accordingly appointed by Congress to examine the subject. Senators Morton, Sargent and Cooper and Representatives Meade, Piper and Wilson composed this committee. Morton was chairman. He had remained in Indiana up to the time of the state election in October. This election was considered decisive of the result in November and when that decision had been given, Morton went at once to California. The investigation began in San Francisco on the 19th of October. Morton propounded to the witnesses questions prepared beforehand as to the number of Chinese in the country, their moral and physical condition, their religion, education and character, the manner of their coming, the purposes for which they came, the kind of labor they performed, their wages, the effect of their employment upon other workingmen, the manner in which they lived, the influence of immigration upon prices, business, etc. Some sixty witnesses were examined. Morton was careful to give to the Chinese and their friends every opportunity of presenting their side of the question [1]

[1] The feeling among those opposed to Mongolian immigration was very bitter. The Rev. Otis Gibson, who had testified in favor of the Chinese, was burned in effigy.

The examination continued for nine days, then a recess was taken, during which Morton made several political speeches —at Virginia City, Carson City, Sacramento and other places.

On November 9 the committee resumed its work, and continued the taking of testimony until the 18th of November. On the 21st of that month Morton left for the East, and on the 29th he was again in Washington.

The election contest between Hayes and Tilden consumed so much of the time of the following session of Congress that the report of the Committee of Investigation was not made until February 27, 1877.

This report was presented by Senator Sargent. It favored the exclusion of the Chinese.

Morton differed in his conclusions from the majority of the committee. During the following spring and summer he prepared a minority report, but before it was finished he was stricken with the illness that terminated in his death.

A portion of Morton's manuscript, containing his argument and conclusions upon the subject was presented to the Senate on January 17, 1878, and referred to the Committee on Foreign Relations. Another part of the manuscript that could not then be found has since been discovered, while still other portions are missing and the report is incomplete. In it he declared that while the general plane of the civilization of the Chinese was below that of Christian countries, it presented points of excellence worthy of emulation. Their patient industry, he said, their fidelity to contracts, their general honesty, their devotion to their parents, veneration of ancestors and love of home were virtues in which they excelled most nations. They seldom brought their families to this country and they regarded their sojourn here as a mere excursion to improve their fortunes. When the labor market was supplied they would cease to come. Morton considered that the danger of an inundation was very remote, but should they begin to come in vast multitudes and threaten the country, the gov-

ernment would, no doubt, adopt measures for national protection.

The foundation stone of our political edifice, he continued, was the declaration that all men were equal. We professed to believe that God had given to all the same rights without regard to race or color. Another principle was that our country was open to immigration; that it was to be the asylum of the oppressed and the unfortunate. The operations of these principles were not limited on account of religious faith. Absolute toleration was regarded by our fathers as of vital importance.

An objection urged against the Chinese was their exclusiveness—their refusal to permit others to settle in their midst. But now when they had followed our example and had inaugurated a liberal policy, it was proposed that we should step backward and adopt their cast-off policy of exclusion, and our present argument was precisely that which had been used to justify their former policy—that the admission of foreigners interfered with trade and labor, corrupted morals and degraded religion.

The strength and endurance of our government, said Morton, did not depend upon our material wealth and prosperity, nor even upon the general diffusion of education and intelligence. The sheet anchor of our safety consisted in faithful adherence to the principles upon which our government was established. Among these principles was the conviction that the rights of men were not conferred by written enactments but were given by God.

In permitting the people of other countries to come here and live we had the right to prescribe such safeguards as would protect us from pauperism, crime and disease, and to fix a period of probation for citizenship. But to regulate immigration was one thing and to exclude a whole race was quite another. We had made a discrimination with regard to the suffrage by permitting none but white persons to be

naturalized. As to other rights—to work, to trade, to live, to acquire property, we had never made any distinction. To do that now would be an innovation, a long step in the denial of the brotherhood of man and the policy inaugurated by our fathers. After having abolished slavery and established equal rights for all, it would be unsound to renew our prejudices by excluding the people of Asia from our shores. In California the antipathy to the Mongolian race was equal to that entertained in the older states against the negro. As Americans we could not safely make a new departure that should resurrect the odious distinctions that had brought upon us the civil war, and from which we had hoped that God had delivered us forever.

Morton further said that in his judgment the Chinese could not be protected while remaining in their alien condition, surrounded by fierce and unscrupulous enemies. Complete protection could be given only by allowing them to become citizens. Most of the Chinese were workingmen, accustomed to agricultural pursuits, a few were scholars, some were merchants and a very few were mechanics. As a rule they were industrious, temperate and honest. Some thousands had been employed as household servants, and had become indispensable. As laborers in farms and vineyards they had been praised in the highest terms. White labor could not be obtained for prices that would enable the farmers to carry on their business. In the construction of railroads and public works the Chinese had been of the greatest service. Without them the railroads would not have been undertaken. The chief argument against them was that they worked for lower wages than white people, but it might well be doubted whether they had injuriously interfered with the whites. There had always been scarcity of labor on the Pacific coast. There was work for all. The Chinese had opened up avenues for white labor. Over a million acres of tule lands had been reclaimed by the Chinese, and these lands had then been cul-

tivated by white men, and were the most productive in California. The Chinese had constructed canals for supplying farms and mines with water, thus furnishing employment for thousands. Inquiry had failed to show that there was any considerable number of men out of employment except those who were willfully idle. Many of the most bitter enemies of the Chinese were notorious idlers and ruffians. The introduction of manufactures into California had been owing to the employment of the Chinese, and as manufactures had progressed the demand for white labor had increased. That the Chinese should be excluded because they furnished cheap labor was at war with the principles of political economy. For the same reason labor-saving machines might be forbidden. Yet in the long run, such machines had not diminished the demand for labor, but had opened up new avenues for it, adding to the wealth of a country and improving the condition of the workingmen. The great body of those who were hostile to the Chinese were themselves men of foreign birth, who were opposing others of foreign birth from coming to our shores. Morton favored the highest wages compatible with the prices of other things. But labor should be free and open to competition. It flourished best where it was unrestrained.

He then considered in detail the characteristics of the Chinese. He spoke of their high intellectual capacity, which, however, had been stunted by the institutions of China, just as the intellect of Europe had been paralyzed by the feudal system. China might yet be emancipated from her bonds, might start anew and outstrip the western nations as she had done in the past.

This report, fragmentary as it is, illustrates the great liberality of Morton's views during the last years of his life.

On the night of the election of 1876 the press reports in-

dicated that Tilden had been chosen President. He had carried New York, New Jersey, Connecticut and Indiana. The question was, had he secured a solid vote in the South. In Louisiana the returns indicated a majority in his favor. Florida and South Carolina were very close. It was undisputed that he would have one hundred and eighty-four electoral votes. One hundred and eighty-five were necessary to make him President. If Florida, Louisiana, South Carolina and Oregon should all cast their electoral votes for Hayes, the Republican candidate would have a majority of one, but the loss of a single vote would defeat him.

In the earlier editions of the Republican as well as of the Democratic papers, on the morning following the election, the probability of Tilden's election was conceded. But that same morning Mr. Chandler, chairman of the Republican National Committee, sent the following telegram over the wires of the Associated Press: "Rutherford B. Hayes has received one hundred and eighty-five electoral votes, and is elected." It was claimed by Democrats that this telegram was the result of a conspiracy among certain Republican politicians, suggested by a message to the New York *Times* from Mr. Barnum, chairman of the Democratic National Committee, expressing a doubt in regard to South Carolina, Florida, Louisiana and Oregon. The Republicans, on the other hand, insisted that this claim of one hundred and eighty-five electoral votes was well founded. The result showed that there was an undoubted Republican majority in South Carolina and Oregon, while Florida was very close and Louisiana, it was claimed, had been carried for Tilden by such widespread violence as would abundantly justify the Returning Board in returning the Hayes electors. Telegrams were sent to Republican leaders in the South declaring that the election depended upon holding these states. Emissaries were dispatched to all of them from the national committees of both parties, and ample funds were supplied to secure a "fair count." The

President sent a committee of Republicans ("visiting statesmen," as they were called) to Louisiana to supervise the canvass, and on November 10 directed General Sherman to see that order was maintained and that the boards of canvassers were unmolested. The Democrats also selected a committee of prominent men to visit Louisiana and witness the canvass of votes.

There was great excitement throughout the country. The Democrats believed that they were to be defrauded of a victory fairly won, while the Republicans were determined to prevent the Democrats from reaping the fruits of intimidation and violence.

There were many irregularities, and both parties were unscrupulous in the methods employed. In Oregon, Watts, one of the Republican electors, held the office of postmaster, which disqualified him for the electorship, and Governor Grover gave a certificate to the Democratic candidate (Cronin), who had received the next highest number of votes.

On the 6th of December the electoral colleges cast their votes for President, and, according to one set of returns, Hayes and Wheeler were elected by a majority of one, but in all four of the disputed states there were two sets of returns, and many complicated questions arose to be settled when the time came for counting the votes and declaring the result.

On the day of the election Morton was in California, but he returned to Washington when Congress met. On December 7 there was a discussion of the Oregon case. Morton insisted that the appointment of Cronin was illegal, that where votes were cast for an ineligible person the minority candidate was not thereby elected. A resolution directing the Committee on Privileges and Elections to inquire into the eligibility of Watts, the Republican elector, was adopted on December 22, and an important investigation was made by that com-

mittee, resulting in the disclosure of the famous "cipher dispatches." [1]

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[1] The Committee on Privileges and Elections was temporarily increased, and was also authorized to investigate elections held in other states, and sub-committees were sent to Louisiana, South Carolina and Florida.

The committee took a large amount of evidence tending to show that W. T. Pelton, secretary of the Democratic National Committee, and a nephew of Governor Tilden, living with him in his house at Gramercy Park, together with others, had sent one Patrick to Oregon, and that a conspiracy had been formed by the Democratic managers in Oregon and New York to cause the issuing of the certificate to Cronin.

The dispatches between Oregon and New York were in cipher, and many of them had no signature. A message, from Portland, dated November 28, was as follows:

"*To W. T. Pelton, No. 15 Gramercy Park, New York:*

"By vizier association innocuous to negligence cunning minutely previously read it doltish to purchase afar act with cunning afar sacristy unweighed afar pointer tigress cuttle superannuated syllabus dilatoriness misapprehension contraband Kounze bisulcous top usher spiniferous answer.

"J. N. H. PATRICK."

"I indorse this.

"JAMES K. KELLY."

It appeared from the testimony of one Hinnan, that Patrick had given him a small dictionary, to be used as a cipher, and experts in deciphering discovered that the dispatches could be translated from this dictionary by taking the corresponding words eight columns ahead. Translated according to this key, Patrick's telegram was as follows:

"Certificate will be issued to one Democrat. Must purchase a Republican elector to recognize and act with Democrats and secure the vote and prevent trouble. Deposit ten thousand dollars to my credit with Kountze Bros., Wall street. Answer."

On the following day a cipher telegram without signature was sent from New York, evidently by Pelton, which when translated was as follows:

"*To J. N. H. Patrick, Portland, Oregon:*

"No. How soon will Governor decide certificate. If you make obligation contingent on the result in March, it can be done, and (incremable) slightly if necessary."

To this Patrick answered in cipher of which the translation was as follows:

"PORTLAND, November 30, 1876.

"*To W. T. Pelton, No. 15 Gramercy Park, New York:*

"Governor all right without reward. Will issue certificate Tuesday

On January 3, Cronin, who had come to Washington and testified before the committee, was cross-examined by Mor-

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This is a secret. Republicans threaten if certificate issued to ignore Democratic claims and fill vacancy, and thus defeat action of Governor. One elector must be paid to recognize Democrat to secure majority. Have employed three lawyers, editor of only Republican paper is one. Lawyers' fee three thousand dollars. Will take five thousand dollars for Republican elector; must raise money; can't make fees contingent. Sail Saturday. Kelly and Bellinger will act. Communicate with them. Must act promptly."

On the 1st of December another dispatch was sent in Patrick's handwriting, which, translated, was as follows:

"*Hon. Samuel J. Tilden, No. 15 Gramercy Park, New York:*

"I shall decide every point in the case of post-office elector in favor of the highest Democratic elector, and grant certificate accordingly on morning of 6th instant. Confidential. GOVERNOR."

It was not shown, however, that Governor Grover had anything to do with sending this dispatch.

On the same day Patrick received from New York the following dispatch:

"Can't you send special messenger and convene legislature by Tuesday and elect the elector? Necessary expense would be paid. See proceeding other states telegraphed you. Consult Governor and senator. Answer."

To this telegram Patrick replied in cipher. The translation was as follows:

"PORTLAND, December 1, 1876.

"*W. T. Pelton, No. 15 Gramercy Park, New York:*

"No time to convene legislature. Can manage with four thousand at present. Must have it Monday, certain. Have Charles Dimon, one hundred and fifteen Liberty street, telegraph it to Bush, banker, Salem. This will secure Democrat vote. All are at work here. Can't fail. Can do no more. Sail morning. Answer Kelly in cipher."

Other telegrams within a few days after this showed the transfer of eight thousand dollars to Ladd and Bush, of Salem, for use in the Oregon controversy. This was done at the request of Mr. Jordan, cashier of the Third National Bank (in which Tilden was a director), at the instance of Mr. Pelton, who became responsible for the money.

The committee, in its report, which was sent to the Senate on February 21, 1877, caustically observed that "if Tilden had no knowledge of the scheme it must be said that he was ignorant of what was taking place in his own household in reference to a transaction intended to establish his title to the chief magistracy of the nation, and that he was ignorant of a

ton, and his admissions were so damaging that it was charged that he had sold out to the Republicans. Cronin had first declared that he would never accept an appointment as elector, but he had decided to do so, he said, "after hearing a legal argument upon the question in court." Morton brought out the fact that Cronin had been promised by J. N. H. Patrick, an agent of the Democratic National Committee, that if he would accept the appointment he could have anything within Tilden's gift. Cronin also admitted having received three thousand dollars "to defray his expenses to Washington." Morton displayed much tact in conducting the examination, and Cronin showed great embarrassment.

President Grant sent to the Senate, on December 6, the report of the Republican "visiting statesmen" upon the canvass in Louisiana. A proposition was made to print extra copies of this report. Thurman insisted that the report of the Democratic "visitors" should be printed with it. Morton declared that the Democratic report was a confession. These gentlemen had gone to New Orleans, and had been present before the Returning Board. They had heard the evidence and had taken part in the argument. They had published an address in four columns of small type devoted to matters of law, to technical difficulties—whether, for example, protests had been filed within twenty-four hours—while the great moving question of intimidation had been referred to in a single paragraph.

Morton read from the report the following statement: "The evidence disclosed a state of lawlessness in certain parishes, about the cause of which parties were not agreed; the Democrats attributing it to the inefficiency of the state government, which they alleged to be a usurpation, and the Re-

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dispatch sent to him from Portland, Oregon, purporting to come from Governor Grover, informing him six days in advance that the Governor's action would be just what it proved to be when the six days had elapsed."

publicans to politics and to the hostility of the white men toward the negroes."

With that, said Morton, the Democratic "visitors" had dismissed the whole subject of intimidation and murder. Here was an attempt to elect a President by special demurrer, admitting the crimes that had shocked the nation, but endeavoring to palliate them by saying that the government was a usurpation.

Bayard now made an impassioned speech, declaring that the statements in the report would shock the civilized world. It was a terrible catalogue of violence and crime. What Governor, except in Louisiana, would have assisted in preparing a compilation that not only attested the wretchedness of the people but his own failure to protect them? Could it be that misgoverning officials were to produce this state of affairs and then take advantage of their own work to disfranchise the victims of their own misgovernment? Mr. Bayard did not wish to shut out the truth, ghastly and terrible as it was. Let it be fully known, but let it come accompanied by the knowledge that such were the results of congressional interference and military usurpation.

Sherman, in reply, declared that the intimidation had gone so far as to overawe the courts and to disperse the juries; that in East Feliciana lawless men had invaded the court-house, shot the sheriff and prevented the judge from holding court; in West Feliciana three hundred armed "regulators" had forced the judge to flee for his life, and a body of armed Democrats had compelled the Republican members of the jury to resign on pain of death. This had been called "the Mississippi policy."[1]

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[1] On the 9th of January Sherman set forth in detail the acts of violence in Louisiana. He took up, seriatim, the various parishes in which the disorders had occurred.

In regard to East Baton Rouge, he read from the testimony of Lieutenant-Colonel Brooks, of the United States army, declaring that the

Morton again took up the discussion. He congratulated the cause of humanity and justice upon the progress made

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blacks had come to him in large numbers, telling him of threats of discharge, brutal injury and death if they did not join the Democratic clubs and vote the Democratic ticket. Many had been killed and beaten by unknown parties that had come in squads at night, disguised and armed.

Morgan, the coroner of the parish, testified to eleven inquests upon negroes killed by "bulldozers" on account of their political opinions. The captain of the "regulators" had notified him to leave the country or his fate would be the same. The coroner then stopped holding inquests.

There was testimony from men and women who saw their own kindred dragged out at night and hanged and shot for their political opinions. Many colored voters had been compelled to give up their registration certificates to save their lives. Men had been hanged for attending Republican meetings. Republican speakers had been followed by bands of regulators who broke up their meetings. In one ward a constable had been shot and his house burned over his body; in another, a justice of the peace had been terribly beaten.

In East Feliciana, in 1874, the Republican vote had been sixteen hundred and eighty-eight and the Democratic vote eight hundred and forty-seven. In 1876 not one Republican vote was cast. The violence had begun as early as August, 1875. It was thus described by Thomas Jenks:

"In August, 1875, a colored man named Jerry Norman was shot while at church by a band of regulators. In September, 1875, Joseph Johnson, colored, was shot and killed by the regulators in the town of Jackson. In the same month a colored man, name unknown, was shot and killed by the regulators on Chaney plantation, northeast of Clinton. In the same month York Nelson was shot and killed in the town of Jackson by regulators. In October, 1875, a colored man was shot and killed on Mrs. Perkins' plantation by a band of regulators. John Gair, a colored man, was taken from the sheriff's posse by a band of regulators and shot to death, his body being riddled by bullets in the presence of the posse. In November, 1875, P. Branch, colored, was shot and killed by a band of regulators. In the same month two colored men were shot and killed near Clinton by Lawson Blunt a "White Leaguer." In March, 1876, a colored man was shot and killed in his own house, on the Redmond plantation, by a band of regulators. Marshall Myer and Webster Dyer were shot in Clinton by regulators, who dispersed the sheriff's posse." On the day of the election, in the fifth, seventh and eighth polls in the parish, the Democrats told the colored people that there were no Republican tickets, and that they must vote the Democratic ticket or not vote at all. Lieutenant Davis, of the United States army, testified that he was importuned for protection by colored Republicans, and was unable to give it. Anderson, a supervisor of registration, stated that in October, 1876, an attempt

when such crimes were no longer questioned. Denial had at last broken down. Mr. Bayard, he said, had asked how ruffian-

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was made to take his life to prevent him from performing his duties. Harrell, a planter, was notified to attend the Democratic meetings and vote the ticket or leave the parish. His hands were taken from their work and compelled to vote the Democratic ticket. In West Feliciana Amy Mitchell told a pitiful story of the murder of her husband, who was dragged from a sick bed and beaten to death. Other men whom the regulators attempted to kill for organizing Republican clubs, testified to acts of personal violence upon themselves and to murders committed in their presence. Negroes were compelled to sign the rolls of Democratic clubs, and some of them slept in the woods for fear of being killed in their cabins. On election day there was a spotter at each poll to take down the names of all colored men who voted the Republican ticket. John S. Dula, the parish judge, testified that a band of Democrats, by threats of violence and of burning houses, had intimidated the colored people so that few had the hardihood to declare themselves Republicans. There were several murders; one was that of Isaac Mitchell, an inoffensive man, who refused to join the Democratic clubs, and rebuked colored men who did so. He was taken out of his bed, beaten with clubs in the presence of his wife and children and then shot. John Russell was a colored Republican who worked his own farm. The bulldozers came to his cabin at night and broke open his door. He was riddled with bullets and left to his wife and children. A colored boy, Hurd, who refused to join a Democratic club, was whipped nearly to death and driven out of the parish. Various others were whipped and ran away. The result was that the Democrats cast twelve hundred and forty-six votes and the Republicans seven hundred and eighty. At the previous election, in 1875, the Republicans had cast thirteen hundred and fifty-eight votes and the Democrats five hundred and one.

This system of terrorism was confined to parishes where the Republicans had a majority, so that if the parish were thrown out it would destroy that majority. In forty parishes there was a fair and free election, with an increased Republican majority. But in the three bulldozed parishes of East Baton Rouge and East and West Feliciana, a Republican majority of twenty-six hundred and eighty-eight in 1874 was changed to a Democratic majority of about six hundred.

The parish of Ouachita was next considered. Here there was a change of over two thousand votes. The evidence showed the organization of rifle clubs which traversed the parish from the 1st of July until after the election, attacking houses and whipping and murdering. Men who distributed Republican tickets were compelled to burn them. The roads were picketed and patrolled by armed men. Republican meetings were broken up. No process could be served, no court held, no crime pun-

ism could be abolished. One long step toward its abolition would be taken when a great party should no longer ignore its existence or find justification for it. A Democratic committee had been compelled to admit the existence of enormous crimes. One long step had been taken, and he hoped the next would speedily follow in the denunciation of these crimes.

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ished. No man committing any of these outrages had ever been brought to justice. Republican candidates were unable to canvass the district.

CHAPTER XXII

THE ELECTORAL BILL

THE difficulties attending the coming electoral count became graver as time passed. Several contradictory theories were held in regard to the manner of making this count. The Republicans generally claimed that the counting should be done by the President of the Senate, as had been the practice during the first years of our history. But the President of the Senate was a Republican and the Democrats would not willingly yield to his decision. A part of the Democratic party maintained that the House of Representatives ought to do the counting, since the constitution laid upon that House the duty of choosing a President in case the electoral college failed to elect. They held that it was for the House, by counting the vote, to ascertain whether such failure existed. A third theory more generally supported was that the counting should be done by both houses, each having equal authority. But the Senate was Republican and the House was Democratic. Each might negative the action of the other, and if so, no result could be reached. Then it was suggested that Congress should submit the case to the Supreme Court. But a majority of the judges were Republicans and the Democrats objected. A few of these adopted a suggestion once made by Jefferson, that the votes should be counted by the two houses merged in one convention. This would give the Democrats a majority. The feelings of the partisans on each side were wrought up to a high pitch. In the House of Representatives there were prophecies that within a hundred

days the people would be cutting one another's throat. Democratic newspapers declared that one hundred thousand Democrats would march to Washington to witness the count. Mr. Banning in the House said that if Republicans should try to carry out their views and should be upheld by the army and navy, the people would put them all down. Mr. Goode declared that if the parties went on as they were doing they would reach a point where one or the other must give way or fight, and he asked, "Are gentlemen prepared for the latter alternative?" A shout of "Yes" went up from the Republican side.

But even before these utterances, steps had been taken to settle the matter by compromise. On the 14th of December, the House of Representatives resolved upon a committee to act with a like committee from the Senate in preparing a scheme for counting the electoral vote. On the 18th of December, a similar resolution passed the Senate. The committees were appointed, Edmunds being chairman of the Senate Committee, and Payne of the House Committee. Morton was a member of the Senate Committee. There were frequent sessions held, and on January 18, 1877, a carefully matured bill was reported to the Senate by Mr. Edmunds, signed by all the fourteen members of the two committees except Morton. This bill provided for a joint meeting of the two houses, and for the opening of the electoral votes by the President of the Senate. All the votes to which no objection should be made were to be entered upon the journals. No single certificate from any state was to be rejected except by the concurrent votes of both houses. Where there were two or more returns from one state, these were to be opened by the President of the Senate and then submitted to the judgment of a commission to be composed of five members of the Senate, five of the House and five justices of the Supreme Court. Four of these justices, two Republicans and two Democrats, were specified by naming their

respective circuits, and these four were to choose the fifth. The commission would thus be equally divided politically except in the case of the final judge, who was to be selected by the other four. The bill provided that whatever authority was possessed by Congress for counting the electoral vote should also be possessed by the commission.

This bill was regarded rather as a Democratic than as a Republican measure, being supported by more Democrats than Republicans. The cause of this support was plainly apparent. The regular returns were, upon their face, favorable to the election of Hayes. The President of the Senate was a Republican. President Grant was also a Republican, and would doubtless see to it that the man who was counted in was inaugurated. Republicans believed they had the advantage, and that in counting the vote there was no power to go behind the returns from a state. But this bill, while it did not distinctly authorize the commission to go behind these returns, did not forbid it. It was believed that David Davis, of Illinois, would be the fifth justice selected, he being considered the most impartial man that could be found. He had been originally a Republican, had been a Presidential candidate before the Liberal Republican convention of 1872, and had been talked of as the Democratic candidate in 1876. He was an Independent in politics. If Judge Davis was to be the fifteenth commissioner, the Democrats believed that their success was certain. In order to elect Hayes, the Republicans had to have every disputed vote, and the Democrats felt sure that Judge Davis would never give four decisions in succession in favor of the same party.

Edmunds, in presenting the electoral bill to the Senate, made an able argument in support of it. He concluded on Saturday afternoon.

On Monday morning, Morton, although very ill—scarcely able to attend the Senate—spoke in opposition to the bill. Among other things he said:

"I do not think I am at all out of the way when I say that this bill is a literal product of 'the Mississippi plan;' that the shadow of intimidation has entered this chamber, and that in proposing and considering this bill members of the Senate and of the House are acting under the apprehension of violence, of some great revolutionary act that will threaten the safety and continuance of our institutions. I do not, myself, believe in the reality of the danger. I believe that this sort of talk is intended for a purpose, and I very much fear that it will accomplish that purpose. The real danger that we are in results from weakness, results from timidity, results from our not daring to stand up and do our whole duty as we understand it.

"It is said by geologists that there was a period in the history of the earth's crust when there were skullless vertebrates; and it would seem now that we have come to a period when there are vertebrateless skulls. The thing to do is to do what is right, and to do it fearlessly. For one, I am not afraid that, if this vote shall be counted as it was for the first seventy-two years in the history of our government, there will be any revolution; I believe that any one who attempts it will be utterly destroyed.

"I regard this bill, Mr. President, as a compromise. It will take its place alongside of the compromise of 1820, and the compromise of 1850. . . .

"I believe that Rutherford B. Hayes has been elected President of the United States; that he has been elected under the forms of law and according to law, and I believe that if he shall be counted in, as eighteen Presidents were successively counted in from the beginning of this government, he will be inaugurated, and there will be no violence and no revolution. . . .

"I listened with great interest, on Saturday last, to the very able speech of the senator from Vermont. If I understood him correctly, he assumed that there was no provision

of the constitution that executed itself except one, and that was in regard to the recovery of fugitive slaves; that the remaining provisions of the constitution were not self-executing, but required legislation to carry them into operation. He made a correct distinction, I believe, between two classes of powers conferred by the constitution. Where a power is conferred directly upon any department of the government, that power can not be taken from that department; that power can not be delegated, but where the constitution simply imposes a duty, but does not vest in any particular department the performance of that duty, then Congress may by law determine who shall discharge that duty. . . . If I understand the senator aright, he took the ground that the counting of the votes was a duty imposed by the constitution, but that the constitution had not located it—had not said who should do it. . . . The position of the senator is that neither the President of the Senate is vested with this power to count, nor are the two houses of Congress; that neither can exercise it in the absence of a law passed for that purpose, and this brings us to a very great fact, which is that for eighty-four years Presidents were counted in and inaugurated without any authority of law. The President of the Senate had no power to do it because there was no law authorizing him to do it. The two houses had no power to do it because there was no law authorizing them to do it. It was a part of the constitution that had not been carried into operation by legislation. Now, sir, is it true that for eighty-four years Presidents were counted in and inaugurated without authority of law? That would be a very great discovery if it were true. It would show that the men who made the constitution did not understand it. I believe they thought that the first President and all the succeeding Presidents were counted in and inaugurated according to law. They may have been mistaken. Their opportunities for knowing what the constitution is were not so good as ours, I suppose. They

undoubtedly believed that the votes were properly counted for George Washington, John Adams, Thomas Jefferson, and so on.

"I believe that this power is vested somewhere, that if it does not belong to the President of the Senate, it belongs to the two houses. It is in one place or the other. But whatever may be its location in theory, I think the opinion is correct, that the two houses can not exercise this power without legislation. I think the senator from Vermont occupies a sound position in that respect; and whatever we may say about the power of Congress to legislate, conceding that—as I have done heretofore—and I have presented bills to this chamber upon that hypothesis—yet in the absence of legislation, the President of the Senate must count the votes, for this results not from any theory, but from necessity, to prevent a deadlock, to prevent the government from coming to a standstill, for until legislation has been had under which the vote can be counted by the two houses or by some other tribunal, the President of the Senate must count the vote, and the vote was so counted for seventy-two years. Chancellor Kent stated the law on this subject as I think it has been generally understood in Congress and out of it, until very recently. He said:

" 'The President of the Senate on the second Wednesday in February succeeding every meeting of the electors, in the presence of both houses of Congress, opens all the certificates, and the votes are then to be counted. The constitution does not expressly declare by whom the votes are to be counted and the result declared. In the case of questionable votes and a closely contested election, this power may be all-important, and I presume, in the absence of all legislative provision on the subject, that the President of the Senate counts the votes and determines the result, and that the two houses are present only as spectators, to witness the fairness and accuracy of

the transaction and to act only if no choice be made by the electors.' . . .

"I was anxious," continued Morton, "to agree with the committee in recommending a fair proposition; but when we are preparing a bill in the presence of a case made up, ready to be tried, the papers all signed and in due order, I insist that it shall be a bill under which the condition of things shall not be unfairly changed. . . .

"The commission created is a mixed commission, partly inside and partly outside of Congress, five senators, five representatives and five judges. The judges are taken, not because they are members of the Supreme Court, but because they are men of eminent character, who happen to occupy that position. Four of them are chosen by circuits. The senator from Vermont hardly did himself justice on Saturday when he argued that they were chosen on account of the geographical distribution of their circuits. They were chosen, as I understand it, not because of this geographical distribution, but because of the political antecedents of the men who preside in those circuits. When the bill, instead of naming the judges, names the circuits, it presents a harmless little sham that deceives nobody.

"Four judges are taken by the bill because of their political antecedents, two on each side. In other words, the four judges are selected upon political grounds—equally divided, it is said, in order to make the bill a fair one. If we were to deal with the Supreme Court (and I confess I looked with more favor upon that proposition than upon any other), I thought we ought to take the whole court, and not divide it upon political grounds; not assume that it was liable to be influenced by political prepossessions. . . .

"There is a very grave question presented, right at the threshold; what is the character of these commissioners? Are they officers? They are sworn; the very highest duty is imposed on them, the decision of the greatest case that can

arise under our institutions. If they are officers, must they not be appointed as other officers are appointed under the constitution? Can we take four men by name and authorize them to appoint the fifth, and submit to the court thus organized this great case? Is it not a court to all intents and purposes? You call it a commission, but names are nothing. It is a court, invested with the very highest jurisdiction, to decide both law and fact, expressly charged with deciding the question as to what are the powers of each or of both houses of Congress; a court expressly charged with finding the fact as to who have been chosen electors for President of the United States. If it is a court, should it not be appointed as the constitution requires other courts to be, and if these men are public officers, should they not be appointed as officers of the United States are required to be appointed? This is a contrivance, to use the very mildest word, a patched-up thing—five representatives, five senators, four judges first, and they to choose a fifth, and thus this tribunal is to be created that is to make a President of the United States. There are no analogies for it in our constitution, our laws or our history. We have no tribunals made up in that way.

"If the decision of this question belongs to the two houses can we leave it to a few members of these two houses and agree to be bound by their decision? Can we pass a law in that way? Can we, by joint resolution or by bill, authorize a conference committee to pass a law and to make it binding unless it is reversed by both houses? Committees are but facilities of Congress, and their action amounts to nothing unless ratified by Congress. The decision of a conference committee amounts to nothing until both Houses have confirmed its action, but here we create a commission partly of senators, partly of members of the House of Representatives and partly of judges of the Supreme Court, and provide that the finding of that commission shall be valid unless reversed by a majority of both houses. This is a clear delegation of

power. If it were provided that the finding of that commission should not be valid until confirmed by both houses of Congress, there would be no such delegation. But in this case we could just as well provide that it should be binding unless reversed by two-thirds of each house, or we could provide that it should be absolutely binding, and that there should be no appeal at all. Here we create a court and give an appeal (not to a higher court known to the constitution) providing that if the appeal shall be sustained by both houses concurrently the decision shall be reversed.

"I will say one word further in regard to the bill. It is a fundamental principle of law, in connection with the election of a President, that the action of the states shall be received without question by Congress, or by that power which shall count the votes; hence any authority conferred upon this commission to go behind the returns of a state would be, in my judgment, a gross violation of the spirit and letter of the constitution. It would be revolution, and the end of Presidential elections. . . . I call attention to that part of the bill which gives jurisdiction to this tribunal:

" 'Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one senator and one member of the House of Representatives before the same shall be received. When all such objections so made to any certificate, vote or paper from a state shall have been received and read, all such certificates, votes and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said commission, which shall proceed to consider the same with the same powers, if any, now possessed for that purpose by the two houses acting separately or together'—I may here remark that the bill proceeds upon a theory different from that of the senator from Vermont in his argument. He as-

sumes that the constitution does not locate this power anywhere, but that it is to be located by law, while this bill goes upon the hypothesis that this power is located in the two houses, and that this commission shall have what the two houses have, more or less—'and by a majority of votes decide whether any and what votes from such state are the votes provided for by the constitution of the United States, and how many and what persons were duly appointed electors in such state, and may therein take into view such petitions, depositions and other papers, if any, as shall by the constitution and now existing law be competent and pertinent in such considerations.'

"First, the commissioners must find what are the constitutional votes of a state. They are required to do a thing that, in my opinion, the constitution does not authorize. They are required to find, for example, whether the electors were eligible or ineligible, while I maintain that there is no time or place under the constitution, when the votes are counted, for an inquiry of that kind. The duty is short and simple. The President of the United States shall open the certificates in the presence of the two houses, and the votes shall then be counted. There is but one thing to do, and that is to count the votes. There is no time, there is no place, to try the question of the ineligibility of the electors.

"Suppose it should be said that the candidate for President is not a citizen of the United States, and suppose this charge is made when the votes are counted. The candidate says he is a citizen, was born in this country. Or he says he is thirty-five years old. That may be denied. An issue of fact arises. Can you try that issue then? Will you count him out because it is said he is not thirty-five years old? Will you count him out because it is said that he was not born in the United States? He says that he was; that there are those living who were present and can prove it. If that issue is made you can not possibly try it at that time. And so

with regard to electors. If it is suggested that an elector was not eligible, that he was postmaster if you please, he may deny that fact; he may insist that he had resigned, and that his resignation had been accepted. Is there any time or place to try the issue of fact whether he was postmaster or not, whether he was qualified to become an elector? No, Mr. President, whoever may count the votes, there is no time or place to try that question.

"The two houses are to come together. The President of the Senate is to open all the certificates. That does not mean every kind of certificate that may be placed in his possession. It does not mean any paper that may purport to be a certificate, but he is to open all the certificates from the electors of the several states and the votes shall be counted—the votes in those certificates, be they good, bad or indifferent, be they for an alien or be they for a citizen of the United States. At that time and place there is but one thing to do, and that is to count the votes. The President of the Senate has his duty, and that is to open the certificate that comes from the electors of the states. He is not bound to open certificates from pretended authority, from outsiders, from persons unknown officially.

"I am going on a little further. The bill requires this commission to find whether these electors were duly appointed. We will put the word 'elected' instead of 'appointed,' for in this connection it means the same thing. . . .

"In finding the fact as to who was duly elected, they are authorized to take into consideration petitions, unsworn evidence, depositions, papers of all kinds, reports, everything that may be put in for the information of Congress. If these things are not to be considered in determining who has been elected, then the reference is useless. If this commission is to be controlled by the state authorities, by those who have been certified as elected by the returning officers of the several states, then they have no occasion to look at these petitions,

memorials and reports. The bill invites them to look at these papers, invites them for a purpose, for there can be no use in looking if the other principle of law is to be observed, that they are to be governed by the returns made by the officers of the several states. . . .'"[1]

Morton was obliged to conclude his argument from sheer exhaustion.

Frelinghuysen next addressed the Senate in favor of the commission, and then Edmunds urged that the bill should be put to an immediate vote. The debate, however, was adjourned until the following morning, when Sherman spoke against the proposed commission, and Conkling followed, supporting the measure in an elaborate speech that consumed the greater part of two days.

He had been convinced for years, he said, of the right of the two houses to ascertain the electoral votes by an exertion of the law-making power. He reviewed in great detail the precedents of the counting of these votes. In no instance,

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[1] Of his physical condition the correspondent of the New York *World* said: "Pale to dead white, tied to his chair through his entire speech, speaking in pain and moving with effort, the man had his say half through and deferred the more cogent fraction of his speech till to-morrow in sheer physical weakness."

The correspondent of the New York *Tribune* thus describes the speech: "Often as he has discussed important public questions in the course of his long senatorial experience, Mr. Morton never had an audience like that which listened to-day to his speech in opposition to the electoral bill. On the floor and in the crowded galleries, there were silence and the closest attention. Senators turned their chairs so as to face the orator and lose no gesture or expression. Many distinguished men, not members of the body, were present. Among them were General Sherman, Minister Thornton, William M. Evarts, Colonel Robert Ingersoll, and a number of the leading members of the House. Mr. Morton was in feeble health. . . . He did not speak with his usual fire and emphasis, but none of his accustomed clearness of statement and forcible coherence of argument were wanting. Finding his strength giving way he hastened forward to his conclusions, condensing, in five or ten minutes, his strongest points against the bill. He closed abruptly after holding the floor only fifty minutes. . . ."

he said, had the President of the Senate assumed to do or decide anything beyond opening the packets, except by the command of the two houses. The former twenty-second joint rule which rejected the vote of a state unless both houses concurred in accepting it had been a bad rule, but it was an argument that the President of the Senate had no power to count the votes. In 1873 Sherman had introduced a resolution directing the Committee on Privileges and Elections to report whether the elections in Louisiana and Arkansas had been conducted according to the constitution and laws, and what measures were necessary to settle contests in future elections. The resolution had passed without a dissenting voice. The report of the committee had been submitted by Morton. Under that resolution, the two houses had disposed of the electoral certificate of Louisiana.

Conkling then referred to the bill introduced by Morton at the previous session and passed by the Senate. This, he said, was a bill that would have deposited absolutely with the House of Representatives the decision of the late election.

What was the answer, asked Conkling, to this broad, deep, irresistible stream of historic precedent and example? It was given by the senator from Indiana who had said that if nothing was done, a condition of affairs would exist in which the President of the Senate, to prevent a dead-lock, must act from necessity. In other words, the Senate by refusing to make provision was to create the necessity and that necessity was to create a power and create a man to wield it. Morton had stigmatized the bill as a contrivance. He might well have applied such a term to his own scheme of necessity. If ever there was a political hell-gate, paved and honey-combed with dynamite, it was there. Suppose the Speaker of the House should say that he was the man of destiny, that necessity had created him to untie this tangled problem? Suppose the House should say that from necessity it was itself to be the *deus ex machina?*

Conkling read from Morton's report of June 1, 1874, the statement that there was imminent danger of revolution whenever the result of the Presidential election was to be decided by a state in which the choice of electors had been irregular, or was alleged to have been carried by fraud and violence and where there was no method of having these questions examined or settled in advance.

Conkling then discussed the character of the proposed tribunal. He considered it a committee of the two houses, and no less so because five members of the highest judicial tribunal were part of it. From time immemorial parliamentary committees had been established, composed not only of members, but of other persons. The power was neither more or less retained in the hands of the houses whether they approved the finding of the commission affirmatively or refused to negative that finding. The Supreme Court, when eight judges were sitting, and a decree came up from a court below, provided by a foreordained rule, that if four judges were for the decree and four against it, it was affirmed.

Conkling, while speaking, advanced toward Morton's desk and Morton moved away. Conkling called attention to this and Morton replied, "I retreated as far as I could."

Conkling continued: "The honorable senator observes that he has retreated as far as he could. That is the command laid on him by the common law. He is bound to retreat to the wall before turning and rending an adversary, and so, as he has retreated as far as he could, I will repay his coyness with a reminiscence. A few months ago it was proposed in the Senate to import the Chief-Justice of the Supreme Court into the proceeding of counting the electoral votes, and of him and the presiding officers of the two bodies, to constitute a triumvirate, that should be the umpire to cast the die between the two houses when they differed about the

count. The honorable senator voted for that proposition. Does he shake his head? . . .

"I was about to hold up the record, to hold the mirror up to nature, and satisfy him that the chairman of the Committee on Privileges and Elections did sanction, with his great weight and authority, the right of the law-making power to snatch the Chief-Justice from his judgment-seat and bring him here, and make him one of a trinity that should arbitrate between the two houses and conclude both by the vote he should give."

Conkling insisted that the bill was not a compromise, that it surrendered the rights of none and maintained the rights of all, and that if adopted it would compose the country in an hour. If thought of anarchy or disorder had taken root the passage of the bill would eradicate them. He would vote for it because he believed it executed the constitution and would be of lasting advantage to the people.

Bayard followed in favor of the bill. He gave several instances of political duties that had been cast upon justices of the Supreme Court.

Christiancy, Thurman, Stevenson and Morrill also spoke in support of the bill.

It was half-past twelve at night before Morton had an opportunity to reply. He was ill. He had been in the Senate since ten in the morning and was worn out. He asked for an adjournment until the following day.

Edmunds insisted upon an immediate vote, the motion to postpone was defeated, and Morton at once proceeded with his closing argument. He was irritated. He said that he had never been wanting in an act of courtesy toward a fellow-member, nor did he intend to be, however scantily he might be served himself. If no bill were passed the country would be left in precisely the condition in which it had been from 1789 up to 1865. During that time there had been no dis-

turbance, and he did not see why there should be any hereafter. The Republicans were asked to be magnanimous, to meet the Democratic party half way, to surrender certain rights, and to give it certain chances which it would not have unless the bill were passed. The Republican party was not in a condition to be magnanimous. It had been strangled to death in every Southern state but three. It was struggling for life in those three states with the hand upon its throat.

Nine successive presidents of the Senate from 1789 to 1825 inclusive, had issued certificates in which they declared that they had counted all the votes. During the first election it was recited in the journals that the House had repaired to the Senate chamber to attend the opening and the counting of the votes, and, in another entry, to witness the opening and counting of the votes, not that the House had taken a part in the count.

What was the duty of the President of the Senate? The electors were to send him their votes sealed. He was to be the custodian. In the next place, he was required to open the certificates. What certificates? Those that came from the electors. How should he know what certificates came from the electors? He was bound to take notice who had been chosen. As an officer of the United States he was bound to take notice of a public event. The names of the electors were to be indorsed upon the certificate, and he could see whether they came from persons officially unknown. Take the case of Louisiana. There were two certificates in the hands of the President of the Senate. Was he required to open both? Clearly not. When he took the certificate from the authorities of Louisiana and opened that, he could not be required to open the bogus certificate, and if he refused to present it how could it be officially ascertained? Was that a cause for revolution?

Morton insisted that there was no evidence that either

house of Congress had ever declared a vote. In 1865 it was claimed that certain states were not in the Union, and, to keep out their votes, the twenty-second joint rule was very unnecessarily and improperly adopted without a word of debate.

The framers of the constitution had anticipated none of this trouble. They had not looked forward to two sets of returns. They had provided for a very simple process, first, for the opening of the certificates, and then for the counting of the votes contained in those certificates. It was now said that these votes must be canvassed to see whether they were lawful. If there was need of judicial power to determine which was the right certificate that power was in the President of the Senate. Somebody had said that he had no more judicial power than a porter had in opening a bale of goods. But even the porter might be required to take notice whether he was opening a bale of silks or a bale of blankets.

Morton now considered the character of the commission. Thurman, he said, had stated that the power of the two houses to pass upon the returns was a judicial power. Could such a power be delegated? How did the senator from New York get over this difficulty? He said that Congress was in the habit of appointing committees of members and other persons. But in such cases these findings had no force until embodied in a law. The report came merely as information. Suppose it were provided that the finding of a commission should stand as law unless reversed by both houses, would not that be a delegation of legislative power? Would any man in his senses pretend that legislative power could thus be transferred? Whatever kind of power it was, whether legislative or judicial, if it had been placed by the constitution in the two houses, then it must be exercised by the two houses themselves.

Was the commission a court? Undoubtedly it was. It was a tribunal in which the members were sworn to do their duty, in which they were clothed with extraordinary powers. The

members of this tribunal held an office entirely different from that which they held as members of the Supreme Court and as members of Congress. The constitution required every officer to be appointed by the President or by the several departments. Here were officers composing a judicial tribunal not so appointed, and thus the obligation of the constitution was evaded. The bill required the commission to find whether electors had been duly elected, and not whether they had been duly certified by the officers of the state. The commission could not carry out this part of the bill without going behind the returns from a state. That was what the Democrats understood by it. It was sprinkled with white, pretty meal, but the Democratic cat was reposing beneath it. The commission was required to find what were the constitutional votes of a state; whether the electors were eligible; whether they voted by ballot; whether in all respects they had complied with the law. Here were questions never intended to be raised at the time the vote was counted. This bill, as he believed, violated the constitution. It required the commissioners to do a thing that neither the President of the Senate nor the two houses had a right to do.

Morton admitted that he might have been inconsistent in the views he had taken upon this question. He did not think there were any popes in the Senate. He could show that every member of the committee had expressed sentiments different from those expressed in this bill. To a resolution that the electoral vote of Georgia, cast for Horace Greeley, be counted, Conkling had moved this amendment: "The function of the two houses in counting the votes being ministerial merely, and this question being independent of the effect of the votes or of the count." If that doctrine were applied to the present bill, that bill would be useless.

Morton declared that considerations of humanity demanded that the Republican party should be continued in power. It was not its duty nor its interest to depart from the method

pursued for seventy-five years in order to give to its political opponents advantages that they would not otherwise possess.

The debate lasted all night. It closed with a sharp controversy between Morton and Edmunds. At seven o'clock in the morning the bill passed the Senate. It was hurried through the House of Representatives and signed by the President in time to enable Congress to select the members of the commission before the day appointed by the constitution for counting the electoral vote.

While the political motive was undoubtedly the predominant one in Morton's opposition to the bill yet his legal objections have never been entirely answered. It is impossible to consider as a mere committee of Congress, such a tribunal as the Electoral Commission, whose members were sworn and whose determination was to be final unless rejected both by the Senate and the House of Representatives. If the commission was either a judicial or legislative body, the bill was certainly unconstitutional, for neither judicial nor legislative functions can be delegated—and if it was a court, the officers composing it should have been appointed by the President and not designated in an act of Congress.

CHAPTER XXIII

THE ELECTORAL COMMISSION—THE FLORIDA, LOUISIANA, OREGON AND SOUTH CAROLINA CASES

Upon the Electoral Commission there were to be five senators, five representatives and five judges of the Supreme Court. Of the senators chosen three were Republicans—Edmunds and Frelinghuysen, who had supported the bill, and Morton, who had opposed it; the two Democratic members were Bayard and Thurman. Of the five representatives three were Democrats, Payne, Hunton and Abbott, and two were Republicans, Hoar, who had supported the bill, and Garfield, who had opposed it. The four justices of the Supreme Court were Clifford and Field, Democrats; Strong and Miller, Republicans. It was supposed, as we have seen, that these four justices would choose David Davis, an Independent, as the fifth man, but he, having been elected to the Senate by a coalition of Democrats and Independents in the Illinois legislature, declined to serve, and Bradley, a Republican, who had in his previous judicial action given evidence of political impartiality, was selected as the final member of the commission.

Some of the ablest lawyers in the two houses appeared before the commission as objectors to the returns, and the most eminent special counsel in the country were chosen to conduct the case. Charles O'Conor, John A. Campbell, Jeremiah S. Black, Lyman Trumbull, R. L. Merrick, Ashbel Green, William C. Whitney, Matthew H. Carpenter and George Hoadley appeared for the Tilden electors, and Will-

iam M. Evarts, E. W. Stoughton, Stanley Matthews and Samuel Shellabarger for the Hayes electors.

The certificates from Florida were first submitted to the commission. There were three returns:

First, that which contained the votes of the Hayes electors with the certificate of Stearns, the Republican Governor, stating that these electors had been returned by the state Returning Board. Certain precincts had been thrown out by this board in making the returns, but this fact did not appear on the face of the papers.

The second return contained the votes of the Tilden electors, with the certificate of the state Attorney-General, who was not authorized by law to make it. The electors also certified that they had been elected and had notified the Governor, but that he had refused to make a certificate. It was insisted that this return was according to the popular vote of the state.

The third return was the same as the second, but was supplemented by the certificate of Drew, the Democratic governor, who came into office after the electoral vote had been cast. This return also contained the record of a judgment in *quo warranto* proceedings that had been brought by the Tilden electors against the Hayes electors just before the casting of the electoral vote. The judgment had been rendered some time afterwards. It decided that the Tilden electors were entitled to the office. This return also set forth a subsequent law passed by the Florida legislature directing a recanvass, and contained evidence that such a recanvass had been made and had resulted in a certificate for the Tilden electors. An act was also passed reciting that these electors had been chosen, and that they had voted, and directing the Governor to forward a supplementary certificate, together with a new certificate by the electors who had re-assembled for the purpose of casting the electoral vote again.

The Democratic objectors to the Hayes certificate proposed

to prove that the state Returning Board had disregarded the votes of certain precincts without any proof, and that the Supreme Court had afterwards decided that the action of that board was illegal and void. They also offered to prove that Humphreys, one of the electors, was a United States officer and ineligible.

The Republicans claimed that neither Congress nor the commission could go behind the regular returns under the authority of the constitution to "count the votes."

The commission proceeded to consider as a preliminary question what proof outside of the certificates could be received by them. This question involved the merits of the whole case and was elaborately argued.

On February 7 the commission decided that all evidence not submitted with the certificates was excluded except that which related to the eligibility of the elector Humphreys.

The vote was eight to seven.[1] The Republicans had voted for the exclusion of the evidence and the Democrats against it, except that with reference to the eligibility of Humphreys Bradley voted with the Democrats.

On the following day evidence was given that Humphreys had been United States Shipping Commissioner, but had resigned before he was chosen elector.

Counsel now resumed the argument as to who were the legal electors.

On the 9th of February the commission announced its decision. By the vote of eight to seven the Hayes electors were recognized upon the ground that it was not competent to go into evidence outside of the papers opened by the President of the Senate, to prove that other persons than those regularly certified had been appointed, and on the ground

[1] Stanley Matthews, in opening the argument on behalf of the Hayes electors, made a prophetic observation when he quoted a quaint saying of Selden regarding Papal Councils, that the Holy Spirit dwelt in the odd man.

that the evidence did not show that Mr. Humphreys held a Federal office when the electors were appointed.

Each of the commissioners filed opinions. Morton's opinion appears first in the Congressional Record. After reciting the facts, he said: . . . "First, what votes shall be counted? I answer, the votes recorded in the certificates that the President of the Senate is required to open. May the two houses inquire whether a certificate is a forgery? Certainly, because the President of the Senate is only required to open the certificates from the electors. If the certificate is a forgery it is not from the electors. The thing to be ascertained is that the certificate is from the electors of the state, and, if it is, then the votes contained in it are to be counted. If the votes were cast by the electors of the state, is it competent for this commission to inquire whether such persons had the qualifications prescribed by the laws of the state, or were eligible under the constitution, and if found in the negative, to reject their votes? I answer, no. Such inquiry and rejection would be inconsistent with the positive command of the constitution, that the votes contained in the certificates 'shall then be counted.' There is no time provided for such an inquiry, and it is evident that it was not contemplated. . . .

"How, then, shall we know whether the electors executing certificate No. 1 were the electors for the state of Florida? I answer, first, by the certificate of the Governor, which is *prima facie* and sufficient evidence, if unimpeached, but if impeached, then by reference to the declarations of those officers who, by the laws of Florida, were authorized to ascertain and certify who have been appointed electors; and when we have found such declarations we are at the end of the inquiry and must accept them as final and conclusive.

"There are some things in government that must depend upon form and some kinds of evidence that must be received as conclusive. In those particulars in which the government

deals with states as such, the forms of expression and action adopted by the states must be accepted as final.

"It was intended that the states, in the appointment of electors, should be absolutely independent of each other and of the national government.

"The action of the state in the appointment of electors must be declared by officers designated by the legislature for that purpose, and when they have declared it, their declaration must not only be accepted by Congress as final and unquestionable, but must be final and conclusive as to themselves and as to the state; and they can not afterward, under the influence of temptation, fear or any other motive, reconsider their findings and determinations. . . .

"The right of a state to appoint electors carries with it the right to ascertain in form of law who have been appointed. The power of the state to appoint would not be complete without the power to declare finally who have been appointed.

"When electors have cast their votes on the 6th day of December, and have sealed them up and transmitted them to the President of the Senate, they are *functus officio*. Their office has expired and their functions are gone forever. The power of the state in the election of a President is then exhausted, and the jurisdiction of the state, which was absolute before, is thereafter absolutely extinguished. It is not left in the power of a state to undo or impair what she has done by subsequently declaring that the electors, who had voted, had not been appointed, and that by a recount of the votes, real or pretended, other persons were shown to have been appointed. . . .

"As the appointment of electors is to be made by the states in such manner as the legislatures may provide, it is clearly within the power of the states to provide for contesting the election of the electors, provided such contest is made before the 6th day of December, when the votes of the electors are

to be cast, but, because the states have failed to make provision for such contest, or for the correction of frauds or errors, it is absurd to argue that the two houses of Congress or this commission may step in and do that which the states had power to do but failed to do. . . .

"For the reasons given, I believe that the votes contained in certificate No. 1 must be counted, and that the evidence offered to impeach them ought not to be received. The electors therein named were certified by M. L. Stearns, the lawful Governor of the state at the time, and their election by the people was declared in due form of law by the officers of the state expressly authorized by the laws of the state to perform that duty. That a new Governor, a new legislature and a new returning board, coming into office after the 6th of December, and after the jurisdiction of the state had passed away, with or without the aid of the courts, can recount the vote, or in any way change the result, is a doctrine most dangerous and absurd."

The next case considered was that of Louisiana. There were three certificates. The first and third of these were identical in form, and were certified by Governor W. P. Kellogg. They set forth the vote as declared by the Returning Board. The second return was that of the Tilden electors, with the certificate of John McEnery, who claimed to be Governor, and it purported to set forth the popular vote as actually cast.

Certain offers of proof were made by the Democratic counsel to show conspiracy, forgery, fraud and want of jurisdiction on the part of the Returning Board.

The result was the same as in the Florida case. The commission, by the vote of eight to seven, excluded these offers and received the certificate of the Hayes electors.[1]

[1] The claims of the respective electors are well set forth in the opinions of Commissioners Thurman and Garfield respectively. The following is

Morton in his opinion said: "If the returning officers were authorized to canvass the votes and make the declara-

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a summary of these contentions. The points insisted upon by the counsel for the Tilden electors were:

First. That the Returning Board had no lawful existence; that the constitution of Louisiana did not confer upon the legislature the power to create such a board. It was a board of five persons holding office without any limit of time, and filling all vacancies in its own body. It was a self-perpetuating corporation. It could always return a legislature containing a majority of its friends. In effect it constituted the state, and governed according to its own arbitrary will. There was, therefore, no republican government in Louisiana. The decision of such a board had no legal effect.

Second. But even if the law creating the board were constitutional, yet the board was not legally constituted. By law it must consist of five persons from all political parties. It consisted of but four members, all Republicans. They had been applied to again and again to fill the vacancy, but had refused. It was argued that a majority constituted a quorum, but in this case the constitution required that the board should consist of different classes of persons in order to secure fairness in the canvass. This requirement was of the very essence of the statute.

Third. But even if the board were legal its canvass must be rejected, for it had no jurisdiction to cast out the thousands of votes given for the Tilden electors, since the statements of intimidation had not been made as required by law.

Fourth. The statute made it the duty of the Returning Board to compile the statements made by the Commissioners of Election. But they had made their returns not from these, but from consolidated reports made by the Supervisors of Registration.

Fifth. Testimony had been offered to prove that the decision of the Returning Board was procured by conspiracy, forgery and fraud. This testimony was admissible.

Sixth. Testimony had been offered to prove that two of the Hayes electors had been Federal officers, and hence ineligible. And this defect was not cured by the fact that the other members of the board had appointed them to their places after they had resigned, since the statutes did not authorize such re-appointment.

In answer to these contentions, the Republicans insisted that the Supreme Court of Louisiana, in Bonner *v.* Lynch, 25 La. Ann. 268, had upheld the law creating the Returning Board and had decided that a board composed of four members, all Republicans, was lawful. That the decisions of this board throwing out the votes of certain precincts, even if wrong, were within its jurisdiction. The board "were to determine what persons had been elected according to law." They had so determined

tion of the persons elected, we are concerned only with that declaration and not with the grounds upon which it was made. The declaration made by these officers is the act and declaration of the state, and we can not under the brief command of the constitution that 'the votes shall then be counted,' examine into the evidence upon which it was made. But to consider this demand in a practical point of view, we know very well that such an investigation could not be made between this and the 4th day of March. It would take weeks, and perhaps months, and to enter upon it would be to defeat the Presidential election altogether, create an interregnum, and bring confusion, perhaps anarchy, into the government.

"It is charged that the board at the time it made the canvass and declaration of votes had but four members and was not, therefore, a legal body. There is nothing in this objection. The law expressly provides that a majority of the five persons shall constitute a quorum, and have power to make the returns of all elections. . . . The very object of having a quorum with which any deliberative body may do business, is that its legality and capacity for business shall not be destroyed by vacancies or the absence of members so long as the number fixed for a quorum is maintained. It is provided that the Senate of the United States shall consist of two senators from each state, yet the existence of a dozen vacancies would not impair the legal character of that body.

"But it is argued that this rule will not apply in the present case because the remaining members of the board have the power to fill vacancies, and it is their duty to do so. While it may be their duty to do so, if they can agree upon the person, yet their failure to perform that duty can no more impair the legality of the body, while a quorum remains, than if the power to fill the vacancies belonged to the Governor or the

and declared, and, whether right or wrong, fraudulent or honest, their decision was secure against collateral attack.

legislature. It is the duty of the majority to canvass and determine the result of an election when the votes have been placed in their possession, and the failure to perform the duty of filling a vacancy could not discharge them from the performance of the other duty, to canvass and determine the result of an election. In point of fact, they may have been unable to agree upon the person, or have failed to fill the vacancy from other causes than a willful disregard of duty, but whether that is so or not is wholly immaterial.

"But it is said that the board was illegal because it was not composed of men from all political parties, as directed by the statute. The statute, in that particular, is merely directory, and is incapable of rigid enforcement. How many parties or factions there were in the state, we are not advised, although we know, as a matter of general history, that there were two principal parties, and the injunction to make up the board from all political parties is one that rests upon the Senate of the state and not upon the board itself, and if the Senate, in electing members of the board, disregarded the injunction, there is no power lodged anywhere in the government of the state or in the courts to correct the error. . . .

"The whole question comes down to this simple proposition: Is it competent for the two houses of Congress, or for this commission, acting in their stead, when counting the electoral vote for President, to go behind the decision made by the officers appointed by the legislature of the state for the purpose of canvassing and determining the result of the election, and to inquire what was the number of votes cast for one set of candidates or for the other; whether the election was fairly conducted and whether the officers appointed by the state to conduct the election or to determine its results acted within the limits of the law or upon sufficient evidence. A majority of this commission decided in the Florida case that we had no such power, and I believe that time and the

good sense of the American people will justify the decision in every respect.'' [1]

On the 21st of February the President of the Senate sent to the commission two conflicting returns from Oregon. The first of these contained the affidavits of three Republican electors—Odell, Cartwright and Watts—that they had demanded of the Governor and Secretary of State certified lists of electors and had been refused; that they had thereupon procured from the secretary certified copies of the abstract of the vote of the state for Presidential electors. This abstract was attached, and showed that the three Republican electors had each received more than fifteen thousand two hundred votes, and the Democratic electors less than fourteen thousand two hundred votes. The three Republican electors certified that Watts had sent to the electoral college his resignation as an elector; that it had been accepted; that he had then received the votes of the two other electors for the

[1] One of the three returns from Louisiana had been sent to Mr. Ferry, President of the Senate, by mail; another, by a Mr. Anderson as special messenger; the third was deposited in the United States District Court of Louisiana. When Anderson delivered his return to Ferry, the latter asked him whether he was sure that there were two certificates, one containing the votes for President and the other for Vice-President. Anderson was doubtful, and feared that his return was not regular, so he started back with it to Louisiana to get another in its place. When he reached New Orleans, two of the electors were absent in remote parts of the state. A new return was made out, but the names of these two electors were affixed without their knowledge or authority. The return that had come by mail to Mr. Ferry was marked No. 1. The second, which was brought back to Washington by Anderson was marked No. 2. They were apparently identical. Governor Kellogg heard that two of the names on the second certificate were forged, and was anxious lest the false certificate should be used in place of the true one. He first told Mr. Evarts of the fact, and then went to the Ebbitt House and saw Morton, who was ill in bed. Morton said that he would move in the commission that the vote named in return No. 1 should be counted, this being the original and valid return. Morton, accordingly, made the motion when the Louisiana case came up for decision, and that certificate was adopted by the commission.

vacancy thus caused, and had been re-appointed, and that the three had then cast their votes for Hayes and Wheeler.

The second return contained the certificate of Governor Grover of Oregon, that Odell, Cartwright and Cronin had received the highest number of votes cast for persons eligible for electorship, and Cronin, together with J. N. T. Miller and John Parker, certified that Cartwright and Odell had refused to act; that Miller and Parker had been duly appointed to fill the vacant places, and that they, with Cronin, had cast two votes for Hayes and Wheeler and one for Tilden and Hendricks.

Judge Hoadley, in an argument for the Tilden electors, insisted that the decisions made in the Florida and Louisiana cases required the commission to sustain the Governor's certificate.

The state of Oregon, he said, had spoken through her Governor, supported by her canvassing board, and the result of her speech in the certificates to Cronin, Odell and Cartwright was the only lawful evidence of the act of Oregon.

Testimony was given to show that Watts had been postmaster at the time of the election, but had resigned on November 13, and that his resignation had been accepted upon the following day.

After the argument was closed, Odell, Cartwright and Watts were, on Morton's resolution, declared to be the lawful electors, and the vote of Oregon was counted for Hayes.

Morton, in his opinion, after a succinct statement of the facts, insisted that the assumption by the Governor of the power to judge as to Watts' eligibility was erroneous. The Governor's duty was simply ministerial. But if he had had the right to pass upon the question his decision was in conflict with the law. The meaning of the constitution was that an elector should not be an officer of the United States at the time he cast his vote. If, when the electors voted, Watts was eligible, having resigned his office, it was of no impor-

tance that he had been postmaster in November. But, whatever the law on this subject, it became unimportant from the fact that on the 6th of December Watts had resigned his office of elector and had been immediately re-elected to fill the vacancy at a time when he was unquestionably eligible. The power of the college of electors to fill such vacancy appeared from the Oregon statute, which provided that if there should be any vacancy occasioned by death, refusal to act, neglect to attend or otherwise, the electors present should fill such vacancy by a plurality of votes. They could fill a vacancy arising from non-election as well as from death or resignation. Whether the vacancy had arisen from non-election, by reason of Watts' ineligibility or by reason of his resignation the college of electors had the right to fill it.

The statute of Oregon provided that "the votes for the electors should be given, received, returned and canvassed the same as for members of Congress." The provision for canvassing the votes given for congressmen declared that it should be the duty of the Secretary of State, in the presence of the Governor, . . . to canvass the votes, . . . and that the Governor should grant a certificate to the person having the highest number of votes.

By this provision, the Secretary of State was made the canvassing officer. The Governor was simply a witness and was required to issue a certificate to the person having the highest number of votes. All questions of eligibility were taken from him. The Secretary was the canvassing officer and had the same duties devolved upon him as those belonging to the canvassing officers in Florida or to the Returning Board in Louisiana, except that he had no judicial or discretionary powers given to him such as were conferred by the statutes of Florida and Louisiana, his duty being to return as elected the persons having the highest number of votes. The certificates of the Governor having been withheld from the electoral college, the electors had procured from the Secretary, under the seal of the state,

a copy of the certificate of the vote of the state and had transmitted it with the record of their action to the President of the Senate.

Morton thus concluded: "In the state of Oregon there was no dispute as to the result of the vote by the people on the 7th of November. The action of the Governor was clearly illegal and in violation of the plainest provisions of the statutes of the state, as well as of the United States. The Secretary counted the vote and certified to it under the seal of the state, and when he issued his certificate showing who had received the highest number of votes, the law of the state declared that such person was elected and was entitled to be certified to by the governor, and no failure upon the part of the Governor could affect his title. The certificate of the Governor, if unimpeached, is *prima facie* evidence, but it may always be impeached by being shown to be in conflict with the canvass and return made by the officers authorized by the law of the state to make such canvass and return; and in this case the certificate of the Secretary of State shows clearly that the state of Oregon had appointed Watts, Odell and Cartwright as electors."

Two returns from South Carolina were now presented. That of the Republican electors was certified by Governor Chamberlain and was regular in all respects, except that it failed to show an election by ballot. The return of the Democratic electors was not certified at all. There was practically no pretense that the Democratic electors had been duly chosen, so the contest was confined to objections to the Republican certificate. Representative Hurd stated these objections. He claimed, first, that there was no Republican form of government in South Carolina, and offered to show by proof that in the greater part of that state anarchy prevailed. Another objection was that the constitution of South Carolina required registration, but that the legislature had provided for none.

It was also insisted that the intervention of the Federal authority by sending troops into the state had prevented a free election.

By the time South Carolina had been reached, the case was regarded as already settled in favor of Hayes.[1]

After the commission had deliberated, Morton offered a resolution that it was not competent to inquire whether a state regularly represented in Congress, and recognized by other departments of the government, had a government re-

[1] Mr. Blair, however, presented a short argument, and Jeremiah S. Black was at the last moment selected to take part in this forlorn hope. He delivered a remarkable harangue to the commission, declaring that he had lost the dignity of an American citizen, and was fit for nothing but to represent a defrauded and broken-hearted Democracy.

"We may struggle for justice, we may cry for mercy, we may go down on our knees and beg and woo for some little recognition of our rights as American citizens, but we might as well put up our prayers to Jupiter or Mars as bring suit in the court where Rhadamanthus presides. There is not a god on Olympus that will not listen to us with more favor than we shall be heard by our adversaries. . . .

"Usually, it is said that the fowler setteth not forth his net in sight of the bird, but this fowler set his net in sight of the birds that went into it. It is largely our own fault that we are caught. If you want to know who will be President by a future election, do not inquire how the people of the states are going to vote. You need only know the kind of scoundrels constituting the Returning Boards and how much it will take to buy them. But I think that even that will end some day. At present you have us down and under your feet. Never had you a better right to rejoice. Well may you say 'We have made a covenant with death and with hell are we at agreement; when the overflowing scourge shall pass over, it shall not come unto us, for we have made lies our refuge and under falsehood we have hid ourselves.' But, nevertheless, wait a little while. The waters of truth will rise gradually and slowly and surely, and then look out for the overflowing scourge. 'The refuge of lies shall be swept away and the hiding place of falsehood shall be uncovered.' This mighty and puissant nation will yet raise herself up like a strong man after sleep, and shake her invincible locks in a fashion you little think of now. Wait! Retribution will come in due time. Justice travels with leaden heel, but it strikes with an iron hand. God's mill grinds slow, but terribly fine. Wait till the flood-gate is lifted and the water comes rushing on. Wait and you will see fine grinding then."

publican in form, and that the objections to the Republican certificate showed no valid cause for rejecting it.

Morton's resolution was adopted, and he offered another, that the Hayes electors were lawfully chosen. This was passed by a vote of eight to seven.

Morton said in his opinion:

"There are but two points made in the argument against the validity of the vote of the Hayes electors.

"First, it is alleged that the election was void because there had been no registry. The provision of the constitution of South Carolina has never been executed by a law passed by the legislature, and repeated elections have been had and the legality of them has never been questioned, notwithstanding the absence of a registry law. If the absence of such a law invalidates all elections in the state, then South Carolina has had no legal government since 1858, and the recent pretended election of Hampton is a fraud.

"But whatever might be the legal effect of the absence of a registry law upon the election of state officers it is absurd to pretend that it could have any upon the appointment of electors. . . . The power to appoint electors by a state is conferred by the constitution of the United States, and does not spring from a state constitution, and can not be impaired or controlled in any respect by a state constitution. It is competent for the constitution of the state to provide that state officers shall be chosen at an election where the voters have been registered, but it is not competent to make any such requisition as to the appointment of electors. If the legislature provides that electors may be appointed by the people at the polls, without having been previously registered, it has a clear right to do so.

"Second, it is alleged that there is no republican government in the state of South Carolina, and, therefore, no legislature that can provide for the appointment of electors or direct and control an election by the people. My answer to this is that

it is not true. There is and has been a republican government in the state of South Carolina ever since reconstruction in 1868, and, although it has been surrounded with great difficulties and has often been disturbed by violence and threatened with revolution, it has maintained a continued existence since its re-establishment after the rebellion. The constitution provides that the United States shall guarantee to each state a republican form of government. If there is not a republican form of government in South Carolina, it is for the two houses of Congress, acting in a legislative capacity, to declare that fact and provide for the establishment of one; but until that takes place I must assume that South Carolina has a republican form of government and as much right as any other state to appoint electors and participate in the Presidential election."

The decision in the case of South Carolina ended the work of the commission.

What will be the judgment of history on these various decisions?

It can not be denied that in refusing to go behind the Governors' certificates in Florida and Louisiana, and yet in repudiating the certificate of the Executive of Oregon, the commission sailed pretty close to the wind in avoiding both Scylla and Charybdis. And yet for the man who carefully examines the law and the arguments in all these cases it will be difficult to say that in any one of them, upon purely legal grounds, the commission decided improperly. In the Florida and Louisiana cases, it would manifestly be impossible for a body, having merely the power to count the electoral vote, to disregard the certification of the state as to what that electoral vote was and to attempt to decide for itself the matter of the election. Such was evidently not the purpose of the constitution.

In the Oregon case, however, it would seem that even if

the votes cast for Watts, an ineligible candidate, did not elect him, still these votes did not elect Cronin. There were then two members of the electoral college—Odell and Cartwright —who were properly appointed. The remaining place was unoccupied. The two electors decided that there was a vacancy, and they appointed Watts to fill it. At that time Watts was eligible, having resigned his place as postmaster, and it would seem that he was at least *de facto* an elector, and that his acts, while in office, could not be questioned.

The case before the Electoral Commission was one of great complexity. An honest man might easily render an opinion upon either side. The fact that the eight Republicans voted in favor of the Hayes electors was no more evidence of corruption than the fact that the seven Democrats voted for the Tilden electors upon all essential points. Partisanship may be imputed to one side as well as to the other and with quite equal force. The result shows, not the bad faith of any member of the commission, but rather the fact that political predelictions greatly influence men's judgment.

As to the moral character of the controversy, opinions will perhaps remain as widely divided as in respect to its legal character. No doubt, the determinations of the Returning Boards in Florida and Louisiana were irregular and corrupt. Yet the means by which the people of Louisiana and other Southern states had been coerced into the support of the Democratic candidate were quite as unjustifiable as the means adopted by these Returning Boards to secure the election of a Republican President.

If it can truthfully be claimed that Hayes was elected by fraud, it could have been just as truthfully asserted, if the judgment had been in Tilden's favor, that he had been elected by terror and violence. The verdict of history, in all probability, will be that the acts of lawlessness which produced a Democratic majority in the South were thwarted by the corrupt action of the Returning Boards, and that the outcome of the electoral count was not unjust.

CHAPTER XXIV

CABINET APPOINTMENTS—KELLOGG CASE—HAYES' SOUTHERN POLICY

When it became evident that the Electoral Commission would decide that Hayes was elected, Senator Sherman said to Morton that the President-elect would be glad to have his views concerning the members of his cabinet. Morton accordingly asked William R. Holloway, his brother-in-law, who was then postmaster at Indianapolis, to come to Washington. When Holloway reached that city Morton gave him a list of men, prominent in Indiana politics, whose appointment would be satisfactory to the Indiana senator, and asked him to go to Columbus and confer with Mr. Hayes on the subject. Holloway, accordingly, had an interview with Hayes, who asked whether Morton himself would accept a cabinet position. Holloway answered that he would not; that the senator had said he would never put himself in a place from which he could be dismissed by any man. Hayes laughed heartily at this, and said that Morton was right, and that he could wield greater power in the Senate than anywhere else, and added that he wanted Morton to name a member of his cabinet. Holloway then read the list of names sent by Morton, explained who they were, and spoke of the qualifications of each. When Holloway came to the name of Colonel R. W. Thompson, of Terre Haute, Hayes inquired what was Thompson's age. Holloway answered that he was in the sixties, and Hayes replied that this was the very prime of life; that he remembered a speech made by Thompson during the forties, and had never forgotten the sweetness and bell-like tones

of his voice. Holloway replied that his voice was still as clear as ever, and that he was good for a three hours' speech at any time. They next passed on to the name of John W. Foster, then minister to Mexico. Hayes said that he would like to make up his cabinet at once, and asked how soon Mr. Foster could come to Washington. It was learned that he could not reach that city until after the 4th of March. Thompson was appointed Secretary of the Navy.

In this talk with Holloway, Hayes asked Morton's opinion in regard to other cabinet positions. What would Morton think, for example, of the appointment of General Joe Johnston as Secretary of War. Holloway said that this question nearly took away his breath, and he answered, "Great God! Governor, I hope you are not thinking of doing anything of that kind." Hayes spoke of the fact that General Sherman had written suggesting Johnston, and that he was considering the propriety of appointing a representative Southern man.

Hayes afterwards appointed David M. Key to be Postmaster-General. James M. Tyner, of Indiana, a warm friend of Morton, filled that place when Grant went out. Key wisely refrained from taking any control of the post-office patronage throughout the North under a Republican administration, and at his request, Tyner became First Assistant Postmaster-General, with the understanding that he should control this patronage.

In the Senate Morton was offered the chairmanship of the Committee on Foreign Relations, but declined the place, preferring to stay at the head of his old committee.

In Louisiana the board that had returned the Republican electors had also certified to the election of a Republican legislature and of W. B. Packard, the Republican candidate for Governor. The Republicans therefore looked for a continuance of Federal support in upholding their state government. But Grant had become weary of interference, and his instructions to General Augur, who commanded the Federal

forces in that state, were confined to the keeping of good order and to directions that the Returning Board should not be hindered in its work.

On the 1st of January, 1877, the day when the General Assembly was to meet, the state-house was guarded by order of Governor Kellogg, and no persons were admitted except those having certificates from the Returning Board. The Democrats would not take part in this legislature, but withdrew to St. Patrick's Hall, where they organized a rival body. The Republican legislature was made up of nineteen senators and sixty-eight representatives. The Senate did not contain a quorum. The Democratic legislature was composed of twenty-one senators and sixty-two representatives, but four of these senators and twenty-two of these representatives held no credentials except certificates from the Democratic committee on returns.

On January 2d the Republican legislature in joint assembly received the returns from the Secretary of State, and declared Packard elected, and on the same day the Democratic legislature declared Francis T. Nichols elected. On the 8th of January Packard was inaugurated at the state-house, and Nichols at St. Patrick's Hall. Packard called upon the Federal government to recognize his claims, but Grant declined to use the Federal forces for any other purpose than that of keeping the peace. Nichols had the support of most of the citizens of New Orleans and of the wealthy and educated classes throughout the state. The Packard government was upheld mainly by the negroes in the country neighborhoods.

On the 9th of January the courts, police stations and arsenal in New Orleans were given up to the Nichols government. On January 10 an election of United States senator was held by the Republican legislature. A majority of a legal quorum of the joint session voted for Kellogg and he was declared elected. But soon afterwards several Repub-

lican senators deserted to the rival body, which remained in regular session till March 1st and was then called together again in special session. That body sent out an address to the people guaranteeing free public education and full protection to all citizens, black and white.

While the Electoral Commission was in session at Washington it somehow came to be believed in the South that Hayes, if elected, would withdraw the Federal forces and allow the Southern states to control their own affairs undisturbed by the general government. Such understanding had been reached, it was said, through the agency of Charles Foster and Stanley Matthews, of Ohio, on one side, and John V. Brown, of Kentucky, and J. B. Gordon, of Georgia, on the other side, and the hopes thus aroused in the South were believed to have had great effect in preventing any stubborn opposition to the completion of the electoral count. It was not said that Hayes had made any promises, yet Matthews and Foster wrote on February 17 to Gordon and Brown, telling them of the desire and belief of the writers that the new President would give to Louisiana and South Carolina the right to control their own affairs. In South Carolina also the Returning Board had certified to the election of a Republican Governor and legislature, and Wade Hampton, the Democratic candidate for Governor, together with a Democratic House of Representatives had organized a rival state government.

Such was the condition of things in the South, when, after the inauguration of Hayes, the Senate met in special session.

There was much doubt among Republicans as to what the new President would do. He had said in his inaugural that while he was determined to protect the rights of all, he was eager to use every lawful influence in favor of local self-government for the South. Exactly what this meant it was hard to say.[1]

[1] Morton himself, in answer to a serenade the day after the inauguration, said: "I am not authorized to speak for the President, but I venture to

A number of new senators offered their credentials. When Kellogg came to be sworn with the others an objection was made that there were two legislatures in Louisiana, and that it must first be found which of these had the right to choose a senator. So on motion of Mr. Anthony, it was resolved that the credentials in all disputed cases should be laid upon the table.

On the following day a motion was made that L. Q. C. Lamar be sworn as senator from Mississippi. Spencer of Alabama thereupon asked for the reading of the report made to the last Congress, showing the methods by which the legislature that elected Lamar was chosen.

Thurman said that nothing in that report could affect the right of Mr. Lamar to be sworn.

Morton remarked that Thurman had stood upon the other side of that doctrine in the Pinchback case.

Thurman replied that he had said in the Goldthwaite and the Pinchback cases, and still said, that where a man had been elected by a body that was confessedly the legislature, and had brought proper credentials, there was no instance in which he had not been allowed to take his seat. But the body that had elected Pinchback was not the legislature.

Morton replied that Pinchback had been certified by a Governor recognized by every department of the state government. He had been elected by the only legislature in Louisiana, a legislature that had enacted hundreds of statutes, and had been recognized by the Supreme Court of the state. Pinchback had been elected by a legislature whose title was infinitely higher than that of the legislature of Mississippi chosen in 1875.

Blaine followed with the remark that he had been in the

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say that a just and conciliatory policy must proceed on the basis of the enforcement of the amendments to the constitution. It must proceed on a basis of granting protection to life and liberty, and to the rights of all classes without regard to color or politics."

Senate just long enough to notice how unpleasant it was to have a record, and therefore, if he was to have length of days, he wanted to be careful. He was glad that Mr. Thurman was changing, and he begged his friend from Indiana not to go wrong just at the moment when Thurman was getting right. Blaine said that he had seen a little of the Sangrado system of politics, where blood-letting and warm water were resorted to, and must be kept up even if it killed the patient. He did not propose to adopt the recipe. Northern, Southern and Western states should be treated alike.

Morton was offended at Blaine's allusions, and retorted that so far as his own record was concerned he proposed to take care of that, and that Mr. Blaine would perhaps have quite enough to do to take care of his own. Morton's opinion was that these cases ought to be considered in the order in which they were called; that Louisiana should be taken up first.

This, however, was not done, and Lamar was admitted and sworn, Morton voting in favor of his admission.

Blaine now offered a resolution that the oath be administered to Kellogg. He did not see how any senator who had voted that the electoral vote of Louisiana had been cast for Hayes could doubt that Packard (who had signed Kellogg's certificate) was Governor. A great deal had been said in the corridors of the Capitol, in by-places and in high places that some arrangement had been made by which Packard was not to be recognized. It was an impossibility, he said, that the administration of President Hayes could do such a thing. The President possessed character, common-sense, self-respect, patriotism; and Mr. Blaine hoped that a Republican senate would say that there should be no authority large enough or adventurous enough to compromise the honor of the administration or the good name of the party that had called that administration into existence.

On the following day Bayard spoke against the admission of Kellogg.

Blaine answered, and in the course of his remarks read a telegram from Governor Chamberlain, of South Carolina, telling of letters from Stanley Matthews and William M. Evarts, urging him to yield for the good of the country. Mr. Blaine said that he had asked who had been doing the whispering in the corridors, and that the answer had now come from Columbia. Blaine added that he did not propose, at the beck of Mr. Stanley Matthews or of Mr. Evarts, to say that the remnant of the brave men who had borne the brunt of the battle in the South against unparalleled persecutions should retire for the public good.

Morton followed, supporting the claim of Kellogg in a close legal argument, and insisting that his chain of title was good. It had been charged that the people of Louisiana had been defrauded of their votes. The Returning Board had been the subject of constant denunciation. There was a Returning Board in every state. There must be some tribunal to count the votes. In a state like Louisiana there was no protection for the people, except in a body clothed with power to throw out returns obtained by murder. The board was not the crime, but the needs of the state that had called it into existence.

The Senate refused, however, to admit Kellogg at this time, but referred his credentials to the Committee on Privileges and Elections. That committee met shortly afterwards to consider the case and the Republican members united in a report that *prima facie* Packard was the lawful Governor, and that Kellogg was entitled to his seat; but as there was a general wish to adjourn, the report was not laid before the Senate, and the case was postponed until the following December.

After the adjournment of the Senate, President Hayes decided to send a commission to New Orleans to find out what were the hindrances to peaceful procedure under the laws of Louisiana without the interference of the Federal government. The President asked the commissioners, if possi-

ble, to get one of the two state governments acknowledged. But if this could not be done, they were then to seek a general acknowledgment of one of the two state legislatures, since the legislature was the branch of the government which had the first right to call upon the President for help.

The commission[1] reached New Orleans on April 5, and its efforts were mainly directed to securing a majority of members in the Nichols legislature whose election was not questioned, since there was no hope of doing this in the Packard legislature. On the 16th of April the Nichols legislature indorsed the policy of the President, promised to accept the amendments, to give equal protection to all, to promote kindly relations between the two races, and keep up a system of public schools for both. The report of the commission to the President was made on April 21. It stated that since there was no quorum in the Senate of the Packard legislature that body had been inactive. The Supreme Court had not tried to do business since January 9. The Nichols legislature had been actively engaged. All departments of the city of New Orleans had recognized the Nichols government, and members had gone over from the Packard to the Nichols legislature until the latter body had now more than a quorum of Returning Board members in each house.

On April 24 the Federal troops were withdrawn, the Nichols government took possession of the state-house, and Packard gave up the keys and the archives to his competitor.

Events had taken a similar course in South Carolina. On April 10 the President withdrew the Federal troops from that state, and Chamberlain turned over the state government to Hampton.

There was much speculation as to what Morton's course would be in regard to the new policy of the administration,

[1] It consisted of General Hawley, of Connecticut; Judge Lawrence, of Illinois; General Harlan, of Kentucky; ex-Governor Brown, of Tennessee, and Wayne McVeagh, of Pennsylvania.

and on the 25th of May he gave to the public a letter outlining his views upon the Southern question in answer to a communication addressed him on behalf of Southern Republicans and published in the New York *Times*. In this letter he spoke of the Kellogg case and said that if the Senate, at its next session, should believe that Kellogg was lawfully elected, no subsequent breaking up on the legislature could cut off his title.

The Republican governments of Louisiana and South Carolina, he continued, had yielded to force and gone down before an armed minority. The Federal government had withdrawn its support, their legislatures had fallen to pieces and from the ruins new legislatures had been constructed whose legality consisted only in the fact that there were none to oppose them. Assurance had been given that the rights of all should be protected, but promises of this kind amounted to little when left to the execution of a party which believed that the colored man ought not to have political rights. President Hayes had been told that it was only a question of time, that at the next election Louisiana and South Carolina would act as the other Southern states had done, and that it would be better to give up these states at once. However repulsive the argument, it was unfortunately too true. President Hayes had but accepted the situation bequeathed to him on the 4th of March. What might have been the result had President Grant recognized the Packard and Chamberlain governments in January and declared his purpose to sustain them, it was not necessary to discuss. He had not done this, and when Mr. Hayes had come into power, he had found these governments existing only in name. They could only be maintained by the army. The Democratic House of Representatives had threatened to destroy the army by withdrawing appropriations, except upon the condition that the army should not be used in the South. Should the President yield to the inevitable or proceed to inevitable defeat?

In the Senate five Republicans had voted against seating Kellogg, and a steady majority had refused to recognize the Republican government in Louisiana since 1873. While it was the right of the President to recognize the Packard government, the undertaking would have been futile and failure disastrous. With a divided public opinion in his own party and with both houses of Congress against him, he would have failed in the end. By the voluntary withdrawal of the army the people of the South had been placed on their good behavior. Should they fail to protect all classes, the most conservative Republicans would say that there was no security but to preserve the government in the hands of the Republican party. And as the Democracy had acquired a solid South by force, the Republicans should acquire a solid North by vigilance and by the justice of their cause.

It must have been a bitter draught to Morton thus to accept the new policy of withdrawing protection from the Republicans of the South, for whom he had such deep and earnest sympathy. But he was a practical statesman. The Federal troops had been withdrawn, and the thing to be done now was to keep the Republican party together, that it might resist the further aggressions of its adversaries. There was no way to do this except by submission to the policy of the administration. To this course, therefore, Morton gave his reluctant approval. Indeed his one great aim throughout his career in the Senate was to keep the Republican organization whole and sound, as the surest means of preserving all that was possible of the fruits of the war.[1]

[1] The Evening *Post* remarked that there was much practical sense in his conclusions, and that the politician who would now stand for the old policy against the new one would stand alone, out of all parties and without followers.

President Hayes, in commenting upon the letter, said that Morton's description of the situation, as the new administration had found it, was exact and true. He did not, however, share Morton's distrust of the Southern leaders.

Some of the Southern Republicans, however, felt that Morton had aban-

After he had come back from Washington to Indianapolis he took a suite of rooms at the Remy hotel, where his callers numbered thirty or forty every day. Men from every state sought his influence, and his daily mail was enormous. He seldom threw a letter into the waste-basket, but answered all his correspondence. He sat in a large cushioned chair, writing upon a small board which he balanced upon his knee. The speed with which he dashed off his letters was astonishing. He used ruled paper, but had a contempt for the lines. Yet his writing was easily read, showing in its curves and bold strokes something of the character of the man. In the afternoon he usually rode out for an hour or two, retiring at ten o'clock, and in the morning he was ready for callers at half-past eight.

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doned them. An open letter to him was published on June 14, signed by Chief Justice Ludeling, of Louisiana, insisting that further efforts to sustain the lawful government would not have been futile, and that the question was not whether the President should yield to the inevitable, but whether the United States should make good her constitutional guarantee of protection against domestic violence. "It alarms me," continued Mr. Ludeling, "to learn that you, the most constant, zealous, courageous and able defender of the rights of the citizens of the South, have uttered the opinion that had the President undertaken to support Governor Packard, as it was his duty under the constitution to do, the undertaking would have been a failure. It alarms me for the life of the Union to hear the foremost statesman of the country avow that the government is too weak to enforce the constitution and laws of the country."

CHAPTER XXV

JOURNEY TO OREGON—FINAL ILLNESS—DEATH

WHEN Governor Grover, who had been chosen senator by the legislature of Oregon, was admitted to his seat, memorials were presented, signed by citizens of Oregon, charging that his election had been procured by bribery, and that he had fraudulently issued an electoral certificate to Cronin, and had sworn falsely before the Senate Committee on Privileges and Elections in the Oregon case. Grover asked that the charges be sent to that committee for investigation, and this was done. A sub-committee of three was appointed, with instructions to go to Oregon, take testimony and report at the following session. Morton, Saulsbury and MacMillan constituted this sub-committee.

Before Morton left Indianapolis for Oregon he delivered, on Decoration day, at Crown Hill cemetery, an address which contained many noble passages. Among them were the following:

"The nation that is ungrateful to the man who has laid down his life that it might live is unworthy of its heroes, and will go down without honor in history. . . .

"We come here to-day, soldiers and fellow-citizens, to spread flowers upon the graves of these fallen heroes, to show our love for the cause for which they died, and our gratitude to them for their sacrifice. And we ought to continue to do this as long as we live. "Decoration day" is a national school; we are not only improving our own hearts, but we are instructing our children and teaching them a lesson that they

will remember to their latest hour. We are telling them that these men died for a noble cause, and that they should revere and love that cause. We know there are those who now say it is time to put such things away, that we should have perfect reconciliation, and therefore that we can not strew flowers upon these graves without rekindling the feelings and animosities of the war, and that we should cease to remember with gratitude the men who died that our country might live. . . . This is a false philosophy. . . .

"We will let by-gones be by-gones. We can not forget the past; we ought not to forget it. God has planted memory in our minds and we can not crush it out. But while we can not forget, yet we can forgive, and we will forgive all who accept the great doctrines of equal liberty and of equal rights for all and equal protection to all, and we will be reconciled to them. And while we can not forget the past, we will treat them as if the past had never occurred, and that is all that can be asked—that is true and perfect reconciliation. True reconciliation does not require us to forget these dead; does not require us to forget the living soldier and to cease to do him justice. We must remember that there is an eternal difference between right and wrong, and that we were on the right side, and that they were on the wrong side; and all that we ask of them is that hereafter they shall be on the right side. We should forever remember that we were in the right. We were grandly in the right, and they were terribly in the wrong. . . . We want that distinction to pass down through all time; but that is entirely consistent with true reconciliation. We say to those who were on the other side of that great contest which cost us so dearly in blood and treasure; which cost us so much suffering and sacrifice—that while we shall forever cherish the lessons taught us by that struggle, and while we shall forever stand by the principles we maintained in that contest, all we ask of them is that they shall hereafter stand upon those principles; then let us go forward

hand in hand, as Americans and as brethren through the future ages of our country's history. . . ."

Morton left Indianapolis for the Pacific coast on the 7th of June. Mrs. Morton went with him, and his son Oliver met him on the way. The night he left Indianapolis he was quite ill, and during his trip to San Francisco he was greatly prostrated. But his journey was an ovation. At Cheyenne he was serenaded, and at other places he was the recipient of flattering demonstrations. The voyage by sea from the Golden Gate to Portland invigorated him greatly. At Port Townsend, Seattle, Tacoma, Olympia and other places on Puget Sound the people vied with each other in doing him honor. He now took the lead in an exhaustive investigation of the Grover case, which lasted eighteen days. One hundred and fifty witnesses were examined, and sometimes the work of the committee was prolonged until a late hour at night. Morton wore out his colleagues in this work, and during the same time he prepared an elaborate political speech, which he intended to make at Salem, but which he finally decided to keep for use in the next Ohio campaign. The address was never delivered.

When the work of the commission was ended,[1] the party

[1] The report of this committee, which was presented to the Senate June 16, 1878 (after Morton's death), contains six hundred and sixty-one pages of testimony. The examination of the witnesses was conducted mainly by Morton, who also cross-examined the witnesses for Governor Grover, and his skill as a cross-examiner is shown in many parts of the report, for example his questions, p. 593, *et seq.*, to the witness Watkinds, who was superintendent of the penitentiary by Grover's appointment, and who expected a Federal office if Grover was elected. The investigation showed many suspicious circumstances attending the election of the senator, but, there was little direct evidence that Grover had been guilty of bribery. Nesmith, an opposing candidate, testified that Mosier, one of the members of the legislature, had admitted that he had been offered fourteen hundred dollars to vote for Grover, which Mosier afterwards did. One Stytes testified that Grover had been informed that the vote of another member had cost one thousand dollars, and had approved the bargain—but Mosier contradicted Nesmith's testimony, and Stytes was abundantly discredited.

visited Walla Walla, and then made an excursion through the central part of the state and up the Willamette Valley. They visited the salmon fisheries and the great canneries of the Columbia. Morton went everywhere. The change from boat to car, from car to coach, and from coach to wagon did not affect him. He saw everything and enjoyed it all. At every turn he was called on for a speech, and he never refused. At Salem he delivered an extemporaneous address in place of that which he had written. He spoke for an hour and a half. It was the last speech he ever delivered and was long remembered by the people of Oregon as one of the greatest ever heard in that state. From Salem Morton returned to Astoria on the sea coast and went from there to Clatsup, a watering place a few miles distant, where he was the guest of Ben Holliday. The other members of the committee now returned to the East. Morton remained for a short time afterwards and reached San Francisco early in August.

Up to this time he had endured the fatigues of the journey as well as the strongest of the party. His Oregon trip had been to him a source of delight. When he spoke at Salem, he stood erect, and when he returned to San Francisco he walked several squares without great effort. It was in that city that the paralysis which finally ended his life came upon him. He never could be made to pay proper regard to the needs of his body, and when absorbed by the conversation of the table he took what was set before him without much thought of what it was or what might be its effect.

On the 6th of August, after an entertainment in which he had eaten heartily, he found that he had less command of his limbs than usual and noticed a numbness on his left side. About midnight he awoke his wife to tell her that he felt very

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What might have been the result if Morton had lived to sum up all the circumstances of the case, it is difficult to say, but the other members of the committee did not consider that the evidence was strong enough to sustain the charges of bribery, so Grover retained his seat.

weak and feared he would not be able to walk across the room. In an hour or two more he complained that he was losing the use of his left arm, and by morning his entire left side had become paralyzed. As soon as he knew what his condition was he determined to start at once for Indiana. A special car was prepared for him, and lying upon a cot, attended by his wife and his son Oliver, he began his journey across the continent. The heat was very great. Morton bore his affliction without complaint though he doubted whether he would ever live to return. W. R. Holloway met him at Cheyenne and Dr. Thompson, at Peoria. Morton's home at Indianapolis was not in a condition to receive him, so he was taken to Richmond, to the residence of Mrs. Burbank, his wife's mother. He reached there greatly exhausted, but soon recovered a little of his strength and cheerfulness. Dr. Bliss, who had attended him in Washington, was called from that city for consultation and predicted Morton's recovery. The letters he received were very many. He had them all read to him and he talked as much as those who nursed him would allow. About a week after his arrival in Richmond he began failing rapidly. The gravity of his condition was not generally known, because, since the newspapers were read to him, it was thought dangerous to suffer any unfavorable comments upon his condition to appear in them. Doctor Bliss was recalled, and the greatest anxiety prevailed. On a single occasion he was delirious and said in a loud voice, "I prejudge no man." Early in September he rallied again. On the 13th of that month, President Hayes came to Richmond to visit him. The interview was a brief one. Morton said that he hoped to be able to take his seat in Congress and support the President's policy for the welfare of the nation. Dr. Thompson stopped the conversation. The President kissed the senator in bidding him farewell and hastened away, sobbing as soon as he had left the chamber. On the same

day General Benjamin F. Butler came to see him and had a short interview.

Morton urged those around him to read to him continuously. Among other things he listened to his own obituary (prepared for the Philadelphia *Press*, when his death was considered imminent), as well as to many criticisms, both friendly and unfriendly, upon his public career. There were many of both kinds. He was recognized as the most important member of the Senate, especially in view of the two Republican factions that had just sprung up—the supporters and the opponents of the President.

Morton's enemies were stimulated by his illness to new activity, and the *Sentinel* published an article of incredible brutality entitled "Will he Die Soon?" and nominated Voorhees to take his place in the Senate. The indecency of this publication awakened much indignation, and it was evidently public opinion which soon brought about a different attitude on the part of that paper.[1]

[1] On August 27 it declared that Morton's illness had created a national solicitude; that for years he had held the Republican party in his grasp, had shaped its policy and kept it to its moorings. The fiercer the battle the grander had appeared his generalship. He had more than once changed defeat into victory. He was the leader of the party, and should he die there would be no one left to receive his mantle, no one whose bugle notes would call the clans to battle. In the Senate he had commanded the men of his faith as certainly as Wellington or Napoleon at Waterloo. His word had been law. No consideration of consistency had trammeled him. While his conscience was elastic his will was iron. Gentle and genial to his friends, he was the embodiment of fierceness to his enemies. Compromise had no place in his policy.

Perhaps the bitterest article written against Morton during his last illness appeared in the Springfield *Republican* as a communication from its Washington correspondent.

A weekly newspaper in Macon, Georgia, rejoiced in the prospect that this great enemy of the South was going to die! Don Piatt characterized Morton as cold, calculating and selfish, a man of large brain without culture, and of hard, unfeeling nature, who, while declaiming over the abuse of the negro, had never a word for the wretched Chinese! The Chinamen could not vote, so Morton was willing that they should be slaughtered!

Toward the close of September, Senator McDonald paid a visit to Morton, and in a brief interview at which Secretary Thompson and Mr. McKeen, of Terre Haute, were present, said that if Morton should regain his strength so as to be able to go to Washington and should find attendance on the daily sessions too fatiguing, he could rest by pairing with his Indiana colleague. When this interview became known it caused a great disturbance among the Democrats. McDonald was told, that if he should do as he had promised, he might as well order his political shroud, for the Democracy would tolerate no such treason; that if he did not intend to do his duty he had better resign. Indeed, he seemed to have drawn down the entire Democratic press of Indiana upon his head, and he found it necessary to publish in the *Sentinel* a statement declaring that he had done no more than propose the usual courtesies, which had been extended to himself by Governor Morton when he had been called home by the sickness of his daughter. Democrats might rest assured, he said, that they would not be disfranchised in the Senate while he had the right to represent them.

Meanwhile, Morton remained at the Burbank house in Richmond, a brick cottage on a quiet, shady street of that city. His sick-room was on the ground floor, where he lay on a narrow bed, and was occasionally lifted to a lounge near by. He was entirely helpless, not being able to move himself, not even to raise his head. His right arm only was free. His eyes were sunken and his expression was one of great weariness. He suffered much and fell sometimes into a condition of feverish nervousness in which it seemed that he could not longer endure the hardship of lying like a log, his body refusing to obey his will. His mind was as clear as ever. His wife and his two sons, Walter and Oliver, were constantly with him as well as his wife's sisters, Mrs. Holloway and Mrs. Gill. His son John was in Alaska, and the news had come

that he too had been stricken with a serious illness, but this was carefully kept from the father's knowledge. On one occasion a brute tried to force himself into the sick-room to tell Morton that his son was dead, but the man was stopped at the door.

Morton had many visitors. On September 25 the Rev. T. C. Holloway and Dr. Bayliss, ministers of the Methodist church, called according to instructions from the Southeastern Indiana Conference, and presented to him resolutions passed by that body expressing its appreciatiou of the great services rendered by him to the state and the nation, and declaring that the calamity which had overtaken him was one before which the clamor of parties should be hushed.

On the 15th of October his health was so much improved that he was taken to his own home in Indianapolis. For some days after his arrival he kept gaining strength. He still wanted those around him to read to him constantly, which they did. The exchange-room of the Indianapolis *Journal* hardly afforded sufficient reading matter. On October 22 Judge Martindale, the editor of that paper read a leader that he had prepared on the relations between the President and the Republicans in Congress. Morton made several alterations and suggestions, and dictated one sentence entirely. When the article was completed to his satisfaction, he approved it and it was published on October 23 as an expression of his opinion.

In this article, he said that while few Republicans could give full indorsement to every act and declaration of the President in his Southern and civil-service policies, yet there was nothing that would justify Republicans in distrusting either his patriotism or his Republicanism, and that the Republicans in Congress should not break with him on mere questions of policy. President Hayes had a most difficult rôle to play, and instead of receiving the unfriendly criticism and attacks of his party friends, he should receive their support and be

given their best and truest advice. The President's paramount duty was to the country. If he were to place party success above public interest, he would render himself hateful to every right-minded man and infamous in history. The President was in the best position to know what ought to be done. He was acting under a solemn oath. He was more largely responsible than any other man for the consequences of his acts, and having decided upon a certain course as essential to the public welfare, that course should not be obstructed by his party friends, unless it was in plain conflict with the principles of Republicanism. He was not the mere creature of Congress, and should not be the mere tool of party. The day had passed for the discussion of the right or wrong of the Southern policy of the administration. Others might not have gone to the same extent in placing the South upon its honor and good behavior, and might have required some protection or exacted some bond to keep the peace; but President Hayes had seen proper to accept the assurance of the people of the South that they would maintain the law and respect the equal rights of all, and if they should keep faith with the administration, his Southern policy would not fail. As long as these pledges were kept, the President should be sustained in his efforts for peace and conciliation. If the South failed to maintain the law and protect the equal rights of all we should expect the peace policy to be abandoned and a policy of force inaugurated.

The President had been elected upon a pledge of civil-service reform. This pledge had been made by his party and approved by himself. In consultation with his cabinet he had laid down three leading rules:

First. That he would not remove any faithful, competent officer without some cause, and would not retain an incompetent or dishonest one for any cause.

Second. That while he would advise with senators and

members of Congress, their recommendations should not be imperative, and should in no case lead him to violate the first and fundamental rule.

Third. That any one assuming to perform the duties of a public office, and receiving its reward, should give to it his undivided attention.

Who could object to these rules? Were they not sound, and for the public good? The details must necessarily be left largely to the departments. These details might not have been applied practically. It was not likely that the administration could control the action of civil officers connected with the detail of work of the party, nor was there a necessity to do so. Liberty of thought and action should not be abridged because a man happened to be in office. When a civil officer performed faithfully and honestly the duties imposed by his office this was all that should be required, and an attempt to dictate what political work an officer might perform must fail. This would be discovered by the President as quickly as by Congress, and it was a matter of minor importance, upon which it was childish to make an issue. Congressional patronage had been abused, but it was impossible that the President or his cabinet should know all the applicants for office in the several states, and there were no safer advisers than the members of Congress who represented the people of the localities wherein the duties of such officers were to be discharged. If any member should prove himself an unsafe adviser the President would be justified in ignoring him and seeking information from other sources. And in fact he ought to seek such information from all sources, and judge for himself, with all the lights he could obtain as to the fitness of the applicant.

The Republicans in Congress ought not to embarrass the administration by factious opposition to the measures inaugurated or the appointments made. They should seek to pro-

mote the harmony of the party, in which none were more interested than the President and his cabinet.[1]

This letter was Morton's last effort to take part in public affairs.

Toward the latter part of October the senator's condition again became critical. Doctor Bliss was once more summoned. Morton told his wife that he would rather die at once than remain a hopeless paralytic. He still recognized his friends but he seldom spoke. He ceased to ask for the news or to show interest in what was passing. Mrs. Morton, who had borne her sorrow bravely, now gave up hope. His eyes followed her as she slipped about the room. He took her hand as she came about the bed. "In all these years of sickness," he said, "she has never failed me."

A cloud of sorrow settled down upon the people of Indianapolis. Hourly bulletins were posted at the *Journal* office and a multitude was always there to learn the news. Telegrams of inquiry poured in from all parts of the country.

Thursday, November 1, was dark and gloomy. It was evident that Morton had not many hours to live. During the day he lay very quietly, speaking only to make known his wants. A number of friends were in and out of the room. His family remained at the bedside. In the afternoon he sank rapidly. Shortly before five o'clock he had a paroxysm of pain and appeared to be dying, though he still gave signs of recognition and affection when kissed by his wife and sons. To Dr. Thompson, who held his hand, he said, "I am dying, I am worn out." These were his last words. Then he

[1] Of this article the Boston *Journal* said: "Never did that far-sighted leader give utterance to more timely words."

The New York Evening *Post* asked whether the dissatisfied Republicans in Congress would read Morton out of the party because he had approved of the President's efforts to restore order in the South, and to improve the civil service. When a popular verdict was given the people would be found to be with the President and Senator Morton.

ceased to move, and at twenty-eight minutes past 5 o'clock, his stormy and illustrious life had reached its end.

There were general manifestations of grief at Indianapolis. There were meetings of all kinds—of the citizens, the bar, the soldiers, the Odd Fellows, the colored men, the medical students, the Germans, the letter carriers—all passed appropriate resolutions.[1]

Throughout the state there were similar demonstrations.[2] And this was true not only in Indiana, but all over the country, even as far as Oregon and California.[3] At Washington Congress adjourned and the departments were closed. Flags were at half mast and bells were tolled throughout the country.

During Sunday his body lay in state at the court-house. An endless stream of his fellow-citizens came to gaze upon his face. In the churches eulogies were pronounced upon his life and character.[4]

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[1] At the bar meeting, Harrison, Hendricks, Gresham, Porter and others spoke. Harrison said that no man could ever impeach the honesty of Morton's utterances. Hendricks called him a great man, and said that he chose to forget evcrything that would disturb pleasant memories. Gresham declared that no man of his time had exerted the same influence on public sentiment. His eminence was not accidental. At any other time he would have been conspicuous. His name had been ineffaceably written in history.

[2] At New Castle, Danville, Goshen, Terre Haute, Winchester, Princeton, Greencastle, Richmond, Connersville, Vincennes, Logansport, Muncie, Huntington, Noblesville, Tipton, Louisville, Seymour, Franklin, indeed everywhere meetings were held and resolutions adopted.

[3] At Cincinnati there were meetings of the citizens, the Board of Trade, the Common Council, the Chamber of Commerce. All passed resolutions in honor of Morton's memory.

[4] In the colored Baptist church, Elder Broyles said: "When Morton was inaugurated Governor, our oath was worth nothing. Our children could not go to the common schools. Our people immigrating to this state

On Monday the funeral took place. There were special trains from all parts of the state. The cabinet was represented by Secretary Thompson and Attorney-General Devens; the Senate by a committee consisting of Senators McDonald, Bayard, Cameron, Burnside and Booth, and the House by Representatives Banks, Townsend, Hanna, Cobb and Wilson. Governor Williams, Mayor Craven, Judge Gresham, Justice Harlan, Murat Halstead, Robert G. Ingersoll, General B. F. Bristow and other distinguished men from all parts of the country attended. The services were held at Roberts Park church. The funeral sermon was delivered by the Rev. Joseph Bradford Cleaver, upon the text "Saul is dead." "We are too near him," said the speaker, "to see with perfect eye the measure of his stature. We can not poise the beam that tells his weight. When states sought to rush madly from their places in the nation; when the slave oligarchy appealed from the ballot to the sword; when they who could no longer rule would fain have ruined; when the hearts of brave men failed because of fear; when temporizing statesmen were swept away in the quicksands of attempted compromises; in that hour of darkness this man proved equal to the emergency."

The orator spoke of Morton's high qualities, his honesty, his magnanimity, his simplicity, his indifference to wealth, his sympathy with the oppressed.

"And now," he concluded, "bury your illustrious dead—bury him to the dirge of a nation's lament. Bury him tenderly while the hills cry to the forests: 'Howl, fir trees, for the cedar is fallen.' Bury him lovingly. Let the tears of soldiers' widows bedew the turf, while the children strew flowers above the ashes of our hero. Bury him fittingly, with pomp

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might be prosecuted and imprisoned. He advocated the repeal of these wicked laws and they were swept away."

President Tuttle, at Wabash University, also delivered a eulogy upon Morton.

and pageantry. Bury him gratefully, with the flag for a winding-sheet—no star obscured, no stripe erased. Lay him to rest upon the heart of the nation which he, 'worn out,' died to preserve undivided and indivisible.''

The sermon was followed by a eulogy by Rev. J. H. Bayliss. He said: ''So far as this man was a public man I need not speak of him at length. . . . My work to-day is to show you some things on the other side of this dual career. Morton the senator you know. I am to try to give you a truer view by pushing aside for a moment the veil that hides from mankind at large Morton the man.

''It may be a surprise to some, perhaps, when I say it is the uniform testimony of those who knew his family life best, that he was a conspicuous example of tenderness, and I do not use the word conspicuous to round a sentence, nor because at funerals we feel that we must praise the dead. I use the word because the facts demand it. His was no common tenderness. It passed the bounds of ordinary family love as the friendship between David and Jonathan surpassed the ordinary friendship of men. It was a passion that never died nor waned. When burdened with such cares and tangled duties as no other Governor of this or any other state ever carried, he still welcomed into his crowded office at all hours his wife and children, and never failed to greet them with kisses. If they came twenty times a day it was always the same. The tenderest parent sometimes wearies of the caresses of his children, and especially if they are offered in the presence of others. But no matter who was with him, nor what large affairs were subject of conversation, when his children came, he helped them to climb upon his knee and never grew impatient of their fondling. He never went a journey of fifty miles without his wife, if she could go with him. This was not simply because it might gratify her, but also because her presence was a necessity to his happiness. She was with him in far Oregon when the last stroke fell upon him. Such love

wins love, and it is not strange that the children who were welcomed when they came, came often, nor that his sons, when they became men, still kissed him and he them as a constant habit. His wife almost worshiped him. During his long and agonizing illness, she has devoted herself to him with an *abandon* of self-forgetting that would be an insoluble mystery only that the world knows something of the might of love. So strong was her affection that her immense service seemed to her no service at all. A friend said to her as she came from her husband's side for a moment, 'You are doing too much.' She replied with a bewildered gaze, 'Doing too much? I am doing nothing, I would gladly die for him.'

"The world knows something about this man, but it does not know these things. Perhaps only a few of his neighbors know of the exquisite picture of family life which they had among them. But those who know the facts, know that what I say is true. I saw no dry eyes about that dying bed when the wife and sons pressed close about it, and she again and again called the dying man her 'precious one,' and the two sons who were present, grown up men, kissed his hands and cheek over and over, and baptized them with filial tears. Mrs. Morton is so prostrated by this event as not to be able to be present at this time, and I do not hesitate now, as I might under other circumstances, to bring these things out of the sacred obscurity of private life, because I know I am speaking to countless thousands, and I want to call the attention of the world to the delicate and beautiful coloring of this great life. I want men to know that this man had something else in him besides ambition and cold power. I want it known that while he could hate wrong with intensity and could denounce it with the vehemence of lightning; could carry the affairs of a great state in his iron hand, and do it easily, and could leap, almost in a day, to the leadership of a Senate; he could also love like a woman, and as a matter of fact dis-

played in his constant family intercourse an affection that was as exquisite as it was exceptional."

A prayer by the Rev. S. K. Hoshour, Morton's early preceptor, followed. The long funeral *cortège* passed through the midst of a multitude, miles in length, who had waited for hours to see its passing. Indiana had never known such obsequies as these. Morton was buried at Crown Hill, close to the graves of the soldiers for whom he had so tenderly cared.

CHAPTER XXVI

MORTON'S CHARACTERISTICS

A HIGH forehead, a large head, black hair, dark searching eyes, a fair complexion, a serious countenance, a nose slightly flattened at the end, a voice not loud, but deep, full and distinct, a huge, well-proportioned body and broad shoulders, a powerful frame and commanding presence, were the physical manifestations of Morton's indomitable will, his tenacity of purpose, and the plain and simple strength of his intellect and character. "Of Titan mold, near to nature, elemental powers were his familiars."[1]

His intellectual processes were clear as daylight. The object to be attained he pursued by the directest road, and crushed all obstacles by sheer force. He disdained the finesse of diplomacy; his weapon was the hammer of Thor. In argument, as in deed, he was not so much persuasive as compelling; he would condense the reasons of his opponents into a few words, and then shatter them at a single stroke. His statement was so strong and his reasons so cogent, that they bore down all resistance.

[1] "There is no good picture of Morton. While he has a striking face, it admits of such a variety of expression that it is impossible to do him justice. . . . In a thoughtful mood his face has two phases. In one, the complexion seems cold and hard, the eyes dull and set, and the muscles as rigid as in death. Even his figure seems incapable of motion. In the other light, his face is flushed and animated with feeling which glints over it with the rapidity of lightning, and his eyes are ablaze. . . . The impression is always of power."

Fertile as he was in resources, the methods he chose were the plainest and most natural ones. He had the simplicity of greatness.

No one excelled him in the power of adapting means to ends. He was no visionary. His work was with the practical duties of the hour, and to put forth his power, he must, like Antæus, have his feet upon the earth.[1]

In his public addresses, he renounced all tricks of diction and transmitted, as nearly as he could, his naked thought.[2] He was no phrase-maker.[3] The earnestness of his character was not a congenial soil for the planting of pretty fancies and the cultivation of elegant sentences.

He cared little for the form of his speech. Even method in arrangement was neglected.[4] If what he said brought con-

[1] Senator Conkling said of him: "He will go down to a far hereafter, not as one who embellished and perpetuated his name by a studied and scholastic use of words, nor as the herald of resounding theories, but rather as one, who, day by day, on the journey of life, met actual affairs and realities and grappled them with a grasp too resolute and quick to loiter for the ornament or the advantage of protracted and tranquil meditation."

[2] Of his debates with Willard it has been said: "Willard culled his language and tied words into beautiful bouquets to dazzle and captivate, while his young competitor, O'Connell-like, flung a brood of robust thoughts upon the world without a rag to cover them."

[3] Yet we find occasionally sentences worthy of preservation apart from their context. Take for example, the following:

"We want no permanent laboring class. To teach laboring men that their employers are their natural enemies is to teach them that they belong to a class from which there is no escape."

"The Democratic party is like a man riding backward who never sees anything till he has passed it."

"Soldiers," said he to the returning veterans in 1865, "you have preserved the Union, gilded the American character with new luster, destroyed slavery, vindicated the dignity of free labor and maintained the honor of the old flag, whose stars, by your victories, have become fixed and will burn forever with unabated splendor."

[4] "Governor Morton is a better quarryman than builder. He can dig out and pile up great blocks of argument and fact, but he is indifferent to the neatness of their finish, or the symmetry of their arrangement. His mes-

viction that was enough.[1] "He never uttered trifles and he was clumsy in the by-play of debate, but he waited for the great occasions and then spoke great things." "He spoke from a heart filled with belief." "He made the words the servants of his thoughts and subjected style to matter." "He was an athlete trained down to pure muscle."[2]

He spoke the language of the masses. His mode of presenting a subject was so plain that a child could understand it, and sometimes from this simplicity his diction was matchless.

He was not successful in satire. Wit he voluntarily renounced. He had a keen sense of humor, and could tell a story well, but he had no intention of passing for a raconteur. He was never coarse. He seldom indulged in personalities.

In debate, as in action, he was combative and aggressive.

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sages and speeches are like Cyclopean walls, impregnable from the weight of the masses of which they are made, rather than the skill with which they are fitted and cemented together. He rarely leaves anything behind him, in any subject he attacks, worth carrying away, but he makes mountains rather than buildings of his materials. This disposition is only another phase of his absorption, and want of self-consciousness in his work. He looks to the end and thinks nothing of the means, or of himself." (*Journal.*)

[1] "His speeches were not divided into distinct compartments, 'one designed to convince the understanding and the other to move the passions and the will;' but conviction and persuasion, intellect and feeling, like chain-shot, all went together. He crushed proof and statement into a single mass." (D. S. Alexander.)

He quoted no poetry. "I remember on one occasion," says W. R. Holloway, "that a reporter of the *Journal* reported him as using poetry at the reception of one of the Indiana veteran regiments on its return from the war. He afterwards met the reporter and said, 'It is possible that you can write a better speech than I can make, but I do not want to be responsible for what I do not say, so hereafter you will please report what I say and not what you think I should have said, and never report me as having quoted poetry; I never use it in public addresses.'"

[2] "The path of his thought was straight—

'Like that of the swift cannon ball,
Shattering that it may reach and shattering what it reaches.'"

(Garfield.)

He was quick to discover the weak point in his adversary's armor and to penetrate a vital part.

He was rarely dramatic. Except in his occasional appeals to those who had lost their dear ones in battle for the Union, he seldom resorted to other means than argument to influence his hearers.

Morton prepared most of his speeches carefully, but he seldom did much of the writing himself. He disliked to use a pen; it was too slow for his thought. He usually dictated his letters, as well as his speeches, to a short-hand writer. R. R. Hitt, who was for a long time his private secretary in the Senate, says: "When I came to him in the morning he was generally lying in bed. He would pull out three or four leaves of scratch paper with something written upon them for a proposed speech. He would read them to me and ask: 'How does this do?' He always liked to have somebody take the other side and argue the question with him, so I would doubt and dispute his propositions. He would then dictate to me in fuller form his more completely finished thought in probably six or eight sentences. I would write this as he talked it. After a while he would dictate something more, or perhaps I would take it down from our colloquy. Afterwards I would put these things together and give the manuscript to him. Then he would go over it all and strike out more than half. His friends too came in and talked with him, and he sometimes acquired material from the results of these conversations. I remember that Jesse P. Siddall, of Richmond, Indiana, once came and talked with him for half an hour or more on the currency question. Siddall did not agree with him. Some of Siddall's views struck him as forcible, and he incorporated them in his speech. He was sometimes two or three weeks working at a speech, and when it was done he would go over it and cut out something in nearly every sentence. When the speech was printed, after all this revision, I have noticed that his proof was made up almost

wholly of changes, shortening it by the substitution of two words for ten, or half a dozen words for a sentence. His written speeches were marvels of condensation.

"He had singular power of fixing his attention. Some of his most closely knit arguments were dictated with interruptions every few minutes. He did not read much, measured in bulk, on the subject he was studying, but he searched for the opinions of the highest authorities upon the main points; these he read and re-read and compared them with other views. He always seemed to give more attention to that which he found to oppose than to the general current of discussion in his favor."

Whenever an idea occurred to him apposite to the matter he was considering, he endeavored to preserve it. He often woke at night with a thought which he considered of value, and after he became paralyzed, his wife or some member of his family would rise and write it down at his dictation. Some of his best work was done in this manner. He commonly read his speeches to his wife. If she objected to anything it was often omitted. "Lucinda did not like that, so I struck it out," he would say. After he had prepared a speech at the beginning of a campaign, he would call a few friends around him and submit it to them for their opinions and suggestions. The number of alterations made in this manner, however, was not great, as the views set forth by him were generally concurred in.

He cared little for applause, except when opposition was bitter; then it was welcome. In other cases the attention of his audience was what he most desired. And no matter how long the speech, how dry the subject, or how plain the treatment of it, Morton was always listened to with attention. There was probably no other man of his time who could hold so many thousands in silence before him for so many hours.

In the early part of his career, his splendid physical presence added much to the effect he produced, and later, when,

crippled by disease, he spoke from his seat ("Sitting Bull," his enemies called him), his oratory lost nothing by the infirmity through which he had dragged himself to the argument. His misfortune become impressive, and the physical difficulties under which he labored called forth attention and sympathy, and added to his power.[1]

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[1] Senator Paddock says of him: "Who of us has not now in his memory that sad, thoughtful, but resolute face, as through the corridors and into this chamber, borne in his chair by two stalwart men, he came to his daily service? The noisy throngs in the passages became silent and gave way at his approach with the same instinctive reverence that greets the gallant soldier who has borne a distinguished part in a memorable battle from which he is borne weary, worn, wounded and dying. The doors flew open before him as if by magic, and party spirit could not at any time run so high as to withhold from him, when he entered, a most cordial and responsive greeting."

The following graphic description of his oratory by a bitter political antagonist is entitled "Morton on the Tripod:"

"Such a title to this article seems incongruous, for the leader of the Republican party in Indiana, seated in his rotary chair delivering to a breathless multitude the inspirations of his genius and his cunning, really presents but little outward resemblance to the priestess of Apollo, who preserved amid all the contortions of her prophetic fury the traces of an immortal beauty. There is certainly nothing either effeminate or divine about his appearance, although there are traces of suffering in his face, and he is unable to stand up and speak. His shoulders are broad, his chest deep and his voice strong. He seems scarcely to have crossed the meridian line of life, and his thick mustache and long chin whiskers are coal black. The only signs of age about him are that his naturally high forehead is extended by the wearing away of the dark hair from his temples, and the top of his head is tonsured like that of a medieval monk. Mouth and chin are hidden, but the jaw and nose express force, and—without any unkind intention be it spoken—ferocity of character. . . . Only the fire of the speaker's dark eye suggested the inspiration of the oracle. The words uttered, too, seemed to convey the force and virtue of those thrilling declarations of fate for which in hours of trial the people of Greece resorted to the prophetic shrines. The Pythoness herself, from her tripod, could not have been listened to with greater reverence than the senator from his arm chair. To those who have never seen Mr. Morton it has always been a wonder how he could speak with effect while seated, and it may be said that, artistically considered, he makes his weakness more effective than another could his strength. Of Chatham it was said that his crutch be-

Whatever the inconsistencies of Morton's political views upon subordinate questions, he kept constantly before him as the great objects of his public life, two things: First, the maintenance of the Federal Union, and second, the perpetuation for all time of the results accomplished by the war.

As Governor, he had certain elementary convictions upon which his conduct was based. Believing in the common destiny of the states composing the American republic, he never doubted that the Union contained within itself the means of its own preservation and all necessary powers to vindicate its authority. To him the narrow patriotism that confined itself to the boundaries of a single state was poor and pitiable. Before all things he was loyal to the nation.

And yet he had an intense state pride and a devoted attachment to the commonwealth of which he stood at the head. He felt keenly the humiliation that rested upon Indiana at the outbreak of the war, in her depreciated credit, in the wide-spread contempt of "Hoosier" rawness and ignorance, and in the imputation upon the courage of her troops at Buena Vista, and he determined that the honor of his state should be redeemed; not by the assertion of her sovereignty, nor by a denial of the powers of the Federal government, but by a generous emulation of her sister states in patriotism and honorable conduct. None of these should surpass Indiana in energy and promptness in furnishing troops and supplies for the war. Her financial credit must also be upheld. In the Senate, he

came, in his hand, an instrument of oratory. Morton uses his infirmity with the same power, and as he sits in his chair swinging from side to side and using his arms in strong gesticulation, the mere fact of his attitude lends a sort of dramatic authority to what he says. He talks without rising, as a king from his throne. Literally and figuratively his utterances are *ex-cathedra*. He guides the Republicans in Indiana through this campaign as through all previous ones, and as the French looked with confidence on the morning of the eventful Fontenoy to the litter where their commander, Marshal Saxe, was stretched, broken down with disease, so the adherents of the administration turn hopefully to that old arm chair."

embodied in his own person that intellectual leadership which he desired for the commonwealth he represented.

And he realized his ambition for his state. At no time in her history did Indiana advance so rapidly in reputation, in population, and even in material resources, as between 1860 and 1870, and this in spite of the burden of a destructive war. During these years (whether he occupied the executive chair or represented his state in the Senate) Morton was at the helm.

At the beginning of the war he was little of a partisan. He determined to recognize two classes only, "the party of the Union and the base faction of its foes." If they were loyal, Democrats were to be treated like Republicans. Personal and political animosities were to be buried. Even the disloyal, like Heffren, when they recanted, became the recipients of his patronage, that the cause of the Union might be strengthened. Joseph Wright, a lifelong Democrat, was sent to the Senate. Among those who would uphold the government, all else was to be forgotten. But as the war went on and a conspiracy organized within the Democratic party plotted treason in the heart of the North, and Hendricks held up to the people of Indiana the prospect of a union of the Northwest, and the Chicago convention of 1864 declared that the war was a failure and demanded peace, the conviction grew upon him that there was no hope for the republic except in the Republican party. He believed that thousands of American citizens had been slaughtered in the South for the bare assertion of their political rights. The Republican party was the only agency through which this great wrong could be righted and the results of the war secured. Other things must give way. Even his own beliefs in minor matters must be subordinated. The party must prevail. Hence he submitted to party government and he insisted upon it.

One of his most remarkable characteristics was the slowness

and constancy of his intellectual growth. "He did not stop growing," says Murat Halstead, "until he was fifty years of age." This growth appears most clearly in the causes to which he devoted his energies. In these, he reversed the experiences of ordinary men; he became more radical as he advanced in life. In his early years he was a Democrat, true to the traditions of his party—not yet awake to the great wrong of slavery. But when the Democracy proposed the repeal of the Missouri Compromise, he renounced his allegience and joined the new party of liberty. In its councils he was still a conservative. He hated slavery "geographically," as Julian characterized it. But gradually, as its evils became clearer to him, the fire of abolitionism began to stir his heart. It may well be doubted whether he would have proclaimed emancipation at as early a period as that which Lincoln selected. But when the die was cast, he did not hesitate. The granting of negro suffrage was another step to which he was at first reluctant to accede, but in this too, he grew with the times until at last "his sympathies were bounded by no lines of creed, or condition, or race, or sex, but were broad as humanity."[1]

"I confess," said he, "and I do it without shame, that I have been educated by the great events of the war. The American people have been educated rapidly, and the man

[1] "In the last days of his life he sought to cover, with the ægis of his great name, the despised and hated Chinese immigrants of the Pacific Slope. He was equally regardless of popularity in his advocacy of the claim of women to political rights."—Senator Wadleigh.

"No public man of his day," said Senator Bruce, "with the exception of Abraham Lincoln and Charles Sumner, was better known to the colored people of the South than Oliver P. Morton, and none more respected and revered."

John M. Harlan wrote to Morton during his last illness: "I am quite sure you will be glad to know that the greatest solicitude for your condition is felt among our colored citizens. Scarcely a day passes that some of that race do not call at my office, or stop me on the street, to inquire as to your health. I can read in their faces more plainly than words can express, that they regard you as their tried and trusted friend."

who says he has learned nothing, that he stands now where he did six years ago, is like an ancient mile-post on a deserted highway." This constant development made him (in the words of the Rev. Mr. Bayliss) "splendidly inconsistent." Inconsistency is the epithet by which one's adversaries sometimes try to stigmatize his growth. "I have changed my mind," he would say when confronted with his former position.[1] Only upon one issue (the financial question) did his inconsistency appear to be a change from the better to the worse.

He was a peerless executive. He was never more at home than when buying arms, consulting contractors, sending nurses to the soldiers, urging contributions, borrowing money and doing a thousand other things, great and small, to keep up the efficiency of his own state and to put down rebellion.[2]

Morton was born a commander. "Where MacGregor sat there was the head of the table." He would not follow anybody. He would always have his own way. He was twice offered a cabinet place, but among the reasons for his refusal he said: "I am unwilling to put it in the power of any man to dismiss me from a public position." His leadership was recognized everywhere; his enemies acknowledged it in their denunciations. He was "Goliath," "The Blind Samson who Pulled down the Pillars of Reconstruction," "The Giant," "The Elephant who Trampled upon his own Friends," etc. His associates bear testimony to it sometimes unwillingly.

[1] On May 6, 1870, in referring to the tariff question, he said: "I do not pretend that I understand that question. There are some people who always understand every question from the time it is first mentioned. I do not belong to that category. I find occasion to change my mind frequently, and my mind is often changed as the result of discussions on this floor. I am open to the reception of light from discussion and I invite it."

[2] The New York *Herald* says of him, June 15, 1876: "In executive capacity Senator Morton is one of the really great men of this generation, a man who will be remembered with Stanton and Lincoln for his valor and patriotism in a time when these qualities were sorely needed."

James N. Tyner once criticised one of Morton's speeches. They talked it over together and soon found that they agreed, and Tyner said to himself in disgust when they parted: "That man has had his own way again."[1] He employed instruments (and he could always lay his hand on the right man for the work in hand), but he suffered no peers among his associates. Among those who did not dispute his leadership he was well beloved; with others he was often an object of jealousy and envy. An autocrat by divine right, many traits of his character were essentially autocratic. He was often intolerant of those who opposed him. He believed in his own conclusions so utterly that not to yield to him was, in a follower, something akin to treason. But he did not claim this leadership by arrogant assumption. His manner of governing men was by absence of self-assertion, and the acceptance of suggestions in such a way that while others believed they were leading him he soon had molded them to his own purposes. "He would talk with a man," says Mr. Hitt, "for a long while, and after the conversation was over, the upshot was that the other man had converted Morton to Morton's own views."[2]

He was willing to let pieces of his work come in as amend-

[1] "While I was Morton's private secretary, during the legislative session of '65," said Sulgrove, "I had a good opportunity to observe his methods. He consulted nobody about what he should do in any given case. He heard all that others had to say, and asked information without indicating any purpose. He possessed himself fully of all he needed to determine his action, and discussed it wholly 'within his own mind.' The first thing that indicated his purpose was his announcement of what he meant to do, and he rarely changed his determination."

[2] Senator Morton possessed at times what seemed to be an imperious temper. In a conversation at the home of Governor Hayes, in Columbus, at which Schurz, Ingersoll, Garfield and Hoyt (afterwards Governor of Pennsylvania) were present, he was accused of arrogance. Garfield said: "Did you ever see Senator Morton smile? No man is arrogant who carries a heart so warm and generous that it creates such an expression."

ments from other hands, if by so doing he could better accomplish his ends. He always preferred the substance to the mere show of power. This trait was conspicuous even in early life. In one of his campaigns before he became Governor, he stopped at the house of a friend in New Albany. In a talk with the son of his host upon the worthiest objects of political ambition, the young man said: "I would rather be a member of the House of Representatives than anything else, for that body is nearest to the people." "I would rather be the man who makes congressmen," said Morton, "than be a congressman myself."[1]

He branded his personality on those around him. The senators who came to his room and gathered about his bed upon their committee work were impressed with the consciousness of his power. "It was a strange sight," said senator Ingalls, "to see that old giant lying helpless in bed, pounding and gesticulating and impressing his views upon the committee."

Sometimes circumstances make the man, but Morton was a man who made circumstances bend to his imperial will. While Governor of Indiana, he was the state, the center of all power in and through whom it acted.[2] He was thoroughly

[1] "A year or two after Sumner's death," says D. S. Alexander, "I asked the senator why he had not taken the chairmanship of the Committee on Foreign Relations? 'It is not the committee that makes the chairman,' he replied: 'Everybody knew of the Committee on Foreign Relations, because Mr. Sumner lifted it into great prominence; but we hear little of it to-day, and probably few people know who is the present chairman.' I ventured to suggest that the country knew who was chairman of the Committee on Privileges and Elections. 'Possibly so,' was the modest response."

[2] "Von Holst, in his Constitutional and Political History of the United States, has a chapter on the 'Reign of Andrew Jackson.' When the history of Indiana shall be written, it might fitly contain a chapter on 'The Reign of Oliver P. Morton.' He made himself, not merely, the master of the Democratic party of the State, and of its rebel element, but of his own party as well. His will, to a surprising extent, had the force of law in matters of both civil and military administration. His vigor in

conscious of his own powers and entirely reliant upon them. When he was elected to the Senate, he shook his head and said to himself, unconscious of the presence of his son, "They want a leader there." He never avoided responsibility. No matter how great the emergency, he was always a little greater than its requirements. When the Indiana legislature refused to furnish money for the state, he borrowed it himself and carried on the government alone. In critical matters he trusted no one. When the Sons of Liberty plotted against his life, his spies, unknown to each other, reported to him personally at different places; each watched the others and told him all that was done, and by the concurrence of their testimony Morton could tell how faithful each one was to his duty.

Yet in most cases, he did not trouble himself about details. These were assigned to men upon whom he relied, and he concerned himself only with the results of their work. He was impatient of unimportant things; the fields of his activity were too great to allow him to waste his time upon trifles. His mind grasped the main point of a subject very quickly, and the long recital of incidental circumstances wearied and annoyed him.

Yet he seldom gave sign of his impatience. He would listen with dignity and courtesy to the bores who beset him, and it was rare that even the most annoying of these could complain of his treatment at Morton's hands.

Perhaps Morton's supreme quality was his "stout-hearted persistency which pursued its object through sunshine and storm, undaunted by clouds or dangers." "What to most men was depression, was to him inspiration. What to others foreboded disaster, to him was the prophecy of victory." "With a

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action, and his great personal magnetism so rallied the people to his support, that with the rarest exceptions the prominent leaders of his party quietly succumbed to his ambition, and recoiled from the thought of confronting him, even when they believed him in the wrong." (G. W. Julian.)

courage that was undismayed by the presence of overwhelming antagonists, he became more defiant as the elements against him were successfully combined." "He never lost faith, but worked resolutely to the end with unfaltering confidence in his ability to win." The quality which Conkling most admired in him was "his indomitable heart." "No labor discouraged him, no contingency appalled him, no disadvantage dismayed him, no defeat disheartened him."

He was intensely ambitious at the bar, in the Governor's chair, in the Senate, and in his aspirations for the Presidency. But he loved power for no mean purpose. He would wield it only for the public good.

Nor did he sulk in his tent when he failed to obtain the object he sought. He rallied quickly after defeat. When Hayes was nominated at Cincinnati, Morton was the first to send congratulations and the only one of four of Hayes's competitors then in Washington who spoke at the ratification meeting the next evening.

Morton was an admirable political organizer. He began to develop this faculty as early as the time of his campaign against Willard. W. P. Fishback thus describes his method of getting up a political meeting: "He would ask his private secretary to write to fifteen or twenty persons to meet him. When they came he would state the objects of the Democratic party and awaken the interest of the company. A larger meeting would then be proposed and two or three representatives from each ward or district would be selected. He would then call these together and reiterate his views, and then there would be an organization comprising, perhaps, two or three representatives from each block in the city of Indianapolis. Morton would then be asked to address a meeting called by these men. When he laid his plans for the management of the campaign before the committee entrusted with this work, he was not obstinate in regard to details, but his views generally prevailed, because he had matured his

plans carefully and had the strongest reasons to give for each step." No one understood better the public opinion of Indiana and of the entire Northwest.

He can by no means be considered a mere political "boss." He controlled not by cunning, intrigue or corruption, but by sheer force of intellect and dominating will, and because the people admired and honored him.

On one occasion he was informed that a popular and able member of the Indianapolis bar proposed standing for the legislature in order to defeat his re-election to the Senate. "I hope he will do it," said Morton. "That will give the people an opportunity to say whom they favor." Then, seizing his cane, and stalking across the room, he exclaimed: "If he does it, I will convass every school district in Marion county. Tell him to run, and then throw open the school-houses and churches that the people may hear us."

Morton understood well the springs of human action. "I would rather have a man tell me a thing than have him write it," he said, "for then I can search his mind." Colonel Willich once protested against sending his German regiment into Kentucky without arms. Governor Morton promised them at Jeffersonville, but the colonel was not satisfied. Finally Morton said: "If you say so, I will withdraw the order. I have some raw regiments of Hoosiers who are spoiling for a fight. I will send them; they will be glad to go." "No, Governor, don't withdraw the order, my regiment shall be ready to-night."

Morton was an optimist, a believer in the better instincts of mankind, and in the progress of the race. This belief is avowed in many of his speeches.[1]

[1] "Some years ago," he said in a speech at Dayton in 1873, "I was in London and went to the Tower where there were thousands of suits of armor, many hundred years old. I was astonished to find that there was but one that I could put on and I am not the largest man in the world by any means. That was the mail of Richard the Lion Hearted, distinguished for his feats in the Holy Land. He was only about five feet seven

He had a relentless memory. In his references to past remarks in the long and complicated debates of the Senate, he was very rarely at fault, and his more accurate recollection often embarrassed and confused his adversaries. He once told D. S. Alexander, his secretary, that during the war he had carried in his mind the location, movements, condition and strength of every one of the 163 regiments from Indiana, and that he could call by name most of the commissioned officers in each.

"In the preparation of a speech," says Mr. Alexander, "he needed no index for his references, but called for volume after volume, turning readily to the page, and rarely finding occasion to correct his dictation. In opening the campaign of 1876, where he criticised at length the public acts of Governor Hendricks, his speech was dictated in three or four mornings, while lying in bed at his hotel, without opportunity for references. After it was written out, he turned it over to E W. Halford and myself to compare with the published records. I do not now recall that a single correction was made."[1]

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inches high and I do not think his armor could have weighed more than one hundred and forty pounds. The human race has developed physically and mentally. We have great advantages over those who have gone before us."

[1] One who was introduced by Morton to President Grant in 1871 relates the following: "Two score or more of gentlemen had assembled in the East Room of the White House to be presented. Presently Senator Morton entered, taking a seat near the door. While being introduced to him by General Veatch, he addressed a few words to each of us, and soon led the way to the cabinet-room, where the President received us. As one gentleman after another stepped forward, the senator without rising presented each one by name, giving his place of residence, and some incident connected with his life. At first this created no surprise, but after twenty or thirty, myself among the number, had been treated in the same courteous manner, I became deeply interested in observing such a remarkable memory. I could not believe that all this company had met him as strangers only half an hour before. Later in the day, he told me he had never before, to his knowledge, met any of the gentlemen; that he had

Morton's integrity was above question. He strove to avoid even the appearance of improper conduct. His brother, William S. T. Morton, once had an interest in a contract for army supplies. "I put my foot on it at once," said Morton to Sulgrove. "I told William that such operations must not be attempted, for it would be at the risk of my reputation; that it would never do to have public contracts taken by members of my family."

At one time his son secured a position as Register of the Land Office in Vermillion, Dak., and the appointment was soon to be sent to the Senate for confirmation. When Morton heard of it, he required his son to write at once to the Secretary of the Interior, withdrawing his name.

All sorts of plans were devised to get him into speculative schemes where money was to be made out of the government, but in vain.

While he was not so fastidious that he would reject the gift of a trifle from a friend for fear his motives might be misunderstood, yet he always refused to put himself under serious obligations to others. While he was in the Senate some of his friends raised a large sum of money, with which they proposed to purchase for him a handsome residence. Morton thanked them for their good will, but refused the gift, saying to Hitt, "I can only be strong when I am free."[1]

After a life that offered unlimited opportunities for money-making, he died possessed of a very modest competence. He

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informed himself as to the character and occupation of each because, for the time being, they were his guests. He met us as strangers, he left us friends."

[1] Hitt relates that on one occasion a package, sent by mail from Europe, arrived with the indorsement: "To Hon. Oliver P. Morton, to be opened only by his hand." "That is a package that my hand shall not open," said Morton, and he asked Hitt to examine it in the presence of others. It proved to be a gift from a friend in Europe, sent by mail in evasion of the customs laws. Morton asked Hitt to declare the goods and pay the duty, which was done.

was avaricious of power and reputation, but not of money. Williams, of Wisconsin, said: "A committee, of which I chanced to be a member, was charged with certain investigations. A witness had mentioned the name of Morton in connection with a proposed improper fee. It was an obscure insinuation, and in no wise rose to the dignity of a charge. The testimony was printed in an evening paper, and the next morning, no sooner were our doors open than the rattle of the senator's canes was heard on the marble stairway leading to the committee room, and the manner in which he confronted his accuser, and the celerity with which the charge was withdrawn, convinced all who witnessed the scene that Morton was ready to defend his honor whenever assailed."

Incorruptible himself, he had little charity for men who were tainted by charges affecting their financial integrity.[2] When the scandal in relation to the sale of post traderships in the war department became known, and Secretary Belknap resigned, Morton said to Ingalls in great wrath, "Resigned! He ought to have shot himself."

His friendship for the soldiers did not proceed from mere desire for popularity. At any hour, under any circumstances, no matter how imperative the demands upon his time, he gave way to their appeals and became as tender as a woman in his sympathy. With rare exceptions he personally bade each regiment good-bye when it left for the front, and was

[1] The New York *Tribune*, a bitter opponent of Morton's policy in the Senate, says: "We remember with satisfaction that whatever may have been his errors of judgment, his sincerity was never questioned. No suspicion of unworthy motives ever attached to him. His integrity was above reproach. He accepted no retaining fees covering payment for senatorial influence, under the cloak of compensation for legal advice. He gave his whole time to the public service, and died poorer in worldly goods than when he entered the Senate."

[2] The men whom Morton recommended for appointment were, on the whole, clean men. He was, however, once in a while mistaken. For instance, Thomas J. Brady, who was afterwards implicated in "Star Route Frauds," was appointed upon Morton's recommendation.

present to welcome it when it returned. "Wherever an Indiana man followed the flag or pitched his tent, whether on the Potomac or the Mississippi, he was constantly the object of Morton's care." Almost before the smoke was lifted from the battlefields Morton's surgeons and nurses were there with medicines and sanitary stores. Morton often went with them. After the capture of Fort Donelson he was on the first boat that came up the river. An Indiana soldier wounded at Shiloh said: "I saw the Governor reach out and shake hands, and then the tears started in his eyes as he saw the wounded and heard their groans. Since then I knew how he loved us."

His confidence in the troops was such that he never hesitated to ask their services. The Forty-third Indiana, worn out, came back on veteran furlough. Governor Bramlette, of Kentucky, needed them immediately at Frankfort. Morton asked them to go, and pledged them an extended furlough on their return. Next day they were on their way to Frankfort.

"He was most prompt," says Carrington, "in his methods for relief. Transportation was needed for lumber to build quarters. Morton said: 'Seize the cars. I will settle all questions after the lumber is in camp.'" He often gave commissions that surprised the recipient. A raw sentry at Camp Carrington struck his commanding officer, who was riding across the beat. He was directed to report to the Governor and receive his deserts. He reported, saying: "I was ordered not to let anybody cross the lines." He was commissioned and complimented.

It was not unusual for Morton to rise from his bed at midnight, go to the *Journal* office and have published some proclamation or suggestion for the welfare of the troops.

A regiment that came to Indianapolis was quartered in a building with a leaky roof. At two o'clock in the morning the Governor was awakened by a fierce storm of rain. He

called his secretary, asked were the troops were, and on learning, said: "I will go and have them moved." They were transferred to the state-house.[1]

His industry was unflagging. "The secret of success," said he to his son, "is hard work." While he was Governor he had three secretaries. When he was away they had time to spare, but he was not home an hour before they were so crowded with work that they had to sit far into the night to accomplish it. He would often go to the state-house and remain all night, while his wife, who feared for his safety, would put out the lights in the Executive Mansion and keep watch in the dark at the window until he came back.[2] His personal

[1] The correspondent of the New York *Tribune*, writing from the camp before Fredericksburg, just after the battle, said: "Constant attention to his troops is the feature of Governor Morton's admirable administration. Wherever I have met Indiana soldiers I have encountered some of his officers going among them inquiring as to their needs, and performing those thousand duties which the soldier so often requires. Would that the same care could be extended to every man who is fighting the battles of the republic."

One of Morton's critics sought a military appointment, and bitter personal attacks were imminent if his "claims" were ignored. Urged by some of his friends to appoint this man, Morton answered: "I can not afford to purchase his silence at the expense of the soldiers I am sending to the field."

[2] His industry is shown by an incident related by General Carrington: "On the 18th of August, 1862, at twelve o'clock noon, I called upon Governor Morton. 'I report,' said I, 'by order of the Secretary of War, to muster troops into the service.' 'I am glad to see you,' was his answer, 'our camps are full and the city crowded with men who are needed this very day in Kentucky. When will you begin?' My reply was, 'At one o'clock. Your regiments shall commence marching to-morrow.' 'I will meet you here at one o'clock,' said he, 'and we will not rest until the work is done.' Until after midnight, in the pelting rain, he accompanied me to the camps to urge the officers to complete their muster rolls. I can never forget his standing in a buggy, by the roadside, near the hospital, while the waters swept through the poorly ditched camp streets, chilling the men who were aroused for roll-call. During the next day and night five regiments were ready, except that the bounty was not paid. I asked for an advance until my requisitions could be filled. By candle light, in a common tent, the money which he produced was paid, and by the 21st, nine regiments had

habits were shaped by the needs of his public work. Sleep, rest and appetite had to wait upon his convenience. He would often leave his books and papers at the side of his bed that he might take up work in the morning. At break of day he generally called for the newspapers, which were brought to him before he rose or breakfasted. In the presence of public business, no physical weakness, no requirements of comfort or health could keep him from the present demand for thought and action. Even when he was ill, the advice of his physician was neglected. "I have no time to be sitting here," he would say, and then he would plunge into work again. In the Senate he was seldom absent from his post. He attended, with great regularity, the meetings of the committees to which he belonged. He was present at every session of the Electoral Commission, although then close to the verge of the grave. He accomplished more work than any man in the Senate.[1] He accommodated himself with "a kind of cynical indifference to his crippled body, and dragged it about with him as a snail does its shell."

His power of endurance was marvelous. Senator Paddock says, "I have seen the whole Senate filled with admiration of him, when after many days, perhaps weeks, of continuous debate, when the endurance of the very strongest had been overtaxed, he reviewed with no external evidence of weariness, the arguments of perhaps a dozen adversaries, and with one masterful, overpowering presentation of the law and

gone to the front. Ammunition was needed. 'I will make all you want,' said he, 'We will not wait for the general government.' And the state arsenal soon turned out three million rounds per day."

[1] For many years he acted as the virtual representative of Republicans in almost all sections of the South, he collated Southern newspapers, read and answered thousands of letters from the South, and gave audience to persons from all quarters, so as to learn fully the exact condition of affairs and the sentiments of the people.

His daily mail was larger than that of any man in the Senate, but every letter he received was answered. "For," said he, "every man who takes the trouble to write to me is, by that fact, entitled to a reply."

the facts, answered them all at once, leaving his opponents, if not utterly overcome, at least convinced that their cause had been greatly damaged by the blows of a giant."

Indeed work was a necessity to him. For his restless spirit there was no repose. "I saw him once sitting in front of the Ebbitt House," said Senator Ingalls. "He looked miserable and dejected, and I spoke of it. He answered, 'I am never happy except when I am at work.' "

Always prompt and energetic himself, he exacted the same promptness and energy from those around him. An idle subordinate was never tolerated.

Between the sessions of Congress, instead of practicing law, he gave his attention to his public work. Upon his journeys he was often accompanied by his private secretary, whom he kept constantly occupied. Before leaving Washington he would select from the Congressional Library such books as he desired to consult. Mr. Spofford, librarian of Congress, when asked who were the chief patrons of the Library, said, "Sumner first, Morton second, Garfield third."

Morton was a voracious reader both of books and newspapers. When he was at Indianapolis during the recess of Congress, scores of books were sent to him by the city librarian. Many of these he would skim. He had the power of getting at the heart of a book almost at a glance.

He made no pretension to scholarship. He never hesitated to ask for information from the fear of appearing ignorant. He was much interested in current scientific thought, in the works of Spencer, Huxley, Darwin and Tyndall. His literary tastes were primitive and healthy. Milton's Paradise Lost, which he read and re-read, was a great favorite with him. He admired the vastness of the characters and scenes and the stately diction, which so well befitted the grandeur of the subject. And he shared Milton's own estimate of Paradise Regained, in considering it equal to the earlier epic.

Morton was free from personal vanity, and in his inter-

course with others he was entirely approachable and unaffected. He sought out no one and repelled no one. Within the limits of physical possibility none who asked to see him were turned away. Many of his political antagonists have the friendliest recollections of his companionable nature. "He had," said Halstead, "the amiabilities of a large man." In the Senate he became strongly attached to Sumner, and their friendship continued long after their political separation. In general society he was genial, sometimes merry, always courteous and careful of the feelings of others. Though his speeches were destitute of wit, he was full of it among his friends. His laughter was infectious and he delighted in anecdote and repartee.[1] He was occasionally absent-minded. Sometimes at the table he did not know what he was eating, so absorbed was he in conversation or in thought.

While he was Governor, the executive mansion was distinguished for its liberal yet simple hospitality. His table was generally full. Many people, from all parts of the state, followed the example of his Quaker friends in Wayne county and called him "Oliver." While in the Senate he rarely attended dinners and receptions, but gave his time to his work. His style of living was unpretentious. His coachman put on livery, but Morton forbade it. "We all remem-

[1] On the way from San Francisco to Oregon in 1877 his steamer was followed through the Golden Gate by one of the magnificent Pacific mail steamers, bound for China and Japan. Senator Saulsbury, of Delaware, turning to Morton said with pride, "Senator, that ship was built in the state of Delaware." "How much of it?" asked Morton. "The whole of it, sir," replied Saulsbury. "Then," said Morton, "they must have laid the keel lengthwise with the state."

Once in discussing the affairs of Kentucky, Morton said, "Kentucky has had a new birth, and is only about seven years old.

"Her age up to the abolition of slavery need hardly be counted. A man who was fifty when examined as a witness said he was 'twenty.' Some doubt being suggested, he answered that the first thirty years of his life had been passed on the eastern shore of Maryland, and he didn't count that. So it ought to be with Kentucky."

ber," says Williams of Wisconsin, "that primitive vehicle in which he rode from the capitol to his lodgings."

He was simple in his tastes and cared little for dress. He commonly wore a suit of black broadcloth, and his clothing, although neat, was not noticeable. Artificial stimulants he used but rarely. Near the close of his life he was compelled to resort occasionally to the use of opium to relieve the pain from which he suffered.

He was devoted to his family. He wrote to his wife, when absent from her, every day.

To his children he was deeply attached. They never parted from him, even for the night, without a kiss. This was true long after they were grown up and married. Those who gained admission to his home circle could not fail to observe the spirit of love and confidence that prevailed.

He cherished tenderly those who had been dear to him in early life. He prized all reminiscences and relics connected with his childhood.[1]

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[1] Laura Ream thus speaks of one of her visits to Morton's home, when an old chest in the house was opened and ransacked:

"There was a beautiful clock that had been brought from New Jersey years and years ago, and the frame of an umbrella, brass-mounted, with scarcely a shred of the green silk cover remaining. There was wearing apparel of the mother, so long dead and buried, and a baby quilt that had been fashioned by her hands before her child, Oliver P. Morton, was born. There was his first suit of boy's clothes, which had been preserved by his aunts, and, as article after article was shown to him by his wife, on the occasion of which I speak, his eyes lit upon a book which he eagerly took out of the trunk himself. It was a ghostly book. It was composed principally of funeral invitations which, with a few leaves of old-fashioned writing paper, were carefully sewed together. The Governor held it reverently, and reaching out his hand affectionately to his wife, who sat down by him, began to look over its pages. The funeral invitations had been inserted methodically, often along with obituary notices and penciled observations, and comprised a record of years in extent. There were friends and relatives of the family, and occasionally some one with whom there had not been entire accord. The review awakened many tender recollec-

He was warmly attached to his friends and they to him. It was charged, perhaps with reason, that like Grant, he carried his fidelity too far, but this is a trait which men will love even while they censure it.

Alexander relates that once when there were loud complaints against him because he kept W. H. H. Terrell in office as pension agent, Morton was told of the clamor, and said: "I know it, and I have given the matter careful consideration from the standpoint of duty. He was financial agent for the Governor of Indiana during the dark days of the war. He disbursed two hundred thousand dollars for civil, and seven hundred thousand dollars for military purposes, and not a dollar was lost nor a cent misappropriated. I was compelled to rely absolutely on his efficiency and honesty, and, although surrounded by leeches, army contractors and stay-at-homes who beset him for the purpose of making money, 'Buck' Terrell did not betray me nor the state. He is poor, the office pays him little more than a living, and I will not be a party to his deposition."

Morton was also a strong hater, but did not long treasure mere personal differences. He was greatly feared by his enemies. He would not have men about him who were plotting against him. Major Montgomery, the Federal quartermaster at Indianapolis, assailed him. Montgomery was transferred to another state. Morton learned that J. S. Cravens, of Madison, had inspired certain attacks upon him in the New York press, and when Cravens was appointed paymaster at Indianapolis, Morton secured the interposition of the President and Cravens did not come.[1]

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tions, and the Governor gave utterance to a charming reminiscent talk, which was interrupted by a telegram."

[1] The following is Morton's dispatch to Lincoln: "Major Cravens, paymaster, has been ordered to report for duty at Indianapolis. Opposition to my administration and personal abuse has been his chief occupation for the last twelve months. We can not co-operate and his presence here will do the service no good. I trust he may be assigned to some other

Morton belonged to no church. He seldom spoke of religion. He had no definite creed. His belief had been shaken in his college days by the "Evidences of Christianity," which he was required to study. He said to Sulgrove that what faith he had was the effect of association rather than conviction. He saw objections to the arguments in favor of revelation and did not wish to be forced to the alternative of perfecting his faith by study or giving it up altogether. He did not accept the orthodox view of the divinity of Christ. He was rather, says Alexander, a Channing Unitarian.

When he was stricken with paralysis he sent for his doctor and his lawyer, but the clergyman was not called. In his last illness, when Father Bessonies desired to see him, "Yes," said Morton, "he may come if he will not talk to me on the subject of religion." When, during the same illness, some representatives of the Methodist conference desired to see him he returned the same answer. A good old Quaker lady visited him and asked him if it would not be well to spend a little time in the care of his soul. He waved his hand and answered: "That has been attended to."

Yet, although he cared little for theology, he was by no means without religious feeling. He had great reverence for the name of God, and seldom used it lightly. Thomas M. Browne tells of a conversation in which Morton, reading from Lamartine's "Girondists," contrasted the dying words of Mirabeau—"Environ me with music, sprinkle me with incense and crown me with flowers, that I may pass into eternal sleep"—with the last discourse of Verginaud in the Conciergerie, in which the leader of the Girondists said: "Death is but the greatest act of life, since it gives birth to a higher state of existence. . . ." In this conversation Morton expressed his faith in immortality and his belief in a religion of

field of labor and somebody else sent here. The officer now here, Major Sherman, is a good one. I telegraphed to the acting Paymaster-General, but he refused to make the change. I ask your interposition."

love that discarded the "dry husks of creeds," and planted itself upon the broadest philanthropy and tolerance.

Whatever the precise form of Morton's faith, it seemed sufficient for his final hour, for, in his last moments, when asked if he were afraid to die, he shook his head in answer that he was not, just before he closed his eyes in death.

MORTON

The warm pulse of the nation has grown chill,
The muffled heart of freedom, like a knell,
Throbs solemnly for one whose earthly will
Wrought every mission well.

Whose glowing reason towered above the sea
Of dark disaster like a beacon-light,
And led the ship of state, unscathed and free,
Out of the gulfs of night.

. . . . . .

And yet tho' great the loss to us appears—
This consolation sweetens all our pain—
Tho' hushed the voice, thro' all the coming years
Its echoes will remain.

J. W. RILEY.

November 1, 1877.

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