

SIXTY-FIFTH YEAR.

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THE

# NORTH AMERICAN REVIEW.

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*EDITED BY ALLEN THORNDIKE RICE.*

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February, 1880.

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Tros Tyriusque mihi nullo discrimine agetur.

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# NORTH AMERICAN REVIEW.

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## THE CATHOLIC CHURCH AND MODERN SOCIETY.

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1. THE object of this paper is not speculative and abstract, but strictly concrete and practical. It is to ascertain what can be, and what ought to be, the relations of the Church in the nineteenth century to the political society of the world in the nineteenth century.

2. These relations must be—(1.) Those of amity ; or (2.) Of opposition ; or (3.) Of a mixed character—that is, both of amity and of opposition :

I. First, let us understand what is meant by society, and then by modern society.

1. By society I mean the state of man, or of human life, in the natural order apart from faith. It has three degrees of formation or completeness, namely—(1.) The domestic life ; (2.) The civil life ; (3.) The political life of a people or nation. Human society comprehends all these three stages or forms of life. They may be classed also more briefly as—(1.) Private life ; and (2.) Public life : the private life containing the domestic and social in its narrower sense, the public life containing the civil and political.

2. Now, neither mankind as a whole nor any integral portion of mankind, such as a people, race, or tribe, was ever yet a mere numerical multitude, without head, without social relations, or without authority.

“*Nos numerus sumus, et fruges consumere nati,*” was never true. There were always relations of inequality, as of parentage,

brotherhood, age, strength, mental and bodily, and therefore of subjection and authority, which constitute organization.

3. Men were never all equal. The first principle of 1789 is false, and it is the *πρῶτον ψεῦδος* of the nineteenth century.

4. There never was and there never could be an "original compact." The whole theory is a "*chimæra bombitans in vacuo*."

5. Mankind was never without organization, and therefore never without subjection and authority. Every generation of men reproduces both these elements in the domestic life; and no civil or political life is possible without these conditions. It would be anarchy, and anarchy can not last; it destroys itself by reaction, which again reproduces order and authority.

6. Authority, therefore, is an imperishable element in the condition and history of man. Authority is not of human creation. It is in itself divine. When St. Thomas Aquinas and others say that authority is given by God immediately to society, and mediately by society to the one or to the many who bear it, he declares authority to be *θεοδοτον*—that is, from God—and in itself to be a divine creation. This is the *crux* of modern society. It claims to create its own authority—that is, to be its own creator. Such also is St. Paul's declaration: "Let every soul be subject to higher powers, for there is no power but of God; and those that are, are ordained of God. Therefore, he that resisteth the power, resisteth the ordinance of God. And they that resist purchase to themselves damnation" (Romans xiii. 1, 2).

7. The theory of authority, as created by a delegation from the people, is therefore false. It is a negation of the truth, and an inversion of the intellectual and moral order of mankind. The people or society of men may designate the person, or the family, or the group of persons who shall bear authority, but they can not create it; nor can they, when it is once impersonated, revoke it at their mere will.

8. Authority, as it exists among men, has for its root either right or might. It either devolves peacefully from sire to son, or it emerges from conflict in the hand of the strongest. Might becomes right when confirmed by stability and permanence.

9. The authority of pure right is the most perfect, but perhaps it exists in unbroken devolution only in the sovereignty of the Vicar of Christ. Might is either the root or the renewal of every other authority in the world. But authority which begins in might becomes rightful in many ways, as in conquest followed by prescrip-

tion, by voluntary cession, by immemorial possession, and the like.

10. But the order which arises from might is better than anarchy. That a rightful sovereign be overturned is an evil, that society be overturned is worse. There is a time when loyalty to a dispossessed prince ceases to be a civic virtue; and when a legitimate prince can not rightfully attempt to recover his throne by force. If the attempt be easy of accomplishment, he may attempt it; if it be morally impossible, he ought not to attempt it; if it be both possible and probable, he and his subjects must use their prudence and self-denial; if it be possible but not probable, he ought not to risk civil war, which for an uncertain good brings certain bloodshed and misery upon his people. A restoration is one more revolution, which may indeed be made for the welfare of a people, but not merely for the sake of a person. "*Reges propter regna, non regna propter reges.*"

11. A revolution is a period of anarchy which can not last. Order by right or by might will put an end to anarchy, for anarchy is intrinsically destructive to the society of mankind. It is to society what mortal disease is to the body.

12. But society is imperishable. Given man, society by necessity exists. Man out of society is inhuman; man never so existed. Society is necessary to man, and not only to his perfection but to his human formation and development.

13. Historians say that a people is happy which has no history; for history is the narrative of wars and revolutions—that is, of the overthrows of authority and of order, and of the perpetual restoration of both.

14. Society, then, contains all the relations, bonds, and obligations of human life, domestic, civil, and political, and all the duties and affections which arise from those relations. Even Cicero could say, "*Omnes omnium charitates patria una complectitur,*" and St. Thomas says that the objects of the "*Donum Pietatis,*" or gift of piety, are "*parentes et patria,*" our parents and our mother-country.

15. From all this I infer that it is the duty of every member of a commonwealth to use his utmost power to hinder all evil, and to do all good he can to the state or people to which he belongs. These are positive and natural duties which he can not fail to discharge without culpable omission, or rather without a dereliction, and betrayal of the highest natural duties, next after those which he owes immediately to God.

So much for society, roughly and in outline.

II. Next, few words are needed as to the Catholic Church.

1. The Catholic Church is the society of man in the supernatural order.

2. It is a perfect society in all the sense and extension of the term. It has authority, subjection, inequality, equality, relations, bonds, obligations, with all the duties and affections arising from them. St. Paul's analogy of the body of a man or the human structure, with its unity of life, its symmetry, sympathy, mutual needs and reciprocal services of all its members, is not only a metaphor but a philosophy. If sociology were capable of a scientific sense, it would be the philosophy of society.

3. As natural society develops man in the natural order, so the Church perfects man both in the natural and in the supernatural order.

4. But the Church not only perfects man or individuals, both in nature and in grace, but it perfects the natural society of man also, in all its relations of private and public life.

5. The Church elevates, preserves, and perfects the domestic and public life of natural society. In Athens and in Rome, the two culminating points of natural civilization, society had almost died out by the gangrene which had eaten away the domestic and moral life of men.

6. There is therefore a divine obligation binding the Church to enter into the most intimate relations with the natural society or commonwealth of men, or, in other words, with peoples, states, and civil powers.

7. This is the principle implied in St. Paul's words in the xiii. chapter of the Epistle to Romans, and in his injunction to Timothy that prayers "be made for all men, for kings, and for all that are in high station, that we may lead a quiet and peaceful life" (1 Timothy ii. 1, 2).

8. And this is the cause why the Church has in every age striven to direct not the life of individual men only, but the collective life of nations in their organized forms of republics, monarchies, and empires.

9. So long as the world was heathen, it could only convert individuals and sanctify households. The state was at war with the Church; there was a conflict of laws, and an irreconcilable conflict of aims and actions. No coöperation could exist between them.



10. As soon as the society of the empire became Christian, the Church penetrated all its legislative and executive actions. The temporal power of the Pontiffs is the providential condition under which the Church has fulfilled its mission to human society.

11. The domestic, civil, and political life of man became Christian, and the Church enveloped the natural society of man in its own unity.

12. The union of the two societies was so complete that, as a whole, every member of the empire was a member of the Church, and every member of the Church was a member of the empire. They were concentric, coextensive, and coincident.

13. The civil and ecclesiastical discipline was so coincident and concurrent that a heretic was "*vitandus*"—to be avoided by all citizens as by all Christians. He not only forfeited his civil rights, but was put beyond the pale and commerce of human society. He was like the leper in Israel, whom no man could touch without becoming legally unclean. No man could give to the heretic fire or water.

14. When this coincidence ceased in part to exist, Pope Martin V., in the Council of Constance, relaxed the obligations of avoiding the inevitable commerce and contact with heretics in civil and political life. It was lawful to communicate with heretics in all things except only in religion. "*Communicatio in sacris*" is intrinsically evil. It involves at least implicit communion in heresy. But outside of that circle, which is divine, the faithful could, without censure, converse and coöperate with their fellow citizens in all lawful things of the political order.

15. The Church, therefore, continued to hold relations with those who had departed from the faith, except when *nominally* excommunicated, that is by name, in all things outside of the faith itself.

16. But this divergence of the two societies was not any change on the part of the Church, which by divine guidance is immutable. It was the falling away of men from the unity of the faith. And this divergence has extended itself continually for the last three hundred years.

17. Nevertheless, the Church never withdraws from the state as such; which would be to abandon the natural society of man to its own maladies and mortality.

18. It continues always to save and to uphold it, and, without taking the contagion, it is in contact with its maladies, to heal them. For this cause, while it permits the sons of heretics to frequent its

own schools, it forbids, as Reiffenstuel, Ferraris, and the Canonists show, Catholic parents to send their sons to the schools of those who are out of the faith (Ferraris, Bib. Can. Hæreticus, s. 19).

19. From this it is inferred—

(1.) That perpetual hostility to the political order of any state is no duty of the Church, unless such political order should be intrinsically anti-Christian or anti-Catholic.

(2.) That indiscriminate opposition to any political order is not lawful nor reasonable. Order as such is from God. Its disorders, revolutionary or anti-Christian, are maladies and transient conditions, which need to be opposed with a specific resistance, while the political order itself is respected and obeyed.

(3.) That perpetual abstention from exercising the duties of citizens can not be justified.

It is—1. An abdication of a natural duty.

2. A virtual and inevitable separation of Church and state, which is condemned in the Syllabus—that is, the separation of the two societies which God willed should be united, for the peace of the one and for the perfection of the other.

20. Therefore, in every society or commonwealth which may be suffering from temporary anarchy, or revolution, or conquest, or usurpation, the duty of using all civil powers and privileges still within reach for the welfare of the people, for the restoration of authority, and for the maintenance of order, is a Christian and a Catholic duty.

III. We now come to define what is meant by *modern* society.

1. Modern society is the old society of the Christian world mutilated by the character forced upon it by the last three hundred years :

1.) First, by the so-called Reformation which, wheresoever it prevailed, destroyed the Catholic unity, and extinguished the Catholic mind of the Christian society.

2.) Secondly, by the principles of 1789, which were not a mere local formula of French opinion, but a dogmatic theory of revolution, promulgated by its pretentious authors for all nations. It has now, in fact, directly and indirectly pervaded the whole political society of modern Europe.

3.) Thirdly, by the recent international settlement or law which has admitted the kingdom of Italy with Rome as capital, and there-

fore with the usurpation of the rights and sovereignty of the Pontiffs, into the commonwealth of European states ; and, so far as any *jus gentium* now survives, into the diplomacy of Europe.

2. Modern society, therefore, is not the natural society of the world before Christianity, nor is it the society of Christendom when the two societies were in amity, and coincidence of law and of intention, but it is the political society of the natural order, fallen from the unity of faith, communion, and obedience to the divine voice of the Church, revolutionary in its political creed and practice, and either in open usurpation, or in culpable connivance at the usurpation, of the sacred rights and sovereignty of the Vicar of Christ.

IV. From these premises it follows :

1. That the Catholic Church can only partially hold political relations with such states in Europe as have departed from the Catholic unity. They have either set up regalism, as in England, Denmark, and Sweden ; or Cæsarism, as in Prussia. In so far as they have departed from the jurisprudence of Catholic Christendom, they have rendered relations of coöperation impossible. But the Church can still hold relations with the domestic, social, and civil life of those countries in all that is of the natural order of mankind.

2. That the Church can hold no relations with the revolutionary politics of France and Italy, in so far as they are founded upon the principles of 1789.

3. But that it can and ought always to hold relations with the commonwealths of those countries, and of all countries in all things of the natural order, rejecting only the violations of that order, and their consequent antagonism to the divine law. In so far as these states put off their anti-Catholic and anti-Christian attitude toward the faith and the Church, in that measure they return to the state of simple natural society, with which the Church is not only able but is bound to maintain relations of amity and of coöperation.

4. It follows further that, in proportion as the civil powers of any state are under the dominion of an erroneous religion, or of a schism, or of a royal supremacy, or of an imperial despotism, or of an anti-Christian revolution, the Church can hold no relations with them. It can not coöperate with or condone the Lutheran or Calvinistic heresies, or the Anglican schism, or the Thirty-nine Articles of Queen Elizabeth, or the Four Articles of 1682, or the Organic

Articles of the first Napoleon, or the Russian Holy Ecclesiastical Synod, or the Falk laws, and the like. But, under all these, there lies the commonwealth or natural society in all its domestic, *social*, and civil relations. With this in all the regions of its life and conditions of its welfare the Church sympathizes and coöperates for the common good—and that because even toward such states as these the Church has duties, such as (1.) First, to guard and to conserve all of Christian faith and morals that still remains in them ; (2.) Secondly, to minimize all the evils of their legislation or government ; and (3.) Thirdly, to recall them by all influences to a better condition.

5. In proportion as the civil powers release themselves from the dominion and perversion of the influences which are antagonistic to the Church and hostile to the faith—in proportion, that is, as the state returns to its purely and simply natural order—the repulsions and barriers which made unity and coöperation impossible will cease to exist, and the Church can then draw its relations more and more closely and intimately to the national commonwealth. Such is, in the main, the condition of the Catholic Church in the United States.

6. The best example I know of a commonwealth which has lost its Catholic perfection, without losing its traditional but imperfect Christianity, and has at the same time returned in great part to the natural order—that is, to the truths of natural religion and to the four cardinal virtues—may be said to be the British Empire, and especially in some of its more recent colonies. There exists in it nowhere at this time a penal law in matters of religion. The Catholic Church has all its spiritual liberties ; no man can be molested for his faith. There exists, so far as I know, no bar to the participation of Catholics in any of the regions of the national life, domestic, social, civil, and political, excepting only the Crown and the office of High Chancellor in England. With few exceptions such as the Divorce Court and the presentation to livings in the Established Church, and the like, there is, so far as I remember, no branch of the public life and service of our commonwealth into which a Catholic, with a safe conscience, can not enter. He may sit in Parliament, he may dispense justice in Westminster Hall, he may serve and command in the army and the navy, he may hold any civil or political office under Government, he may partake in the whole world of finance and commerce. There is nothing outside of the unity of the faith and of the Church in which a Catholic in the British Empire may not be a citizen and a patriot, as there is nothing within

that unity in which he can yield a hair's breadth without betraying his fidelity, and deserving the worst of names, or at least that of a liberal Catholic.

V. 1. If, then, the Church be bound by its divine mission to conserve, to consecrate, and to coöperate with the natural society of man, then the withdrawal of Catholics from the active service of the commonwealth, and the non-fulfillment of the duties of citizens and patriots, is a dereliction of duty, and unlawful in itself.

2. In England, so long as penal laws excluded Catholics from all careers of civil and political life, there was no doubt as to their duty. Catholics had only to maintain inflexibly their unity of faith. It is not, perhaps, to be wondered at that they regarded the civil powers—and the whole nation—as antagonists, with whom they could hardly hold any relations of amity or of coöperation.

3. Nor is it, perhaps, a wonder that, after the abolition of penal laws, the same antagonism should continue as a personal sentiment, and that Catholics should feel no ambition and no desire, perhaps even no willingness, to enter into the careers of civil and political life. Such is the feeling of many among the faithful Irish race who can not forget or forgive the wrongs of their past history. It is no wonder, but it is a disaster, for thereby the whole administration of the commonwealth is left in the hands—I will not say of antagonists, but—of their non-Catholic countrymen. The penal laws have been abolished for half a century, but as yet Catholics are only entering slowly into civil careers, and no Catholic holds any political office of importance. The whole constituency of England, Scotland, and Wales, does not return a single Catholic to Parliament. Twenty years ago Catholics could hardly be induced to sign a petition to Parliament, or to take part in any public movements even of national beneficence. This was an unwise abstention, and canceled their weight in the public action of the country. It was socially and civilly *la politique d'effacement*, which their enemies most desire to perpetuate.

4. In France, inasmuch as the whole population, less only about one million out of thirty-eight, is nominally Catholic, the public life of the nation is in the hands of Catholics. Nevertheless, in every political election the abstention of a large proportion of voters, including the peaceful, the unambitious, and the retiring, who are also for the most part certainly Catholics, has left the effective Government of France in the hands of the anti-clerical parties, who are

also exaggerated republicans, and without faith at least, if they be not formally anti-Christian. And this evil has been greatly aggravated by the divisions and rivalries among the sections of the Conservative party, in which, if anywhere, the sounder Catholic politicians are or ought to be found. The sympathies of Catholics are rather with monarchy, royal or imperial, than with republicanism; but, the Imperialists and Legitimists being divided, the whole control of the political life of France is left to the Republican party, which contains within itself an extreme section, subversive of all relations between the commonwealth of France and the Catholic Church. It must be borne in mind that the republicanism of France is not the republicanism of Switzerland, nor of the United States. If the last outlines of the Catholic tradition of France are to be preserved in its civil and political order, it can only be done by a complete union of all the conservative sections against their direct and natural antagonist, namely the anti-Christian animosity of French republicanism. While Imperialists and Orleanists and Legitimists are contending in the vain hope of impossible restorations, the anti-clerical and anti-Christian party is becoming numerous, organized, and dominant. It is at this moment striving for the supremacy and the lead of the Republican majority in the Chamber and the Senate, and, this once attained, it will dominate over all political opposition, and dictate the secularization of all education from the universities to the primary schools,\* the abolition of the budget of the clergy, including the subvention to the seminaries, the withdrawal of chaplains from the army and the navy, and the complete dechristianization of the whole civil and political order of France. The France of St. Louis would then become, not the United States of America, which are just and tolerant in religion, but the France of Voltaire and Rousseau.

But into this subject, which I give only as an illustration, I will not enter further. I will conclude by reciting the teaching of Leo XIII. in the Encyclical of 1878. Leo XIII. affirms the divine origin of authority by drawing out a beautiful analogy of the divine monarchy in the celestial and ecclesiastical hierarchies: "It is plain the Church does wisely in impressing upon the people subject to authority the apostolic precept: 'There is no power but from God; and those that are, are ordained of God. Therefore he that resisteth the power, resisteth the ordinance of God. And they

\* Since this was written in 1869 the Empire fell, and the Ferry bill has fulfilled the foresight.

that resist purchase to themselves damnation.' And again he admonishes those 'subject by necessity' to be so 'not only for wrath but also for conscience' sake,' and to render 'to all men their dues; tribute to whom tribute is due, custom to whom custom, fear to whom fear, honor to whom honor.' For he who created and governs all things has in his wise providence ordained that all should occupy their proper places, the lower beneath the middle, and the middle below the highest. As, therefore, in the heavenly kingdom itself he has decreed that there should be distinct orders of angels, some subject to others; and as in the Church he has instituted various orders, and diversity of offices, not all being apostles, or doctors, or pastors, so also has he appointed that there should be in civil society many orders, distinguished by their rank, privileges, and power; so that the state, like the Church, should be one body, comprising many members, some more noble than others, but all mutually necessary, and all concerned for the common good."

Next he warns all Governments that their peril is in their antagonism to the tradition of Christian civilization, and that their only way of safety is in renewing their relations with it: "And therefore, venerable brethren, we, upon whom the government of the whole Church rests, as at the commencement of our pontificate we pointed out to the nations and princes exposed to the fury of the tempest the place of refuge where they might best seek for safety, now again, moved by the extremity of the impending peril, raise to them once more our apostolic voice, and entreat them, for the sake of their own and their people's welfare, to hearken to and obey the Church, which has done so much to maintain the prosperity of kingdoms, reminding them that the principles of religion and of government are so identified, that anything that injures religion must needs injuriously affect the loyalty of the subject and the majesty of government. And inasmuch as they must well know that there is in the Church of Christ a power to avert the plague of socialism, which is not to be found either in human laws, or in the rigor of magistrates, or in the force of arms, we exhort them to restore that Church to that position of liberty in which she may best exercise her saving influence for the benefit of all human society.

"But this audacity of perfidious men, which threatens greater ruin to civil society, and strikes the minds of all with anxious fear, derives its cause and origin from those poisonous doctrines which, scattered in former times like corrupt seed among the peoples, have borne such pestilential fruit in their season. For you, venerable

brethren, very well know that the object of the war which ever since the sixteenth century has been waged by innovators against the Catholic faith, and which has every day increased in intensity down to the present time, has been that, by the setting aside of all revelation, and the subversion of every kind of supernatural order, an entrance might be cleared for the discoveries, or rather the delirious imaginations of mere reason. This kind of error, which wrongly usurps the name of reason, as it elicits and sharpens the desire of superiority, naturally implanted in man, and gives a loose rein to desires of every kind, has spontaneously penetrated to the wildest extent not only a multitude of minds, but civil society itself. Hence it has come to pass that, by a novel impiety, unheard of even among the heathen nations, states have been constituted without taking any account of God and of the order established by him ; it has been, moreover, declared, that public authority derives neither its principle nor its majesty nor its power of command from God, but rather from the multitude of the people—which, thinking itself absolved from all divine sanction, has determined to acknowledge only those laws which itself has framed according to its own good pleasure.”

5. The social and political evils which are undermining the Christian society of the world culminate in one master evil, which again is prolific of all evils ; an evil which reproduces and perpetuates the whole tradition of apostasy from the Christian name. The state is everywhere claiming the education and formation of men. Christianity is expelled from that formation. Boys, youths, men, and nations will, if the Falk laws and the Ferry bills prevail, hereafter grow up in Germany, and France so far as the public laws can accomplish, without Christian faith or Christian morals. The state education is the formation of men “without Christ and without God in the world.” And that is the truest description of paganism. Man without God ends in political Cæsarism and the deification of the civil power. On this, Leo XIII. says: “The supernatural verities of faith having been impugned and rejected as if they were inimical to reason, the Author and Redeemer himself of the human race has been, insensibly and little by little, forcibly banished from the universities, the lyceums, the gymnasiums, and from every public institution connected with the life of man. Finally, the rewards and punishments of the future and eternal life being relegated to oblivion, the ardent desire of happiness has been confined within the span of this present life. These doctrines having been dissemi-



nated far and wide, this so great license of thought and action being everywhere introduced, it is no wonder that men of the lowest class, weary of a poor home or workshop, should desire to invade the palaces and fortunes of the rich ; it is no wonder that there now exists no tranquillity in public or private life, and that the human race has nearly reached its lowest depth."

In 1869—before the opening of the Vatican Council—the following words were written. They still describe the state of Europe at this day. There is not a Government in Europe, except our own, that did not use its influence against the Council and the Catholic Church. There is not a Government at this day, except our own, which has not a social revolution at its back, urging it on toward manifest dangers and perhaps toward its ruin :

"A moment's thought will be enough to explain why no civil Government was invited to attend. What Government, at this day, professes to be Catholic? How should any Government which does not even claim to be Catholic be invited? What country in Europe, at this day, recognizes the unity and authority of the Catholic Church as a part of its public laws? What country has not, by royal edicts, or legislative enactments, or revolutionary changes, abolished the legal status of the Catholic Church within its territory? On what plea, then, could they be invited? As governments or nations they have by their own act withdrawn themselves from the unity of the Church. As moral or legal persons they are Catholic no longer. The faithful, indeed, among their subjects will be represented in the Council by their pastors ; and their pastors are not only invited, but obliged to be present. If any separation has taken place, it is because the civil powers have separated themselves from the Church. They have created the fact, the Holy See has only recognized it. The gravity of the fact is not to be denied. It is strange, that, with the immutability of the Church, and the 'progress,' as it is vaunted, of society before their eyes, men should charge upon the Church the responsibility of breaking its relations with society. The Church at one and the same time is accused of immobility and of change. It is not the Church which has departed from unity, science, liberty ; but society which has departed from Christianity and from faith. It is said, 'If Christian unity be destroyed, if science have separated from faith, if liberty choose to reign without religion, a terrible share of the responsibility for these evils rests upon the men who have represented in the Christian world unity, faith, and religion.' Does this mean upon the Episcopate,

Councils, and Pontiffs? Who, if not these, 'have represented in the Christian world unity, faith, and religion'? Have they, then, misrepresented these things to the world? If so, who shall represent them? and where, then, is the divine office of the Church? The Pontiffs have been for generations lifting up their voice in vain to warn the Governments of Christendom of the peril of breaking the bonds which unite civil society to the faith and to the Church. They have maintained inflexibly, and at great suffering and danger, their own temporal dominion, not only for the spiritual independence of the Church, but for the consecration of civil society. But the Governments of the Christian world would not listen; and now a General Council meets, and the place where, as at the Lateran, at Florence, and at Trent, they would have sat, is empty. The tendency of civil society everywhere is to depart further and further from the Church. Progress in these days means to advance along the line of departure from the old Christian order of the world. The civil society of Christendom is the offspring of the Christian family, and the foundation of the Christian family is the sacrament of matrimony. From this spring domestic and public morals. Most Governments of Europe have ceased to recognize in marriage anything beyond the civil contract, and, by legalizing divorce, have broken up the perpetuity of even that natural contract. With this will surely perish the morality of society and of homes. A settlement in the foundations may be slow in sinking, but it brings down all at last. The civil and political society of Europe is steadily returning to the mere natural order. The next step in dechristianizing the political life of nations is to establish national education without Christianity. This is systematically aimed at wheresoever the revolution has its way. This may, before long, be attempted among ourselves. It is already in operation elsewhere. The Church must then form its own schools; and the civil power will first refuse its aid, and soon its permission, that parents should educate their offspring except in state universities and state schools. The period and the policy of Julian are returning. All this bodes ill for the Church, but worse for the state. The depression of the moral order of right and truth is the elevation of the material order of coercion and of force. The civil powers of the world do not choose this course; they only advance in it. There is behind them a power invisible, which urges them onward in their estrangements from the Church; and that unseen power is at work everywhere. It is one, universal, invisible, but not holy—the true, natural, and implacable enemy of

the one, visible, universal Church. The anti-Christian societies are one in aim and operation, even if they be not one in conscious alliance. And the Governments of the world, some consciously, others unconsciously, disbelieving the existence of such societies, and therefore all the more surely under their influence, are being impelled toward a precipice over which monarchies and law and the civil order of the Christian society of men will go down together. It is the policy of the secret societies to engage Governments in quarrels with Rome. The breach is made, and the revolution enters. The Catholic society of Europe has been weakened, and wounded, it may be, unto death. The Catholic Church now stands alone, as in the beginning, in its divine isolation: '*Et nunc reges intelligite; erudimini qui iudicatis terram.*' There is an abyss before you, into which thrones and laws and rights and liberties may sink together. You have to choose between the revolution and the Church of God. As you choose, so will your lot be. The General Council gives to the world one more witness for the truths, laws, and sanctities which include all that is pure, noble, just, venerable on earth. It will be an evil day for any state in Europe if it engage in conflict with the Church of God. No weapon formed against it ever yet has prospered."\*

HENRY EDWARD CARDINAL MANNING,  
*Archbishop of Westminster.*

\* "The Ecumenical Council and the Infallibility of the Roman Pontiff," by Henry Edward, Archbishop of Westminster. London: Longmans, 1869.

## THE THIRD TERM.

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THE Presidential contest of 1872 had scarcely closed with the triumphant reëlection of General Grant, when a New York newspaper, of wide circulation and pervading influence, but somewhat prone to sensational utterances, announced that republican institutions were in imminent peril from the probable election of the same individual to a third term. It was boldly affirmed that American liberty could not survive such an experiment.

Of course, the announcement startled that whole body of Democratic opposition which had bravely followed Seymour and Blair to ignominious defeat in 1868, and which had cravenly clutched at the skirts of Horace Greeley in 1872 in the vain hope of being dragged to victory. It startled a large body of soured Republicans who had failed to secure, or, having secured, had disgraced, preferment. It startled a larger body of Republicans who, acknowledging the illustrious services of President Grant, yet for personal or local reasons preferred an early succession of some other individual of the same political faith. And it startled a still larger number of Republicans, who did not expect to find a President more prudent, more sagacious, or more honest than President Grant had been, yet who were made to fear that, as no President had ever been elected for more than two terms, so for some occult reason it would be unsafe ever to elect one for more than that number of terms.

Other newspapers echoed the solemn warning of the "Herald." Political conventions took up the refrain. The senseless clamor culminated when, on the 15th day of December, 1875, the Honorable Mr. Springer, a Democrat from the State of Illinois, presented to the House of Representatives a resolution in the following words :

*Resolved*, That in the opinion of this House the precedent established by Washington and other Presidents of the United States, in retiring from the

Presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

The rules of the House were suspended, and the resolution passed on the very day of its introduction. No less than two hundred and thirty-three votes were recorded in its favor. Only eighteen members voted against it.

That reiterated vociferation accomplished the purpose for which it was designed. It defeated the renomination of General Grant in 1876.

A political party must be brave and conscientious before it will venture to stake its hopes of the post-offices upon the reëlection of a President who has been fired at by millions of his countrymen for four years, and lied at by more millions for eight years. But, when to the hostility engendered by vilification is added the distrust born of a popular panic, no matter how groundless, temerity itself would doubt the availability of the victim.

Still, that resolution remains upon the journals of the House. It will remain there for ever. We hope posterity will be considerate enough to remember that we had not quite entered upon the second century of our national existence when that champion piece of charlatanry was enacted in the House of Representatives. But, happily, at the present time the Springer resolution is inoperative. President Hayes can not be elected to a third term, for he has not yet served a second term. It is true, General Grant still lives, and he might be elected to a third term. But the Springer resolution does not forbid that. It only enjoins retirement after a second term. Grant retired at the end of the second term, in strict accord with the precedents and the resolution.

That resolution rests upon the bold assumption that patronage and not principle dominates the electors of the republic; that the postmasters are too many for the people; and that he who controls appointments for eight years will form a corps of eighty thousand official janizaries who will easily subjugate six million who have never been appointed! But audacity itself has not yet ventured to suggest that a private citizen is likely to ride down people and postmasters both, merely because he once controlled appointments.

Since, then, no one can now be hurt or helped by the Springer resolution, this seems a fortunate time to discuss the merits of that fulmination. Since the reign of Jeroboam the world has not seen

true believers seduced from the worship of God to that of mere metallic calves. It is much to be desired that the world may not again see true republicans scared by a senseless clamor into putting lighted candles in their caps, after the manner of miners, and going down into subterranean depths to quarry out a President, while the foremost man of his age stands upon the mountain-top, upon whom the eager world has set the seal of primacy.

It is therefore the purpose of this article to show that in those few lines quoted from the journal of the House of Representatives are comprised a grave impeachment of the Federal Constitution, a gross libel upon its framers, a base counterfeit of our political history, and a wanton insult to our common sense.

The Constitution clearly permits what the resolution so forcibly condemns. The fundamental law puts no limit to the number of terms for which the people may elect the same man to the Presidency. And to affirm that it is "unwise," "unpatriotic," and "perilous to our free institutions" to elect the same man three times, is simply to impeach the Constitution for sanctioning an act so malevolent in its tendencies. Moreover, the question of reëligibility was not overlooked by the men who made the Constitution. It was carefully considered and reconsidered by them. They were not wanting in sagacity.

No one idea was so prominent or so universal in the Constitutional Convention as this : *Presidents must be reëligible*. Whoever they might elect, they should have the right to reëlect. Whatever might be the length of a term, there should be no limitation upon the number of terms. The reason was obvious. Mr. Gouverneur Morris, the man to whose rare genius, according to Mr. Madison, we are indebted for the polished style of the Constitution, stated that reason as tersely as it need be stated. "To forbid reëlections," he said, "tended to destroy the great motive to good behavior ; the hope of being rewarded by a reappointment. It was saying to him, Make hay while the sun shines." Roger Sherman also said : "If he behaves well, he will be continued. If otherwise, he will be displaced on a succeeding election." Mr. King thought there was great force in the remark that "he who has *proved* himself most fit for an office ought not to be excluded by the Constitution from holding it." All thought reëligibility essential to a well-ordered government. But all thought it essential, also, that the executive and legislative departments of the government should be, as much as possible, independent of each other. How to secure both that

independence and reëligibility was a problem which the Convention found it difficult to solve. The prevailing opinion at the opening of the Convention was, that Congress should elect the President. And all could see that if Congress elected, and might reëlect the President, he would feel not independent of, but quite dependent upon, the Legislature. To avoid that dependence, some proposed to make him ineligible for a second term, while others proposed to make him elective in some other way than by Congress. But on the 17th of July, after weeks of debate, the Convention voted unanimously that the Executive be chosen by the National Legislature. When that had been carried and on the same day, upon the question of making him reëligible, six States, to wit, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, and Georgia, voted ay, while four States only, to wit, Delaware, North Carolina, South Carolina, and Virginia, voted no. By those votes the Convention deliberately declared that the dependence of the Executive, although an evil, was a less evil than ineligibility to more than one term. On the 26th of July that decision was reversed. On that day, in the absence of the delegates from Massachusetts, seven States voted for the motion of Colonel George Mason, of Virginia, to make the "Executive to be appointed for seven years, and be ineligible a second time." In that shape the article on the Constitution of the Executive went to the Committee of Detail, and was subsequently reported back by that committee in these words: "The Executive power of the United States, shall be vested in a single person. His style shall be 'President of the United States of America,' and his title shall be 'His Excellency.' He shall be elected by ballot by the *Legislature*. He shall hold his office during a term of *seven* years; but shall *not* be elected a *second* time."

When that clause again came before the Convention for consideration, the struggle was renewed to rescue the choice of the Executive from the hands of Congress. The struggle was protracted and somewhat heated. At length the whole subject of the Constitution of the Executive was referred to a committee of one member from each State. The committee was chosen by ballot, and upon it, among others less known, were placed Mr. Roger Sherman, Mr. Rufus King, Mr. Gouverneur Morris, and Mr. James Madison. On the 4th of September that committee reported a plan for choosing Presidents and Vice-Presidents by an electoral college. The plan provided that, if the colleges failed to elect, the choice should de-

volve upon the Senate. Mr. Sherman explicitly avowed that "the object of this clause of the report of the committee was to get rid of the ineligibility which was attached to the mode of election by the Legislature, and to make the Executive independent of the Legislature." But the new plan was at once attacked upon the assumption that the colleges would never elect, and of course the Senate would always elect, so that the President, instead of being independent, would be the mere creature of the Senate. After a long debate, Mr. Rutledge, of South Carolina, moved to postpone the report of the Committee of Eleven to take up the plan reported by the Committee of Detail. By that motion the Convention was called to choose directly between a President to be chosen by the Legislature for a single term of seven years and a President to be chosen by the electoral colleges or the Senate, but without limit as to number of terms. The motion was negatived. Only North and South Carolina voted for it. With some modifications, the plan of the Committee of Eleven was made a part of the Constitution, and the records of that great debate do not preserve the name of a single man with judgment so debauched as to object to the reëligibility of Presidents, if only the choice could be preserved from legislative control.

The Constitution, as finally agreed to, was not satisfactory to every member of the Convention. Many refused to sign it. Among those so refusing were Messrs. Robert Yates and John Lansing, of New York ; Edmund Randolph, Richard Henry Lee, and George Mason, of Virginia ; and Elbridge Gerry, of Massachusetts. Each one of those distinguished gentlemen has left on record his reasons for refusing to sign the Constitution. But not one of them enumerates the reëligibility of the President as an objection to the instrument. Did the House of Representatives affirm a "peril to our free institutions" which does not exist, or did those clear-sighted cavilers, eager as they were to find fault, fail to see a peril which did exist ?

Again the Constitution was submitted to a critical review, in the several State Conventions called to consider the question of its ratification. In Massachusetts, one hundred and sixty-eight members voted against ratification. But not one of the whole number objected to the reëligibility of the President. No such objection was suggested in the Conventions for Connecticut or New Hampshire. That criticism was made in the Convention of New York. It was made by Mr. Melancthon Smith, a delegate from Dutchess



County. He had been a delegate from the State in the Federal Convention. He was the apostle of the gospel of rotation in office. He was a consistent one. He urged the rotation not of Presidents alone, but of Senators and members of the House also. But Mr. Smith found no second to his idea in that Convention, and even he seems to have abandoned it. For, when subsequently he moved his schedule of amendments, the adoption of which he desired to make a condition precedent to ratification, he omitted all mention of reëligibility.

In the Pennsylvania Convention the objection was not heard of. One year after Pennsylvania had ratified the Constitution, a large Convention assembled at Harrisburg, to propose amendments to it. Twelve different amendments were agreed to. But no limitation upon reëligibility was even proposed.

The Maryland Convention would not consider amendments ; would not hear objections. One member after another arose in his place to say he was sent there "to ratify the proposed Constitution, not to amend it." They would not allow an amendment to be read even, but, on the very week they assembled, they voted to ratify the instrument, by a vote of sixty-three to eleven. Having ratified the Constitution, in order to pacify its opponents the Convention appointed a committee of thirteen to consider the subject of amendments. To that committee were submitted thirteen amendments, to which they agreed, and fifteen which they rejected. But not among the whole twenty-eight amendments considered can be found one single word of criticism upon the reëligibility of the President. The Convention in North Carolina was far less cordial to the new scheme of government. That Convention not only proposed twenty-six amendments to the text of the Constitution, but agreed to prefix a bill of rights containing twenty sections. But not even in North Carolina was a man to be found to object to the reëligibility of the President. No such man was found in South Carolina.

One such was found in Virginia, but only one. In the Virginia Convention the new instrument of government was subjected to the most searching review, to the most savage analysis. The Convention was large ; the enemies of the Constitution were numerous and resolute. They convened on the 2d of June. They did not vote upon ratification until the 24th. Then seventy-nine out of one hundred and sixty-eight votes were cast against ratification. During the debate which preceded the vote, every objection which human

sagacity could detect or human ingenuity could invent had been urged against it. One man caviled at the reëligibility of the President. Mr. George Mason had been a member of the Federal Convention. He had heard reëligibility declaimed against there, while the plan was to give the election to Congress. That plan had been abandoned—had been abandoned, as we have seen, for the avowed purpose of removing the objection to reëlections. Still, Mr. Mason seemed to think he might arouse some hostility to the Constitution by an argument against reëligibility. His argument is worth reproducing, since it is the only one in our literature upon which the edict of the House can be excused. Mr. Mason said: "The President is elected without rotation. It may be said that a new election may remove him and place another in his stead. If we judge from the experience of all other countries, and even our own, we may conclude that, as the President of the United States may be elected, so he will. . . . This President will be elected time after time. He will be continued in office for life. If we wish to change him, *the great powers in Europe* will not allow it. . . . It is a great defect in the Senate that they are not ineligible at the end of six years. The biennial exclusion of one third of them will have no effect, as they can be reëlected. Some stated time ought to be fixed when the President ought to be reduced to a private station. I should be contented that he might be elected for eight years, but I should wish him to be capable of holding the office only eight years *out of twelve or sixteen.*"

The Springer resolution is the first echo of George Mason's speech. But, among all the men who debated the Constitution, either in the Federal or the several State Conventions, there are but two who are open to the suspicion of having favored a legal restriction upon the right to reëlect Presidents. Those two are Melancthon Smith, of New York, and George Mason, of Virginia. But it should be remembered in exculpation of Smith and Mason that they were openly trying to defeat the Constitution. They were opposed to it. They had not sworn to support it. It was not unnatural that they should raise unreal objections to it. They did not assault a Constitution they had sworn to support, for the purpose of destroying an imaginary candidate by stabbing through it.

The men who made the Constitution struggled to secure the reëligibility of Presidents. They surrendered preferences, abandoned cherished ideas, and devised new plans, in order to preserve the right to repeat the elections and prolong the services of able

and upright Presidents. They could hardly have expected that within a century a generation would appear whose representatives would dare to proclaim that the exercise of that simple right for which they sacrificed so much was "unwise, unpatriotic, and fraught with peril to our free institutions."

The resolution refers to the precedent established by Washington and other Presidents, in retiring after the second term, and declares that precedent to have become part of our republican system. But a majority of our Presidents have retired after a first term. Why should the two-term precedent become a part of our governmental system more than the one-term precedent? It may be said that General Washington chose to retire at the end of his second term. The fact was so; but it is difficult to see how General Washington's refusal, in the latter part of the last century, to serve a third term, should debar the people, in the latter part of this century or the next, from choosing a man a third time who will serve. But if General Washington's personal tastes are equivalent to a constitutional limitation, then the one-term rule should prevail and not the two-term. He ardently desired to retire at the end of his first term. He avowed that desire often and earnestly. He assigned his reasons frankly and repeatedly. His reasons were personal, not patriotic. He never pretended that he sought retirement to promote the public welfare, but only to gratify his own feelings. He said to Mr. Jefferson that "he had, through the whole course of the war, and most particularly at the close of it, uniformly declared his resolution to retire from public affairs, and never to act in any public office; that he had retired under that firm resolution; that the government, however, which had been formed, being found evidently too inefficacious, and it being supposed that his aid was of some consequence toward bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the Convention, and on the same motive, after much pressing, to take a part in the new government, and get it under way. That were he to continue longer, it might give room to say that, having tasted the sweets of office, he could not do without them; that he really felt himself growing old, his bodily health less firm; his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself; that this apprehension particularly oppressed him: that he found, moreover, his activity lessened, business therefore more irksome, and tranquillity and retirement become an irresistible passion."

His personal wishes were overruled. He consented to a reelection, and was unanimously reelected. Envious of his overshadowing fame ; jealous of his commanding influence with the people ; fearful that they might again refuse to permit his retirement at the end of his second term—the hungry pack, who longed to succeed him, commenced systematically to tear him down. The air was filled with calumny, with caricature, with lampoons and lies. Partisan malice pursued him with that same hound-like ferocity with which it pursued President Grant during his second term. He did not bear it as Grant bore it. No man saw President Grant quail before the gibes of his enemies or before the guns of his country's enemies. Washington was stung to the quick by the injustice of his countrymen.

Before the first year of his second term was ended, Jefferson reports that at a Cabinet meeting “the President was much inflamed ; got into one of those passions when he can not command himself ; ran on much on the personal abuse which had been bestowed on him ; defied any man on earth to produce one single act of his, since he had been in the government, which was not done on the purest motives ; that he had never repented but once the having slipped the moment of resigning his office, and that was every moment since ; that by God he had rather be in his grave than in his present situation ; that he had rather be on his farm than to be made emperor of the world ; and yet that they were charging him with wanting to be a king !”

Washington, like Grant—the father of his country like the savior of it—was accused of “Cæsarism.” It is not so very strange that three millions of people just emerged from monarchy should be jealous of imperial designs. But it is passing strange that forty millions just swaggering into the second century of freedom should be scared by so soft a spook !

No one expected to dissuade President Washington from the retirement he so passionately coveted beyond the expiration of his second term. He was sixty-one years old when that term commenced. He was sixty-five when it ended. The infirmities of which he complained at sixty were aggravated at sixty-five. He died before the next term ended. The number of his enemies had multiplied. Their hate was intensified. Jefferson had left his Cabinet. Madison was alienated from him. He had been compelled to recall Monroe from France. He yearned for rest, and he inflexibly sought it. Such was the example of our first President.

No one asked Mr. Adams to accept a third term. But few asked him to accept a second. His example, therefore, furnishes no more sanction to the Springer resolution than does the example of Mr. Washington.

Mr. Jefferson furnished a precedent more to the purpose. The Legislatures of several States formally invited him to become a candidate for a third term. He as formally declined the invitation. He stated his reasons for declining as follows: "That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office. . . . Truth, also, requires me to add that I am sensible of that decline which advancing years bring on; and, feeling their physical, I ought not to doubt their mental, effect. Happy if I am the first to perceive and to obey this admonition of nature, and to solicit a retreat from cares too great for the wearied faculties of age."

Those reasons are satisfactory. Undoubtedly, every public functionary should lay down his "charge at a proper period." But the proper period is just as clearly that which suits the public convenience, and not that which suits the convenience of the individual. History has already exploded the assumption of Mr. Jefferson that, if the term of service for the Chief Magistrate be not fixed, he will continue to hold for life. The term of service is not fixed by any law or any practice, and yet not one half our Chief Magistrates have in fact been elected even the second time. "A representative government responsible at short periods of election" is undoubtedly wise, and "that which produces the greatest sum of happiness to mankind." But the right to elect government agents at short periods does not involve the necessity of electing *new* agents at each recurring period. Elections should be not only periodical but free. If the people really wished Mr. Jefferson to serve a third term and he refused to do so, then the election of 1808 was not free but re-

stricted. The people had not free choice but restricted choice, and their freedom was impaired by the act of Mr. Jefferson. But Mr. Jefferson is not exposed to that imputation. He could have assigned a better reason for declining to serve a third term than any of those he did assign. That better reason was, that he could not be elected to a third term! That fact had been made quite manifest at the time he declined to be a candidate. Nothing is clearer in history than that he waited for just that manifestation of public opinion before he did decline. The Legislature of Vermont first threw his flag to the breeze on the 5th of November, 1806. More than two years before his second term expired, the Legislature of Vermont addressed to Mr. Jefferson a formal invitation to become a candidate for a third term. In December following the Legislature of Georgia joined in that invitation. Maryland did the same in January, 1807. Rhode Island in February, and New York and Pennsylvania in March, followed their example.

Mr. Jefferson is known to have been a most diligent correspondent. During all those months he was constantly receiving letters from individuals, from municipalities, from religious societies and political organizations. He replied to such promptly, becomingly. But to the Legislatures of those great States he deigned no reply for more than a year after the first one addressed him. On December 4, 1807, the Legislature of New Jersey joined in the invitation of Vermont. Mr. Jefferson determined to wait no longer. He addressed letters to Vermont, New Jersey, and Pennsylvania, declining to be a candidate for reëlection. In stating his reasons for declining, he employed the same terms in each letter. Those letters bear date the 10th of December, 1807. They were given to the public in the columns of "The Aurora," at Philadelphia, on the 19th of the same month. Up to that time no one had heard an objection to a third term. Seven States had asked Mr. Jefferson to accept a third term. Nobody had objected to his having another term because he had already enjoyed two. What he himself thought of a third term he had diligently concealed from the public during the whole agitation. Two days before his letter appeared in "The Aurora," that journal copied from the "Trenton True American" an article commencing in these words: "Will Mr. Jefferson consent to serve another term as President? is a question which almost every Republican anxiously asks, but which no one can certainly answer." The States which at that time had declared for a third term cast sixty-two electoral votes. North Carolina

subsequently joined the number. North Carolina then gave eleven votes. That would make the number of electoral votes which had declared for Mr. Jefferson, seventy-three.

But the States of Ohio, Tennessee, Kentucky, Georgia, South Carolina, and, worst of all, Virginia, where both Jefferson and Madison had their homes, obstinately refused to join in the Jefferson "boom." They were Republican States, they voted for Madison, and they were accorded fifty-five electoral votes.

Then the States of New Hampshire, Massachusetts, Connecticut, and Delaware, cast thirty-nine electoral votes. They were Federal States, not Republican. They voted for Pinckney, and would not vote for Jefferson or Madison either.

Of course, when it was ascertained that there were thirty-nine votes which no Republican could secure, and fifty-five Republican votes which Jefferson could not receive, but Madison could, the former had excellent reasons for declining a third term for himself. But he had no reason for declining a third term for all his successors. When satisfied, after an active canvass of more than thirteen months, that the people did not wish to prolong his services beyond a second term, he did well to recognize the fact. He would have done better if he had not attempted to frame his disappointment into a law which should prevent any of his successors from serving longer than he did.

Since the retirement of Mr. Jefferson there has been no attempt to renominate a President to a third term. There is ground for believing that, if Mr. Van Buren had not secured the succession to General Jackson, the latter would have been retained another term. That expedient was discussed at the time. The "Herald," a Democratic newspaper of Philadelphia, then said :

"The present attitude of Judge White, of Tennessee, appears rather calculated to produce an impression of division in the Democratic ranks, of a serious character. But this danger will vanish, when we reflect that if it should appear formidable, when the National Convention meet, that body will dissipate it in a few minutes, by the *nomination of Andrew Jackson for a third term*; a measure every way calculated to avert the defeat of the Democratic party by the Whigs; and more than justifiable by every principle involved in the contest of the party, who are fighting for *popular rights and democratic government*."

But constitutions, history, precedents, and statesmen have been misconstrued, before the era of the Springer resolution. Rarely,

however, has the human understanding been so rudely insulted as by that strange fulmination.

To tell rational creatures that "free institutions" are imperiled by the reëlection of one who for eight years has proved a faithful Magistrate, but are insured by the election of one who has never been proved at all, seems to be the extreme of audacity. That is to say, that our institutions would have been endangered by the election of George Washington to a third term, but were preserved by the election of John Adams; that is to say, that our republican system would have been threatened by a third election of James Madison or Andrew Jackson, but was preserved by the fortunate election of James Monroe and Martin Van Buren.

"I have no other lamp by which to guide my feet," said Patrick Henry, "than the light of experience."

When science fails and revelation is silent, one has no better light than that. And, if experience teaches anything, it teaches that, the longer a public servant has been faithful, the surer he is to be faithful. That is as true of the First Magistrate as of any subaltern; as true of the head of the nation as of the head of a bureau. The railway manager who should dismiss a conductor, or the banking company which should dismiss a cashier who had been faithful for eight or for eighteen years, upon the presumption that, because he had been faithful so long, it was unsafe to trust him longer, would be deemed insane.

It is even more irrational to conclude that one who has for eight years scrupulously guarded the solemn trusts reposed in an American President is for that reason to be more distrusted than a new man.

"Thou hast been faithful over a few things, I will make thee ruler over many," is the practical wisdom approved by the Saviour. The Honorable Mr. Springer teaches us that he who has been faithful over all things for eight years should be trusted with nothing thereafter. The world will make a mistake if it shall turn from Jesus of Nazareth to follow Mr. Springer, of Illinois.

When the Constitutional Convention had finally agreed to the plan of a President chosen for four years, and reëligible at the pleasure of the people, Mr. Alexander Hamilton said: "He liked the new modification on the whole better than that in the printed report. In this the President was a monster, elected for seven years and ineligible afterward; having great powers in appointments to office, and continually tempted, by this constitutional dis-



qualification, to abuse them in order to subvert the government.' Mr. Springer's resolution resurrects the monster which Hamilton denounced, and which the Convention with such diligence buried.

Paul taught the Hebrews that without sacrifice there was no remission of sins. Americans are taught that not even sacrifice will save a President from rebuke after eight years' service, although he has been sinless.

TIMOTHY O. HOWE.

## M. DE LESSEPS AND HIS CANAL.

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THERE appears in the January number of the "Review" a contribution by M. de Lesseps, to which I feel disposed to reply. The same ideas have been more elaborated in the "Bulletin du Canal Interoceanique," published in Paris under his immediate control. I have not replied, as these articles appeared, from a willingness that he shall have it all his own way where his language is spoken, or abroad where he is regarded as especially authorized to instruct. If he can find in Europe a moneyed support, and particularly in France, it is not our affair. When he writes in English, and publishes his ideas in one of the leading periodicals of my country, he not only invites but challenges a reply.

Months ago we were informed of what he had to say before the Geographical Society of Paris; he expressed surprise and even disappointment at finding so little opposition; it was a regret to him that he could not secure a controversy on the canal question, and appeared, as the Irishman is represented at the Donnybrook Fair, most anxious "to find some gentleman who would do him the favor to step on the tail of his coat."

Without specially wishing to perform that office, I purpose pursuing my way quite regardless of other objects than a fair discussion, and shall confine myself as far as possible—1. To a review of the points presented for American consideration; 2. To some points he does not present; 3. To the general merits of the question growing out of his presentations. And I beg my readers to take note—in explanation of my frequent allusions to M. de Lesseps—that that gentleman's connection with the Panama Canal enterprise is about all that gives it importance in France.

It is gratifying to see that M. de Lesseps states that our Government for a long series of years has recognized the advantage,

and endeavored to promote the knowledge necessary to solve the possibilities of an interoceanic ship-canal; this is taking a proper step. If published in Paris it would appear as a contradiction or a revelation of what we had been about for the past quarter of a century.

On page 3 M. de Lesseps says: "In the examination made of different projects in the United States, the only plan thought of has been to make use of inland waters for constructing a maritime canal, and they have entirely neglected to study the methods by which they would secure a constant level of sea-water for the purposes of navigation in a channel from one ocean to the other."

This does not comport with M. de Lesseps's opening acknowledgments of the interest taken by our Government and people in this question; it is not only at variance with the facts, but what are known to be the facts to every intelligent American. Such an averment emanating from him might find believers in France, but with us will excite either a feeling of ridicule or of indignation. He states this in the face of his averment that we have spent five million dollars in making surveys across the isthmuses—in the face of the presentations to the Congress of our surveys, extending over the whole regions involved, without the existence of which he would have suffered the perplexities of M. Drouillet.

The assertion of M. de Lesseps is made in the full knowledge and possession of a line of levels and best location possible for a ship-canal across the Isthmus of Panama, carefully made, as he was informed, by Mr. Menocal in the Congress, without any preconceived height, if at all, above the ocean-level. The summit-level arrived at was the result of a necessity that was found apparent.

The following extract from the orders of Commander Lull shows how far M. de Lesseps is in error in his quoted assertion I am now discussing. His orders were prepared by the Commission, although signed by the Secretary of the Navy.

NAVY DEPARTMENT, WASHINGTON, D. C., *December 29, 1874.*

SIR: Upon the request of the Interoceanic Canal Commission for more specific information in relation to the Isthmus of Panama, in general in the vicinity of the line of railroad, you are detailed, and will proceed in the steamer of January 2d, from New York for Aspinwall, with the party of officers ordered to report to you.

Your thorough experience in these matters relieves the Department from preparing minute and contingent instructions. You will, however, obtain specific information on the following points, viz.:

1. In relation to water-supply and the points whence it should be drawn for an interoceanic canal, if constructed upon the Isthmus of Panama.
2. The difficulties that may exist from floods.
3. Actual locations of the most practicable line or lines, with locations of locks, if the route, upon examination, should render this advisable.
4. Observation as to whatever in the way of material or other conditions would look to the general question of construction, whether of advantage or disadvantage.
5. To obtain in advance from the Panama Railroad Company whatever information as to levels, *known to be authentic*, the company may be disposed to give you, which may form a basis for your special careful instrumental examination.
6. By the aid of a tug, and whatever other facilities may be necessary to enter the Chepo River, making such examinations of it as may be thought advisable after inspection. It is suggested, if the near approach of massive, solid ground on both sides of the Chepo should make it possible by dams to flood considerable areas and distances for slack-water navigation, that it might be found practicable in connection with a tunnel of considerable length to the Gulf of San Blas. If the prosecution of this examination should be found advisable, put it in such a shape as will not lead to doubts as to relative practicability.

It was only after a full consideration of all the routes surveyed, and the belief of the Commission that no others existed equal to those that had been developed, that it sent in its report of preference for the Nicaragua route, as the above facts abundantly establish, notwithstanding the ideas of M. de Lesseps to the contrary.

There is nothing more potent than a grievance. M. de Lesseps presents one. It is nothing less than that the Congress which he invoked had not been furnished with all of the means by which the Commission appointed by the President of the United States had arrived at a decision respecting the merits of the different routes. This "exclusively American Commission" was appointed under an act of Congress to obtain and report upon all necessary information touching the question of the practicability of an interoceanic ship-canal across this continent. To enable it to carry out the expressed objects in the progress of the work, it thought necessary to ask a personal inspection of the routes by able engineers for *its information*, in order the better to form an opinion as to the relative cost of execution, over which it was supposed actual lines of location existed. These inspections were made, and revealed the fact that the Atrato-Napipi route located by Commander Selfridge was almost wholly supposititious, and that the Nicaragua route located by

Commander Lull presented all the elements of calculation for an engineer.

The Commission endeavored in vain to get from or through the Panama Railroad surveys for a canal, said to have been made by Colonel Totten. As far as I know, only partial lines were made by him for that object.

Finding it impossible to get the information otherwise than through an instrumental survey, the Commission stated to the President of the United States its inability to arrive at a conclusion without it, and our Government immediately directed its execution in a manner quite satisfactory to the Commission, by the commanding officer and civil engineer who had executed the surveys of the Nicaragua route, thus obviating a further examination of them for comparison as to cost of execution.

The Government also directed the making of an actual line of location *via* the Atrato-Napipi route by Lieutenant Collins, U. S. Navy, a very able and reliable officer, as the results of his surveys show.

The Commission then examined carefully into all the work done, and sent to the President its report, journal of proceedings, and copies of all of the surveys and inspections, upon which it based its decision. The surveys of the Panama and Atrato routes were published especially for and sent by our Government to the Paris Congress. Our Government did not furnish the journal of the Commission nor the long reports of the engineers sent over the two routes above named, *not as a board*, but to give their individual opinions *for the information and guidance of the Commission*. The value of this information was duly acknowledged in their report, of which copies were furnished the Congress. Has M. de Lesseps a real or an imaginary grievance? Has the "exclusively American Commission" indulged in ways that are dark, as is inferred?

In due time I shall revert to his parade of the candor and ingenuousness of the Congress considering that subject, in the light of papers which I think he will agree with me are not to be found even in the libraries of the Geographical Society of Paris.

There is an old proverb that it is not polite to look a gift-horse in the mouth. There was no moral obligation on the part of our Government to furnish M. de Lesseps and his Congress with any surveys; there would have been neither reason nor object in using duplicity. He was furnished with all the information in our possession, and was at liberty to assign any value to it that he thought

proper. In relation to the cost of these surveys, I wish to correct an error. He gravely asserts the expenses incurred through making them was \$5,000,000.

In 1870 an appropriation of \$40,000 was transferred, which furnished instruments, engineers, draughtsmen, hired labor, extra rations, shelter-tents, etc., for the Tehuantepec and Nicaragua surveys, and for all those made by Commander Selfridge. The special expenses necessary for the objects above named for instrumental surveys of the Panama route by Commander Lull and for the Atrato-Napipi route by Lieutenant Collins, amounting to about \$10,000, were met by the navy contingent fund, in great part, at least, very little of the \$40,000 appropriation remaining unexpended.

No expenses were entailed on the Government through the diversion of vessels of war from their ordinary duties as cruisers to "special duty" to aid in these surveys. The cost of publication was defrayed by special appropriations, probably amounting to \$50,000. As M. de Lesseps's statement of the expenditures made as a consequence of these surveys is preposterous, the public would be pleased to know the source of his misinformation.

Referring to page 5, we find M. de Lesseps compliments General Türr and others, who formed an initiatory society, of which we shall know more before the close of this paper. He says, "In that company I have taken no part whatever."

In April of 1866 a M. Gogorza sought my acquaintance and informed me that he knew a low line of levels across the Isthmus of Darien. I expressed my gratification, and was informed that he sought an interview with General Grant, to lay the whole matter before him. I replied that I knew General Grant took great interest in that subject, and hoped that I could arrange this as he desired. In short, General Grant sent an officer then on his staff to see M. Gogorza, who showed partial maps, and finally said that he was unwilling to give up his great secret, as he would then be quite in the power of those who were possessed of it. Some years after I received a note from him, urging haste, without which his precious information would fall into the hands of Europeans, a calamity that he was most anxious to prevent. Perhaps somewhat in an Anglo-Saxon manner I replied that I would have nothing to do with a mere pretender. I had placed him years before in communication with General Grant, and he had failed to carry out his expressed purpose.

During the fall of 1876, after I had prepared a paper which was

read October 31st before the Geographical Society of New York, the Secretary of State presented me a pamphlet by M. Gogorza, who at length had given the world his great secret. I stated that I had a personal acquaintance with this individual, and pointed out, by the height he gave the mouth of the river Paya above the sea-level, that what was asserted as a fact was a mere fallacy. A foot-note, read before the Society referred to, exposed the pretension of Gogorza. I may as well add that the paper was prepared for the purpose of showing the sufficiency of our information respecting the Isthmus to controvert the assumptions of M. Drouillet, French engineer, and the first Secretary of the Initiatory Society. He visited our country to invoke the aid of our learned societies in a "generous attempt" to explore these (to him) unknown regions, in relation to which he had vainly endeavored to inform himself for the past five years, but could not, by reason of the information being entirely contradictory!

In addition to being possessed of "valuable information," M. Gogorza held a provisional grant from the Colombian Government. Hence we see his title to a very considerable share of the proceeds of the Initiatory Society before alluded to—not resulting, however, from the benefit derived from his "information," for we find that Lieutenant Wyse, after all, did agree with me that the Tuyra-Tupisa route was impossible for a canal, as shown in my paper of November, 1878. Yet he compliments Gogorza on his services, and himself visited Bogota twice to secure desired amendments to the concession, which at length were obtained. In reading the papers of the Initiatory Society, it seems that M. Gogorza was like Esau, not in the matter of a hairy coat, but in the value that he attached to a mess of pottage—General Türr, the brother-in-law of Lieutenant Wyse, supplying (figuratively) the coveted article. The Paris Congress was then called—not, however, until ten days' labor in running a dozen cross-sections over the levels of the Panama Railroad had opened up that unknown region, and had established the practicability of a ship-canal *à niveau*, the plans for which received such high commendations from M. de Lesseps in that august body.

Now the intelligent reader will be prepared to compare the supposed hidden, devious ways of the American Commission with the interesting and much-vaunted preliminaries to and proceedings in the Paris Congress, as shown in the "Articles of Agreement of the International Society for cutting an Interoceanic Canal through the Isthmus of Darien" (see Appendix).

Considering M. de Lesseps's apology for us, based on the very humble ideas held by the American Commission by reason of small sailing-vessels and rudimentary steamers forming our commercial marine, and calling at the same time our attention to the grand dimensions and purposes of steam marine in Europe, it may naturally be supposed that the attention of persons who may interest themselves in the canal project will be directed to a provision for the transit of longer vessels, through the construction of sufficient locks and curves of longer radii. His ideas as to locks and lockage, however, are very crude, or, to speak with more propriety, his citation of a lock at Bordeaux as "a vast improvement ; and yet, great as it is, the Congo, of the Transatlantic line, occupied an hour and a half in passing it," shows so deplorable a want of efficiency in that respect that it excites surprise.

In this country, the commerce of which, in the opinion of M. de Lesseps, is confined to small sailing-vessels and steamers of small or rudimentary development, a lift-lock is now near completion at St. Mary's, Michigan, five hundred and fifteen feet in length, sixty feet width of gate, and eighteen feet lift. The computed time of a steamer entering into and passing through the lock is *eleven minutes*. The constructor is General Weitzel, United States Engineers, who has been engaged for the past twelve years in constructing and operating locks of large dimensions. Without intending disparagement to the many able men who attended the Paris Congress, I will add that, in this department of engineering, he may be regarded as the equal of any.

M. de Lesseps found, notwithstanding the "information" and services of M. Gogorza, that only after the researches on the Isthmus of Panama "the time had arrived for realizing the wish of 1875, namely, to convene a national congress to which all the investigations made and all the plans proposed should be submitted. . . . I sent an invitation to all the chambers of commerce and scientific societies without making any appeal to governments, and on our sole invitation everybody came." Mr. Menocal and myself were ordered by our Government to attend the Congress. We met many other officers of foreign Governments who occupied the same position as ourselves. Can any intelligent person believe that our Government, without invitation or request, sent delegates to this meeting?

On May 23d M. de Lesseps addressed the Congress as follows (p. 638): "In my belief we should not make a canal with locks at



Panama, but a canal at the sea-level ; that is, I believe, the public opinion of which I am the organ at this moment."

The Congress obligingly conformed to his expressed wishes ; he was the organ of "public opinion," and he charged himself with the execution of the work. I am not disposed to reply either affirmatively or negatively to the question, "Can any one assert that the Nicaragua project was not sufficiently examined?" If the Congress and its President are satisfied with the examination, it would be idle and captious to dissent. If they are satisfied with the decision, we are also ; the question of whether engineering considerations supported the decision is quite another question. M. de Lesseps presents the case as though there were only an American support to the canal *via* Nicaragua, and excuses us for our apparent want of comprehension of a grand idea. The question has been discussed in the Society of Civil Engineers of France ; it would be simply a narrow prejudice not to recognize that body as the equal of any on the globe.

It is worth while to state with precision the character and attainments of an able civil engineer. He is a man eminently gifted with a perception of the forces of nature in their varied forms, and is thoroughly educated in the means and devices which will permit of using them as far as possible, and, when a question arises of antagonizing them, to do so with the greatest economy ; he is thoroughly an economist, and supports that which is best for any proposed purpose in all its bearings. Like the jurist, he belongs to no land ; knows no special pleading ; recognizes and sustains only what he regards the *truth* under all conditions, and ignores the fact that his personal interests may suffer thereby. In this connection I may say no one of the five able engineers, delegates to the Congress from the Society of Civil Engineers of Paris, supports "public opinion" and its organ. They and many other eminent French engineers were *absent* when the vote was taken, or voted *no*.

On the 20th of June, in Paris, this Society was addressed by two of those delegates, M. Cotard and M. Lavalley. After hearing all this discussion, M. de Lesseps is still pleased to hold up the canal *via* Nicaragua as wholly an American idea, that existed in fact only from a want of comprehension of the grand problem solved by Wyse and Reclus, the discoverers of the possibilities of Panama. If any one will take up the journal of the proceedings of that day, he will not have to *suspect* why M. de Lesseps is silent in regard to it.

The very high and deserved compliments paid to M. Lavalley as an engineer by M. de Lesseps (see page 637 of the proceedings) would lead to the supposition that sufficient value would be attached to his opinion to insure a remembrance that it had been expressed at length, and was supported by several of the very able engineers present in the discussion referred to. I submit the question if it is quite ingenuous to present to the American public the idea that the Nicaragua project has no other than an American support, when it has the support of such eminent and able engineers in France?

It fails to have the support of M. Dauzats, Chief Engineer of the Suez Canal, who has gained his experience under the tutorage of his illustrious patron. He has recently written a pamphlet, in which, by an able and skillful adaptation of a flood that occurred on the Suez Canal, as a measure of the conditions required on the Isthmus of Panama, he has, in his belief, settled the feasibility of a canal *à niveau, via* Panama. Now, to satisfy the public at large, and especially in this country, an additional measure is suggested—that of the relative magnitude of the Suez flood and the one which submerged the Panama Railroad from the 20th to the 29th of November last, and bearing steadily in mind that the average yearly rainfall at Panama is one hundred and twenty-four inches, and Suez one inch and a third.

The "Report of Congress," a beautiful volume of 700 pages, is declared "a monument of science erected in a fortnight." I have on a former occasion spoken of the many able men whom I had the honor to meet in that assemblage; of its composition as a whole there are diverse opinions. A pamphlet published in Paris with the title of "400,000,000 à l'eau," gives the following:

"Let it be remarked that one half of the Congress were French; they had been chosen by the organizers of that assembly; thirty-four members belonged to the Geographical or the Commercial Geographical Society of Paris. What was their competency to decide between a canal with locks or on a sea-level? Fourteen other members were engineers or assistants of some sort on the Suez Canal. What was their impartiality between M. de Lesseps and others? And, among the others, if one takes count of personal friendships and of the prestige exercised by a great name, how many more will remain?" The writer is a gentleman of character and ability well known in Paris; therefore I feel at liberty to give his view.

The objection to Nicaragua, based on the destructive effects of earthquakes, is best met by the statement that a high, broken arch-

way of a ruined church in the town of Granada has stood for a quarter of a century against the action of gravitation even, due to the tenacity of the cement—a proof as well of the value of this native product, so essential in large quantities for canal construction, as that earthquakes in that region may be regarded at least without alarm. Berghaus's chart has been appealed to as a proof that the Panama region is not subject to these convulsions, yet on May 1, 1879, three shocks were so severe as to cause consternation along the line of railroad, and at least one heavy shock has occurred this fall. The fact is, the whole Central American region is well known to be subject to them, with a remote possibility of injury, the less serious in proportion as the works admit of repair. In this connection M. Lavalley said, in the discussion before referred to :

“Engineers should not fail to examine all sides of a question. An objection urged against the construction of locks is the frequency of earthquakes. It is, then, a question to consider the injuries which locks would suffer ; they would be simply fissures, and such accidents as are relatively easily repaired. On the other hand, it must be asked, what effects these same earthquakes would produce on a tunnel of forty metres' opening.” (At that time the tunnel was urged, but abandoned later for an open cut more than three hundred feet deep, the side-walls almost vertical.) The reader will naturally ask, What effect would an earthquake have in shaking down these broken rocks into the canal? In short, the relative questions are to be considered as remote possibilities. All of the locks on the Nicaragua Canal, except four, are so planned as to admit of drawing off the water from them without emptying the canal, reducing to a minimum the time of delay and the cost of repair.

The idea expressed by M. de Lesseps in the Congress, that the Americans could very well afford to pay four times the tolls charged at Suez, has singularly enough been omitted in the “Review.” As this is an important question, it seems strange indeed that so candid a man and so disposed to discuss the merits of a canal should have failed to present so important a subject as the rate of tolls.

Touching the matter of the “Monroe doctrine,” I am disposed to support the opinion of M. de Lesseps. When a European nation enters into occupation and domination of American territory as France did under his patron, the late Emperor, during our civil war, we can properly send a polite diplomatic note that we would prefer a withdrawal of its forces, as we did on that occasion. It is

true that, in addition, a force of seventy thousand men under General Sheridan was held on the frontier of Mexico, which may have been regarded as a substantial backer to the note. M. de Lesseps, educated in Eastern diplomacy, as he states in making mention of treasured advice received from Mehemet Ali, will be able to form an opinion as to the relative values of the diplomatic note and of the disposable force.

Respecting the able presentation of the voyages of the ships of Hiram and Solomon to the land of Ophir, of Parnim and Tarshish, I have nothing to say, or, rather, I will concede all he says, and yet have to confess, after looking at the matter in all of its practical bearings respecting the construction of a ship-canal, I am still lost in the merest conjecture. Sentiment should always be respected; it can not be put in a balance and weighed like gold and silver or precious stones.

M. de Lesseps has so frequently stated that there were fewer engineering obstacles in the construction of the Suez Canal than on many of the railroads in France, that I invite attention to that fact as an answer to his several notes of admiration on page 14 respecting the execution of that work.

He has as frequently said that all the difficulties now urged against the Panama sea-level canal had been urged against the construction of the Suez Canal, so that it was only necessary to substitute Panama for Suez, and it was the same old story. So far as I am aware, no one has suggested that a rainfall of one hundred and twenty-four inches would at Suez cause great damage without the use of lockage to a sufficient height to escape the destructive effects of floods. This physical condition was brought to his notice as existing at Panama, that is to say, a rainfall one hundred times that at Suez.

We learn that M. de Lesseps, accompanied (we hope) by the able engineers "who made plans for ample drainage of the surplus water of the Chagres River," is now *en route* to Panama. Had they arrived at any time between the 20th and 29th of November, they would have had an opportunity of seeing, in the terse language of Sir John Hawkshaw, "how those showers behave."

There is an old story of Canute the Dane, who, surrounded by flatterers, was informed that even the winds and the waves would obey him. He seated himself on the borders of the rising tide and commanded it to halt, but it would not; so, after all, he found it necessary to leave, somewhat angered, it seems, as he is supposed to

have said to his followers, "Base flatterers, God alone can stay the floods!"

Soon M. de Lesseps will stand where a recent flood filled not only the bed of the stream, but the entire valley. Will his genius provide a remedy? That the floods come in their might is an inexorable fact. The "able engineers" may sing their lullabys to M. de Lesseps; he may take up the strain and give it to the world; and Mr. Nathan Appleton may tell him that after a lecture in Chicago he will get all the money he requires. Will the moneyed world join as a chorus, swelling the note to one of triumph of the mighty forces of man and the insignificance of those of Nature?

The article under discussion closes with these hopeful words: "I do not hesitate to declare that the Panama Canal will be easier to begin, to finish, and to maintain, than the Canal of Suez."

I will assume that the displacement of a shovelful of earth somewhere in the vicinity of the work is not seriously a beginning. In my view, the raising of the necessary funds is the real beginning of the work. After the Congress had formally endorsed M. de Lesseps as the organ of "public opinion," his books were opened with great *éclat* in Europe and even in America; after three days he closed them and announced that, as the amount subscribed was insufficient, the subscribers were at liberty to withdraw the money paid in. His "Bulletin" has been singularly silent respecting the number of shares of stock taken. I have seen an estimate that it amounted to about two per cent. of the sum required. In his address in Washington, Mr. Nathan Appleton expressed the belief that M. de Lesseps would come to this country after leaving Panama, lecture at Chicago, and then the money would be obtainable. Without wishing to interfere with what concerns those gentlemen, it would seem to me that the place to seek a moneyed support would be where "public opinion" demanded a canal *à niveau*—in Paris—where they are both so favorably known.

Respecting the canal *à niveau*, *via* Panama, Sir John Hawkshaw said, "During the construction of a canal at the sea-level, difficulties would arise in providing for drainage, which would affect both time of execution and cost to an extent that could hardly be ascertained in advance."

These difficulties will not, unhappily, be exorcised. The flood of November last was several feet higher than was indicated by Mr. Menocal in the Paris Congress, in relation to which Lieutenant Reclus asked him if he was "serious." The road-bed of the Panama

Railroad is supposed to be located with the view to secure, as far as possible, immunity from floods, yet the damage sustained, it is stated in recent dispatches, will certainly cause suspension of traffic until January 1st, and perhaps until February. How can any person continue to say that the maintenance of the Panama Canal *à niveau* would be less difficult than that at Suez, when such a flood would seem to be sufficient to almost obliterate it throughout one half of its length, were it now constructed ?

It does not require an engineer to appreciate the power of floods in the transportation of silt, bowlders, trees, etc., or to make note of the vast piles accumulated at such points or sections as by reason of greater width of stream, or from a decreased velocity, favor a deposit.

There are certain relations of rainfall, difference of levels, character of bottom and of adjacent lands when submerged, which make up what is known as the *regimen* of a stream, to reëstablish which, in its entirety, requires only a sufficient number of floods, whatever temporary changes man may have effected by dredging.

The silt from the Nile far away makes the maintenance of the harbor of Port Said a matter of grave consideration ; last year five hundred and sixty thousand cubic yards had to be dredged from the outer harbor of that port, yet the character of the high waters of that stream and the comparatively small descent per mile make its transporting power very small indeed as compared with the Chagres.

In addition to the physical difficulties affecting the finishing and maintenance of the canal, M. de Lesseps seems to have a concession which would weigh heavily upon the tolls, and it is said that the Panama Railroad demands and has been promised \$14,000,000 in money and \$40,000,000 in canal stock for the road, rolling stock, and franchise. He can very readily enlighten the public in the "Bulletin" in this regard, and as to the statement of his counsel, that the canal will cost 800,000,000 francs, and thus reduce the profits of the stockholders one half (see Appendix, "Journal of Proceedings of Initiatory Society").

In the opinion of M. de Lesseps, "sailing-vessels have come to occupy a very subordinate position in the commerce of the world." Few pass through the Suez Canal, therefore they are doomed and will soon disappear. The fact is, sixty per cent. of the English tonnage between the East and Europe still passes around the Cape of Good Hope, notwithstanding the existence of the canal, which in

1878 was used by but twenty-five sailing-vessels. The statistics of Great Britain indicate that the carrying capacity of her sailing fleet engaged in foreign commerce is double that of all steam-vessels similarly employed, and a steady yearly increase of tonnage in sailing-vessels is also shown; the statistics of the Suez Canal seem also to show that the tonnage likely to pass through it has reached a maximum.

As regards the relative merits for sailing-vessels of the Nicaragua and Panama lines, the subject has been so often and so thoroughly discussed that it hardly admits of further controversy. The opinion of Commander Maury, expressed in relation to Panama, it seems to me should be considered in a qualified sense. It was an expression of the delays that would result to vessels depending upon sailing-power only, unaided by tugs over very considerable distances. He said that if an earthquake should rend the continent asunder at Panama the strait would be unused by sailing-vessels, from the prevalence of calms in that region. It seems to me that it would lead to the employment of very many towboats and towage through this region, which in certain directions has less distance to where winds may be found than in other directions.

The region of Greytown on the Atlantic coast and Brito on the Pacific are almost exempt from calms. By reason of the winds favoring both outward and return voyages, sailing-vessels would, for a long period at least, be the most considerable factor through the Nicaraguan Canal.

I have endeavored to follow the paper of M. de Lesseps and point out certain grave errors into which he has fallen, and have done so with less chagrin, as it may enliven the canal question to him and in a measure alleviate his disappointment expressed at the absence of a serious opposition. It has been necessary to allude to points not presented by him, such as his proposed rate of tolls, and to discuss some of the general features of the question; but the intelligent reader who has no previous knowledge will be able to form only a partial and a not very intelligent opinion by reading the paper of M. de Lesseps and my reply.

Within the past three years I have prepared three papers for the American Geographical Society of New York, which contain all the information I possess touching the economy and the possibilities of an American interoceanic ship-canal.

DANIEL AMMEN.

WASHINGTON, *January 1, 1880.*

## APPENDIX.

Articles of Agreement of the International Society for cutting an Interoceanic Canal through the Isthmus of Darien, August 19, 1876.

ARTICLE I. A mutual society is hereby formed by the subscribers, with the following objects: 1. To cause to be made by chosen engineers the general outline and estimates for an interoceanic canal, without locks or tunnels, across the Isthmus of Darien, following first and foremost the track indicated by M. Gogorza.

ART. IV. . . . It is now agreed that after the meeting of delegates from the Geographical Societies, under the presidency of M. de Lesseps, to take place at Paris in October, General Türr will resign in favor of M. de Lesseps the presidency of the Board of Directors, then to be elected.

ART. VIII. . . . of the six remaining beneficiary shares, two are to be placed at the disposal of General Türr, and, of the four others, two shall be allotted to M. Wyse, who will conduct the expedition, and two others are to be reserved for a purpose known to the persons interested.

Extract from the Proceedings in General Meeting of the International Civil Society of the Interoceanic Canal, held June 10 and 17, 1879.

The subscribers to the International Civil Society of the Interoceanic Canal met on the 9th inst., at Rue Mogador. . . .

The President then declared that a quorum of the Society was present, and pronounced the following words:

“ . . . Whoever, then, builds the canal, our Society will have given the initiative to the work. We hoped that it would push the execution of the work under the direction of the illustrious founder of the Suez Canal; but M. Ferdinand de Lesseps, who for four years has assisted us with his advice, has now decided to prosecute in person the realization of this immense enterprise, and desires that our Society should concede to him its work and its interest, only preserving in the company which he is about to form the interest resulting from our share of the capital.” . . .

A MEMBER: “Our concession stipulates that, if the route for the canal through the United States of Colombia is adopted, the share of the conceding Society shall be ten per cent. of the stock capital raised for building the canal. It being thought necessary to raise a total capital of eight hundred million francs, it will be no doubt preferable to restrain the shares to a total value of four hundred millions. In this case our right would be forty millions, if we insisted on interpreting the letter of our contract; but it is evident that this figure is too large, and that we can not maintain it. . . . I am of opinion, therefore, that our Society should demand fifteen million francs for its concessions.” . . .

After a long discussion, in which all the members of the board of the conceding Society took part, the sum was fixed definitely between them at fifteen million francs.



M. Ferdinand de Lesseps then said: "Your declarations are loyal, and I take pleasure in telling you so; but I will be obliged to ask you to make me a written proposition. I said to General Türr: 'If your Society is in a position to prosecute the work, I do not seek to interfere, and I retire; but in the contrary case, as I shall have all the responsibility, I do not desire partners in what concerns the subscriptions, nor engagements with any one.'" . . .

"Two days after, in answer to our proposition, M. de Lesseps sent us an opinion, drawn up by his counsel, of which the following is an abstract:

"I. By the terms of this document, M. de Lesseps not only enters into this negotiation with his name and moral influence, but with a positive determined right of intervention.

"The act of incorporation of the conceding Society declares that the presidency shall be offered to him; therefore he might have identified himself with our Civil Society, in which he, as president, would have had the casting vote, in case of division.

"His official influence has been, nevertheless, important. Messrs. Wyse and Reclus undertook the exploration by his advice, and the confidence of capitalists was stimulated by the certainty that he would put himself at the head of the enterprise when the moment of execution should arrive. M. de Lesseps summoned the Congress and brought together the former engineers of Suez, by whom the technical and statistical problems were solved. The estimate of probable revenues, on which will be based the appeal to capital, is the work of the Congress presided over by M. de Lesseps, and the programme for the execution of the work will result from the labors of the Congress as much as, if not more than, from the investigations of the Civil Society. Finally, the vote of the Congress has conferred on M. de Lesseps a new right, inasmuch as a part of the votes were influenced by the confidence with which he inspired the electors.

"Supposing that the Society should sell its right, could it do so without remunerating M. de Lesseps and his colleagues? If M. de Lesseps claims nothing, his refusal to claim can not benefit the Civil Society, and its shareholders should reckon with M. de Lesseps.

"II. What is the real value of the concession? Ten per cent. of the capital is reserved to the Civil Society. This capital, taken at the moment of opening the negotiations for concession, was valued at four hundred million francs, which would give forty millions to the Society. At present the capital should reach eight hundred millions, which would make the society's share eighty millions. But this increase of expense would diminish and not increase the advantages reserved to the founders of the Society, which in any case can not be greater than forty million francs.

"The Civil Society, not having fulfilled the obligations which the concession imposes in compensation for the advantages ceded (since it still remains to organize the company of execution), has only accomplished the first part of its work—important, no doubt, but only partial.

"The ten per cent., say forty millions, would be conceded without con-

test if the canal were already open for navigation ; but the Society's right in this claim is only proportionate to the expenses which it has incurred.

“ If M. de Lesseps should express his private opinion, he would say that the cost of the enterprise having been estimated at first at four hundred million francs and the share of the Society at forty millions, but the canal costing ultimately eight hundred millions, and the profits of shareholders diminishing one half, the share of the privileged beneficiaries should be diminished in the same ratio, that is, reduced to twenty millions ; and, on the other hand, the original founders of the Society being exonerated, by their concession to the company of execution, from a part of the charges equal in importance to those already incurred by them, ten millions should be given to the original members and the other ten millions reserved to the new members, who will have to bear the heavy expenses to be incurred up to the completion of the maritime canal.

“ III. Whether the figure ultimately accepted by M. de Lesseps be ten or fifteen millions, the ‘ opinion ’ proposes to reserve, at the time of subscription, ten or fifteen millions of stock which shall be allotted to the founders and members of the Civil Society. This stock shall be credited with disbursements already made by the stockholders, in proportion to such disbursements, and the shares shall be delivered to the beneficiaries on the day on which they are taken up. This deposit will be a partial but effective representation of the guarantee offered by the Civil Society to the new company.”

## NOW AND THEN IN AMERICA.

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GLANCING lately over a column of humorous items in a New York journal, I was struck by the pithy remark that an Englishman visiting the United States for the first time "writes up" the whole country in ten minutes; whereas a Frenchman compiles a voluminous account of American institutions and manners without ever having visited America at all. The statement may be somewhat paradoxical; but, as often happens with paradoxes, it contains a certain substratum of truth. English travelers on this vast continent are generally in as desperate a hurry to record in print their impressions of what they have seen as they have been to gather such impressions; and the result of this over-haste in seeing and writing is, naturally, confusion. In a neighboring republic they have a story about the agent of an English insurance company who, once upon a time, was sent out to Mexico to investigate the causes of a fire, compensation for which was claimed by the insured parties. He landed at Vera Cruz—in which city the fire had occurred—on Christmas eve, say in the year 1870. With due diligence he made his inquiries; and, these being ended, he was able to avail himself of a homeward-bound steamer, which left Vera Cruz for Havana on the 2d of January, 1871. Six weeks after his return to England he published a brace of very handsome octavo volumes, with the comprehensive title, "Mexico in 1870-'71." This may be taken, perhaps, as a fair sample of the practice of "writing up" a country in ten minutes. I do not say that such a "lightning-express" system is adopted by all English tourists in the United States. Observant travelers, thoughtful travelers, patient travelers, conscientious travelers, have come hither time and again from the shores of Great Britain. It is very probable, for instance, that Mr. Thackeray could have said, had he so chosen, a great deal that would have been cogent and pertinent concerning the great country in which

he had been so splendidly received, and the society in the most enlightened circles of which he was so cordially welcomed: only, Mr. Thackeray never chose to say anything whatever on the subject; and his silence was judiciously accepted as golden. Had the dream of his life been realized, and had he obtained a diplomatic appointment at Washington, the world might have been favored in time with a conspectus of American society from the pen of William Makepeace Thackeray as exhaustive and as impartial as the conspectus of American politics produced more than forty years since by Alexis de Tocqueville. As it is, few, I should say, will accuse Mr. Froude, or Mr. Anthony Trollope, or Mr. Goldwin Smith, or the late Mr. Maguire—although the last-named publicist only dealt with the condition of the Irish in America—with having “written up” the United States in ten minutes. On the other hand, I should be stupidly indifferent to or ignorant of the current literature of my own country were I not able to recall scores of books published in England during the last twenty years and written more or less on the “ten-minutes” principle. A young English peer or guardsman arrives here with an indistinct notion that it will be “awfully jolly” to see some buffalo and grizzly-bear shooting somewhere out West. Out West he goes, scampering thither and scampering back; and directly he is safe again in Pall Mall he, or his wife—if Nimrod has been fortunate enough to find a spouse who is a mighty huntress before the Lord, and does not shrink from accompanying him on his expedition—courts public favor with a bulky tome, beautifully printed and picturesquely illustrated, with some such attractive title, it may be, as “Bisons and Bonanzas,” or “Grizzly Bears and Greenbacks,” or “Terrapin and the Tariff.” Alliteration’s artful aid is invaluable in choosing a title for a book of travels. Again, a gentleman who thinks that he is a genius, and whose friends in England have been telling him for years that he has only to set foot in New York to be at once and unanimously acclaimed as the greatest of living geniuses, arrives here per Cunard or White Star steamship with his library or his scientific lecture, his “entertainment,” his panorama, his white mice, or what not, prepared to have his olfactory organs titillated with any amount of incense, and to make fifty thousand dollars by a few months’ lecturing or “entertaining” tour. Speedily he may discover, to his astonishment and dismay, that the American people have heard little, and that they care less, about him; and that at the moment they are far too much occupied by or in-

terested in Mr. Edison's discoveries, or the recent sale of New York Central stock, or Mr. Talmage and his presbytery, or the Maine election problem, or the "Frog Opera and Pollywog Chorus," to care one dime about him or his lecture, his "entertainment," his panorama, or his white mice. The man of genius goes home, minus the fifty thousand dollars which he had expected to realize, and in dudgeon. Ere long an *opusculum* appears from his pen: "Bowery Boys and Buckwheat Cakes"; "Wall Street and Waffles"; "Democracy and Delmonico's," or the like; and not unfrequently his "ten minutes'" impressions of a country which contains more than forty-five millions of people, and of which his path has covered only a very few square miles, are colored and disagreeably colored by the feelings of disappointment not unnaturally excited within his breast by the failure of the American people to appreciate him, his genius, his lectures, his panorama, or his white mice, as the case may be. After all, he may not be, when you come to read between the lines of that which he has written, a much more untrustworthy traveler than he who comes to the State with a ponderous budget of letters of introduction to the "first families," who is "put through" and passed on from agreeable coterie to agreeable coterie, be these fashionable, literary, artistic, or especially religious coteries; who lives at the best clubs and the best restaurants; who goes out to three or four balls or receptions, or tea-fights, or prayer-meetings every night; who is charmed with everything and everybody that he has met with, and who goes home to write a book in raptures: picturing America as a terrestrial paradise, and the Americans as only a little lower—if, indeed, they are not a little higher—than the angels. There is not much to choose, it strikes me, between the unreliability of too rosily-colored spectacles and of eye-glasses tinted to the hue of the yellow jaundice. But perhaps the most objectionable type of the Englishman who "writes up" the United States in ten minutes is the individual who arrives here as the temporary correspondent of a London newspaper. Our journals maintain permanent correspondents, sometimes regular and sometimes occasional, in the great transatlantic cities—writers who have been in the country for years, who have made a careful study of American politics, and who may claim to possess some substantial knowledge of the good and evil qualities, the manners and the idiosyncrasies of the nation among whom they have been for such a length of time domiciled. But in the midst of these experts there suddenly drops down a gentleman from Fleet Street or the Strand, bristling all over with pre-

judices, pachydermatous as to what is said about him, and utterly indifferent to the pain which the shafts of his ridicule or his misrepresentations may inflict on the American epidermis, and bound to fill so many columns of his newspaper at home, during his short stay in America, with his "impressions" touching a country and a people concerning which and whom he knows considerably less than he does of the political opinions and domestic economy of the savage hill tribes with whom we are fighting in Afghanistan. He may have just come from Afghanistan, whither he had been sent from Zululand or from St. Petersburg or from Constantinople. He does more harm, probably, during his "ten minutes" than is done by the mere simpleton and the disappointed genius with the lecture, the panorama, or the white mice. The simpleton and the showman wait until they get home before they inflict their books on the public; they have some time for reflection, should they happen to be capable of reflecting; and they can correct the proofs of what they have written ere their lucubrations assume the unchangeable livery of stereotype. The newspaper correspondent sees no proofs, and has rarely even the patience to read over the manuscript which falls from his rapid pen. His watch may be lying before him on the desk at which he is writing, for he is bound to "catch" the mail which goes out on the following morning. Visitors call to weary and exasperate him with futile small-talk. So soon as he is free from their importunities, he must resume his pen; so many sides of "copy" must be scribbled over, come what may; and a few hours afterward he casts his budget of blunders on the waters of the Atlantic Ocean, for the printing-press and the world to find the *farrago* after eleven days. I am able to speak somewhat feelingly of the mistakes of which such a correspondent may be guilty, and somewhat remorsefully of the mischief which he may do if the newspaper with which he corresponds happens to be one of vast circulation and great influence, because I have been, myself, the special correspondent of a great London newspaper for more than twenty-two years, and have frequently experienced the difficulty of having to make bricks without straw.

I arrived in the harbor of New York on Wednesday, the 26th of November, 1879; and ere I had been in the city thirty-six hours I had pledged myself to write a paper on things transatlantic for the "North American Review." Terminating this article now, on the morrow of Christmas, I am acutely sensible of the fact that I have been in the United States of America just one month. During the greater

portion of that time I have resided in New York City ; but I have likewise made brief excursions to Baltimore, to Philadelphia, and to Washington. In the face of this deliberately candid confession it may appear to a youthful reader of these pages—or a reader who knows nothing of me as an English journalist, and may never even have heard my name pronounced in his life before—that it is an act of the grossest impertinence on my part to say anything about a country in which I am, figuratively speaking, a mere babe and suckling. Most of us have heard the story of the skipper who made this entry in his log : “ Passed Cape Donahoo, twelve miles S. S. E. ; natives kind and hospitable.” When taxed by his owner with the imaginative character of this entry, he very fairly pleaded that certain natives of Cape Donahoo had put off in a canoe and boarded his craft ; that they had brought him gifts of pigs and plantains ; and that, as they had not stolen anything nor fish-speared anybody, he was entitled to laud their kindness and their hospitality. My plea in extenuation must be analogous to that advanced by the skipper in the story. Of America in 1879-’80 I necessarily know not much more than the master-mariner knew of Cape Donahoo ; but from a remote offing there has put forth a canoe teeming with certain memories of the past—memories of the America which I had excellent opportunities to study during thirteen months from November, 1863, to December, 1864. I have been here before, and that is why I am so venturesome as to head this paper with the title “ Now and Then in America.”

I arrived in this country when it was in the midst of a bloody war, all the more terrible and the more embittered because it was a war between brethren. Exasperation characterized the combatants on either side ; but in one particular they were agreed—in that of distrusting the Englishman. At home our own Lancashire operatives were starving in consequence of the cotton famine ; our own councils were divided ; Northern and Southern sympathizers quarreled at dinner-tables, or reviled each other in print or at public meetings ; Earl Russell, one of the truest and usefulest Liberals that ever lived, had publicly declared that the North were fighting “ not for Union but for empire ” ; and while the great mass of the intelligent working classes in England undeniably believed in the justice of the Northern cause—a cause defended with all the sturdiness and all the eloquence of John Bright—it was as undeniably accepted as “ the proper thing ” in polite English society to manifest either active or sentimental sympathy

for the Confederates. "Maryland! my Maryland," was a far more popular ditty in upper-class English drawing-rooms than "John Brown"; and the more emotional sections of the lower grades in the community agreed for once in a while with their superiors in station. A precisely similar phenomenon has been visible in English politics within the last three years. "Jingoism"—that is to say, a bellicose hatred of Russia—has been the creed of the aristocracy, of the military class, and of the state Church; and has found disciples as fervent among emotional mobs and half-instructed readers of the outpourings of emotional newspapers; while anti-Jingoism—that is, a sincere love of peace, and a persistent refusal to believe that the Emperor Alexander of Russia is an ogre, a vampire, and the giant Fee-faw-fum, continually smelling the blood of an Englishman—has been the faith of the English Puritans, as represented by Mr. Bright, of the majority of the non-conforming religious communities, represented by Dr. Parker and Mr. Spurgeon, and of really Liberal peers and members of Parliament, represented by the Dukes of Argyll and Westminster, the Earl of Rosebery, Sir Charles Dilke, Sir William Harcourt, and Mr. Forster, and such truly genuine Liberal journals as the "Daily News" and the "Spectator," who have not hesitated to denounce Jingoism and "Imperialism," and the cutting-your-neighbor's-throat policy, at the risk of being denounced as "Anglo-Russians," "British Afghans," "St. James's Hall traitors," and the like, because they have failed to perceive the expediency of keeping a nation, whose business is peace, manufactures, and commerce, in a perpetual war ferment, or the necessity for shooting so many thousands of Russians, or hanging so many hundreds of Afghans, in order to keep a Tory Government in Downing Street. From this list of politicians I have designedly excluded the revered name of Mr. Gladstone, for the reason that I have been attempting to draw a parallel—and the drawing of a political parallel is always a perilous thing—between the conflict of opinions which divided my country in 1863 and that which distracts it in 1879; and Mr. Gladstone's political character and moods of mind do not lend themselves to the drawing of any parallels whatsoever. Geometricians know how many kinds of lines there are; and William Ewart Gladstone may be politically qualified as neither straight nor curved. He is a mixed line.

I have said enough, perhaps, to show that the position of an Englishman who came to the United States seventeen or eighteen years ago was, if he had any sort of "mission," or if he acted in any-



thing approaching a public capacity, an extremely invidious one. I remember forty years ago, when I first went to school in Paris, that I was constantly and contumeliously reproached by my French schoolmates with the crimes committed by my country against France in the year 1815. I used to be held personally responsible, to the extent of being called opprobrious names, and of having my hair pulled, my toes trodden upon, and my peg-top confiscated, for the occupation of Paris by the allied armies, the non-arrival of Grouchy instead of Blücher on the field of Waterloo, the spoliation of the art-treasures of the Louvre, and the deportation of Napoleon to St. Helena. I was warned that a signal and sanguinary reparation for these outrages would sooner or later be exacted by indignant Gaul. Thus in 1863-'64 an Englishman newly landed on this continent, although he might be courteously and hospitably received in American society—I remember very well that I was so received—was continually being reminded of his country's sins of omission and commission against the Federal Government and people, and of the imminence of a retributory Nemesis. The rendition of Mason and Slidell, the buccaneering exploits of the Alabama, the blockade-running transactions by which Liverpool was enriching herself, the alleged subscriptions of British capitalists to Confederate loans—all these were things which were assumed to lie heavy on the Englishman's conscience; all these were taken to be acts of national malfeasance on our part, for which we should eventually have to make reparation. And reparation we did eventually make; but that fact did not make the Englishman's position one whit less uneasy while the strife continued. It might be urged that the most sensible attitude to be observed by a foreigner under such circumstances was one of entire neutrality. It was more than difficult—it was next door to impossible—to be neutral. When William Cobbett, a thorough-going radical, was here in the last years of the last century, the impossibility of preserving neutrality between contending parties, and the irritation which he felt at finding his own country continually attacked, goaded him at last into professing principles of the highest Toryism, and filling his shop-window with portraits of George III., his family, and his ministers whom, nearly so soon as he had got back to England, and had resumed his thorough-going radical frame of mind again, he proceeded and continued, during the next thirty years, with unceasing vehemence to denounce. The neutrality difficulty was sufficient in 1863-'64 to convert many a genuine English Liberal temporarily resident on

American soil into a Peter Porcupine. Those English Liberals who staid at home were in much better case. They could judge the vexed question from afar off, impartially and philosophically.

Those who can remember from month to month, and from day to day almost, the social episodes of the most terrific political struggle of the nineteenth century, may not contradict me when I say that the baleful effects of that struggle were scarcely perceptible on the surface of society in New York, Boston, and Philadelphia. In Washington you were constrained to remember that a war was going on, and that it was raging close to the gates of the Federal capital; for you could scarcely leave Alexandria ere you found yourselves in the midst of war; and you could not travel half a dozen miles without hearing rumors—not dark and distant, but near and articulate—of guerrillas and “bushwhackers.” Washington and Baltimore again swarmed with the Federal troops, and the hospitals were crowded with wounded men. The trades of the embalmer and the maker of artificial limbs and eyes were flourishing; and the shop-windows were full of the ghastliest imaginable photographs of scenes of carnage and rapine. But coming North and East, and especially to New York, little beyond the holiday-making, the fifing and drumming, and banner-waving aspects of war were visible. The sanitary fairs held in aid of the beneficent work carried on among the Federal troops by the Sanitary Commission were festivals as brilliant, and were attended by as sparkling an array of feminine loveliness and elegance, as any that I witnessed lately at the peaceful fair of the Seventh Regiment at their armory in Lexington Avenue. Every day, almost, you heard the sounds of martial music, or saw the march-past of some regiment of dark-blue-coated volunteers, chanting, it might be, in unison, Mrs. Julia Ward Howe’s magnificent “Grido di Guerra”—I quote from memory:

“For mine eyes have seen the glory of the coming of the Lord;  
He is trampling out the vintage where his grapes of wrath are stored;  
I have seen the fitful lightnings of his terrible swift sword—  
For God is marching on!”

This looked like war—bloody, bold, and resolute—in 1863: but in the middle of last month I was in Philadelphia; and I watched the eight miles and eight hours long parade in honor of General U. S. Grant. I saw battalions of the old dark-blue-gabardined veterans of the Grand Army of the Republic, and the old battle-tattered

regimental flags ; and, to my mind, the parade of Peace was quite as glittering and imposing as the parade of War had been seventeen years ago ; and (again to my mind) it was a great deal more satisfactory than the war parade of 1863, because I knew that nobody was going to be killed ; and I have in my time seen too much of war, face to face—not as a soldier, who can earn laurels, and guerdon, and pensions on the tented field, but as a humble camp-follower and scribe about whom nobody is troubled, should he happen to get hanged or shot, or to die of fever or dysentery—not in my inmost heart and soul to hate and loathe war, its dirt and disease, and squalor and depravity ; its unutterable fertility in anguish, its immeasurable wealth of wickedness. Yet “carnage is God’s daughter.” The poet has told us so ; the experience of history has confirmed his dictum ; and the poet, although often and unjustly calumniated as “an unpractical person,” is, in the long run, generally right.

When I recur to my text of “Now and Then” in America, and especially when I mark the wonderful increase in the area and the population of the city of New York which has taken place since my first visit ; when I reflect that in my time Washington Square was a considerable way “up town,” that Fourteenth Street was as fashionable as our Eaton Place, Belgravia, and that a few blocks above the Fifth Avenue Hotel the *ultima Thule* of patrician New York was almost reached, my astonishment is considerably lessened by the remembrance that a corresponding augmentation and development have taken place in London and in Paris ; and that we led tolerably comfortable and luxurious lives in the London of 1863, when we had no Holborn Viaduct, no Midland Grand Hotel, no underground railway, no Northumberland Avenue, no Criterion Restaurant, and very little South Kensington or West Tyburnia, and when in Paris we had no new Academy of Music, no Avenue de l’Opéra, no Rue du Quatre Septembre, no electric light, and especially no Atlantic cable in either country. There is more New York and there are more New-Yorkers now than there were then ; just as there are more gray hairs in my head and wrinkles on my face ; but I had plucked out the first gray hair and noticed the first apparition of crow’s-feet before I came hither, and, to my thinking, society, or so much of it as existed, enjoyed itself quite as much then as it does now. The late Mr. A. T. Stewart’s marble palace and his superb picture-gallery were yet to come ; still, there were private gentlemen and merchant princes in New York who pos-

essed palatial mansions and splendid picture-galleries, in which you could feast your eyes on the masterpieces of Gérôme and Rosa Bonheur and Meissonier, of Church and Bierstadt, of Crawford and Powers. Seventeen years ago a dear friend of mine occupied a suite of rooms in University Building, copious in pictures and statuary, and old china and bronzes. I see no difference in him—chiefly, perhaps, because I fail to discern much difference between my present and my former self, abating some trifling changes connected with the use of spectacles, and disinclination to write editorials after dinner—and I see no difference in his rooms, save that he has got more pictures, more statuary, more old china, more bronzes, and enamels, and *tazze* of jade and malachite. So in particulars, so in generals. I behold in degree the same New York; only I behold it through the large instead of the small end of an opera-glass. I read of sumptuous entertainments, in the decorations for which so many hundreds of dollars have been spent in rare flowers, and of the feasting attendant on which so many more dollars have been paid to a caterer *à la mode*; while the remuneration of the Teutonic instrumentalists discoursing the dance-music has been on a corresponding scale of magnificence. I read of cohorts of faultlessly dressed young gentlemen, and of bright bands of beautiful young ladies, the latter clad in dresses of rainbow hues and with inconceivably gorgeous trimmings, all made either by the world-famous Worth or by those Franco-American *modistes*, the Madame Anybodies, who have descended upon New York as “the great bird, the ruche,” described by Burton, descended on the plains of Madagascar to batten on the fat of the land, and who, each of them—if they collect their bills with regularity, and make no bad debts—ought to realize at least fifty thousand dollars a year. I am told that each of these sublime ball-dresses costs from one hundred and fifty to two hundred and fifty dollars. I go to Tiffany’s and am permitted to gaze upon the dazzling gems which are to be worn in conjunction with the sublime ball-dresses. This pearl necklace, the obliging assistant tells me, is worth six thousand pounds sterling. This diamond bracelet is cheap at twenty-five thousand dollars. I am pleased but not astounded, not overwhelmed, by the information—I have seen so many diamonds, so many ball-dresses, so many grand entertainments, the whole world over, so many years past. Only there are more pomps and vanities, and more diamonds and flowers, and suppers and *cotillons* in the New York of 1879–’80 than there were in the New York of 1863–’64. The sailor in the

story longed for all the grog and 'baccy in the world, and then—more 'baccy. And then he woke up from his longing, like Alnaschar from his dreams, to find that he had nothing at all. Persons of a timid, or a desponding, or a cynical turn of mind are apt to infer that this continuous and tremendous accretion of luxury and display, be it in London, in Paris, or in New York, must end in explosion or in collapse, and ultimately in cataclysm ; but such pessimists might do well to remember that metropolitan splendor and luxury are only phenomenal, and that we have come to attach a thoroughly abnormal and erroneous signification to the English rendering of the Greek word *φαινόμενον*, which really and simply is only the *φυσικόν*—a physical thing, plainly manifest, and therefore noteworthy.

It may be difficult for the cosmopolitan traveler, when he surveys the height of luxury which has been attained by affluent and refined New York, to avoid a comparison between the Empire City of the United States and the capital of the Russian Empire. Between New York and St. Petersburg there are, indeed, many remarkable points of similarity. Both cities are the paradise of foreign singers and musicians, cooks, confectioners, florists, caterers, and dancing-masters. The cost of elegant life in Petropolis is on a parity with that in Manhattan. In both cities the monetary unity represents a larger value than it does in the older centers of civilization. In England, that unity is substantially not the pound but the shilling sterling. In Paris it is the franc. Thus London is, on the whole, a dearer city than Paris by twenty-five centimes over and above the franc. We send a pound to a London charity or pay a pound a day for our parlor at a London hotel. To the same purposes in Paris we devote twenty francs. It might be argued that in New York the same theory of expenditure would be represented by a five-dollar piece ; but the American monetary unity is not five dollars, but one ; and, to a thousand intents and purposes, the purchasing power of the dollar in New York does not exceed that of the Parisian franc or the London shilling. In St. Petersburg the unity is the ruble, which should be worth seventy-five cents, but which may be assessed at about fifty. I never make bets, but, did I ever hazard any, I would confidently wager that living in quiet and undemonstrative comfort in New York, indulging in no excess, either in the direction of stately apartments, rare wines, or choice cigars, and hiring a carriage only when I absolutely needed one, I should spend every day nearly twice as much as I should spend in London or Paris, and only

about one third more than I should spend in St. Petersburg. This question of the relative costliness of life in great capitals is assuredly a very important one, although it is often contemptuously neglected as unworthy the attention of serious essayists on political economy. But, as Mr. Carlyle pointed out long ago, mankind is very prone to dismiss as trivial and unimportant subjects which are really of immediate and lasting concern to us all. Take the passion of sleep, for example. Once at least in the course of every twenty-four hours on an average, humanity is bound to "assume the horizontal position" and to retain that position for many hours, quite unconscious of business, pleasure, peace, or war, and "its head full of the foolishness of thoughts." General and continuous insomnia for a fortnight would make an end of humanity altogether; yet we trouble ourselves very little about the psychology of sleep; and the metaphysician has a great deal more to say about the soul, of which he can know absolutely nothing, than about sleep, and especially about dreams, concerning which he must have every night in his life practical and curious experience. So is it in a measure as respects the cost of our eating and drinking; and I know no more intricate problem than that of the excessive expensiveness of New York as compared with that of other great cities. We know why food, with the single exception of bread, is dear in London. The trade in meat, fish, poultry and game, fruit and vegetables is mainly in the hands of wealthy and powerful monopolists; we are ill supplied with markets; almost every article of food which we consume passes through the hands of and yields a profit to three or four middlemen before it reaches our mouths. Is this the case to a greater or to a lesser extent in New York? I should say, under correction, that it is not the case; that is, if I am to place any faith in the published price-lists of the markets from day to day. Those lists tell me that meat, fish, poultry, game, fruit, vegetables, and dairy produce are at least thirty per cent. cheaper in New York than in London; yet the retail prices of such articles which the guest at a first-class hotel or restaurant in New York is called upon to pay are at least forty per cent. above the charges which would be made for similar articles in analogous establishments in London. At our most fashionable watering-places, for example, Brighton and Scarborough, first-class board can be obtained at from eight to ten shillings—two to two and a half dollars—a day; but, if my American guide-books and my "Dictionary of New York" are trustworthy authorities, two dollars and a half here represent only board of a decidedly sec-

ond-class character. Again, while I can readily understand that so long as the American tariff—which I am afraid will outlive Mr. Thomas Bayley Potter, M. P., and all save the youngest members of the Cobden Club—remains the law of the land, imported articles must be very costly, I am at a loss to comprehend why articles of common use and manifestly of American manufacture should not be cheap. In particular am I amazed at the inordinate charges made for the hire of hackney-carriages. Your horses are plentiful and strong; you have as many expert drivers as you want; you are becoming the best carriage-builders in the world; horse-feed is twenty-five per cent. cheaper with you than with us: why, in the name of common sense, am I to be forced to pay a dollar—or four shillings and twopence sterling—for riding over a distance of one mile? It is quite true that I may continue to ride in the same cab for an entire hour, paying no more than one dollar; but, suppose that I and my wife are invited to dinner just round the corner or a few blocks' distance from our residence, and that I do not wish to expose a lady to the risk of catching cold by tramping over this space through snow or mud, why should I pay four shillings and twopence for that which in England I should pay just one shilling or twenty-five cents for? You may reply that I am free to take the street-cars or the Broadway stages, or that I may avail myself of the facilities of your wonderful elevated railroads. But I deferentially reply that I am a foreigner, that I am a stranger in your city; that, although you paint the names of your streets on your corner-lamps—a very admirable system, so far as the night-time is concerned, and one which we might advantageously adopt in London—you do not affix the names of your streets conspicuously at the corners thereof; and, finally, I respectfully plead that, if I have a visit to pay in a certain street and at a certain house, I prefer being driven in a cab straight up to the door of that house to being landed from the car or the staircase of an elevated railway-station right in the middle of the snow or the slush.

I can not dismiss the question of personal expenditure without noticing one or two more points which may be worthy of remark and explanation, and which I shall put interrogatively. We have usually noticed in England that where an article of consumption—bread always excepted—reaches, through some accidental or some inevitable circumstance, an excessive price, the tendency of the article is to retain that excess in price long after the circumstances which led to its aggravation in value have been aggravated. Does

such a rule—for it may fairly be called a rule—obtain here? When I came to America in November, 1863, gold was, if I remember aright, at eighty premium—that is to say, for every hundred dollars of gold value in my letter of credit my bankers credited me with one hundred and eighty dollars in paper currency. I think that ere I went away the premium on gold reached one hundred and sixty—I have even heard that it once touched one hundred and eighty; and, as the rate of gold varied from day to day, so did the prices of articles of consumption fluctuate. The figures of restaurant tariffs were subject to continual mutation; and, until you had the bill of fare before you, it was impossible to tell how much you would have to pay for your beefsteak or your mutton-cutlet. So was it with other commodities. I remember paying as much as three dollars for a pair of best Dent's (London) kid gloves, but that price to me did not mean twelve shillings and sixpence sterling. Gold being say at one hundred premium, I only really paid six shillings and threepence for my gloves—an advance of about thirty per cent. over what I should have paid in Piccadilly, London; and I had not the slightest reason to grumble in this connection, remembering, as I was bound to do, that the United States revenue was entitled to its toll, and the importer and retailer were entitled to their respective profits. But on the instant (December, 1879), if I go to a fashionable hosier on Broadway, New York, and ask him for a pair of the best Dent's (London) kid gloves, he charges me two dollars, which, at the present rate of exchange, means eight shillings and fourpence sterling, whereas in Piccadilly, London, I can still buy the same gloves at the old price of four shillings—that is, one dollar. My contention is, that prices in America have not retained precisely the same swollen proportions which they reached when the inflation of the currency during the war was at its highest, but that they have not decreased in anything approaching a corresponding ratio with the gradual equalization of paper currency with gold. Things, owing to the inevitable circumstances of the war, became dear, and dear they have remained—not so costly as they once were, but still a great deal costlier than, according to the doctrines of sound political economy, they should be. It may be, again, paradoxical to assert that the prices of commodities are as imitative in their nature as human beings are. But such seems to be the case, since I note a marked spirit on the part of native American manufacturers to imitate, so far as they can, the high prices of imported goods.

There are possibly few things more curiously interesting to a



stranger in America—when that stranger has been in the country before—than to observe the strong disinclination which is felt by the people at large to make use in the daily transactions of life of a metallic currency. Specie payments, we all know, have been resumed ; and the United States Treasury has accumulated an enormous reserve in gold ; but the public still cling with apparent fondness to their old greenbacks, and not only prefer a five-dollar bill to a five-dollar gold-piece, but (so it strikes me) would much rather have a one-dollar note than a dollar in silver. I grant that the latter is, albeit a handsome, somewhat of a cumbrous coin. In England we contumeliously call our five-shilling pieces, which are even more cumbrous specimens of mintage, “cartwheels,” and make haste to change them, whenever we have involuntarily taken them, for smaller currency ; but when did you ever hear a Frenchman complain of having a pocketful of five-franc pieces ? And the five-franc piece is to all intents and purposes your dollar. A Frenchman has a modified respect for a note of the Bank of France for twenty francs ; but bills for smaller denominations he utterly loathes—remembering the unredeemed *assignats* of 1793—and from the bottom of his soul abhors. In England we admire and revere the five-pound Bank of England note and its higher denominations ; but an attempt to force a currency of one-pound notes or of five-shilling notes on the nation in time of peace would lead to a revolution. No Londoner will have anything to do with an Irish one-pound note, or for one issued by the few provincial banks which are still authorized to emit such securities. We believe only in gold, silver, and “flimsies,” or notes above the value of five pounds. The American does not seem to care for gold, and he seems to dislike a silver coinage in the higher denominations intensely. I have been more than once reminded by American friends to whom I have mentioned the (to me) puzzling persistence with which printed promises to pay, instead of solid bullion, are adhered to, that the public have yet to be educated to the employment of a metallic currency, and that there are millions of young Americans of both sexes who until they were fourteen or fifteen years old had never set eyes on an American gold or silver coin. But I remember to have read that in the beginning of this century we in England, during the continuance of our great wars with France, a period of about fifteen years, were afflicted with an irredeemable paper currency—never, however, of a lower denomination than twenty shillings, for we had always plenty of silver, and that the general disfavor with

which the suspension of cash payments was regarded found its embodiment in a song which obtained immense popularity, and which began—

“I'd rather have a guinea than a one-pound note.”

The resumption of specie payments at the conclusion of the war was hailed with almost delirious enthusiasm by the public at large ; and he would be a bold statesman indeed who attempted to withdraw from circulation that gold which is held sacred among us and to substitute for it irredeemable paper.

Here I pause, not for lack of materials for further remarks on “Now and Then in America,” but simply through a desire in the first place not to weary my readers, and in the next place not to be adjudged guilty of impertinence in dwelling at large on matters with which, looking at the brief duration of my stay on this continent, I can have only a very imperfect and superficial acquaintance.

GEORGE AUGUSTUS SALA.

## THE EMANCIPATION PROCLAMATION.

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THE Emancipation Proclamation is the most signal fact in the Administration of President Lincoln. It marks, indeed, the sharp and abrupt beginning of "the Great Divide" which, since the upheaval produced by the late civil war, has separated the polity and politics of the *ante-bellum* period from the polity and politics of the *post-bellum* era. No other act of Mr. Lincoln's has been so warmly praised on the one hand, or so warmly denounced on the other; and perhaps it has sometimes been equally misunderstood, in its real nature and bearing, by those who have praised it and those who have denounced it. The domestic institution against which it was leveled having now passed as finally into the domain of history as the slavery of Greece and Rome, it would seem that the time has come when we can review this act of Mr. Lincoln's in the calm light of reason, without serious disturbance from the illusions of fancy or the distortions of prejudice.

In order to give precision and definiteness to the inquiry here undertaken, it seems necessary at the threshold to distinguish the true purport and operation of the Emancipation Proclamation from some things with which it is often confounded in popular speech. In the first place, it is proper to say that the Proclamation, in its inception and in its motive, had nothing to do with the employment of slaves as laborers in the army. Fugitive slaves were so employed long before the utterance of such a manifesto had been contemplated, or the thought of it tolerated by the President. Just as little was the Proclamation a necessary condition precedent to the enlistment of fugitive slaves as soldiers in the army. Mr. Lincoln was averse to the employment of negroes as soldiers at the time he issued the preliminary Proclamation of September 22, 1862, and he remained in this state of mind until the final edict was issued on the first of January following. It was not until the 20th of Janu-

ary, 1863, that Governor Andrew, of Massachusetts, received permission to make an experiment in this direction.

We learn from the diary of Mr. Secretary Chase that at a meeting of the Cabinet held on the 21st of July, 1862, the President "determined to take some definite steps in respect to military action and slavery." A letter from General Hunter having been submitted, in which he asked for authority to enlist "all loyal persons without reference to complexion," it appears that Messrs. Stanton, Seward, and Chase advocated the proposition, and no one in the Cabinet spoke against it; but, adds Mr. Chase, "the President expressed himself as averse to arming negroes." On the next day the question of arming slaves was again brought up, and Mr. Chase "advocated it warmly"; but the President was still unwilling to adopt this measure, and proposed simply to issue a proclamation based on the confiscation act of July 17, 1862, "calling on the States to return to their allegiance, and warning the rebels that the provisions of that act would have full force at the expiration of sixty days, adding, on his own part, a declaration of his intention to renew at the next session of Congress his recommendation of compensation to States adopting the gradual abolishment of slavery, and proclaiming the emancipation of all slaves within States remaining in insurrection on the 1st of January, 1863."\* So the first intimation made to the Cabinet of a purpose to proclaim the liberation of slaves in the insurgent States was made in connection with the President's avowed opposition to the arming of negroes.

Writing from memory, Mr. Secretary Welles states, in his "History of Emancipation," that the President, "early in August"—he thinks it was the 2d of August—submitted to the Cabinet "the rough draft" of a proclamation to emancipate, after a certain day, all slaves in States which should then be in rebellion, but that Mr. Seward argued against the promulgation of such a paper at that time, "because it would be received and considered as a despairing cry, a shriek from and for the Administration, rather than for freedom."† He further records that the President, impressed with this view, closed his portfolio, and did not recur to the subject until after the battle of Antietam, which was fought on the 17th of September.

Writing in his diary under date of August 3d, but referring, doubtless, to the discussions held in the Cabinet on the previous

\* Warden's "Life of Chase," p. 440.

† "Galaxy," December, 1872, p. 845.

day,\* Mr. Chase records that, "for the tenth or twentieth time," he urged the adoption of a vigorous policy against slavery in the seceded States by "assuring the blacks of freedom on condition of loyalty, and by organizing the best of them in companies and regiments." He further records that Mr. Seward "expressed himself in favor of any measures which could be carried into effect *without proclamation*, and the President said that he was pretty well cured of objection to any measure, except want of adaptedness to put down the rebellion, but did not seem satisfied that the time had come for the adoption of such a plan as I had proposed." †

On the 22d of August, just one month after Mr. Lincoln had first opened the subject of emancipation to his Cabinet, he proceeded to take the whole country into his confidence on the relations of slavery to the war. On that day he wrote "the Greeley Letter"—a letter written in reply to an earnest and importunate appeal in which, assuming to utter the "Prayer of Twenty Millions," Mr. Greeley had called on the President, with much truculence of speech, to issue a proclamation of freedom to all slaves in the Confederate States. As this letter was the first as well as the most pithy and syllogistic public discussion which the President ever gave to the subject in hand, it seems proper not only to insert it here in its entirety, but, as a matter of literary curiosity, to reproduce it in its original form. The following is a fac-simile of the letter :

Executive Mansion.

Washington. August 22. 1862

Now. Horace Greeley;

Dear Sir =

= I have just read yours of the  
19<sup>th</sup> addressed to myself through the New-  
York Tribune. If there be in it any statements,  
or assumptions of fact, which I may know to be  
erroneous, I do not, now and here, controvert

\* The meeting was held on a Saturday, according to Mr. Welles, and the 3d of August, 1862, was a Sunday.

† Warden's "Life of Chase," p. 446.

them. If there be in it any inferences which I may believe to be falsely drawn, I do not now and here, argue against them. If there be perceptible in it an impatient and dictatorial tone, I waive it in deference to an old friend, whose heart I have always supposed to be right.

As to the policy of "seem to be pursuing" as you say, I have not meant to leave any one in doubt.

I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be "the Union as it was". ~~Broken eggs can never be mended, and the longer the lasting process, the more will be broken.~~ If there be <sup>those</sup> ~~any~~ who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be <sup>those</sup> ~~any~~ who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the

Union without freeing any slaves I would do, it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors; and I shall adopt new views so far as they shall appear to be true views.

I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.

Yours  
A. Lincoln.

This letter appeared for the first time in the "National Intelligencer" of August 23, 1862.\*

\* The letter came into my hands from the fact that I was one of the editors of the "Intelligencer," to which Mr. Lincoln sent it for publication. The omitted passage—

In his interview with the Representatives of the Border States, held on the 10th of March, 1862, Mr. Lincoln had said that, as long as he remained President, the people of Maryland (and therefore of the other Border States) had nothing to fear for their peculiar domestic institution "either by direct action of the Government or by indirect action, as through the emancipation of slaves in the District of Columbia or the confiscation of Southern property" in slaves. In that same interview, while making a confidential avowal of these friendly sentiments, he had protested against their public announcement at that juncture, on the ground that "it would force him into a quarrel with 'the Greeley faction' before the proper time." He twice intimated that such a quarrel was impending, but added that "he did not wish to encounter it before the proper time, nor at all if it could be avoided."\*

It was no more than natural, therefore, that these Representatives, on the appearance of "the Greeley Letter," should have read between its lines a supposed indication of the President's purpose to break with "the Greeley faction" at an early day. They believed that the President, at the bottom of his heart, was in sympathy with them, and with their theory of the war. They were not entirely disabused of this impression even after his interview with them on the 12th of July, when he made a last ineffectual appeal to them in behalf of "emancipation with compensation to loyal owners," and when he reënforced his appeal by urging that the acceptance of such a policy would help to relieve him from "the pressure" for military emancipation at the South.

The Representatives from the Border States were strengthened in their delusion by a corresponding delusion of the Radical Republicans,† who weakly supposed the President at this juncture to be a nose of wax in the hands of what they called "the pro-slavery faction." As late as the 10th of September, ten days before the preliminary Proclamation of emancipation was issued, we find Mr.

"Broken eggs can never be mended, and the longer the breaking proceeds the more will be broken"—was erased, with some reluctance, by the President, on the representation, made to him by the editors, that it seemed somewhat exceptionable, on rhetorical grounds, in a paper of such dignity. But it can do no harm, at this late day, to reveal the homely similitude by which Mr. Lincoln had originally purposed to reënforce his political warnings.

\* McPherson, "Political History," p. 211.

† The word "Radical" throughout this paper is used historically, and not in any invidious sense. It is the term by which Mr. Lincoln called the "Stalwarts" of that day, and by which they called themselves.



Chase lamenting in his diary that the President "has yielded so much to Border State and negrophobic counsels that he now finds it difficult to arrest his own descent to the most fatal concessions."\* And this impatient insistence of his Radical friends was repaid by the President with gibes and sneers, as when, for instance, on this same 10th of September, he taunted Mr. Chase with "the ill-timed jest" that some one had proposed, in view of the Confederate invasion of Pennsylvania, which was then believed to be impending, that he (the President) should issue a proclamation "freeing all apprentices in that State"—on the ground of military necessity!

It was with a like festive humor that, on the 13th of September, he parried the arguments of the Chicago clergymen who had come to Washington in order to press for a proclamation of freedom. To their representation that the recent military disasters "were tokens of divine displeasure, calling for new and advanced action on the part of the President," he shrewdly replied that, if it was probable that God would reveal his will to others on a point so intimately connected with the President's duty, it might be supposed that he would reveal it directly to the President himself. To the argument that a proclamation of freedom would summon additional laborers to help the army, he replied by asking what reason there was to suppose that such a proclamation would have more effect than the late law enacted by Congress to this end; and, if they should come in multitudes, how, he asked, could they all be fed? To the suggestion that the able-bodied among them might be armed to fight for the Union, he ironically replied, "If we were to arm them, I fear that in a few weeks the arms would be in the hands of the rebels." To the plea that emancipation would give a holy motive and a sacred object to the war, he replied by saying that "we already had an important principle to rally and unite the people, in the fact that constitutional government was at stake—a fundamental idea going down about as deep as anything."

It is true that at the close of his interview the President assured the Chicago committee that he had not "decided against a proclamation of liberty to slaves," and that "the subject was on his mind by day and night more than any other;" but this statement only served to bring into bold relief the little faith he then seemed to

\* Warden's "Life of Chase," p. 471.

have in a measure for which, considered as a means to the ends proposed by its patrons, he could, with all his meditations, find no good and sufficient reasons. It is true that, on the preceding 22d of July, Mr. Lincoln had said that he was pretty well cured of objection to any measure against slavery except "want of adaptedness to put down the rebellion"; and now, too, he publicly announced that he "did not want to issue a document which the whole world would see must necessarily be inoperative, like the Pope's bull against the comet." It is true that he had previously sketched "the rough draft" of an emancipation proclamation, but he had put it back in his portfolio on the suggestion of Mr. Seward that practical measures against slavery could be carried into effect "without proclamation." It is true that only a few days previously ("when the rebel army was at Frederick"\*) he had registered a vow in heaven that he would issue a proclamation of emancipation so soon as the Confederates should be driven out of Maryland; but this was the conduct either of a man who, in a perplexing state of incertitude, resolves his doubts by "throwing a lot in the lap" and leaving "the whole disposing thereof to be of the Lord," or, as I prefer to believe, it was that prudent and reverent waiting on Providence by which the President sought to guard against the danger of identifying the Proclamation in the popular mind with a panic cry of despair, in which latter case the hesitation of Mr. Lincoln only serves to set in a stronger light the significant fact that other than considerations of military necessity were held to dominate the situation, for, if they alone had been prevalent, the Proclamation could never have come more appropriately than when the military need was greatest.

The proximate and procuring cause of the Proclamation, as I conceive, is not far to seek. It was issued primarily and chiefly as a political necessity, and took on the character of a military necessity only because the President had been brought to believe that if he did not keep the Radical portion of his party at his back he could not long be sure of keeping an army at the front. He had begun the conduct of the war on the theory that it was waged for the restoration of the Union under the Constitution as it was at the outbreak of the secession movement. He sedulously labored to keep the war in this line of direction. He publicly deprecated its degeneration into a remorseless revolutionary struggle. He culti-

\* September 6th.

vated every available alliance with the Union men of the Border States. He sympathized with them in their loyalty, and in the political theory on which it was based. But the most active and energetic wing of the Republican party had become, as the war waxed hotter, more and more hostile to this "Border State theory of the war," until, in the end, its fiery and impetuous leaders did not hesitate to threaten him with repudiation as a political chief, and even began in some cases to hint the expediency of withholding supplies for the prosecution of the war, unless the President should remove "pro-slavery generals" from the command of our armies, and adopt an avowedly antislavery policy in the future conduct of the war. Thus placed between two stools, and liable between them to fall to the ground, he determined at last to plant himself firmly on the stool which promised the surest and safest support.

I am able to state with confidence that Mr. Lincoln gave this explanation of his changed policy a few days after the preliminary Proclamation of September 22d had been issued. The Hon. Edward Stanly, the Military Governor of North Carolina, immediately on receiving a copy of that paper, hastened to Washington for the purpose of seeking an authentic and candid explanation of the grounds on which Mr. Lincoln had based such a sudden and grave departure from the previous theory of the war. Mr. Stanly had accepted the post of Military Governor of North Carolina at a great personal sacrifice, and with a distinct understanding that the war was to be prosecuted on the same constitutional theory which had presided over its inception by the Federal Government, and hence the Proclamation not only took him by surprise, but seemed to him an act of perfidy. In this view he hastily abandoned his post, and came to throw up his commission and return to California, where he had previously resided. Before doing so he sought an audience with the President—in fact, held several interviews with him—on the subject, and knowing that, as a public journalist, I was deeply interested in the matter, he came to report to me the substance of the President's communications. That substance was recorded in my diary as follows :

*September 27th.*—Had a call to-day at the "Intelligencer" office from the Honorable Edward Stanly, Military Governor of North Carolina. In a long and interesting conversation Mr. Stanly related to me the substance of several interviews which he had had with the President respecting the Proclamation of Freedom. Mr. Stanly said that the President had stated to him that the Proclamation had become a civil necessity to prevent the Radicals from openly

embarrassing the Government in the conduct of the war. The President expressed the belief that, without the Proclamation for which they had been clamoring, the Radicals would take the extreme step in Congress of withholding supplies for carrying on the war—leaving the whole land in anarchy. Mr. Lincoln said that he had prayed to the Almighty to save him from this necessity, adopting the very language of our Saviour, "If it be possible, let this cup pass from me," but the prayer had not been answered.

As this frank admission, in the length and breadth here given to it, will doubtless wear an air of novelty to many readers, and may excite suspicions in some minds with regard to the accuracy of my chronicle, the faithfulness of Mr. Stanly's report, or the sincerity of Mr. Lincoln in making his statements, it seems proper to vindicate the authenticity of the record by an appeal to other facts which abundantly corroborate its truth.

In his interview with the Border State Representatives on the 12th of July, 1862, the President had implored them to relieve him from the Radical "pressure" by espousing, with him, the policy of emancipation with compensation. This "pressure," he said, was even then "threatening a division among those who, united, are none too strong." On the next day, after the failure of this interview to make any impression on the Border State Representatives, the President, for the first time, opened the subject of military emancipation in a private conversation with two members of his Cabinet—Mr. Seward and Mr. Welles. The President then said, as Mr. Welles reports, that emancipation "was forced upon him as a necessity," "was thrust at him from various quarters," but "*had been driven home to him by the conference of the preceding day.*" \* On the 28th of the same month he wrote to Mr. Cuthbert Bullitt, of New Orleans, that it was "a military necessity to have men and money, *and we can not get either in sufficient numbers or amount if we keep from or drive from our lines slaves coming to them.*" † Even at this date, when the enlistment of colored troops was not meditated, it will be seen that Mr. Lincoln confessed himself obliged to make concessions to the antislavery sentiment of his party in order to procure supplies of men and money, and thus early it was that, as a wary political pilot, he kept his weather eye fixed on the thickening clouds that rose higher and higher in the Northern sky—clouds full of muttered wrath against him so long as

\* "Galaxy," December, 1872, p. 843.

† Raymond, "Life and State Papers of Abraham Lincoln," p. 484.

he seemed to hold in leash the thunderbolt they were ready to discharge on slavery. For he prefaced this statement by saying that what he did and what he omitted about slaves "was done and omitted on the same military necessity"—the necessity of having men and money to carry on the war. And the President's apprehensions were not entirely groundless on this score. As early as in the month of May, 1862, Governor Andrew, of Massachusetts, had not hesitated to say "in writing" that the people of that State had come to "feel it a heavy draft on their patriotism" that they should be asked "to help fight rebels" without being allowed "to fire on the enemy's magazine." And, in the very act of submitting the preliminary Proclamation of September 22d to the consideration of his Cabinet, the President avowed that it was issued under the menacing frown of this "pressure"; for when Mr. Montgomery Blair argued against the timeliness of the measure, on the ground that it might "put the patriotic element of the Border States in jeopardy," and even "carry those States over to the secessionists," Mr. Lincoln replied that "the difficulty was as great *not to act* as to act" \*—that is, by not acting in the way proposed he feared a disaffection among his party friends at the North which would be as dangerous to the Union as the disaffection likely to be produced by the Proclamation among the Unionists of the Border States. The President remembered that the Massachusetts Republican Convention, held less than two weeks before, had omitted to pass a vote of confidence in his Administration, but *had* voted that "slavery should be exterminated." Even the Radical members of his own Cabinet had come to think of him and to speak of him as a political recreant. On the 12th of September, ten days before the preliminary edict was issued, Mr. Chase wrote of him as follows: "He has already separated himself from the great body of the party which elected him; distrusts most those who represent its spirit, and waits—for what?" †

The Proclamation when it came put an end, of course, to all this "pressure." Indeed, Mr. Chase admitted, when the President read the paper to his Cabinet, that it went "a step further than he had ever proposed." He had proposed that each commander of a department at the South should be instructed to proclaim emancipation within his district, assuring the blacks of freedom *on condition*

\* "Galaxy," December, 1872, p. 847.

† Warden's "Life of Chase," p. 471.

of loyalty, and organizing the best of them in companies and regiments.\* But Mr. Lincoln promised and threatened that, on the 1st of January, 1863, "all persons held as slaves within any State, or designated part of a State, the people whereof should then be in rebellion against the United States, should be *then, thenceforward, and for ever free*"—a declaration which promised the largesse of freedom alike to the "loyal blacks" who escaped within our lines, and to the slaves who voluntarily stood by their masters, because they were unwilling to strike a blow for their own liberty.

If the Proclamation disarmed for a time the bitter opposition of the Radicals, its other political and practical effects were such as abundantly justified the long hesitation of the President in issuing it. It precipitated a crisis which threatened to divide the friends of the Union at the North by a new line of cleavage. If Governor Andrew and his political associates had previously found it a "heavy draft" on their patriotism to sustain the President in his constitutional theory of the war, it now became a heavy draft on the patriotism of conservative Republicans and of war Democrats to sustain him in his new departure. New elective affinities suddenly struck through the seething mass of public opinion, and led to new political formations. A spirit of political giddiness and revolt was shed upon the people in the loyal States. In the ensuing autumnal elections the Republican party was defeated in great States like New York, Ohio, Indiana, and Illinois. When Congress met in December the political signs of the times were full of portents. There was "uneasiness in the popular mind." The attitude of Europe toward us was "cold and menacing" where it did not express itself "in accents of pity" for a people "too blind to surrender a hopeless cause." These are not my words, but the words of Mr. Lincoln himself when, one year afterward, he was called to review the political, civil, and military situation created by the Emancipation Proclamation. The utterance of the Proclamation, he said, "was followed by dark and doubtful days."\*

The Emancipation Proclamation united the South, where, however, there was but little room for further consolidation. Leading citizens in that section who had previously stood aloof from the war, so long as it was conducted at the South in the name of secession against the constitutional Government at Washington, now

\* Warden's "Life of Chase," pp. 440, 446.

† Raymond, "Life and State Papers of Abraham Lincoln," p. 454.

hastened to give in their adhesion to the Richmond authorities. In his message of December, 1861, Mr. Lincoln had said that "in considering the policy to be adopted for suppressing the insurrection," he had been "anxious and careful that the inevitable conflict for this purpose should not degenerate into a violent and remorseless revolutionary struggle. . . . All indispensable means," he added, "must be employed," but "we should not be in haste to determine that radical and extreme measures, which may reach the loyal as well as disloyal, are indispensable." The Emancipation Proclamation was accepted by these halting Unionists at the South as an indication that the time for "radical and extreme measures" had come in the judgment of the President, and they acted accordingly. "For a time," says Mr. Welles, the proclamation "failed to strengthen the Administration in any section." \*

Its effect on the slaves at the South was such as Mr. Lincoln had predicted in his interview with the Chicago deputation. Sanguine advocates of emancipation by edict of the President had risked the confident prophecy that it would be followed by a simultaneous exodus of negroes from the South, and that such an exodus would end the war by a *coup de théâtre*. As one of them wrote, "The plow would stand still in the furrow, the ripened grain would remain unharvested, the cows would not be milked, the dinners would not be cooked, but one universal hallelujah of glory to God, echoed from every valley and hill-top of rebeldom, would sound the speedy doom of treason." \* This bubble was pricked by the pen that wrote the Proclamation.

In all *these* respects the manifesto was comparatively a failure. But it accomplished at once the great end to which it was most immediately directed by the President—it consolidated the Republican party, and made it more intensely than ever "the war-party of the country." It is true that veteran Republicans, like Thurlow Weed, shrank in dismay from the measure; but in the great body of the party it kindled a new flame of martial enthusiasm, albeit the "roads" in New England did not "swarm" with volunteer soldiers, as Governor Andrew had promised and predicted, during the "pressure" period, would be the case, provided the President would allow them to fight "with God and human nature on their side." The antislavery passions of the North, which had hitherto been kicking in the traces, were now effectively yoked to the war-chariot of the

\* "Galaxy," December, 1872, p. 848.

† "National Intelligencer," July 31, 1862.

President. The Proclamation lessened for a time the number of his supporters, but it gave to them almost the compactness of a Macedonian phalanx. It put an end to political vacillation and *atermoie-ment*. Not that the measure in either matter or form was entirely satisfactory to the zealots of emancipation, and not that the President, as Lord Lyons wrote to his Government, "had thrown himself in the arms of the Radicals." While still refusing to walk altogether in the ways of these extremists, he established such a hold on the rank and file of the Republican army that they followed him without faltering through the shadow of the dim eclipse which obscured their fortunes in the autumn of 1862. A year later, after the victory at Gettysburg and after the fall of Vicksburg, when the shock of arms on a hundred battle-fields had come to supply the country with a new set of emotions, Mr. Lincoln was able to say, "We have the new reckoning."

Doubtless there are those who, on the view here presented, will tax Mr. Lincoln with undue subserviency to party. But it is only just to remember that he tried to avoid its necessity, as with strong crying and tears; that he was called in his political geometry to deal with problems, not theorems; and that he was a tentative statesman, who groped his way *à tâtons*, not a *doctrinaire*. If there be heroes, as Carlyle conceives them, bathed in the eternal splendors, and projected out of the eternities into the times and their arenas, Lincoln did not profess to be of their number.

I pass to consider the force and effect of the Proclamation viewed in the light of constitutional and of public law. And here, again, it is necessary to guard against a confusion of ideas. The question at issue does not concern the right of a belligerent to liberate slaves, *flagrante bello*, by military order accompanied with manucaption, or the right to enlist such liberated slaves in his army, so long as the war lasts. The employment of colored troops, as has been shown, did not depend on the Emancipation Proclamation, for the President was opposed to the arming of negroes when he first embarked on his emancipation policy. The questions presented by the Proclamation of January 1, 1863, in the shape actually given to it by Mr. Lincoln, are these:

*Firstly.* Had the President of the United States, in the exercise of his war powers, a right, under the Constitution and by public law, to decree, on grounds of military necessity, the emancipation and perpetual enfranchisement of slaves in the insurgent States and parts of States?



*Secondly.* Did such proclamation work, by its own vigor, the immediate, the unconditional, and the perpetual emancipation of all slaves in the districts affected by it?

*Thirdly.* Did such proclamation, working *proprio vigore*, not only effect the emancipation of all existing slaves in the insurgent territory, but, with regard to slaves so liberated, did it extinguish the status of slavery created by municipal law, insomuch that they would have remained for ever free, in fact and law, provided the Constitution and the legal rights and relations of the States under it had remained, on the return of peace, what they were before the war?

Unless each and all of these questions can be answered in the affirmative, the Emancipation Proclamation was not authorized by the Constitution or by international law, and so far as they must be answered in the negative it was *brutum fulmen*. It remains, then, to make inquiry under each of these heads:

1. As everybody admits that the President, in time of peace and in the normal exercise of his constitutional prerogatives, had no power to emancipate slaves, it follows that the right accrued to him, if at all, from the war powers lodged in his hands by public law when, as Commander-in-Chief of the army and navy, he was engaged in a life-and-death struggle with insurgents, whose number, power, and legal description, gave them the character of public enemies. It is, therefore, to public law, as enfolded in time of war and for war purposes in the bosom of the Constitution, that we are primarily to look for the authority under which the President assumed to act.

Of international law no less can be said than has been said by Webster: "If, for the decision of any question, the proper rule is to be found in the law of nations, that law adheres to the subject. It follows the subject through, no matter into what place, high or low. You can not escape the law of nations in a case where it is applicable. The air of every judicature is full of it. It pervades the courts of law of the highest character, and the court of *pie poudre*, ay, even the constable's court."\*

This international law, with all its belligerent rights, was everywhere present as a potent force in the civil war between the United States and the Confederate States, so soon as that war had assumed such character and magnitude as to give the United States the same

\* Webster's "Works," vol. vi., p. 122.

rights and powers which they might exercise in the case of a national or foreign war, and everybody admits that it assumed that character after the act of Congress of July 13, 1861. But international law, in time of war, is present with its belligerent *obligations* as well as with its belligerent *rights*, and what those obligations are is matter of definite knowledge so far as they are recognized and observed in the conduct and jurisprudence of civilized nations.

The law of postliminy, according to which persons or things taken by the enemy are restored to their former state when they come again under the power of the nation to which they formerly belonged, was anciently held to restore the rights of the owner in the case of a slave temporarily enfranchised by military capture. And, if it be admitted that, as regards slaves, this fiction of the Roman law has fallen into desuetude under the present practice of nations, it is none the less true that the Government of the United States has earnestly contended, in its intercourse with other nations, for the substantial principle on which the rule is based. We insisted on restoration or restitution in the case of all slaves emancipated by British commanders in the War of 1812-'15, and the justice of our claim under the law of nations was conceded by Great Britain when she signed the Treaty of Ghent, and when, on the arbitration of Russia, she paid a round sum, by way of indemnity, to be distributed among the owners of slaves who had been despoiled of their slave property.\* In the face of a precedent so set and so adjudicated by these great powers acting under the law of nations (and one of them subsequently known as the leading antislavery power of the civilized world), it would seem that, as a question of law, the first interrogatory must be answered in the negative. Slaves temporarily captured to weaken the enemy and to conquer a peace are not lawful prize of war by military proceedings alone—proclamation, capture, and deportation. The more fully it be conceded that international law, in time and fact of war, knows the slave only as a person, the more fully must it be conceded that this law, by purely military measures, can take no cognizance of him as a chattel, either to preserve or to destroy the master's property right under municipal law. It leaves questions about the chattel to be settled in another forum, and by another judicature than the wager of battle.

Nor does it help the matter to say that in a territorial civil war

\* Lawrence's "Wheaton," pp. 612, 659.

the Federal Government is clothed with the rights of a constitutional sovereign in addition to those of a belligerent ; for, though this statement is entirely true, it is not true that both of these jurisdictions apply at the same time, or that it is lawful to import the methods and processes of the one into the domain of the other. A government, for instance, may proceed against armed rebels by the law of war—killing them in battle if it find them in battle array ; by public law, confiscating their property ; by sovereign constitutional law, condemning them to death, for treason, after due trial and conviction. But each of these proceedings moves in a sphere of its own, and the methods of the one sphere can not be injected into the sphere of the other. It would, for example, be a shocking violation of both constitutional and public law to shoot down insurgent prisoners of war, in cold blood, because they were “red-handed traitors,” and because they might have been lawfully killed in battle. The military capture of a slave and the confiscation of the owner’s property rights in him fall under separate jurisdictions, and they can not both be condensed into the hands of a military commander any more than into the hands of a judge.

2. No principle of public law is clearer than that which rules the war rights of a belligerent to be correlative and commensurate only with his war powers. “To extend the rights of military occupation or the limits of conquest by mere intention, implication, or proclamation, would be,” says Halleck, “establishing a *paper conquest* infinitely more objectionable in its character and effects than a *paper blockade*.”\* It is only so far as and so fast as the conquering belligerent reclaims “enemy territory” and gets possession of “enemy property” that his belligerent rights attach to either. And hence, when Mr. Lincoln, on the 1st of January, 1863, assumed authority, in the name of “military necessity,” but without the indispensable *occupatio bellica*, to emancipate slaves in the territory held by the enemy, he contravened a fundamental principle of the public law—a principle equally applicable to the relations of a territorial civil war and of a foreign war. It is important to observe that where this principle was guarded by the rights and interests of foreign nations, as in the case of the Southern ports of entry while they were under the power of the Confederate authority, it was sacredly respected by our Government. And in the light of this doctrine it follows that the second of the questions formulated above

\* Halleck, “International Law,” chapter xxxii., § 2. Cf. 2 Sprague’s “Reports,” p. 149.

must also be answered in the negative ; for as to large parts of the South Mr. Lincoln had no *de facto* power when he assumed to liberate slaves both *de facto* and *de jure* within all the " enemy territory " at that date.

3. Since the decision of Lord Stowell in the case of the slave Grace,\* it has been an accepted doctrine of jurisprudence that the slave character of a liberated slave—liberated by residing on free soil—is reintegrated by the voluntary return of such slave to the country of the master. Unless, therefore, the Proclamation of Freedom is held to have extinguished the status of slavery in the States and parts of States affected by it, it would have conferred a very equivocal boon on its beneficiaries. For, unless the municipal law of slavery were wiped out by the Proclamation, and by conquest under it, what prevented a reënslavement of such emancipated blacks as should return to their homes after the war? And this fact was made apparent to Mr. Lincoln and to the whole country as soon as an occasion arose for bringing the matter to a practical test.

On the 18th of July, 1864, when the famous " peace negotiations " were pending at Niagara Falls between Mr. Greeley and certain assumed representatives of the Confederate States, Mr. Lincoln wrote that he would receive and consider " any proposition which embraced the restoration of peace, the integrity of the whole country, and the abandonment of slavery, and which came by and with an authority that can control the armies now at war against the United States." It was seen that the emancipation of individual slaves, even of *all* individual slaves in the insurgent States, was worth nothing without an abandonment of slavery itself—of the municipal status in which the slave character was radicated, and in which it might be planted anew by a voluntary return to the slave soil. It was seen, too, that the Proclamation of Freedom, considered as a military edict addressed to " rebels in arms," had created a misjoinder of parties as well as a misjoinder of issues, for the authority which controlled the Confederate armies was not competent to " abandon slavery " in the insurgent States, though it *was* competent to restore " peace and union " by simply desisting from further hostilities. A misjoinder of issues was also created, for each State, under the Constitution as it stood, had a right, in the matter of slavery, to order and control its own domestic institutions accord-

\* 2 Haggard's " Reports," p. 94.

ing to its own judgment exclusively ; and the nation, by the conquest of its own territory, " could acquire no new sovereignty, but merely maintain its previous rights."\* The Proclamation proposed to leave the institution of slavery undisturbed in certain States and parts of States, while destroying it in certain other States and parts of States. Hence, on the supposition that the paper was to have full force and effect after the war, while our civil polity remained the same, a new distribution of powers as between certain States and parts of States on the one hand, and the Federal Government on the other, would have been created by edict of the Executive.† Without any express change in the constitution of the United States, and without any express change in the constitutions of the insurgent States, the status of persons on one side of a State line, or even on one side of a county line, would have depended on municipal law ; on the other side of such State or county line it would have depended on a military decree of the President. In this strange mixture of what Tacitus calls "*res dissociabiles—principatum ac libertatem,*" it would have been hard to tell where the former ended and the latter began ; and to suppose that the civil courts, in the ordinary course of judicial decision, could have recognized such anomalies, while the rights of the States under the Constitution were still defined by that instrument, is to suppose that judges decree justice without law, without rule, and without reason. It is safe, therefore, to say that the third question above indicated must equally be answered in the negative.

And even if it be held that the President's want of power to issue the Proclamation without the accompanying *occupatio bellica* and that the consequent want of efficacy in the paper to work emancipation *proprio vigore* were cured by actual conquest under it on the part of the Government, and by actual submission to it on the part of the seceded States, insomuch that it would have operated the extinction of the slave status in those States, it still remains none the less clear that, without a change in the Constitution of the United States prohibiting slavery in the South, the Proclamation must have failed, with the rights of plenary conquest limited by the Constitution, to insure the perpetual freedom of the slaves liberated under it ; for what, under the rights still reserved to the States, would have prevented the future reestablishment of slavery at the South after the return of peace ?

\* 2 Sprague's " Reports," p. 148.

† 2 Hurd, " Law of Freedom and Bondage," p. 787.

Nobody was more quick to perceive or more frank to admit the legal weakness and insufficiency of the Emancipation Proclamation than Mr. Lincoln. Determined though he was never to retract the paper, or by his own act to return to slavery any person who was declared free by its terms, he saw that, in itself considered, it was a frail muniment of title to any slave who should claim to be free by virtue of its vigor alone. And therefore it was that, with a candor which did him honor, he made no pretense of concealing its manifold infirmities either from his own eyes or from the eyes of the people, so soon as Congress proposed, in a way of undoubted constitutionality and of undoubted efficacy, to put an end to slavery everywhere in the Union by an amendment to the Constitution. Remarking on that amendment at the time of its proposal, he said: "A question might be raised whether the Proclamation was legally valid. It might be added that it aided only those who came into our lines, and that it was inoperative as to those who did not give themselves up; or that it would have no effect upon the children of the slaves born hereafter; in fact, it could be urged that it did not meet the evil. But this amendment is a king's cure for all evils. It winds the whole thing up."\*

In the light of these facts, of these principles, and of Mr. Lincoln's own admissions, it would seem that the Emancipation Proclamation was extra-constitutional—so truly outside of the Constitution that it required an amendment to the Constitution to bring the President's engagements and promises inside of the Constitution. And surely it will not be pretended that the President, even on the plea of military necessity, has a right to originate amendments to the Constitution, or to wage war on States until they agree to adopt amendments of his imposing. This would be to "theorize with bayonets, and to dogmatize in blood." This would be to make it competent for the President in time of war to alter the fundamental law of the land by *pronunciamiento*—a mode of proceeding which falls not only outside of the Constitution, but outside of the United States—into Mexico.

The Proclamation fell also outside of the jural relations of slavery under international law. Conceding that slaves, in time of war, are known under international law only as persons, we still have to hold that, as residents of "enemy territory," the slaves here in question were, by the terms of that code, as much "enemies" of the

\* Raymond, "Life and State Papers of Abraham Lincoln," p. 646.

United States as their masters.\* But the Proclamation treated them as friends and allies. In the eye of municipal law, they were property, and the Proclamation acknowledged them as such in the act of declaring them free; but, as such, they were confiscable only by due process of law, after manucaption; and, whether they were confiscated under public law, or under sovereign constitutional law, would simply depend on the nature and terms of the confiscation act adopted by Congress. If they were confiscated as "enemy property" in order to weaken the enemy, the act would fall under public law. If they were confiscated in order to punish the treason of their owners, whereof such owners had been duly convicted, the act would fall under sovereign constitutional law. But the Proclamation assumed to confiscate the property rights of the slave-owners without any process of law at all; and so it fell as much outside of public law as it fell outside of constitutional law and of municipal law. Nor has any amendment of public law as yet brought within the sanctions of international jurisprudence the pretension of a belligerent to alter and abolish, by proclamation, the political and domestic institutions of a territory within which he has, at the time, no *de facto* power. On the contrary, the pretension is traversed by the latest codifications of international law,† and by the latest publications of our own State Department.‡ And hence it is no matter of surprise that the first international lawyers of the country, like the Honorable William Beach Lawrence, and the first constitutional lawyers of the country, like the late Benjamin R. Curtis, have recorded their opinion as jurists against the legality of the Emancipation Proclamation.

Lawyers, as Burke said at the beginning of the American Revolution, "have their strict rule to go by," and they must needs be true to their profession, but "the convulsions of a great empire are not fit matter of discussion under a commission of Oyer and Terminer." The Emancipation Proclamation did not draw its breath in the serene atmosphere of law. It was born in the smoke of battle, and its swaddling-bands were rolled in blood. It was in every sense of the word a *coup d'état*, but one which the nation at first condoned, and then ratified by an

\* "In war, all residents of enemy country are enemies."—Chief-Justice Waite (2 Otto, p. 194), in common with all the authorities.

† Bluntschli, "Das Modern Völkerrechts," p. 306. (Lardy's French version obscures and misinterprets the text of the original on this point.)

‡ Cadwalader, "Digest," pp. 56, 57, 148, 151.

amendment to the Constitution. As Mr. Welles says, "It was a despotic act in the cause of the Union"—an act, he adds, "almost revolutionary," and it was *almost* and not *altogether* revolutionary, simply because it fell short of the practical and legal effects at which it was nominally aimed. It was, in fact, martial law applied to a question of politics and of polity; and of martial law, Sir Matthew Hale has said that "in truth and reality it is no law at all, but something indulged." If we would look for its fountain and source, we must look to an institute which makes small account of all human conventions and charters—the *lex talionis*. The Proclamation was the portentous retaliatory blow of a belligerent brought to bay in a death-grapple, and who drops his "elder-squirts charged with rose-water" (the phrase is Mr. Lincoln's), that he may hurl a monstrous hand-grenade, charged with fulminating powder, full in the faces of the foe. The phenomenon is as old as the history of civil war; and because he saw it was likely to reappear, so long as human nature remains the same, Thucydides had a presage that his history of the civil war between Athens and Sparta would be "a possession for ever." "War," he wrote, "is a violent master, and assimilates the tempers of most men to the condition in which it places them." So Cromwell, in the hour of his political agony, exclaimed against "the pitiful, beastly notion" that a government was to be "clamored at and blattered at," because it went beyond law in time of storm and stress.

And there *is* something worse than a breach of the Constitution. It is worse to lose the country for which the Constitution was made; but, if the defense of the Proclamation can be rested on this ground, the fact does not require us to teach for doctrine of law that which is outside of law and against law. Mr. Jefferson held the Louisiana purchase to be extra-constitutional, but he did not try to bring it inside of the Constitution by construction. That he left to others. It seems a waste of logic to argue the validity of Mr. Lincoln's edict. It moved above law, in the plane of statecraft. Not that its author, in so proceeding, moved on the moral plane of the insurgents. He wrought to save, they to destroy, the Union. Not that he acted in malice, for, as he protested, the case "was too vast for malicious dealing." And not that he clearly foresaw the end of his step from its beginning. The fateful times in which he acted the foremost part were larger than any of the men who lived in them, tall and commanding as is the figure of the benign war President, and the events then moving over the dial of



history were grander than the statesmen or soldiers who touched the springs that made them move. It was a day of elemental stir, and the ground is still quaking beneath our feet, under the throes and convulsions of that great social and political change which was first definitely foreshadowed to the world by the Emancipation Proclamation of Abraham Lincoln.

JAMES C. WELLING.

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## RECENT ENGLISH BOOKS.

- I. Sacred Books of China and India.
- II. Machiavelli and his Times.
- III. The Home of the Eddas.

### I.

Now that the chief religions of the East have become the theme of frequent allusion and comparison in current literature, it is time their texts should be accessible to the mass of cultivated persons through the medium of authentic and literal translation. Not, of course, that the perusal of a fragment of Vedic or Confucian literature will enable us to form an independent opinion, but it will help us to classify, to verify, or to correct our derivative impressions, and to discriminate between the cautious, qualified affirmance of the scholar, and the loose or disingenuous assertions of the sciolist. If it did no more than to dislodge the misconceptions which have warped our current notions on these topics, a trustworthy and readable version of the leading Oriental classics would be of signal utility. Some of these fundamental errors have, hitherto, proved difficult to extirpate. It is common, for instance, to hear Confucius spoken of, in popular lectures and polemical writings, as an inventor or innovator—as if he had propounded a new scheme of ethics in the sense that Jesus Christ or Mohammed propounded one. The truth is, that he originated almost nothing, being, as he said of himself, a transmitter and not a maker. So, too, we find persons, who would be incapable of blunders in connection with the religious systems of Greece or Rome, referring to the Zoroastrians as fire-worshipers, whereas the true followers of Zoroaster abhor that very name. Again, the religious notion of sin is repeatedly alleged to be wanting in the “Rig-Veda,” and important conclusions are based on this supposed fact; yet the gradual growth of the concept of guilt is one of the most interesting lessons of those

ancient hymns. Those, moreover, who imagine that the Brahmans, like Roman Catholic priests, keep their sacred books from the people, will doubtless profit by the opportunity of reading the many passages in the Brahmanas, the Sûtras, and even in the laws of Manu, where the duty of learning the Veda by heart is inculcated for every Hindoo above the grade of Sûdra.

The publication of the series of translations projected three years ago, by Max Müller in conjunction with a large number of Oriental scholars, has at last been begun, and we are now able to forecast the scope and method of the undertaking. The scheme contemplates a conspectus of the six so-called book-religions, exhibiting the most important writings of the Brahmans, the Buddhists, the Zoroastrians, the followers of Confucius, of Lâo-tze, and of Mohammed. The versions are to be made from the original texts, or, where good translations exist already, these will be subjected to careful and competent revision. As regards the principle controlling the execution of the work, the capital aim will be a severe literalness, so far as such a result can be compassed in the case of texts three thousand years old. Wherever old thought can not be transmuted into modern speech without violence to one or the other, our idiom, rather than the truth, is to be sacrificed, and the reader, therefore, must expect to encounter some ruggedness of expression. What is of decisive moment, the translators engage to refrain from those curtailments and embellishments in which the eulogists of these early literary records have too often indulged themselves. It will doubtless require an effort to spoil a beautiful sentence by a few discordant words, which might easily be expunged, but, if they are there in the original, they must be taken into account, quite as much as the pointed ears in the beautiful Faun of the Capitol. We want to know the ancient religions as they really were, not their wisdom only, but their folly also—in a word, we want the whole truth, whether it makes for Christianity or for the atheistic philosophy on whose side so many philologists have, more or less avowedly, been ranged. In such an arsenal it may be that thinkers of all schools will find weapons, and certainly all will approve the purpose and pledge of these translators to suppress nothing and varnish nothing, however hard it seems to write it down.

Of the initial ventures in this series, two are now before us, the first being a translation by Max Müller of the Upanishads,\* which

\* Sacred Books of the East, edited by Max Müller. Vol. I. Upanishads. Oxford: Clarendon Press.

are, we need not say, theosophic treatises of superlative interest and beauty. In no way could the general reader be more happily introduced to the sacred books of India. Undoubtedly these philosophical expositions are much later in point of time than the hymns and the liturgical books of the Veda. They fulfill the educational function of a catechism and a commentary. They contain the inmost kernel and vital spirit of the Veda, being to the Samhitas and the Brahmanas what the so-called Proverbs of Solomon are to the Psalms and the Levitical books of the Hebrews. It was for this reason that Rammohun Roy, the modern Hindoo reformer, translated the Upanishads in preference to the earlier documents, pointing out that the adoration of an invisible Supreme Being was exclusively prescribed by these treatises, and by the so-called Vedânta. Another fact will be likely to have more weight with American readers, viz., that one of the most honest thinkers and speakers of our time, Schopenhauer, has proclaimed his own philosophy to be powerfully impregnated by the fundamental doctrines of the Upanishads. He declares the access to this compendium of the Vedic philosophy the greatest privilege which this century may claim over previous ages. "How does every line," he writes, "display its firm, definite, and throughout harmonious meaning! From every sentence, deep, original, and sublime thoughts arise, and the whole is pervaded by a high and holy and earnest spirit. Indian air surrounds us, and the unborrowed thoughts of kindred spirits. And oh, how thoroughly is the mind here washed clean of all early, ingrafted Jewish superstitions, and of all philosophy that cringes before them! In the whole world, there is no study so beneficial and so elevating. It has been the solace of my life, it will be the solace of my death." Schopenhauer was the last man in the world to be suspected of any natural predilection for Indian mysticism, and we know of nothing better calculated than his rapturous language about the Upanishads to secure a considerate reception for these relics of ancient wisdom.

An introduction to the Confucian literature is contributed to this series by the well-known sinologue, James Legge, in the shape of a translation of the Shû King, the religious portions of the Shih King, and the Hsiâo King.\* Of the five great "Kings" or classics recognized by his followers we owe but one to Confucius himself, and this, which he called the "Spring and Autumn" (a

\* Sacred Books of the East, edited by Max Müller. Vol. III. The Shû King, Shih King, and Hsiâo King, translated by James Legge. Oxford: Clarendon Press.

brief chronicle of the annals of his native state), does not figure in the present volume. We have, however, in the Hsiào King, or Classic of Filial Piety, a short, ethical treatise which has come down to us—not like the historical compend just named, as directly from the pencil of the sage—but in the form of conversations between him and a disciple, precisely as the utterances of Socrates are preserved in Xenophon's "Memorabilia." Merely noting that this tract is commonly regarded as an attempt to construct a religion on the basis of the cardinal virtue of filial piety, we pass at once to the most important work here printed, and that is the book of historical documents called the Shû, and since the period of the Han dynasty, when they were officially stamped as classic, the Shû King. Here we have, not even a compilation, much less a composition of Confucius, but a part of the text-books which he had before his eyes, and to whose exposition he addressed himself with reverential self-effacement. We can perhaps gain an approximative idea of the attitude of Confucius, and of the movement to which he gave a controlling and abiding impulse, by conceiving his epoch as a kind of Chinese Renaissance. The dynasty of Kâu, toward the close of which he lived, had witnessed the break-up of the old centralization and all the disintegrating influences of a loosely organized feudality, which curiously prefigured the state of things in the Europe of the middle ages. Amid the fast-crumbling vestiges of a superior civilization, men like Confucius looked back to the laws and precedents, the ethics and the manners belonging to the powerful and brilliant dynasties of Hsiâ and Shang, very much as scholars and thinkers in fifteenth-century Italy fixed their eyes upon Greek culture and the Roman jurisprudence. To neither could invention seem other than impertinence, whereas rescue and reproduction were the paramount duties of the hour. Accordingly, we find that Confucius made it an invariable rule never to affirm or relate anything for which he could not adduce some document of acknowledged authority. Still another analogy may be noted. It was a profane and not a sacred literature and science to which the men of the Renaissance turned back for guidance and enlightenment. Neither did the ancient books of China, to which Confucius incessantly directed the attention of his disciples, profess to have been inspired, or to contain what we should call a revelation. In them, as in the surviving records of Greece and Rome, we find that historians, poets, and legislators wrote—without any claim to supernatural prompting—as they were moved in their own minds.

In the one case, however, as in the other, the student may fashion for himself, from the numerous references to religious views and practices, an outline of the early faith and ritual of the people.

The Shû has come down to us in a mutilated condition, and, even as it existed in the time of Confucius, it did not profess to offer a consecutive history of China, but was simply a collection of disconnected historical memorials. Its surviving documents are referred to various dates, ranging from about B. C. 2357 to B. C. 627. There seems to be no difference of opinion among competent sinologists as to the sufficiency of the proof of the composition in very ancient times of the contents of this classic. Dr. Legge can find no reason for rejecting the affirmance of the native Chinese scholars that a compilation of documents began immediately with the invention of written characters, and that the latter event could have occurred no later than the time of Hwang Tî (B. C. 2697). As is well known, many of the dates have been verified by the solar eclipses recorded in the text. It is true that one remarkable piece of evidence, on which great stress used to be laid, seems for the present unavailable. We refer to the solar eclipse, mentioned in the fourth of the Books of Hsiâ as having occurred in the reign of Kung Khang. It was discovered by P. Gaubil that such an event did actually occur in B. C. 2156 (which, according to Chinese chronology, would be the fifth year of that monarch), and was visible at his capital at 6<sup>h</sup> 49' A. M. Subsequently, however, two astronomers went over these calculations with the help of improved lunar and solar tables, and found that there was indeed an eclipse on the day stated, but before the rising of the sun, at the then capital of China. If, however, the reader will turn to the translation of the ancient document in this volume, he will find that the particular year is not mentioned (though it is implied that the event took place early in the reign), and that nothing whatever is said about the eclipse being visible at the capital. We need not, therefore, give up the hope that with the further perfecting of the lunar tables the alleged eclipse may be identified. The exactness of the date ascribed to another and still earlier document seems to be indisputably established. According to the Chinese historians, the Emperor Yâo began to reign B. C. 2357, and in the so-called "Canon of Yâo," with which the Shû King begins, that personage gives directions to his astronomers how to determine the equinoxes and solstices. He names the stars which then culminated at dusk in China at the equinoctial and solstitial seasons, and European astronomers, com-

puting backward the places of the constellations, have found in the directions a sufficient confirmation of the received date for Yâo's accession. It is certain that the directions could not have been forged in relatively modern times. The precession of the equinoxes was not known in China until more than twenty-five hundred years after the time assigned to Yâo, so that the culminating stars at the equinoxes and solstices of his remote period could not have been computed back scientifically from the epoch of Confucius, when we know the collection of the Shû existed. Very likely the text in its present form may not be contemporaneous with the alleged dates, but its compiler must have had before him ancient records, one of them containing the facts about the culminating of the stars.

Among the documents here translated, which will be scanned with peculiar interest, is the so-called "Tribute of Yû," which, if we could fully credit it, would constitute a sort of domesday-book of China in the twenty-third century B. C. According to some sinologists, we should recognize in the statements of the narrative an organized exploration and colonization of the outlying parts of the Chinese world. Another remarkable document is entitled "Lü's Punishments," and sets forth the Chinese penal code, as it was formulated in the tenth century B. C. At this time the principle of accepting a money commutation for punishments was first introduced, and this is one of the many signs that the epoch covered by the feudal dynasty of Kâu was a period of decided deterioration and collapse. In the so-called "Great Plan" we have the original groundwork of the Confucian philosophy, this treatise—to whose substance, by the way, a great antiquity is ascribed—dealing at once with physics, astrology, divination, morals, politics, and religion. In the "Announcement about Drunkenness" will be found some curious data bearing on the use of alcoholic compounds in ancient China. It is a question whether the term Kiû, here employed, means wine, or beer, or ardent spirits. Dr. Legge, however, has no doubt that the latter translation is correct. He affirms that the grape was not introduced into China before the time of the first Han (B. C. 202), and he can find no evidence that malt liquors have ever been made there, whereas the process of distillation from rice is mentioned four centuries after the death of Confucius, and its invention attributed to the twenty-third century. Another interesting document is called "The Metal-bound Coffer," and recounts a pleasing episode in the history of the Kâu dynasty. The hero of the narrative is the Duke of Kâu, a name in Chinese

history only second to that of Confucius. The latter held his memory in peculiar reverence, and spoke of it as a sign of his own failing powers, that the Duke of Kâu no longer appeared to him in his dreams.

This version of the Shû is substantially the same as that in Dr. Legge's large edition of the Chinese classics, although it has been written out afresh, and with the assistance of a much larger apparatus of native commentaries. Among the few verbal alterations only one merits notice. This is the substitution of the untranslated Chinese character Tî (formerly rendered Emperor) when applied to the ancient monarchs Yào and Shun. Tî was originally used in the sense of God, but came, it appears, by a process of deification, to be given to the great names, fabulous and legendary, of antiquity. The first entirely historical sovereign of China who used the title of Hwang Tî (august Deity—"uniter of the virtues of the Hwangs and of the Tîs") was the founder of the revolutionary Khin dynasty, who made a strenuous and wellnigh effectual attempt to destroy by fire all the documents and expository literature on which the old order rested. He assumed the title in B. C. 221, when he had subjugated all the vassal states into which the feudal kingdom of Kâu had become divided, and was instituting the despotic empire that has since subsisted. After the lapse of two thousand years, it may well be that the title Hwang Tî, applied by a Chinese to the present Emperor, no longer calls up to his mind any other idea than that of a human ruler. Like the name of Kaiser to German ears, it has wholly lost its primitive associations.

## II.

In the floating impressions which make up the popular conception of the man, Machiavelli's name is still synonymous with a sinister duplicity, while those who have climbed the hill of learning high enough to read and remember Macaulay's essay, rather pique themselves on rejecting the current opinion, and see in the vilipended Florentine a well-meaning public servant who, by way of irony and satire, composed a clever *tour de force*. It turns out that the common notion, transmitted as it is from the instinctive repulsion of Machiavelli's fellow citizens, is correct, after all. We know more about the man, and a great deal more about the times, than could be easily ascertained when Macaulay propounded his ingenious paradox. It is safe to say that the bulk of documentary evidence and the whole apparatus of elucidation bearing on the Italian Re-



naissance have been multiplied a hundred-fold within the past thirty years. Burekhardt's book alone, for instance, contains more information than could have been gleaned by the most painstaking English student of the last generation, and the works of other original investigators in the same field almost require a catalogue. Each has had something to say about Machiavelli, either in deliberate judgment or in cursory allusion, and a substantial unanimity has characterized their verdicts. Machiavelli was indeed a bad man, not because his life was vicious, but because he recognized no duty, and no beauty in virtue. He was detestable, not so much for anything he did, but for what he pronounced it right to do. In his practice he moved rather above than below the normal level of his age, but he fully shared its principles; and, because he did not hesitate to formulate them scientifically, the sins of an epoch are not unreasonably associated with his name. Even his fellow burghers of Florence, who could hardly have been shocked by any concrete instance of depravity, were stung to indignation by the flagrant purport of his doctrines. The men of the Renaissance beheld, so to speak, their own faces in a mirror; and they recoiled with loathing. The Church had made a Borgia Pope—that fact it could not efface, but it could testify to the poignancy of its self-reproach, and its abhorrence of the Borgian statecraft, by anathematizing its expounder and condemning its atrocious formulas to be burned by the common hangman.

Of Professor Villari's biography \* only two volumes have appeared, and they bring us no further than to the time when Machiavelli ceased to be the Secretary of the Ten—when, in other words, his official career ended, and his literary achievements began. The first of these volumes is wholly devoted to a survey of the time, and, although a version of Burekhardt's book is now accessible to English readers, this, too, may be commended as an interesting and admirable picture. In the sketch of Machiavelli's early years, domestic relations, and diplomatic functions, which occupies the second volume, we can see that his new biographer is neither accuser nor apologist. His sober, incisive judgment is no more warped by a horror of his subject's principles, or, on the other hand, by a sympathetic reaction from the verdict of posterity, than would be that of a physicist scanning some morbid outgrowth of the animal econ-

\* Niccolò Machiavelli and his Times, by Professor Pasquale Villari, translated by Linda Villari. Vols. I. and II. London: C. Kegan Paul & Co.

omy whose ante-natal and environing conditions were exhaustively known. He has scrutinized his subject's life, his surroundings, and his writings, in order to know and describe the man precisely as he was, with all his merits and demerits, his vices and his engaging qualities. The biographer is not one of those who think a problematic character may be solved by the glib statement that he bore the imprint of his age and disclosed it in his writings, for, after all, the capital question is, How came Machiavelli to be the only man of his time who ventured to formulate principles which, however generally practiced, were certainly not avowed? Here we detect the contribution of hereditary proclivities and energies, the pressure of individual character. The truth is, that in a century there is space for many men, many ideas, many different iniquities and different virtues, and it is the nice admeasurement of social and individual factors, the equation, so to speak, of the epoch and the personality, which is the business of the historian.

From Professor Villari's appreciation of the graphic dispatches penned by the subject of these volumes during his diplomatic career, we can forecast the acumen, the breadth of view, and the candor with which Machiavelli's literary achievements will, by and by, be discussed by his present biographer. If he accuses the Florentine philosopher of wanting a moral sense, he will, no doubt, charge the fault in some measure on the atmosphere which he breathed, on an age which knew no sanctions, had lost its standards, and had not even the cold comfort and slender help derivable from our inchoate science of altruistic ethics. But he will not exonerate his subject upon that plea. He will recognize, meanwhile, in Machiavelli a wonderfully agile and penetrating intellect, the habit of patient and accurate observation, and the command of a sinewy and pellucid style. It is clear, too, that Professor Villari will give him his veritable rank as one of the founders of the new historical method, as one of the first men to discern that social phenomena must be studied quite apart from theological theories, and that there are unvarying, omnipresent laws of human action.

### III.

It is noteworthy how large an infusion of Scandinavian legend and rhapsody has entered into the common fund of knowledge, shared by cultivated persons, through version, or paraphrase, during the past quarter of a century. Even those who can not read the

Skald poetry in the Norse tongue are by this time keenly alive to the import and the charm of that North-Gothic mythology which equals in beauty and interest, and in some respects excels, that of ancient Greece and Rome. Such fragmentary and vagrant acquaintance with a romantic literature needs, however, for due insight and sympathy, to be localized, so to speak—to be identified with the place, the scenery, and the atmosphere in which it was evolved. If we would catch, through the dense and inelastic medium of translation, some faint and fugitive echo of Scandinavian minstrels, if we would seize at least the spirit of their song, we must be able to conceive them in their works and lives, must be helped to reproduce in fancy "The Home of the Eddas."\* It is precisely this which Mr. Lock has sought to do for us in the record of his sojourn for twelve full months in Iceland. The distinctive merit of his narrative is not an obvious utility to the future tourist, although the hints and counsels are minute and copious, nor the crisp and lively sketches of social intercourse and housekeeping practiced amid the harsh conditions of an Arctic climate, but the patience with which it traces myth and legend to their birthplace, and the felicity with which he detects, beneath the crust of physical transformation and social decline, the Iceland of the Norse heroic age. This task of local identification and resurrection he has been enabled to carry out through his indefatigable industry and fervid enthusiasm for the persons and the scenes of Scandinavian story. What was equally essential to success, he is saturated with an erudition which, so far as we can judge, is accurate, and which certainly infects the reader with a touch of the author's relish.

Interesting and suggestive of profound social metamorphosis is the author's comparison of ancient with modern Icelandic architecture. All the heathen Scandinavian buildings were of timber, lined with paneling inside, and the interstices packed with dry moss to keep out the piercing draughts. These houses were spacious, comprising a number of apartments, including a bath-room—to which there is, at present, no equivalent in Iceland—and all of the rooms were then provided with fireplaces, the early colonists having no lack of fuel. Now, on the other hand, recourse is had by builders to lava-blocks and turf-sods, for, except among the Danish settlers, and a few government houses, there are not a dozen timber-framed

\* *The Home of the Eddas*, by C. G. W. Lock. London: Sampson Low, Marston & Co.

dwellings in the country. The old hall, with its broad spaces and lofty rafters, has shrunk into a hovel of turf, on whose small stone hearth a peat-fire is lighted at rare intervals for cooking purposes alone. To the destruction of the Icelandic woods or shaws, Mr. Lock, like all other writers on the subject, attributes almost all the evil that has befallen the island and her sons.

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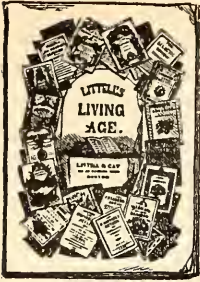
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