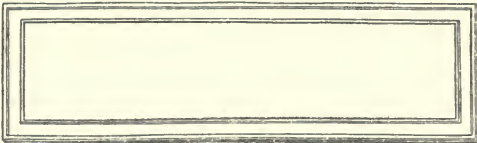


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With the deepest respect as I esteem
Yours very truly
W. D. Miller

THE
LIFE AND PUBLIC SERVICES
OF
SALMON PORTLAND CHASE,

UNITED STATES SENATOR AND GOVERNOR OF OHIO; SECRETARY OF THE
TREASURY, AND CHIEF-JUSTICE OF THE UNITED STATES.

BY
J. W. SCHUCKERS.

TO WHICH IS ADDED THE EULOGY ON MR. CHASE, DELIVERED
BY WILLIAM M. EVARTS, BEFORE THE ALUMNI OF
DARTMOUTH COLLEGE, JUNE 24, 1874.



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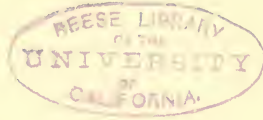
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TO MY FRIEND
CHARLES B. COLLIER, Esq.,
OF
PHILADELPHIA.





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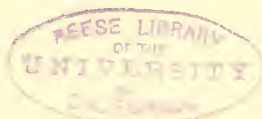
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W. H. W. W. W. W.
CALIFORNIA



LIFE OF SALMON PORTLAND CHASE.

CHAPTER I.

BIRTH OF SALMON P. CHASE—CORNISH—HIS ANCESTRY—HIS MARRIAGES AND CHILDREN—SOME ACCOUNT OF THE CHASE FAMILY—CHILDHOOD.

SALMON PORTLAND CHASE was born in Cornish, New Hampshire, January 13, 1808. For more than three-score years before his birth, his grandfather and his father, with their families, had dwelt in Cornish; and their homestead, a substantial country-house of the eighteenth century, still stands, as firm and sound as when—now more than a hundred years ago—his ancestors built and lived in it. Fertile meadows surround it; a half-mile in its rear rise up the stately hills of Cornish; at its front rolls the beautiful Connecticut; in the west, on the Vermont side of the river, towering grandly among the neighboring summits, the kingly Ascutney lifts his head more than three thousand feet above the sea, and at sunset covers

with his shadow the old homestead of Dudley and Ithamar Chase.

Family names and family history are of no political, and perhaps even of small social importance, in a republic, where, it is said, "worth makes the man." But it is nevertheless a fine impulse of our nature that prompts us to pride in an honorable ancestry. That of Mr. Chase was neither royal nor noble, but through many generations it has been marked for the highest qualities that can distinguish men—temperance, probity, religious life and intellectual strength.

He was ninth in descent from Thomas Chase of Chesham, England, and sixth from Aquila Chase, born in England, shipmaster, who settled in the town of Newbury, Massachusetts, about 1640. The fifth son of this Aquila—who was second of his name,¹ and in the fourth generation from Thomas Chase of Chesham—was Moses, born 1663. Moses Chase married Anne Follansbee, and became the father of ten children, the two elder of whom were Moses and Daniel, twins, born September, 1685. Daniel married Sarah March, in 1706, and became the father of ten children also, Samuel being the first. Samuel married Mary Dudley of Sutton, and removed to Cornish. He had nine children, the third of whom, Dudley, was born in 1730, and in 1753 was married to Alice Corbett of Mendon. Dudley and Alice Chase had fourteen children, and eight of them were sons who attained to the years of manhood: Simeon, Salmon, Ithamar, Baruch, Corbett, Heber, Dudley, and Philander, and all of these arrived at more or less distinction in their several walks of life.

¹ Shortly after Mr. Chase was elected Governor of Ohio, a gentleman claiming to be his relative wrote him, touching the supposed great "Chase estate" in England, awaiting heirs, and solicited assistance in order to establish the claims of the American branch of the family. The Governor replied that he had no objection to admit the relationship asserted by his correspondent, though their common ancestor was no nearer than Adam, provided his correspondent was an honest man, and voted the Free-soil ticket! He added that the best way to make a living is by labor, and that he had no faith in the supposed English estate, and no wish to participate in the effort to get it, even if it existed, since great injury must result to innocent persons if the effort were successful.

It may be worth while saying here, for the benefit of the curious, that there seems to be no basis to the stories current, of a great estate in England awaiting the heirs of Aquila Chase. They are probably fictitious; at any rate rest upon flimsy foundations.

Ithamar Chase was born in 1763, and in 1789 married Jannette Ralston of Keene, daughter of Alexander Ralston and Jannette his wife, both natives of Falkirk, Scotland. Ithamar and Jannette Chase were the parents of eleven children, and of these Salmon Portland Chase was the eighth.

Salmon Portland Chase¹ was thrice married: First, March 4, 1834, to Katharine Jane Garniss, who was born in New York City, August 21, 1811; died December 1, 1835. They had one child, Katharine, born November 16, 1835; died February 6, 1840. Second, September 26, 1839, to Eliza Ann Smith, born at Cincinnati, November 12, 1821; died September 29, 1845. They had issue three children—Katharine, born August 13, 1840; Lizzie, born May 30, 1842; died August 30, 1842; Lizzie, born June 1, 1843; died July 24, 1844. Third, November 6, 1846, to Sarah Bella Dunlop Ludlow, born near Cincinnati, April 20, 1820. They had issue two children: Janet Ralston, born September 19, 1847; Josephine Ludlow, born July 3, 1849; died July 28, 1850. Sarah Bella D. L. Chase died at Clifton near Cincinnati, January 13, 1852.

Two only of the six children born to Mr. Chase lived to mature years: Katharine, daughter of his second wife, married November 12, 1863, to William Sprague of Rhode Island, now a Senator in Congress from that State; and Janet Ralston, married March 23, 1871, to William Sprague Hoyt, of New York City.

Although Mr. Chase was the husband of three wives, his married life was somewhat less than thirteen years. He outlived all his brothers and sisters, and of the former none left male issue.

His uncles, Salmon, Baruch, and Dudley Chase, were graduates of Dartmouth College, and all became lawyers. Dudley was five times elected Speaker of the Vermont House of Representatives; was United States Senator from 1813 to 1817, resigning in the latter year. He was then elected Chief-Justice of the State, and reelected three successive years; and was again United States Senator from 1825 to 1831. He died at Ran-

¹ The middle name of the Chief-Justice was given him by his parents, to commemorate the death of his uncle Salmon at Portland. Mr. Chase was wont to say that he was his uncle's monument.

dolph, full of years and honors. Heber and Corbett Chase became physicians; Simeon and Ithamar were farmers, although the latter for many years represented his district in the Council of New Hampshire, and was also a justice of the peace, and a good deal talked of for Governor of the State, though he never became a candidate. Philander Chase, the youngest of this family, was graduated at Dartmouth, and was subsequently Episcopal Bishop of Ohio, and afterward of Illinois. "While a student at Dartmouth," says Mr. Chase, in "The Trowbridge Letters," "poring over some books which were in the college library, Philander Chase became convinced (he had been reared a Congregationalist) that the Episcopal Church was that which the apostles had founded, and, prompt to act upon his convictions, had joined its communion. His zeal or his logic, or both, so wrought upon my grandfather's family that, so far as I know without exception, they all became Episcopalians. This must have happened about the beginning of the century; for an Episcopal Church was built and consecrated, and the family were devout worshipers there, when I was born. The bishop was an earnest, able, faithful, valiant man; imperious it may be; confident in himself, but more confident in God—always saying, 'Jehovah Jireh, God will help,' and always finding himself helped. My father never went to college, but had the common-school education of other farmer-boys. As he grew in years, he married my mother, then a handsome young woman, the daughter of Scottish parents—Ralston *père*, Balloch *mère*—and herself just escaped from birth in Scotland, for her parents came over the very year she saw the light."

Mr. Chase has written that his earliest recollections of himself were of a dangerous attack of a malignant fever; and next, of the school and school-house, and his teacher, Daniel Breck of Vermont, afterward a distinguished citizen of Kentucky, and a member of the highest judicial tribunal of that State. Mr. Chase when a mere child, not always able to make his way through the heavy New-England snows to the little school-house, not more than a hundred rods distant from his father's gate, and often borne thither upon the shoulders of older boys, and sometimes by the teacher himself, was remarkable for his application to his childish studies, and for his success and accuracy

in mastering them. It was not a very serious task, of course, to get to the head of the spelling-classes, having but one competitor at all formidable; a little girl Bessy Marble by name, the pretty daughter of a near neighbor and intimate friend of his father's. Bessy was his rival in the school, and his companion out of it; she grew up an accomplished and superior woman, whose after-history was not without some coloring of romance. The boy was a resolute, hard-headed, ambitious little fellow, said Mr. Breck, with whom so soon as he could read, reading became a passion. To get away into some unnoticed corner of the house, or under a clump of trees, with a book, and Bessy at his side, reading aloud to her, was his chief happiness and occupation. "Rollin's Ancient History"—dear, delightful book—was his earliest treasure.

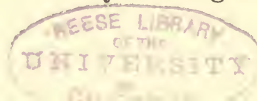
"I was religiously educated," writes Mr. Chase, "but not under any very severe restraint. I was baptized into the Episcopal Church, and among my earliest recollections are those of a square pew in the south side of the little church, near the east wall, where, however, I think I did more sleeping than any thing else."

Five generations of his ancestors, and more than fifty members of the Chase family, sleep in the little Cornish church-yard.

The inscriptions upon the tombstones of some of them are in the quaint but simple and beautiful language of New-England people threescore years ago; while the sculptured angel-forms which almost invariably appear at the tops of the stones, as introductory somewhat to the inscriptions which follow, though highly regarded then, rather startle the finer artistic tastes of the present generation.

"I was a rustic boy," writes Mr. Chase, "very rustic; full of faith; not much given to ask for the causes of things; ready to accept what was told me, but equally ready to correct errors of information by better information or experience; ambitious to be at the head of my class and without much other ambition, and not grudging that place even to any one who fairly earned it, and least of all, to pretty Bessy Marble.

"And so, with a kind father and mother watching over me; with old Ascutney looking down upon me every morning from



his mists, and every evening from his royal panoply of gilded clouds, the old Connecticut River rolling by, and the Connecticut Valley meadows and New Hampshire hills over which to roam, and gather strawberries and wild-flowers," passed the happy childhood of Salmon Portland Chase.

CHAPTER II.

REMOVAL TO KEENE—HIS FATHER'S DEATH—RECOLLECTIONS OF KEENE—AT SCHOOL AT WINDSOR—JOURNEY TO OHIO—NIAGARA FALLS—CLEVELAND—"THE FERRY-BOY"—ARRIVAL AT WORTHINGTON.

WHEN Mr. Chase was about eight years old his father removed from Cornish to Keene in Cheshire, and dwelt there in a house belonging to his father-in-law, Alexander Ralston. "I remember one spring and one summer in that house," writes Mr. Chase; "the spring by the melting of the snow and the rush of the surface-waters into the Ashuelot, and the summer by a ridiculous attempt I made to dry up a small pool by building a fire upon an extemporized raft and setting it afloat upon the water. I had somehow lost my shoe in the pool, and knowing that water could be dried up by heat, undertook to recover my shoe in that way. But I soon abandoned the attempt.

"I have a dim recollection of the district school—there were several in the town—as a dark room with a great many boys in it, on our side of the street between my father's and the meeting-house. One day I got into a fight with a neighbor boy, the only personal fight I ever was in. He threw a brick or stone at me; I closed upon him, but, as we were soon parted, there were no serious consequences. I remember I did not want to fight, but thought a crisis had come (though I did not know the word then), and that I must hit him—which I did."

Not long after going to Keene, in August, 1817, Ithamar Chase was attacked by paralysis, and after lingering some days in unconsciousness, died surrounded by his family. He was a

noted man in the little community, and honorably known in the State; a leading member of the Masonic fraternity; the friend of Jeremiah Mason of Boston, and of Daniel Webster, then a rising young lawyer and member of Congress; and, in the elaborate style of the times, was addressed as the "Honorable Ithamar Chase, Esq.;" titles in which, remarks Mr. Chase, "my mother took an innocent pleasure, mixed perhaps with a little pride." Through the inheritance of his wife, Jannette Ralston, he had come into the possession of considerable property—for those days—in Keene, and had invested a portion of it in the establishment of a glass factory; but with the close of the war came a revision of the tariff; customs duties were lowered; there was a restoration of foreign trade and importation of foreign glass; prices fell upon home production, so that the factory proved a serious loss, and the business affairs of Ithamar Chase had fallen into some disorder even before his death. When the estate was finally settled, Mrs. Chase retained but a remnant of her property. As soon as she could arrange to do so, she removed with her family to a yellow "story-and-a-half" house, at the corner of Main Street and the Swanzey road to Boston. "A guide-post, which stood opposite," says Mr. Chase, "read: '☞ TO SWANZEY 7 MILES,' and '☞ TO BOSTON 77 MILES,' and often sent my young imagination to the neighboring town and the great city. It seemed very far off and very huge. My eldest sister was married in that house in 1818, and from that house my brother Dudley, a youth of perhaps sixteen years, went away to sea. He shipped at Boston, and how anxiously we all followed the course of the vessel! We heard of her in the Mediterranean, at Barcelona; then in other seas and in other ports. Finally, two or three years after, we learned that he had left the ship and died at Demerara, South America. His was the first death among my brothers and sisters, and there were eleven of us.

"There was a small farm connected with my mother's house, along one side of which ran a lane back to the hills, bordering the little farm for near a half-mile. As I was going along it one cold morning in the late fall or early winter I received a lesson I have never forgotten. By the roadside was a man lying stark dead. His face lay downward in the shallow water of the road-

side ditch. He had been in town the night before; had got drunk, and in seeking his way to his house on the hill-side, had probably fallen forward into the water, not deep enough to reach to his ears, and unable to move had perished. Some neighbors came and removed the body, and the Rev. Mr. Barstow, before temperance societies were established, preached a sermon on the evils of intemperance; but what sermon could rival in eloquence the awful spectacle of a dead drunkard, miserably perishing where the slightest remnant of sense or strength would have sufficed to save!

“We lived at Keene nearly three years after my father’s death before I went West, and during that time I passed several months, including a part if not the whole of one winter at Windsor, at school under charge of Colonel Dunham. Here I began Latin in good earnest, and was a diligent scholar. It was here, too, that I got my first notions of political parties. Colonel Dunham had been an editor, and in the attic of his house were still kept files of his newspaper, the *Washingtonian*, I believe, or the *Columbian*—fiercely Federal in sentiment. I had learned from my mother that the newspapers were not to be implicitly relied upon, and did not receive the statements of the *Washingtonian* with absolute belief; but certainly after reading it my impressions of James Madison and his supporters were not of a flattering kind.

“I went through the Latin grammar at Colonel Dunham’s; through “*Historia Sacra*,” through a great part of “*Viri Romæ*,” and began to read the “*Bucolics*” of Virgil. I was counted quite a prodigy, but I am now sure that thorough instruction in one-quarter as much would have been better than superficial coursing through the whole.

“There was a boy among us who stood at the head of us all for talent and general capacity. After a various experience—preacher, author, lawyer perhaps—he yielded to the seductions of intemperance, and he grew to be an old man, but older in wear and impairment than in years. One day he came into my library at Washington, feeble, ill-clad, and almost hopeless, and asked for help. I gave him some money and employment in the Treasury Department, and thought he was saved. But the liquor-devil was too strong: after some months he gave way;

was excused—gave way again, and was again excused; and again gave way, and was dismissed. There was no help for it.

“I think it was in 1818-'19 that I was at Mr. Dunham's. After my return to Keene I recited to Rev. Mr. Barstow, and with him I began Greek, going through the grammar and making some progress in the Greek Testament. I also took up Euclid. I am not likely to forget the first proposition. Nobody explained any thing to me, and I had not the least idea of what was to be done. I knew I had a lesson to get, and I got it. I did not know that any thing was to be reasoned and proved, and I neither reasoned nor proved—but simply committed the proposition to memory. I was not long in finding out, however, what problems and theorems meant, and went to work then in the right way, and not unsuccessfully.”

And now happened an important event in the student's life. His uncle, Philander Chase, the Episcopal Bishop of Ohio, made a visit at his mother's, and discerning in his nephew those qualities of strictness and application which are after all the surest foundations of eminence, soon after his return to Ohio wrote Mrs. Chase, proposing to receive her son into his own household at Worthington. After some natural hesitation she consented, and in April, 1820, the lad began his journey to the West. “I tried to find out where I was going,” he writes, “and got some queer information. ‘The Ohio,’ as the country was then called, was a great way off; it was very fertile; cucumbers grew on trees! there were wonderful springs, whose waters were like New-England rum! deer and wolves were plenty, and people few. A copy of Morse's ‘Gazetteer’ gave somewhat better but still scanty information.”

He began his journey in charge of his elder brother, Alexander Ralston Chase, who was going West with the expectation of joining General Cass's expedition into the Indian country. This brother was in company with Henry Rowe Schoolcraft, who afterward became so distinguished.

The journey to Buffalo was uneventful. At Black Rock, near the city, they were to take the steamer, the Walk-in-the-Water, for Cleveland, but were somewhat delayed by reason of ice in the lake. Meantime, while so detained, Alexander Ralston Chase and Mr. Schoolcraft having gone on a visit to Niagara, Mr.

Salmon Portland Chase felt sufficiently aggrieved at their omission to take him along with them, to project a foot expedition there in company with a lad whose acquaintance he had formed since his arrival in Buffalo. "The forest was burning," says Mr. Chase, "when we started, and the road lay through it and seemed dangerous, though probably there was no danger. At any rate we went through, and, almost wearied out, in the evening stopped at a farmer's two or three miles, perhaps, from the falls, and asked for lodgings for the night, which were cheerfully given. Is it remembrance or fancy, that a pitchfork, with its steel points driven into the floor so as to hold it nearly erect, vibrated from the jar of the cataract? The next morning, approaching the falls, we gazed wonderingly on the indescribable flow and roar of the waters. We descended the rude steps, and the rough and precipitous path which led down into the gorge at the foot of the falls; and there was a new wonder—a hillock of ice, formed by the spray, rose just below the reach of the falling waters, forty or fifty feet high, and shone like a mountainous pearl in the sun! Near it I found my brother and Mr. Schoolcraft, who were a good deal surprised to see me, and perhaps a little displeased. But they took charge of me, and I got back to Buffalo much easier than I got to the falls."

The steamboat-ride to Cleveland was not a long one, though at the beginning the Walk-in-the-Water was aided after a somewhat novel method: several yoke of oxen were attached to her by tow-lines and materially assisted in forcing the current. In the open lake the steamer was helped in her progress, not by oxen, but by sails. At Cleveland his brother and Mr. Schoolcraft left him, and, being compelled to remain there several days, he amused himself during some portion of his time by ferrying passengers across the Cuyahoga.¹ Presently he had an oppor-

¹ In the winter of 1863 and '64 Mr. Chase, then Secretary of the Treasury, wrote a series of letters to J. T. Trowbridge, Esq., of Boston, which contained a pretty full outline sketch of his life. Those letters have been freely drawn upon for use in these pages, more especially with relation to Mr. Chase's earlier history.

Mr. Trowbridge wrote an entertaining little book (intended particularly for boys' reading) which, joining invention and fact, contained enough of incident to make it popular, and it had a large sale. It was called "The Ferry-Boy and Financier," and derived its title—more to be commended, perhaps, for alliteration than description—from Mr. Chase's brief ferry experiences on the Cuyahoga, as related in the text.

tunity to go to Medina, where a convention of Episcopal clergymen was in session. From Medina he proceeded toward Worthington in charge of two young men who had been delegates. "The settlement of the country," says Mr. Chase, "was only begun. Great forests stretched across the State. Carriage-ways were hardly practicable. Almost all traveling was performed on foot or on horseback. The two young men had two horses, and the arrangement was, that we were to *ride and tie*: that is to say, one was to ride ahead some distance, then dismount and tie his horse, and walk forward. The person on foot was to come up, take the horse, ride on beyond the walker in front, then tie; and so on. We passed through Wooster, staying there over night. The place seemed to me to be a great one, and the lighted houses as we went in after dark very splendid. In three or four days we reached Worthington. I entered the town walking, and met my uncle in the street with two or three of his clergy or friends."

CHAPTER III.

THE BISHOP'S SCHOOL AT WORTHINGTON—"SHAVING A PIG"—REMOVAL TO CINCINNATI—CINCINNATI COLLEGE—AN INCIDENT—RETURNS TO KEENE.

AT Worthington Mr. Chase entered upon his school-life, with characteristic earnestness and energy. Among his associates were several who afterward attained to distinction; the more prominent, perhaps, being Charles D. Drake, late a Senator in Congress from Missouri, and now Chief-Justice of the United States Court of Claims; and Brigadier Benjamin W. Brice, late Paymaster-General of the United States Army.

He here studied Greek, and with success. His first public exercise—on an exhibition occasion in 1821—was an original Greek oration. "My subject," writes Mr. Chase, "was Paul and John compared; Paul being the principal figure. What trouble I had," he continues, "to turn my English thoughts into Greek forms! The subject helped me, however, for it allowed me to take sentences from the Testament; and thus abridge my labors." But he was quite successful, and the good bishop was proud of his oration, and the orator was proud as the bishop.

Out of school he did "chores"—took grain to mill and brought back meal or flour; milked the cows; drove them to and from pasture; took wool to the carding-factory "over on the Scioto;" brought wood into the house in winter-time, and built fires; helped to make maple-sugar in the proper season; helped plant and sow; in short, did whatever a boy of his years could do on a farm, and earned his living by his labor.

A ludicrous incident of his Worthington life fastened itself strongly in his memory. One morning the bishop and all the older members of the family went away, leaving the boy at home, with directions to kill and dress *a pig* for the next day's dinner. "I had no great difficulty," he says, "in catching and slaughtering a fat young porker. A tub of hot water was in readiness for plunging him in, preparatory to taking off his bristles. Unfortunately, however, the water was too hot, or perhaps when I soused the pig into it I kept him in too long. At any rate, when I undertook to remove the bristles, expecting they would come off almost of themselves, I found to my dismay that I could not start one of them! In pig-killing phrase, the bristles were *set*. I pulled, and pulled in vain. What was I to do? The pig must be dressed; about that there must be no failure. I thought of my cousin's razors—a nice new pair—just suited to the use of a spruce young clergyman as he was. No sooner thought of than done. I got the razors, and *shaved* the pig from tail to snout! I think the shaving was a success. The razors were damaged by the operation, however, but they were carefully cleaned and restored to their place. My impression is, that on the whole, the killing was not satisfactory to the bishop, and that my cousin did not find his razors exactly in condition for use the next morning! But the operation had its moral, and showed that where there is a will there is a way.

✓ "My uncle was a thoroughly practical, and at the same time a thoroughly religious man. He desired that I should become a clergyman of the Protestant Episcopal Church, and took pains to make me read books which should convince me that it was the true Church. I read them and was convinced, and became a zealous champion of the Episcopacy. It was here, too, that under the instructions of the bishop, I was confirmed; and to me it seemed an awful and affecting act. The youth takes upon himself the promises made for him at baptism. Whatever may be the validity of promises made in behalf of an unconscious babe; whether or not such promises add any thing to the force of the moral obligations which rest upon every human soul from the first dawn of consciousness, there can be no doubt as to the import of the pledges the youth makes when he receives confir-

mation. I felt them deeply, and made earnest resolutions to keep them.

“I was at Worthington a little more than two years; from June, 1820, to November or December, 1822. But the school was broken up during most of the second year, and my scholarship—such as it was—grew rusty. The bishop made me read some Latin, and of my own accord I read some history and books on church government.

“The Church in Ohio was at this time weak and the Episcopal revenue scanty. Most of its members were farmers, and few of those who followed other pursuits had considerable incomes. Prices of all provisions were low: corn was ten and even six cents a bushel—the purchaser himself gathering it in the field. Twenty-five cents would buy a bushel of wheat, good and in good order. There were no good roads, no accessible markets, no revenue, and salaries were small. I have heard the bishop say that his whole money income, as bishop, did not pay his postage bills. It took a bushel of wheat to pay for the conveyance of a letter over one hundred and sixty miles.

“Under these circumstances, in 1822, Bishop Chase was offered the presidency of Cincinnati College, and in November of that year, I think removed thither with his family.

“I entered the college a Freshman, but soon conceived the idea that by extra study I could be advanced to the next higher class. It was not over-difficult to accomplish this object, for the requirements of scholarship were not exacting. In a short time I offered myself to be examined for advanced standing; was successful in the examination, and was promoted to the Sophomore class.

“It was not a study-loving set of boys who resorted to Cincinnati College at that time. We made no great progress in our studies; we began Homer in the Sophomore year, and were two weeks getting through the prolegomena of the first book. If ever we read any of the book itself, I have forgotten it.

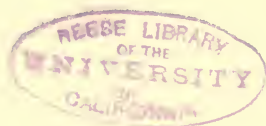
“To make amends for defects of study, however, there was a deal of fun and mischief. One morning Dr. Slack came into the chapel for morning prayers, and found himself anticipated in the pulpit by a stuffed owl, with a pair of spectacles like his own ingeniously fastened over its glazed eyes. Not in the least

disconcerted, the doctor removed the creature, and proceeded with the service, to the discomfiture of the boys, who expected an explosion. At another time a cow was taken up into the second story—was entered, and graduated!

“I had little or nothing to do with these sports. When I had time I spent it in reading, either under the bishop’s direction or at my own will. I used to meditate a good deal on religious topics; for my sentiments of religious obligation and reverence and responsibility, were profound.”

It was this strong and deep religious sense that sometimes made the lad run some risks rather than swerve from the truth. “One day,” continues Mr. Chase, “a frolicsome and mischievous boy of the Sophomore class, just before the tutor came in, set fire to one of the desks. I tried to prevent it, but was unable to do so. It was burning when the tutor entered. He put the fire out, and at once directed us to take our seats. Mine was at the upper end of the class. He began with the one at the foot. ‘Sophomore —, did you set fire to the desk?’ ‘No, sir.’ ‘Do you know who did?’ ‘No, sir.’ He reached the culprit: ‘Did you set fire to the desk?’ Nothing abashed, his answer was, ‘No, sir.’ ‘Do you know who did?’ ‘No, sir.’ I saw I had to pass the ordeal, and determined to tell the truth, but not to give the name of my class-mate, which I thought would be about as mean as to tell a lie would be wrong. The question came: ‘Sophomore Chase, did you set fire to the desk?’ ‘No, sir.’ ‘Do you know who did?’ ‘Yes, sir.’ ‘Who was it?’ ‘I shall not tell you, sir.’ He said no more. The case went before the faculty, and I heard was the subject of some discussion; but it was not thought worth while to prosecute the inquiry.

“The sojourn at Cincinnati was not long; not quite a year. The bishop grieved over the poverty and destitution of the diocese. He wanted, above all things, a theological seminary for the education of young men for the ministry; and he wanted a college, too, if he could establish one. He determined to go to England, and ask for help to the obtainment of these objects. He resigned the presidency of the college, and the family was broken up. I accompanied the bishop and his wife and their little children on their journey eastward, my own destination being my mother’s house.”

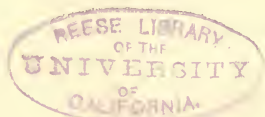




MONADNOCK.

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At Kingston, on the Hudson, he separated from the bishop, who gave the lad his blessing and three or four dollars in money. "I was taken down to the river," says Mr. Chase, "and was put on board the boat for Albany. From Albany I went to Troy, and there learning the way to Bennington and Brattleboro, started to make across the mountains homeward. My scanty purse did not contain enough to pay stage-fare, and I walked; getting an occasional ride from some farmer going my way. It was a great delight when I came within view of Monadnock—some thirty or forty miles off; to see the grand old mountain lift his peaceful head heavenward, and seeming to look toward me with a sort of welcome. I reached at last the door of the yellow house, and hurried in, where my mother and sisters, surprised and glad, gave me a most affectionate welcome. How long the three years of absence now seemed!"



CHAPTER IV.

UNDERTAKES A SCHOOL AT ROXBURY, AND FAILS—ROYALTON—
DARTMOUTH COLLEGE—SUCCESSFUL AS A TEACHER AT READ-
ING—TROUBLE WITH THE FACULTY OF THE COLLEGE—GRAD-
UATES—OUT IN THE WORLD.

BUT, having arrived at home, writes Mr. Chase, "what was now to be done?" It was soon determined that he should continue his studies, and do what was possible toward his own support. The loving and zealous mother thought she could spare enough from her scanty store, added to whatever sums he could earn for himself, to carry him through college. "How little I appreciated her sacrifices," he continues, "and it is sad to think—tears fill my eyes as I do think—how late comes true appreciation of them. Alas, how inadequately, until the beloved mother who made them has gone beyond the reach of its manifestation!"

Not long after his return, a committee from an adjoining town (Roxbury) came into Keene to engage a school-master. Application was made to Mr. Chase, and he was engaged at eight dollars a month "and board." In a few days he went to his district, and was promptly established in the house of a neighboring farmer as a boarder. He took charge of the school with much apprehension, but with courage and will. There was a goodly number of pupils, both boys and girls and of various ages; some older even than the teacher. They were more disposed to fun and play than to study, and he found them hard to manage. One of them, senior in years and stronger in body than Mr. Chase at that time, took great liberties and incited to insubordination; was admonished and reprov'd, and then pun-

ished. He subsided into obedience for the time being, but doubtless complained to his parents; for a day or two afterward the teacher received a note from the proper authorities, expressing a conviction that the school was not likely to be useful under his government, and that his services would be no longer required. He had been in charge less than a fortnight!

He returned to his mother's house, and thence went to Royalton, Vermont; there to continue his studies preparatory to his entrance into Dartmouth College at the approaching commencement. This was about February, 1824. He was compelled to study hard, and did so. Finally, he went to Hanover and presented himself for examination, for admission into the Junior class. He found that his apprehensions of a severe inquisition into his scholarship were not realized; the professors were much engaged; he was sent from one to another, questioned a little, and was then admitted. One of the professors, among other questions, asked him, "Where do the Hottentots live?" The young man's impulse was to say, "In Hanover!" but prudence came to his rescue.

During the winter which followed his first term at Dartmouth, he again undertook the management of a New-England school; this time with satisfactory success. It was at Reading, Vermont; and here, as at Roxbury, he was to "board around." He went back to Hanover with his earnings in his purse, and felt proud and happy that he had accomplished something for himself.

"The summer of 1825," writes Mr. Chase, "was marked for me by an event not unimportant in a boy's life. Some difficulty occurred in which a friend of mine, George Punchard, a warm-hearted, generous fellow, the best speaker, though not the best scholar in the class, was involved. I had nothing to do with the affair itself, and do not now even remember what it was. But I took Punchard's part warmly, both because he was my friend and because I thought him unjustly censured. The faculty took the matter in hand; and Punchard was suspended. I immediately waited upon the president to remonstrate. He received me kindly. I told him how firmly I was convinced that Punchard was innocent of the accusation made against him. He intimated that the faculty were the proper judges of that

question, and had decided it. I said, 'Then I desire to leave the college also, for I don't wish to stay where a student is liable to such injustice.' 'Had I consulted my mother?' 'No, but I wanted leave of absence for a few days, that I might do so.' 'You cannot have it,' said the president. 'Then, sir,' said I very respectfully, 'I must go without it.' He saw my determination, and I think really respected the motive which prompted it. At any rate, he at last consented to the leave. And Punchard and I left *the Plain*, as the site of the institution was called, together. It was with great satisfaction and a sort of self-approval that I took my seat behind him on the 'one-horse chaise,' and bade good-by to those of my class-mates who witnessed our departure."

"We went directly to Keene. There Punchard left me, and went to Salem, where his parents resided. My mother welcomed me. She did not approve, but did not censure harshly. I could not help feeling that I had done right in standing by my friend, but I was sorry I had been obliged to leave college.

"Fortunately, Punchard's suspension was soon ended, perhaps was shortened by the faculty, and we both returned, feeling ourselves somewhat of heroes.

"Nothing of much interest occurred during the remainder of my college-life. Commencement came, and from juniors we became seniors. According to usage, the foremost third of the class were admitted into the Phi Beta Kappa Society. Twelve or thirteen, I think, were fortunate enough to get in, I among them, almost if not quite the hindermost, for I had not been so fortunate as to find any one to be my mentor and guide, and did not properly appreciate or improve the opportunities I enjoyed.

"Commencement approached, when we were to receive our diplomas, and, taking leave of Alma Mater, were to go forth to try the world. In the assignments of the commencement exercises, I ranked eight—not discreditably low, nor yet creditably high. The faculty offered me, for my part, a poem or an oration. I attempted a poem, but could not satisfy my own taste, and abandoned the effort. I then prepared an oration on 'Literary Curiosity.' It was meagre enough, but when my turn came to speak, and the president, seated in state, with his black

academic cap on his head and a black-silk robe enveloping his person, uttered the awful words, 'Proximus ascendat; oratio per Salmon P. Chase,' I went forward with great assurance that I was to make a very decided impression; and I dare say I did, but of a different sort from that I anticipated. All I remember is, that I got through.

"It was now my purpose to go South, and teach school for a time, and then pursue whatever profession might appear to me the best. I had not quite relinquished the idea of becoming a clergyman, but greatly doubted whether I had any right to take upon myself the duties of so sacred an office."

The interval between the close of his student-life and his departure for the South, was spent in visiting among his relatives and friends, chiefly with his mother and sister at Hopkinton. "But time and the hour runs through the longest day," and the morning of separation at last arrived. "My dear mother," he says, "gave me the little money she could provide rather than spare. It was yet dark when I arose and partook of the early breakfast prepared for me, and with my mother's blessing, and a sad yet hopeful heart, I left home for—the world. A short ride of ten or twelve miles brought me to Windsor, still before day; at that place I took the stage. Again I was climbing the Green Mountains; again I passed through Albany—now, however, my face southward instead of to the west; down the Hudson to New York, and thence onward to Philadelphia, where I met my uncle, the bishop, who had returned from a successful visit in England, and was now busily engaged in building up Kenyon College." After a short stay with the bishop, he went to Baltimore, where, however, he remained but a day or two, and then proceeded to Frederick City, in which place he hoped to establish himself in a school.

CHAPTER V.

FREDERICK CITY, MARYLAND—ON TO WASHINGTON—ADVERTISES A SELECT CLASSICAL SCHOOL—NO RESULTS—TRIES FOR A CLERKSHIP—MR. AND MRS. PLUMLEY—MR. PLUMLEY GIVES UP HIS SCHOOL—SUCCESS—"THE SISTERS"—STUDENT IN WILLIAM WIRT'S OFFICE—JOHN RANDOLPH—WILLIAM WIRT—ADMISSION TO THE BAR—GOES WEST.

BUT hope of success at Frederick fled after a day or two spent in that city, and Mr. Chase proceeded at once to Washington. His little store of money was melting rapidly away under continuous demands for traveling and other expenses, and he found himself, immediately upon his arrival in the capital—about the first of December, 1826—under the necessity of finding prompt employment. "How well I remember," he writes, "the earnest prayer which went up from my heart that God would give me work to do, and success in doing it!" He had letters to several persons in the city, particularly to the Rev. Drs. Hawley and Allen, the former Rector of St. John's Episcopal Church. Both these gentlemen were interested in him, but were able to do no more than bring him to the favorable acquaintance of their friends. Then he resolved upon action for himself. On the morning of the 23d of December, 1826, the *National Intelligencer* contained an advertisement over the signature of Salmon P. Chase, which announced that on the second Monday of the following January, he would open, in the western part of the city, a select classical school, the special advantages of which were set forth with some minuteness;

all depending more or less, however, upon this particular feature—that the number of his pupils should not exceed twenty.

There was no response; days went painfully and anxiously by, and his money was nearly exhausted, and so, too, were his hopes of the classical school. Only a single gleam of success and happiness broke upon him; a visitor was announced, French by birth and Bonfils by name, who sought a school for his son. The interview was satisfactory on both sides, ending in an engagement between them; and Mr. Chase, with a proud and gratified heart, inscribed upon his register the name of his first pupil, Columbus Bonfils. But alas! Columbus Bonfils long remained both first and last, the alpha and omega of his hopes.

At length he resolved upon another expedient. He had heard of clerkships in the Executive Departments, and he could see no good reason why he might not procure one; and while performing its duties, pursue also the study of a profession. This did not seem to him a very difficult undertaking, seeing that his uncle Dudley, the Senator, was a known friend and supporter of Mr. Adams's Administration. Accordingly he went to the Senator's lodgings, told the story of his efforts to procure a school, how desperate the expectation of scholars seemed, and his project for a clerkship; then asked his uncle's help. The Senator's response was not likely to be forgotten, and never was forgotten. "I once procured an office for a nephew of mine," he said, "and he was ruined by it. I then determined I never would ask for another. I will lend you fifty cents with which to buy a spade; but I cannot help you to a clerkship." The young man departed from his uncle's presence both sadder and wiser than when he entered it.

The Rev. Dr. Hawley being, however, not only a kind-hearted gentleman, but also a true friend, was watchful of opportunity to render the young man real service; and one day gave him a note to Mr. A. R. Plumley, a teacher of excellent repute in the city, who had a large school of both boys and girls; rather too large, indeed, for entirely successful administration. "I know it will afford you pleasure," wrote Dr. Hawley, "to aid a young man of talents and piety in obtaining a school where his services as a teacher may defray his current expenses while reading law." With this note Mr. Chase one morning

presented himself at Mr. Plumley's house, and found that gentleman and Mrs. Plumley at home. He was received with great courtesy and kindness by both these excellent persons, though at the beginning of the interview Mr. Plumley gave him no encouragement. But not cast down, notwithstanding his disappointment—for he had gone to Mr. Plumley filled with hope, and was disappointed—the young man said, simply, "Well, I am resolved I will have a school," and took his leave.

"He will make his mark in the world," said Mrs. Plumley, after he was gone, divining, with the instinctive sagacity of woman, the superior qualities of their visitor.

Influenced a good deal by his wife's judgment, and a good deal by other considerations—not the least of them being a generous willingness to do a friendly act—Mr. Plumley determined to resign his boys' department, and relinquished it accordingly into the hands of Mr. Chase. It contained eighteen or twenty pupils, and these, with Columbus Bonfils, formed the first charge undertaken by Mr. Chase in his "Select Classical Seminary."

"Almost every moment of my time," he also wrote to L. H. on the 2d of February, 1827, "is occupied. The printed page of the sheet upon which this letter is written will inform you of the name of my school and the range of studies.¹ I have about twenty pupils (if I could be assured of the constant attendance of sixteen, I should rest satisfied), at various prices, from five to twelve and a half dollars per quarter. I shall, in the spring, however, establish a uniform price, with only two or three exceptions.* My school is as pleasant a one as I could expect under the circumstances, and I hope will become profitable next year." And not long after, he writes again: "I am compelled to study and read a good deal to keep ahead of my class, which has in it a number of bright, ambitious boys;² among

¹ The studies pursued at Mr. Chase's "Select Classical Seminary" were: The Latin and Greek Languages; Murray's English Grammar; Ancient and Modern Geography; Ancient and Modern History; Mathematics; Natural Philosophy; Intellectual Philosophy; Rhetoric; Moral Philosophy; Natural Theology; and the Evidences of Christianity. Mr. Chase pledged himself also to give special attention to the moral training of his pupils, and did it.

² "There was one lad among my pupils at this time," says Mr. Chase, "whom I regarded as the most promising of my school; but unfortunately he became, after he left, a clerk in the Treasury, and I found him in the same department when I took charge of it!"

them, sons of Mr. Clay, William Wirt, Mr. Southard, General Bernard," and other distinguished persons.

His habits of life and study were characteristic. He arose between five and six in the morning—generally nearer the former than the latter hour—and studied or occupied himself with his pen until breakfast, at half-past seven. He then went to his school-room, and remained there four hours; then followed an hour of intermission, after which school-services were resumed, and continued until three o'clock, when the pupils were dismissed. Then dinner, and at four o'clock he was ready to attend a class of young ladies (he had a small class in the lighter branches), with whom he remained three hours. From seven o'clock in the evening he was at leisure to pursue his own inclinations, and these led him, in the main, to his pen¹ and his

¹ Among his literary exercises of this period was the short poem called "The Sisters," written November, 1828, and addressed to Elizabeth and Catharine Wirt, daughters of the Attorney-General, printed at first for private circulation, and then finding its way into the newspapers :

"It was an eve of summer. The bright sun,
 With all his flood of glory, like a king
 With pomp of unfurled banners, had gone down.
 A single cloud in which all rays that light
 The diamond, opal, or the chrysolite,
 Met in their mingled brightness, hung above
 The place of his departure. Over that
 Rose pile on pile of gorgeous clouds, a wall
 With tower and battlement, that seemed to rise
 Magnificently grand, as if to mock
 The show of glory earth sometimes puts on.
 The zephyrs were abroad among the flowers,
 Filling the air with fragrance, while around,
 From silver rills and the breezy trees,
 And from earth's thousand founts of harmony,
 Came gushes of sweet sound. On such an eve
 I saw, upon the bank of a small stream,
 Whose waters glowed with the rich, golden light,
 That, like a mantle wrought by angel-hands,
 Covered the world with beauty, two, who seemed
 Rather the habitants of some pure star
 Than dwellers of this earth. They were both young
 And lovely, but unlike; as two sweet flowers
 Are sometimes seen, both exquisitely fair,
 Though clothed with different hues. The one went by
 With a light, fawn-like step, that scarcely crushed
 The springing flower beneath it. Life had been
 To her a poet's dream, where all things bright
 And beautiful concentrated, like the rays
 That mingling form the sunbeam, and the earth
 Was lovely still, as in the olden time,
 When, at this hour, celestial spirits came

books—for he wrote and studied incessantly. He added somewhat to his income by literary labor ; so that, upon the whole, he was prosperous and contented, although the drudgery of mere teaching was extremely distasteful.

In September, 1827, he became a student-at-law in the office of William Wirt, at that time Attorney-General of the United States and in the splendid maturity of his powers, but too con-

To admire her virgin beauties, and adore
 The great Creator, manifested best
 By works that He hath wrought. Her countenance
 Was radiant with joy, though shaded oft
 By her dark tresses, as the wanton breeze
 Played sportively among her locks of jet.
 She was not very beautiful ; and yet
 There was that in her dark, bright, joyous eyes,
 And in the expression of her speaking face,
 Where, amid the graces, dwelt perpetual smiles,
 As sunshine dwells upon the summer wave,
 Changing forever, yet forever bright,
 With the sweet frankness of confiding youth,
 And the pure light that evermore pours out
 From the mind's fountain, that demanded more
 Than the cold name of beauty, which may be
 The attribute of beings whom no ray
 Of intellect illumines and no charm
 Of loveliness invests. The other's step
 Was not so buoyant, and her eye had less
 Of mirth and gladness in it, and her cheek
 Was sometimes paler ; but, when gentle airs
 Parted the tresses that hung o'er her brow,
 It was as when light suddenly breaks forth
 From rifted clouds in April. She was one
 For whom a life were a small sacrifice,
 Ay, to be deemed as nothing ! Pensive grace
 Was in her every motion, and her look
 Had something sacred in it, that declared
 The pure and guileless spirit that dwelt within.
 Thou lovely one ! May life still be for thee
 A peaceful voyage o'er a summer sea,
 By gentle gales attended ; and at length,
 Purified wholly from the primal taint,
 That still attends earth's loveliest, enter thou
 The port of endless peace !

They passed away ;
 Such visions never last ; and, ray by ray,
 From earth and sky, and from the sparkling wave,
 The glory all departed. Even so—
 I thought, and with the thought a heavy sigh
 Came from my inmost heart—must fade away
 All that the earth of the beautiful inherits.
 And so must these bright creatures pass from earth,
 Leaving behind, to tell that they have been,
 Naught but the memory of their loveliness,
 Like fragrance lingering still around the spot,
 Where late the rose was blooming !”

stantly and extensively engaged in public and private professional labors to give much attention to the young gentlemen under his tuition ; so that Mr. Chase did not derive much benefit from the great legal knowledge and abilities of his distinguished preceptor. But he had the advantage of association with the lawyers and law-students of the city ; sometimes attended the courts, and occasionally—not at all frequently, however—went into the Senate or House of Representatives ; became an active and useful member of the Blackstone Club—at one time its president—and contributed to its exercises some essays on legal topics which illustrated the thoroughness of his study and the thoughtfulness of his mind.

Of course he took an interest in the current politics, and was violently anti-Jackson, not so much from a well-considered judgment of his own as from family tradition ; his father having been rather a fierce Federalist, while his uncle Dudley, formerly a supporter of Madison, was now arrayed on the Adams side. In 1828 Mr. Chase was one of those who drew up a petition to Congress praying for the abolition of slavery and the slave-trade in the District of Columbia. What it was that occasioned this petition it is difficult to say ; probably it grew out of the painful case of Gilbert Horton, a free colored citizen of New York, who, being on business at Washington, was seized and imprisoned on *suspicion* of being a slave. This occurrence (in 1827) led to some important discussion in Congress on the subject of slavery in the District, and probably to the petition referred to. At any rate his connection with it was his first public political act.

During this period of his Washington life he expressed himself with the natural ardor of impetuous young manhood ; and, though he had political sympathies, it cannot be said that he had as yet any solid political opinions. These he formed in future years, and in a direction that did not peculiarly fit him for a very close association with either of the political parties of that day.

However, his ideas of the order and dignity of legislative action were a good deal shocked by what he saw in Congress. "There is little pleasure to be derived from attendance there," he said, in a letter to L. H., in April, 1828, "and less profit. It

would astonish you to see the indifference manifested, while a member addresses the House, by his brother members. One is stretched at full length upon a sofa, a handkerchief spread over his face as if endeavoring to sleep; another is marching to and fro behind the Speaker's chair; here perhaps a little knot of politicians may be discovered in earnest conversation; there some members are writing letters or reading newspapers; some are stupidly gazing upon the orator, and few listening with any expectation of profit or instruction in his words. You may go to Congress twenty times in a day, and you will witness just such a scene as this." Of public men he wrote with great freedom, and for some had feelings of profound aversion. His description of John Randolph is sufficiently characteristic: "The House now presents," he wrote to Charles Dexter Cleveland, in February, 1828, "nearly the same scene as the Senate presented two years ago, as if John Randolph carried with him a pestilential influence corrupting every thing it touches. It is strange that this man is so popular in his State, but more strange that he is allowed to exercise his fantastic humors in the House without check and almost without rebuke—a man who 'has been every thing by starts and nothing long;' who opposed Jefferson, Madison, and Monroe; who is an aristocrat at heart and disordered in intellect; the scorn of the wise, the laughing-stock of the gay, and the abhorrence of the good." He had no hero save Mr. Wirt; for that gentleman he formed a deep and lasting attachment, loving him as well for the warm qualities of his heart as for the vigor and splendor of his intellect. When in 1829, Mr. Wirt wrote him a letter predicting for him future usefulness and distinction, and proffering advice and friendship, the young man gratefully responded: "God prospering my exertions, I will imitate your example. There is something to me peculiarly pleasing in the character of one who, having himself trod the paths of life successfully under the smiles of indulgent Heaven, turns round to cheer and encourage the young and inexperienced traveler. I admire Cicero in the forum, wielding the burnished weapons of rhetoric; I more than admire him when, in the midst of a trembling and doubtful senate, he rises—in the true faith of Socrates, that no evil can happen to a good man—to confront the audacious Catiline; I venerate him as the father of his

country, when the traitor is driven from the walls and the nascent conspiracy is crushed; *but I love him* when I behold him in the villa of Lucullus, interesting himself in the education and prospects of its young owner." And he felt all and more than he said. In the delightful family of Mr. Wirt, and among the friends of the family, Mr. Chase found all of social life that his heart desired, and was happy in it. "I became slightly acquainted with a number of prominent characters," he writes to Mr. Trowbridge, "but was too diffident to push myself into notice; possibly too proud to ask for recognition, and preferring to wait for it; too indifferent also—a more serious fault—to what transpired around me to take much pains to acquaint myself with the histories and men of the hour. I made much too little use of the advantages which a residence in Washington at that period afforded. I was poor and sensitive; a young teacher, needing myself to be taught and guided."

But the time came when the permanent business of life was to begin. He had continued his occupation as a teacher for nearly three years, from February, 1827, until near the end of October, 1829, when he relinquished it and devoted himself with assiduity to preparing for examination preliminary to admission to the bar. This examination took place on the 21st of December following. "The most distinguished men in the legal profession," says Mr. Chase in one of his "personal memoranda," "do not always give early promise of future eminence. I have never attained much professional distinction, and have not wholly deserved what I have attained. My reading for the bar had not been diligent or very extensive. I had looked through Burlamaqui at college. After I went to Washington, in 1826, and had opened my school in the spring of 1827, I received as pupils the sons of William Wirt, and was received by him as a student-at-law. It may well be believed that between the cares of a school and other duties, and the attractions of society and especially of the delightful family circle of Mr. Wirt—where I was ever welcomed with cordial kindness—I made no great progress in legal lore. Mr. Wirt never examined me. Only once did he put a question to me about my studies. He asked me one day while I was reading Blackstone if I understood him. I answered confidently, 'Yes.' But I was greatly mistaken, as I afterward

found. The knowledge obtained by bare reading is of very little value. Books must be meditated and talked to be understood and converted into mental aliment.

"I forget what books I read besides 'Blackstone's Commentaries;' 'Cruise's Digest,' I think [he read 'Rutherford's Institutes,' also], and perhaps some others—'Dalrymple on Feudal Law,' I remember as one, but the catalogue was very short.

"Very seldom, I imagine, has any candidate for admission to the bar presented himself for examination with a slenderer stock of learning. I was examined in open court. The venerable and excellent Justice Cranch put the questions. I answered as well as I was able—how well or how ill I cannot say—but certainly, I think, not very well. Finally, the Judge asked me how long I had studied. I replied that, including the time employed in reading in college and the scraps devoted to legal reading before I regularly commenced the study, and the time since, I thought three years might be made up. The Judge smiled and said, 'We think, Mr. Chase, that you must study another year and present yourself again for examination.' 'Please your honors,' said I deprecatingly, 'I have made all my arrangements to go to the Western country and practise law.' The kind Judge yielded to this appeal, and turning to the clerk said, 'Swear in Mr. Chase.' Perhaps he would have been less facile if he had not known me personally and very well."

It is important here to avoid misconception. At the time of Mr. Chase's examination the law of Maryland made three years' study an essential prerequisite to admission to the bar of the State, and the objection of Justice Cranch went, not to want of sufficiently extensive and accurate legal learning on the part of Mr. Chase—for, in point of fact, he had passed an unusually creditable examination—but to a fear that he had not met the demands of the statute in respect of the three years' *time* required to be devoted to study.

Having been admitted, however, Mr. Chase prepared for his departure from the capital. He had entertained some thoughts of establishing himself at Baltimore; but had ultimately determined upon the West. "I would rather be first," he wrote to his friend Cleveland—"I would rather be first twenty years

hence at Cincinnati than at Baltimore. As I have ever been first at school and college (except at Dartmouth, where I was much too idle), I shall ever strive to be first wherever I may be, let what success will attend the effort. It can do no harm to try, and 'fearing the attempt,' we often fail of the attainment which might easily attend us." But his ambition to be first among his fellows was tempered by the promptings of his conscience: "I feel," he wrote to L. H., shortly after his arrival in Cincinnati, "that the fever of life brings with it only the joys of delirium to those who place their chief happiness in the achievement of a lofty and distinguished fame. May God enable me to be content with the consciousness of faithfully discharging all my duties, and deliver me from a too eager thirst for the applause and favor of men!"

He arrived in Cincinnati in March, 1830; was admitted to the bar of Ohio in the following June, and at once entered—with ardor and hope—upon the active work of a lawyer's life.

CHAPTER VI.

BEGINS LIFE AS A LAWYER AT CINCINNATI—SPECULATION IN 1836
—THE LYCEUM AND SOME LITERARY WORK—EULOGY UPON
BROUGHAM—CHASE'S STATUTES—COMMENDATIONS OF CHAN-
CELLOR KENT AND JUSTICE STORY.

IT is not possible, within the assigned limits of this volume, to give any extended account of Mr. Chase's labors in his profession, except in so far as those labors had an influence upon the political sentiment and public affairs of the country. It is perhaps enough to say, concerning them, that they were distinguished by the vigor, the careful industry, and the conscientiousness, which marked all his work.¹ These elements of

¹ *Mr. Chase to his Brother, Edwin I. Chase.*

"CINCINNATI, September 17, 1830.

"MY DEAR BROTHER: Your last letter was received this evening, and I only anticipate my previous intention a day or two by answering it immediately. I sympathize with you in your unaccountable depression of spirits. I am frequently visited with such feelings; which overcome me like a summer's cloud, but, like a summer's cloud, they are generally very transient, passing away with the occasion that gave birth to them. The best specific I know of against them is constant employment; the mind must be kept in constant action.

"I wish, in answer to your questions, I could tell you of a long list of suits in court, and crowding clients, and other agreeable things of that nature. But you must remember I have had an office only from the beginning of the month, and that here—where the members of the bar are so numerous, and business generally has formed a channel for itself—it is idle for a young man to expect much business at the start. I thought, and still think, that if I can make ten dollars in the first three months, twenty in the next three, forty in the next three, and eighty in the next, I shall do well. If I shall be able in the second year to pay my own expenses, and the third to make as much more than my expenses as in the first year I fall short, I shall be fully satisfied. If this be my lot, I shall, at the age of twenty-five, be established in my profession, out of debt, with a fair income, and able, and I trust willing, to aid others as I have myself felt the need of aid. After all, however,

character rapidly brought him into public notice; he formed excellent professional connections, and his business grew to be large and profitable, and included many important causes. With extensive practice came, of course, corresponding money rewards; and if he did not arrive at affluence, he did, at an early period of his life, reach a condition of moderate fortune. In 1837 he was seized with the prevailing speculative fever, and became somewhat involved. "I have no complaint to make about hard times," he wrote to his friend Cleveland, "and have a poor opinion of this way of evading self-censure by ascribing the consequences of our own folly and wrong-doing to abstractions. I recognize, in the embarrassments which I share, the necessary results of a system I once approved and engaged in, rather hoping than believing it to be right. I intend, with God's blessing, to pay the debts I owe as speedily as possible, and I trust I never again shall be tempted into speculation of any sort"—a resolution from which, in after-life, he never departed.¹ But this temporary engagement in business, external to his profession, did not for a moment swerve him from the utmost application to the interests of his clients. He labored incessantly, and carried his application to that degree, that in the mid-winter of 1836 and 1837, he suffered from a protracted and dangerous sickness. But *work* became the natural temper and habit of his mind, because he believed in it as a duty.

Some portion of his time, however, he devoted to less exact-

one's success in life depends not so much on the accidental circumstances which may surround him, as upon the active energy of his own character. . . . All that we have to do is to march steadily up to the objects which, like ghosts, appear in our path, but vanish when we draw near to them. Set your mark high, my dear brother, and I have no fears for you. Do not think it safe to spend any moment idly; it is not safe. . . .

"Your affectionate brother,

SALMON PORTLAND CHASE.

"P. S.—When speaking of my professional situation, I omitted to mention that I have yet had but two visitors in the shape of clients; from one of whom I never expect to get any thing. From the other I received four dollars."

¹ "It was during his term as Secretary of the Treasury that his bankers invested some thousands of dollars of his money in a stock which rose a few months afterward, giving a profit on the transaction of some four thousand dollars. A check for the amount, nearly a year's salary of a Cabinet officer" (at that time), "was sent to Mr. Chase. He returned it to be destroyed, and declined utterly the increase made upon his money."—DEMAREST LLOYD.

ing and laborious employments, and found happiness and relief in doing so. He delivered an occasional address before a lyceum or agricultural society, and made some valuable contributions to the current literature. An article on Lord Brougham—originally written and delivered as a lecture before the Cincinnati Lyceum, an institution in which Mr. Chase took an active interest—printed in the *North American Review*, for July, 1831, furnishes an index to the great thoughts that even then were in his mind, and which afterward found such powerful expression. He honored Brougham, he said, “not for the splendor of his natural endowments, nor the vast and rich variety of his acquisitions; but for the use to which he has devoted them all. *He has set them apart for the service of mankind.* He has a title more glorious than kings can give or schools bestow; a title conferred upon him by the unsolicited suffrage of the world. *He is the advocate of human liberty.* He belongs to a great party, which has arisen in modern times—we mean the party of the friends of freedom—universal freedom; who confine their regards within the limits of no geographical boundaries, and to no peculiar texture or color of the skin.”

A work of great magnitude and importance was projected by him soon after his arrival in Cincinnati, and successfully accomplished; which gave him an immediate and solid claim to distinction, and at once placed him in the foremost rank among the lawyers of his State, if not of the nation. It was a new edition of the Statutes of Ohio, afterward and now familiarly known as “Chase’s Statutes.” Some idea of the extent of this work may be formed, and of its immense demands upon the intellectual faculties and physical endurance of its author, when its whole scope and arrangement are understood. It required a careful reading and an intent study, in itself and in all its connections prior and subsequent to its enactment, of every general law enacted by the annual Legislatures of the Northwestern Territory and of the State of Ohio, from the first appearance of written laws in the former, in 1788, down to 1833 inclusive, a period of forty-six years. The statute laws in force in Ohio in 1833 were to be found in four volumes of adopted laws, three volumes of territorial enactments, and thirty-one volumes of general statutes of the State, besides many local statutes. With

none of these, of course, did Mr. Chase have any acquaintance when he began practice at Cincinnati; but, in addition to the labor already indicated, was the preparation and incorporation into the work of such notes and references as would enable the practitioner to find, with ease and certainty, what at any time was the written law there on any subject, with references also to the decisions of the courts. As every lawyer will at once perceive, the value of such a work lay in its entire and admitted completeness and accuracy. In neither of these points have "*Chase's Statutes*," probably, ever been questioned; in both they are believed to be unsurpassed by any similar work in this country. "They are at once a monument to his talents and industry, and his recognized claim to the gratitude of the bar of Ohio." "*His waiting time*," said Chief-Justice Drake¹—referring to that period in Mr. Chase's life which lay between the beginning of his professional career and the establishment of a successful practice—"he bravely determined should be one of work, heavy and exacting work, such as probably no young lawyer of twenty-two years of age ever ventured upon before or since."

Chancellor Kent to Salmon Portland Chase.

NEW YORK, July 1, 1835.

. . . . "Your edition of the 'Statutes of Ohio' is a great work, and does credit to your enterprise, industry and accuracy, and I wish you might be

¹ "Of all his contemporaries he had as little faculty as any for winning practice on the street. From the first it was manifest that whatever he obtained was to come to him as the reward of integrity, ability, fidelity and industry. This only made it the more certain that he must wait for success, as must all young lawyers. Whether the period of waiting shall be to any such the seed-time for a rich harvest, depends upon how it is occupied. Mr. Chase was conspicuous for his upright life, his personal dignity, his steady devotion to his profession, and his ardent purpose to achieve success, if assiduous, earnest and faithful labor could command it."—CHIEF-JUSTICE CHARLES D. DRAKE.

But, although ample success finally crowned his labor and patience, the first two or three years at Cincinnati were filled with anxieties and hardships; they were years of unremitting toil and inadequate rewards. The tradition is, that his first fee was a silver half-dollar, which his client paid on Tuesday and borrowed back on Wednesday, and never repaid. A second tradition runs, that his first argument (before a United States Court in 1834) was an almost utter failure; that he broke down at the very beginning, and finished it with labor and difficulty. One of the Judges congratulated him: "On what?" asked Mr. Chase, in great surprise and with some temper. "On your failure," responded the Judge; who saw, or professed to see, in it an anxious solicitude which sooner or later would certainly achieve success.

amply rewarded. I have run over both volumes with great care, and studied those acts that are in force, and the third edition of my 'Commentaries' (which I shall put to the press this ensuing autumn) will show how far I have been enabled to correct mistakes and avail myself of its advantages. I intend to do myself the honor to present you with a copy of this edition when it comes out next spring.

"I consider Ohio as one of the most important States in the Union, and its jurisprudence and laws ought to be as well and accurately and fully known as those of any other State. I shall do all I can to effect it. Your 'Historical Sketch of the History of Ohio,' prefixed to the first volume, is admirable, and written with impartiality, truth, and eloquence. I shall not fail to incorporate the whole of the Ordinance of 1787, in proper places, in my 'Commentaries,' and refer in the Index to every part. I feel mortified that I have been too inadvertent of that document, while so much attention has been paid to foreign ordinances. Your patience is particularly praiseworthy, for I never witnessed before such a mutable legislation as your volume displays. It is unparalleled in the history of this country. Your statute law seems to have been in constant revolution, like the revolving lights on some of our sea-girt promontories. The *militia laws* are enormously long, and reënacted, *in extenso*, at almost every session. The constitution of Ohio ought to have provided that twelve and a half per cent., at least, ought to be deducted from the wages of the Legislature every session that they tax the public with a new militia law. So your revolving legislation as to organizing and holding *Judicial Courts* and punishing and defining *crimes*, and justices' *attachment laws*, etc., etc., are enough to provoke the patience of Job; and how you could endure the task of revising and correcting the proof of such laws, I can hardly conceive, with all my own habits of perseverance.

"But you have your reward in the good you have done, in the talents you have shown, and in the gratitude of your profession, and I beg leave to add my own, with the assurances of the highest respect and regards of

"Your most ob't serv't,

"JAMES KENT."

Associate-Justice Joseph Story to Salmon Portland Chase.

"WASHINGTON, March 1, 1834.

... "I had the pleasure, two days ago, to receive the copy of your edition of the 'Statutes of Ohio,' which you very obligingly sent me. I beg to return you my sincere thanks for this very acceptable present. I have read over your preface, and am greatly pleased with it, as well as your able execution of the whole work. It was truly a desideratum, considering the bulky and inconvenient volumes in which your Statutes were collected; and does equal honor to your enterprise, your industry and your talents. I wish, with all my heart, that other States would imitate this example, for in most of them there is a sad neglect of the old repealed

laws; and it is extremely difficult to trace out the history and progress of their legislation. I trust that there will be no want of encouragement to complete your most meritorious work, and shall feel honored by the privilege of having a copy of it in my library. . . .

"Your obliged servant,

"JOSEPH STORY."

The work, however, was not pecuniarily a success. An edition of one thousand copies was printed at a large expense; several hundred copies of the second volume were lost by fire; and of all the copies printed the State subscribed for but one hundred and fifty. Mr. Chase received about one thousand dollars for his labor upon the work; and probably the publishers (Corey & Fairchild, of Cincinnati) made no more, if so much, after deducting expenses and cost of capital employed.

CHAPTER VII.

THE PRESIDENTIAL CANVASS OF 1832—ANTI-MASONS—MR. WIRT
THEIR CANDIDATE—“THE BIRNEY MOB”—“THE PHILANTHROPIST”—MR. CHASE ON THE LIBERTY OF THE PRESS—THE
MATILDA CASE—NORTON S. TOWNSHEND—TRIAL OF MR. BIRNEY.

ALTHOUGH Mr. Chase at this period had allied himself to no political party, the course of political events was not wholly unobserved by him, nor were they without a personal interest. In 1832 his friend and former preceptor, William Wirt, was a candidate for the presidency; being placed in nomination by that element in the current politics known as the Anti-Mason,¹ and Mr. Chase desired his election, not from Anti-Masonic motives, but because he believed in Mr. Wirt's great virtues and great abilities. He was conscious, from the very opening of the canvass, however, that Mr. Wirt could not be elected, and took no other part than to vote for what was called the unpledged ticket; that is to say, for electors pledged to vote for either Wirt or Clay, as either might have a majority of electoral votes in the nation.

In 1836 he voted for General Harrison; not because he sympathized particularly with the Whig party, but because he

¹ Mr. Wirt in his younger years had himself been a Mason, and his letter of acceptance substantially repudiated anti-masonry; a curious illustration of the incongruous political fellowship common in American politics. In the current party literature of the canvass in 1832 will be found a letter of Mr. Wirt to Mr. Chase, somewhat explanatory of his motives in accepting a nomination. Mr. Wirt received the electoral vote of but a single State (Vermont).

was the personal friend of Harrison, and knew but little of Mr. Van Buren.

In 1840 he again voted for Harrison; influenced at this time by decided antislavery sentiments.

Meantime an event which largely determined Mr. Chase's political action, happened at Cincinnati in July, 1836, and is historically known as the "Birney mob."

James G. Birney was a Southern man, a lawyer, and a slaveholder, who, in 1833, emancipated his slaves, and thenceforward devoted his life and energies to the antislavery cause. In April, 1836, he established his newspaper, the *Philanthropist*, at Cincinnati; but the public sentiment of the city was violently pro-slavery, as indeed was the almost universal public sentiment of the country, and his paper soon attracted attention, and became a definite object of popular hatred and complaint. On the 12th of July, at midnight, his office was entered by a mob, and his types and press were seriously damaged. Threats were made at the same time, that unless the publication of the paper was stopped, the assault would be repeated and the office destroyed. Some days later, on the 21st of July, a public meeting was held by the citizens, to consider whether they "would permit the publication or distribution of abolition papers in Cincinnati." The mayor of the city presided; and the meeting, a large one, deliberately resolved that nothing less than a complete abandonment of the publication of the paper would prevent a resort to violence. This meeting further proclaimed that they would use all the lawful means at their command to suppress any newspaper advocating the modern doctrine of abolition. A committee of thirteen was appointed to wait upon Mr. Birney and his associates, to request an abandonment of the publication of their paper; and to warn them that if they did not comply, the meeting would not be responsible for the consequences. On the evening of the 28th this committee of citizens (which was composed of gentlemen of large wealth and commanding social position, headed by Judge Burnett, who had formerly been a United States Senator), and the executive committee of the Ohio Antislavery Society, under whose auspices the *Philanthropist* was published, held a conference. The antislavery committee proposed a public discussion; but the citi-

zens' committee would hear of nothing less than the immediate discontinuance of the *Philanthropist*, and utter silence on the subject of slavery. In case of refusal to comply with this demand, they predicted "a mob unusual in numbers, determined in its purposes, and desolating in its ravages." Judge Burnett expressed it as his opinion that the mob would consist of five thousand persons, and that two-thirds of the property-holders of the city would join it. The citizens' committee was then asked whether, if the mob could be averted, they (the committee) would be willing that the publication of the paper should go on. Several of the committee, including the chairman, promptly answered that they would not, and the antislavery committee was informed that it would be allowed until noon the next day to give a final answer touching the matter of the conference.

At noon the next day the eight members composing the antislavery executive committee announced their determination *not to comply* with the insolent and lawless demand made upon them.

This answer was decisive of the result which followed.

In the evening another meeting was held by the rioters, and they resolved that the types and press belonging to the *Philanthropist* should be thrown into the streets, and its editor notified to leave the city within twenty-four hours. With the darkness of the night, the work of destruction began; the office was entered and pillaged, the types were scattered into the streets, and the press thrown into the river. The mob sought Mr. Birney; he was absent from the city, and not finding him, they turned their rage upon the humble unoffending homes of the colored people. After several hours, near midnight, the mayor advised the mob to go home; that "enough had been done, no more need be—to convince the abolitionists that the public sentiment of the city was not to be defied."

In these events Mr. Chase had no other participation than that of any other citizen, seeing some part of them; but they filled his mind with a profound indignation, and he denounced them with the bitterness of deep feeling. He disclaimed being an abolitionist, and indeed was not one; but he protested, in fearless and vigorous language, his hatred of all mob-violence, and his fixed purpose to support, in every lawful

way, freedom of speech and freedom of the press. “FREEDOM OF THE PRESS AND CONSTITUTIONAL LIBERTY,” he solemnly and publicly declared, “MUST LIVE OR PERISH TOGETHER.” Nor in a future time, when the suppression of obnoxious newspapers became a matter of executive action, did he shrink from the support of his principles on this subject.

The circumstances of the “Birney mob” made a deep impression upon Mr. Chase’s mind, and induced him to a careful and thorough examination of the slave-system; though it must not be inferred¹ from this statement that he previously had no decided opinions concerning it. His early training, his strong religious convictions, and the natural bent of his temper, were alike opposed to slavery; while his observations and experiences at Washington, almost immediately upon his arrival, and during the whole of his residence there (in those days the capital was a prominent slave-market), had deepened his feelings into a fixed aversion; but he thought it a question to be solved rather by social and religious influences than by political action. He now, measurably at least, changed his opinions as to the proper methods of dealing with it.

A few months later, and a new impulse was given to his thoughts. In March, 1837, he was called upon, by some anti-slavery men, to engage his legal aid in behalf of an alleged fugitive slave.

The circumstances of the case were these:

Matilda, the alleged fugitive, had been a slave in Virginia, whose master had removed from that State to Missouri, taking his slaves with him. On arrival at Cincinnati, the steamboat on which he was traveling was fastened to the wharf or dock, as steamboats were usually fastened. While the boat lay there, Matilda went on shore, and was concealed by some colored people, until she found employment as a servant in the family of James G. Birney; who, ignorant of her antecedents, naturally supposed her to be a free woman. The owner continued his journey to Missouri without her, but left agents behind him

¹ “Since 1828,” says Mr. Chase in one of his letters to Mr. Trowbridge, “I had retained a profound sense of the general wrong and evil of slaveholding. But I thought the denunciations of slaveholders by abolition writers as too sweeping and unjust, and I was not prepared for any political action against slavery.”

with instructions for her recovery. She was discovered one morning at Mr. Birney's gate, was seized and hurried away.

The friends of the woman, chief among whom were the family of Mr. Birney, were prompt to act in her behalf, insisting that as she had been brought to the steamboat-landing with the full consent of her master, and thus within the territorial jurisdiction of the State of Ohio, she could not be taken thence without her consent. Mr. Chase had no doubt of the correctness of this view of the law, and readily engaged to do what he could for her protection.

His first step was to procure a writ of *habeas corpus*, under which she was taken from the custody of those who held her (by virtue of a writ issued by a justice of the peace), and brought before the president judge of the Court of Common Pleas; but, though the Judge heard the case with courtesy and fairness, like almost all lawyers and judges, and indeed like almost all men of the time, he looked upon claims to slaves as more entitled to favor than claims to liberty. Mr. Chase argued his construction of the law, now universally admitted to have been correct, with all the earnestness of entire conviction. His argument was founded upon this simple proposition, that when a slave-owner voluntarily brought his slave into a free State, the slave by that act became free, and could in no sense be called a fugitive, nor reclaimed as a fugitive under the Federal law. But in vain. The vehement, passionate appeals of the counsel for the slave-claimant found an equally passionate response in the sympathies of both court and people; and Matilda was remanded into slavery.

Mr. Chase's argument was printed and largely circulated, and more or less contributed to turn public attention to the slave-question.

In the audience sat a young medical student, then and for many years thereafter unknown to Mr. Chase, who, full of sympathy for the miserable fugitive, listened with a deep attention to Mr. Chase's argument in her behalf. The issue of the trial filled him with indignation; but he treasured up in his heart the noble thoughts that fell from the lips of her advocate. He afterward went to Europe, and pursued his medical studies in the schools of Paris and other cities of the Continent, and

returned with his hatred of slavery unabated but rather deepened by absence. He settled as a physician in one of the towns of Northern Ohio, Elyria, and won reputation and success. In 1848 he was elected to the Legislature of the State; and was one of that small number who, independent of both parties, and willing to use either for the advancement of their principles, secured, through coöperation with old-line Democrats, the repeal of that code of oppressive enactments against the colored people known as *the black laws*, and the election of Mr. Chase to the United States Senate. The medical student was Dr. Norton S. Townshend, who as much as any other person, perhaps more, contributed to bring Mr. Chase into the national councils.

But the case of Matilda developed itself under another phase. Some pro-slavery men of Cincinnati instituted proceedings against James G. Birney, under a statute of the State, for harboring a fugitive slave. The case was tried before the same Judge who had heard the argument for Matilda; Mr. Chase now appearing as counsel for Mr. Birney. The defendant was found guilty, and fined fifty dollars. From this decision Mr. Chase took an appeal to the Supreme Court of the State, and it was heard before that tribunal. There was a defect in the allegations of the indictment to which Mr. Chase had not invoked the attention of the Court of Common Pleas, and in the Supreme Court he purposely avoided directing attention to it; his anxious desire being to extort a decision upon the main question, whether Matilda, having been voluntarily brought into the State by her master, remained a slave. If she was not a slave, Mr. Birney of course had not harbored a slave.

At this time, the Supreme Court of Ohio had a rule in force which prohibited the publication of arguments of counsel, except upon special direction of the court. The report of the case of the State of Ohio against Birney (which will be found in the eighth Ohio Reports) shows that the court *reversed* the decision of the Court of Common Pleas, but upon the technical ground to which Mr. Chase had not asked the attention of either of the courts; at the same time the court directed the publication of his argument, though that argument did not in the

slightest degree touch upon the point decided.¹ The truth of the matter probably was, that the Supreme Court thought the judgment of the court below *ought* to be reversed ; and was yet unwilling to meet the question, but was desirous to have it brought to the attention of the profession and the people through the medium of the reports.

¹ The point decided by the court was that "an indictment for harboring and secreting a slave is bad without an averment that the defendant knew the person harbored to be a slave."

CHAPTER VIII.

VOTES FOR HARRISON IN 1840—VIEWS OF POLITICAL PROBABILITIES
—ACCESSION OF JOHN TYLER—MR. CHASE'S IDEAS RESPECTING
ANTISLAVERY ACTION—ANTISLAVERY CONVENTION OF 1840—
ORGANIZATION OF THE LIBERTY PARTY IN OHIO IN 1841—ITS
ADDRESS—MR. CHASE'S HOPES.

MR. CHASE voted the Whig ticket in 1840, because he believed, as he said, "in the sincere and elevated patriotism of General Harrison," though, if his wishes had been as potential as they were sincere, Associate-Justice John McLean, of the Supreme Court of the United States, would have been opposed to Mr. Van Buren. On fundamental political principles, however, he was more nearly in accord with the Northern supporters of Mr. Van Buren than with the friends of General Harrison. But when Mr. Van Buren pledged himself to veto any act of Congress which might be passed for the abolition of slavery in the District of Columbia, and interposed against the self-liberated prisoners of the Amistad slave-ship, he found it impossible to give his support to the Democratic candidate. Nevertheless, he voted for General Harrison with many misgivings, though in the belief that Harrison was favorable to a general policy of emancipation, and would leave the question of slavery, so far as constitutionally within the control of Congress, to that disposal, without Executive interference. He thought he foresaw—dimly enough, however—a succession of events somewhat like this: a Whig President and the Whig party pro-slavery; the Democratic party antislavery and a Democratic President,

and a restriction of slavery within the bounds of States where it existed by the local law, and a divorcement of the Federal Government from all responsibility on account of it.

General Harrison was elected, and soon afterward made a visit in Virginia to his friends, which possibly somewhat affected his views concerning slavery. In his inaugural address he made a pledge, touching congressional action on slavery in the District of Columbia, substantially similar to that made by Mr. Van Buren before the election. This pledge was all the more significant, because a considerable meeting of his friends held in Cincinnati, not long before his inauguration, had taken strong grounds against the continuance of slavery in the District. In the call for this meeting and in its proceedings, Mr. Chase had taken an active part, and its resolutions expressed his earnest convictions. Still he did not surrender hope.

But the death of General Harrison, and the accession of John Tyler, with his known and avowed views on slavery, left nothing to be expected from his Administration by those opposed to its nationalization and domination.

Up to this time Mr. Chase had not regarded with favor the formation of a separate party on the basis of antislavery; indeed, he had regarded a third-party movement somewhat with disfavor, as in his judgment premature. But he now became thoroughly convinced that no firm and effectual resistance to the slave-domination was to be expected except by the creation of a party founded upon the ideas—

1. *That, outside of slave States, slavery was prohibited by the Federal Constitution, and therefore should be restricted within the limits of those States whose constitutions sanctioned it; and—*

2. *That the slave-interest dominated the administration of national affairs, and should be overthrown.*

Already in 1840 a convention of antislavery men, about one hundred and twenty in number, and coming together from five or six different States, had met at Albany, and put in nomination candidates for President and Vice-President: James G. Birney, of Ohio, for the former; and Thomas Earle, of Pennsylvania, for the latter office. This action did not meet the approval even of the whole body of the radical antislavery men of the

time, and led to some division among them, and failed to command their united support.

Out of two million and a half votes cast at the election in November, 1840, Mr. Birney received less than seven thousand. His friends voted for him upon the general principle that it was wrong to vote for a slaveholder, or for any candidate who was not distinctly and unequivocally opposed to slavery. The support given to him could hardly be called political; it was more a moral and religious movement than otherwise, and much more spontaneous than organized, though doubtless it did express a conviction that some form of organization against slavery had become a political necessity.

In that conviction Mr. Chase now joined. With a large faculty for organization, and all his life delighting in its exercise, he turned all his great energies in the direction of combining the antislavery elements into a single compact body for political action, upon the basis of a constitutional opposition to the slave-domination. His method was to organize first in the State, and then throughout the nation.

Together with some other antislavery men of Ohio, who agreed with him alike in conviction of the necessity, the methods, and the basis of antislavery action, he called a State Convention to meet at Columbus on the 29th of December, 1841.

The convention met accordingly, and was attended by over two hundred delegates from different parts of the State, chiefly farmers and artisans, some of them men of local influence, and in its whole constitution as respectable for intelligence and personal worth as any similar body ever convened in Ohio.

Mr. Chase was its most active and important member, and, in fact, directed its action. He was the author of its resolutions and address to the people, in which—for the first time—the principles and policy of the Liberty party were distinctly stated as resting on recognized doctrines of constitutional construction and well-defined principles of national administration.

“We have not committed ourselves to a course of political action,” said the address, “which separates us from the parties with which we have heretofore acted without reluctance and a struggle. Many of us have, until quite lately, indulged the idea that this separation was not absolutely necessary. Against hope

we have persevered in hope that deliverance to the people of this country from the manifold evils they suffer in consequence of the ascendancy of slaveholding influence, in all the departments of our national Government, would arise from the action of one or the other of the political parties which now claim to divide the country. All such expectation, however, after having been repeatedly disappointed and repeatedly resumed, is now finally relinquished."

After stating the several causes which, in the judgment of the convention, made separate action indispensable, the address proceeded:

"When our fathers assumed an independent rank among the nations, they announced their political creed to the world in the most solemn manner: '*We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.*' In this short and sublime declaration they embodied the fundamental principles on which they proposed to establish the free government of the United States.

"Their creed is our creed. •Their faith is our faith. All the objects which we seek to accomplish will be attained when the government which they bequeathed to us is restored to the control of the principles which they proclaimed.

. . . . "By the convention which framed the [Federal] Constitution, the irreconcilable opposition of slavery to freedom, and of slave-labor to free labor, was well understood, and the solemn pledge given in the Declaration of Independence was freshly remembered. The soil wet with the blood of freedom's martyrs was hardly dry, and the echoes of devout thanksgiving for the great triumph of American liberty yet lingered throughout the land.

"It was impossible that this convention could recognize the principle of slavery in the frame of the national Government. In the emphatic language of Mr. Madison, 'they thought it WRONG to admit in the Constitution the idea that there could be property in man! Yet, as they had no power to change the personal relations of the inhabitants of any State to each other, but were charged with the duty of framing a general system of

government for the people of all the States, leaving those relations untouched, it was equally impossible for them to abolish slavery in the States where it existed.'

"Accordingly, we find that the Constitution designates all the inhabitants of the States as persons, and nowhere recognizes the idea that men can be the subjects of property; at the same time it nowhere confers on Congress the right to abolish slavery in the States where it is recognized and sanctioned by the local constitutions. . . . The Constitution found slavery and left it a State institution—the creature and dependant of State law—wholly local in its existence and character. It did not make it a national institution. It gave it no national character; no national existence.

. . . . "Why, then, fellow-citizens, are we now appealing to you? Why have thousands of our countrymen, in other States, ranged themselves under the banner of constitutional liberty against slavery? Why is it that the whole nation is moved, as with a mighty wind, by the discussion of the questions involved in the great issue now made up between liberty and slavery?

"It is, fellow-citizens—and we beg you to mark this—it is BECAUSE SLAVERY HAS OVERLEAPED ITS PRESCRIBED LIMITS AND USURPED THE CONTROL OF THE NATIONAL GOVERNMENT. It is strictly a State institution, but it has arrogated to itself a national character. The General Government has no control over it in the States; but it has unwarrantably assumed to control in the administration of national affairs.

. . . . "We ask you, fellow-citizens, to acquaint yourselves fully with the details and particulars belonging to the topics which we have briefly touched, and we do not doubt that you will concur with us in believing that THE HONOR, THE WELFARE, THE SAFETY OF OUR COUNTRY imperiously require THE ABSOLUTE AND UNQUALIFIED DIVORCE OF THE GOVERNMENT FROM SLAVERY.

. . . . "We would, therefore, withdraw the support of national legislation from the system of slavery.

"We would enforce the just and constitutional rule that slavery is the creature of local law, and cannot be extended beyond the limits of the State in which it exists."

Upon this general ground of action against slavery the convention appealed to the people of Ohio for approval and sup-

port, and declared that by its adoption "the blessings of the JUST GOD, who presides over the destinies of nations, would be upon our beloved country and all her institutions."

But the convention did not rest upon this general principle of slavery restriction, but insisted upon its abolition in the District of Columbia, and its exclusion from all places within the constitutional jurisdiction of the General Government. It declared, moreover, for the inviolability of the freedom of the press, of the right of trial by jury and right of petition; for a thorough reform in the currency, for a rigid economy in the public expenditures, and for the general education of the people, white and black. The convention nominated, as a candidate for Governor, Leicester King—formerly a State senator and a well-known and honored citizen. And finally, it strongly recommended to the friends of the movement organization in townships and counties; and proposed a *national convention* preliminary to organization for national action.

The result of the convention at Columbus was highly satisfactory to Mr. Chase. He believed the ground of antislavery action presented by it to be that warranted by constitutional obligation; that upon which the mass of the people might more certainly and readily be brought into union; and that method by which complete emancipation of the slave population would be ultimately secured, unattended by popular convulsion and calamity. Nor were the labors of the convention less satisfactory to its own members than to the antislavery citizens of the State. The address and resolutions were received with great favor; and although there was no apparent possibility of any political advancement for Liberty men—for the two old parties were in possession of all the offices—yet the friends of the movement labored on, in the midst of great opposition and many discouragements, with little to cheer, other than the satisfaction of duty performed and the hope of good to be accomplished, and some progress made.

"For my own part," writes Mr. Chase to Mr. Trowbridge, "having resolved on my political course, I devoted all the time and means I could command to the work of spreading the principles and building up the organization of the party of constitutional freedom then inaugurated. Sometimes, indeed, all I could

do seemed insignificant, while the labors I had to perform and the demands upon my very limited resources by necessary contributions taxed severely all my ability.

. . . . "It seems to me now, on looking back, that I could not help working if I would; and that I was just as really called in the course of Providence to my labors for human freedom, as ever any other laborer in the great field of the world was called to his appointed work."

CHAPTER IX.

MR. CHASE "ATTORNEY-GENERAL FOR RUNAWAY NEGROES"—THE CASE OF JOHN VAN ZANDT—MR. CHASE'S ARGUMENT BEFORE THE SUPREME COURT OF THE UNITED STATES—ITS CONCLUSION.

THE reader must not suppose, from what precedes, that the case of Matilda was the only slave-defense in which Mr. Chase was engaged during this period of his life. He was counsel in so many that finally he came to be known in Kentucky as the "attorney-general for runaway negroes." But the absence of all invective and denunciation, and indeed of all passion, in his management of such cases, with his uniform calmness and courtesy, and his evident desire to vindicate *the law*, measurably warded from him the personal disrespect which attended known antislavery men; so that when Mr. Chase went into Kentucky, as he sometimes did on professional business, the Kentuckians usually treated him with marked deference and kindness. Touching his office as "attorney-general for runaway negroes," Mr. Chase protested his liking for it, because there were neither fees nor perquisites nor salary attending upon its duties. He never refused his help to any poor man, white or black.

But it would be an utter mistake to suppose that Mr. Chase was not an object of hate; for he was—of hate bitter and unrelenting. It is difficult now for any one unacquainted with the earlier days of the slavery struggle, to form a very correct idea of the intense feeling which filled the minds of almost all men—North and South—on this subject. The popular sentiment was deeply and vindictively pro-slavery. It pervaded all classes and

all professions. It colored legislation, administration, and even judicial decisions. It was a sort of frenzy which allowed no heresy in respect of its idol.

In 1842 a slave-case surrounded by circumstances of dramatic interest happened in Hamilton County, Ohio, which excited a wide and profound attention.

John Van Zandt, who is the original of John Van Trompe in "Uncle Tom's Cabin," was an old man; a Kentuckian, who had emigrated from that State into Ohio; a member of the Methodist Church, uneducated but large-hearted; a friend of the slaves; who by hard work and thrift had secured a small farm in the vicinity of Cincinnati. He was an abolitionist from principle and sympathy. He believed slaveholding to be wrong, and his kindly nature was prompt to succor the distressed, and found especial gratification in aiding the escape of fugitive slaves.

On the night of Friday, the 22d of April, nine slaves escaped from Kentucky into Ohio. Probably they escaped without the aid of other persons. But they found friends on the Ohio side of the river; and the next day, when Van Zandt was returning home from Cincinnati, these nine fugitives—among them a husband and wife and their three children—were found by him in the road. The wife was the daughter of an aged couple of black persons living near Cincinnati, who had once been slaves; who had grown old and infirm, while of their ten children not one was permitted to be the companion of their declining years, for all were slaves in slave States. Moved by sympathy, Van Zandt undertook to carry them some distance in his wagon. One of the slaves, Andrew, acted as driver.

About fifteen or sixteen miles north of Cincinnati, on the public road and in broad daylight, two bold villains, Hargraves and Hefferman, with the help of some other persons of like character, violently stopped the travelers, and succeeded in securing all the fugitives except two: Andrew the driver, and another, who escaped. One of these subsequently returned to Kentucky. The slaves were put into a wagon, and without authority from any claimant, without any knowledge to whom the alleged slaves belonged, or indeed any certain knowledge that they were slaves at all, and without resort to legal proceedings of any kind,

they were carried to Covington, Kentucky, and there lodged in jail.

Hargraves and Hefferman and their associates received as a reward for this shameful business four hundred and fifty dollars; but were indicted for kidnapping by the grand-jury of Warren County, where the act was committed. Hargraves and Hefferman kept out of the way of trial; but the other offenders were acquitted, as much by public sentiment as by the jury.

The owner of the slaves, Wharton Jones, sued Van Zandt for damages, under the Federal statute of 1793, for harboring and concealing a fugitive slave.

Mr. Chase was called upon and willingly consented to conduct the defense. Associated with him was Thomas Morris. The trial was heard before Justice McLean, of the United States Supreme Court, at Cincinnati, in July, 1842.

The defense did not deny the facts as above stated; but the evidence of the plaintiff having been submitted, a motion was made by Mr. Morris to overrule it, upon the ground that admitting all the facts proved, they established no case of unlawful harboring or concealment, and no notice to the defendant that the alleged fugitives had escaped from Kentucky into Ohio. What constituted *notice* within the meaning of the statute was the point upon which both the defendant's counsel elaborately dwelt. Mr. Chase's argument occupied nearly three hours in delivery, and was listened to with a profound interest by a densely-crowded audience. At some points it was marked by a noble eloquence; and he did not hesitate to declare that his defense of Van Zandt was not upon the ground simply that the generous old man had done no wrong, but upon the higher and better one that his act was warranted by Christian charity—for it seems no denial was made that Van Zandt believed that the persons he carried in his wagon were fugitives from slavery. Mr. Chase sought to establish the proposition that in order to charge a citizen of Ohio with the penalties denounced by the fugitive slave act against harboring and concealing persons escaping from slavery, there must be proof of *actual notice* to the person charged that the objects of his charity had escaped from a slave State into the State where he received them. The words of the fugitive slave act itself were express that to create a liability to penalty,

the acts charged must be "after notice," and he contended that the words *after notice* must be taken to mean notice by the claimant of the fact of escape, or at least some *actual* notice given with a view to charge the person notified. Mr. Chase was confident he had established his propositions, but the court overruled the motion, and the case went to the jury, and a verdict was rendered against Van Zandt, and damages awarded to Wharton Jones to the amount of twelve hundred dollars.

Mr. Chase then made a motion for a new trial, and another for arrest of judgment. These motions were argued together. The judge did not decide the motion in arrest, but in the course of his opinion upon the other motion, stated principles which would necessarily decide that motion in favor of the defendant. Mr. Chase did not press the motion in arrest further at that time, nor did he take the new trial.

Besides the suit for damages, an action had been prosecuted against Van Zandt to recover the penalty of five hundred dollars given by the act of 1793. In this action, as in the other, the verdict was for Jones. Several questions which arose during the prosecution, and several questions which arose upon the motion for arrest of judgment in this case, were carried to the Supreme Court of the United States for a final decision. Mr. Chase preferred to await the decision upon those questions before determining what course he should pursue in relation to the verdict for damages.

At the December term, 1846, the cause was argued upon the certified questions, before the Supreme Court of the United States. James T. Morehead, United States Senator from Kentucky, appeared for Wharton Jones, and Governor Seward and Mr. Chase for Van Zandt. The case was reached sooner than was expected by Mr. Chase (growing out of a misunderstanding), and at his instance a postponement was asked. The court denied it, but consented to receive written arguments if presented within fifteen days. This was a brief period within which to present such an argument in writing, but before the time expired it was prepared and submitted.

In this celebrated argument—said by an eminent scholar and statesman to be, in his judgment, the greatest effort ever made before the Supreme Court—Mr. Chase discussed these four ques-

tions: 1. What are the requisites of notice under the fugitive slave act of 1793? 2. What acts constitute the offense of harboring or concealing under the statute? 3. Whether the act of 1793 be consistent with the provisions of the Ordinance of 13th July, 1787? 4. Whether the act of 1793 be not repugnant to the Constitution of the United States?

“I beg leave to submit to your consideration,” he said at opening, “an argument in behalf of an old man who is charged, under the act of Congress of February 12, 1793, with having concealed and harbored a fugitive slave.

“Oppressed, and wellnigh borne down by the painful consciousness, that the principles and positions which it will be my duty to maintain, can derive no credit from the reputation of the advocate, I have spared no pains in gathering around them whatever of authority and argument the most careful research and the most deliberate reflection could supply. I have sought instruction wherever I could find it; I have looked into the reported decisions of almost all the State courts and of this court; I have examined and compared State legislation and Federal; above all, I have consulted the Constitution of the Union, and the history of its formation and adoption. I have done this, because I am well assured that the issues now presented to this court for solemn adjudication, reach to whatever is dear in constitutional liberty and whatever is precious in political union. Not John Van Zandt alone, not numerous individuals only, but the States also, and the nation itself, must be deeply affected by the decision to be pronounced in this case. I ask, therefore—and the character of this venerable court strongly assures me I shall not ask in vain—for a deliberate, unprejudiced, and thorough examination of the several positions I shall assume, and of the reasonings and arguments by which they are defended.

“I shall discuss the issue presented by the record with freedom and with earnestness; but I shall advance nothing in the character of a mere advocate bound to his cause only by his retainer. When great questions, affecting the most sacred rights of the people and the most delicate relations of the States and the most important duties of the Government, are to be presented before a tribunal clothed with the awful responsibility of final decision, it ill becomes a lawyer, called to bear a part in the

discussion, to strive for victory in disputation or the triumph of a side. I shall do no such violence to my own convictions of right and duty, as to urge here any argument or statement for which I am not willing to be held responsible as a citizen and a man.

. . . . "If what I urge has not the sanction of reason and truth, let it be condemned: if it has, I trust it will prevail—I am sure it will ultimately prevail—whatever opinion and authority may stand in the way. Opinion and authority may stand for law, but do not always represent the law. There was a time, and a long time, when opinion and authority condemned as rash the doctrine that juries possess the right to determine, in libel-cases, not merely the question of publishing, but the general question of libel or no libel; and yet the earlier advocates of the doctrine lived to see it established as law. So for many years opinion and authority sanctioned the doctrine that slaves might be held in England; but after thorough investigation this doctrine was overthrown, and that maxim so fraught with important results, established, that slavery is strictly local, and cannot be extended beyond the territorial limits of the State allowing it.

"Encouraged by these recollections, and assured of the disposition of the court to ascertain and declare the law, whatever it may be, I shall proceed to state the facts out of which the questions before the court have arisen."

After a careful and exhaustive discussion of the first two questions proposed by him, Mr. Chase proceeded to a consideration of the third and fourth; and from his arguments upon them some extracts are subjoined:

"At the close of the Revolutionary War," he said, "the Congress of the United States claimed the territory west of the Alleghanies, as a country conquered from Great Britain, to be held and disposed for the joint benefit of all the States. On the other hand, the same territory was claimed by several States, as belonging wholly or in part exclusively to them.

"These conflicting claims were adjusted wholly by compromise, in the result of which the Government of the United States obtained undisputed possession of the region northwest of the Ohio, and proceeded to provide for a temporary government, for the organization of States, and for the permanent establish-

ment of certain great fundamental principles, as the immutable basis of all laws, constitutions, and governments, within the territory.

“The Ordinance of 1787 was designed to accomplish these interesting objects. It was almost the last work of the Congress of the Confederation; that illustrious body, whose wisdom, fortitude, magnanimity and devotion to freedom, attracted and still attract the general homage of mankind; and among all its splendid titles to honor and veneration, none shine brighter than this great act. It lies at the very foundation of the institutions of the free Northwest; and in all time to come it will be, as in time past it has been, regarded reverently as the source and safeguard of its prosperity and power.

“The power of the Congress of the Confederation to establish this ordinance has sometimes been drawn in question, but never with success. The Congress of the Confederation represented the United States in carrying on the war with Great Britain, and, in that capacity, might doubtless hold all acquisitions made by conquest from the common enemy, for the general benefit of all the States. The country west of the Alleghanies was an acquisition so made. The right of the United States thus acquired was confirmed by the cession to the States of the whole vast territory northwest of the Ohio. The title thus acquired and thus confirmed, was held by the United States in trust for the benefit of the several States, subject to certain conditions in the deeds of cession. In the execution of this trust Congress proceeded to promulgate and establish the Ordinance of 1787; and it cannot be doubted, it seems to me, that holding the proprietary title in the land, and complete jurisdiction over the territory in every respect, Congress had a perfect right to prescribe conditions of settlement within the territory, and establish principles to which all laws and constitutions established within it should conform; provided only that these conditions and principles should not be incompatible with the great ends in view—the common benefit of all the States, and the creation and admission into the Union of new States upon equal footing with the original States.

“Accordingly, the ordinance, after making various temporary provisions, proceeded to announce certain articles of *compact*

between the original States and the people and States in the territory, and declared that they should REMAIN FOREVER UNALTERABLE unless by common consent. These articles established the inviolability of contracts, the sacredness of personal liberty, and the entire freedom of conscience. They recognized and enforced the duty of Government to foster schools and diffuse knowledge. They declared the navigable rivers of the territory to be highways and forever free to the inhabitants of the territory and to the citizens of the United States and of any other States that might be afterward admitted; they enjoined the observance of good faith toward the Indians, and the performance toward them of those acts of kindness and peace which should ever adorn the intercourse of the mighty with the weak; and finally, that nothing should be omitted which might be thought justly to belong to an instrument providing for the creation of free States, they declared that 'there should be neither slavery nor involuntary servitude within the territory, otherwise than in the punishment of crimes.'

"The great object of these provisions was explicitly declared. It was to 'extend the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish these principles as the basis of all laws, constitutions and governments, which, forever hereafter, shall be formed in said territory; to provide also for the establishment of States and permanent governments therein, and for their admission to a share in the Federal councils, on an equal footing with the original States.'

"I know not that history records a sublimer act than this. The United States, having just brought their perilous struggle for freedom and independence to a successful issue, proceeded to declare the terms and conditions on which their vacant territory might be settled and organized into States; and these terms were—not tribute, not render of service, not subordination of any kind—but the perpetual maintenance of the genuine principles of American liberty; and that these principles might be inviolably maintained, they were made the articles of a solemn covenant between the original States, then the proprietors of the territory and responsible for its future destiny, and the people

and the States who were to occupy it. Every settler within the territory, by the very act of settlement, became a party to this compact, bound by its perpetual obligations, and entitled to the full benefit of its excellent provisions for himself and his posterity. No subsequent act of the original States could affect it without his consent. No act of his, nor of the people of the territory, nor of the States established within it, could affect it without the consent of the original States.

“The ordinance was not adopted upon any sudden impulse. It was a deliberate, well-considered act, and it received the unanimous assent of the States. There was not even a single negative from any delegate of any State, except that of one member from New York.

“There can be, in my judgment, no ground whatever, for saying that at any time, before the organization of State governments within the territory, these articles of compact were in any respect changed. They could not be affected by the adoption of the Constitution of the United States, for that was the act of the people of the original States, to which the people of the territory were in no sense parties. The Constitution of the United States neither did, nor could, of itself and without the consent of the people and States of the territory, repeal, impair, abridge or alter the terms of the compact. It left them, as it found them, in the full force of their original obligation.

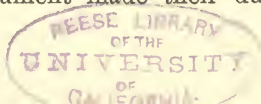
“Nor was it supposed by anybody, at the time of the adoption of the Constitution, that it impaired the full effect of the ordinance. This is manifest from the express terms of the act to provide for the government of the territory northwest of the Ohio River, passed at the first session of the First Congress under the Constitution. The object of that act was declared in its preamble to be, ‘that the Ordinance of 1787 MAY CONTINUE TO HAVE FULL EFFECT.’ It confirmed the temporary arrangements of the territorial government to the action of the new national Government.

“Nor did the admission of the State of Kentucky into the Union in 1792 affect the compact; for that was an act between the States, represented by Congress, and the people of Kentucky, represented by their convention, with which the people of the territory had no concern.

“When the State of Ohio came into the Union in 1802, it was under the provisions of an act of Congress which contained an express proviso that the constitution of the new State should ‘be republican and NOT REPUGNANT to the Ordinance of 1787 *between the original States and the people and States of the territory.*’

“The constitution of Ohio was framed in accordance with these provisions. The convention of the people of the territory, incorporated into the constitution of the new State the leading principles of the ordinance; thereby claiming for the people of Ohio the benefit of those provisions; recognizing their perpetual obligation and imparting to them an additional sanction. The interdict against slavery was transferred to the constitution in the very words of the ordinance; and, as if to manifest as plainly as possible the sense of the people on this subject, an additional provision was inserted, declaring that ‘no alteration of the constitution shall EVER take place, so as to introduce slavery or involuntary servitude into this State.’

“Ohio in truth came into the Union not so much in virtue of any act of Congress consenting to her admission, as in virtue of a right secured to her by the ordinance, and which could not have been denied to her without a flagrant breach of faith. The ordinance itself provided for the erection of States within the territory; and authorized such States to form permanent constitutions and State governments; and stipulated for their admission, by their delegates, into the Congress of the United States, upon the single condition that the constitution and government so to be formed should be republican, and in conformity with the principles contained in the compact. The territorial limits of Ohio were defined by the ordinance, subject to the right of Congress to form one or two States out of that part of the northwestern territory lying north of an east and west line through the southern bend or extreme of Lake Michigan. It was the right of the people within the limits thus defined, to form their State government and come into the Union whenever the number of inhabitants should reach sixty thousand; and earlier if consistent with the general interests of the Confederacy. And as it was then their right to come in under the ordinance, and as it was by that instrument made their duty to



frame their government and constitution in accordance with the articles of compact, it seems impossible to maintain that by the act of entering the Union, any of those articles could be abridged, impaired, or in any way modified. Certainly the evidence of intention both on the part of the people of the State and of the United States, that the articles of compact should stand unchanged, is full and complete.

“Ohio, then, came into the Union with the ordinance in her right hand. Her constitution did not supersede the ordinance; but on the contrary reaffirmed most of its provisions, and promulgated them anew as ‘great and essential principles of liberty and free government,’ to be ‘forever unalterably established,’ for the benefit of the people of the State. And it is quite true that most of the principles established by the ordinance, for all time as fundamental law, are nothing else than the principles of natural right and justice; the obligation of which, though it may be recognized and enforced by compact, is derived not from any agreement or consent, but from the essential constitution of man and society.

. . . . “The Government of the United States has nothing whatever to do, directly, with slavery. It may indeed, and does, recognize legal and political rights growing out of the condition of certain persons, under the laws of the States, but it cannot, consistently with the letter or spirit of the Constitution, regard these persons as slaves. Under the Constitution all the inhabitants of the United States are, without exception, persons—persons, it may be, not free—persons, held to service—persons, who may migrate or be imported—but still, persons, clothed, so far as the Constitution is concerned, with those highest attributes of personality which belong, of right and equally, unless the Declaration of Independence be a fable, to all men. The Constitution takes notice indeed, of persons held, under the laws of the States, in peculiar relations; but it takes notice of such persons by its own descriptions, and by those which State laws furnish. It knows no slaves.

“What is a slave? I know no definition shorter or more complete than this: A slave is a person held as property, by legalized force, against natural right. Slavery is the condition in which men are thus held. The law which enables one man

to hold his fellow-man as a slave, making the private force of the individual efficient for that purpose by aid of the public force of the community, must necessarily be local and municipal in its character. It cannot, speaking with strict accuracy, make men property, for man is not by Nature the subject of ownership. It can only determine that within the sphere of its operation, certain of the people may be held and treated as property by others. It can punish resistance to the authority of the master, and compel submission to his disposal. . . .

“The law of the Creator, which invests every human being with an inalienable title to freedom, cannot be repealed by any inferior law which asserts that man is property. Such a law may be enforced by power; but the exercise of the power must be confined within the jurisdiction of the State which establishes the law. It cannot be enforced—it can have no operation whatever—in any other jurisdiction. The very moment a slave passes beyond the jurisdiction of the State in which he is held as such, he ceases to be a slave; not because any law or regulation of the State which he enters confers freedom upon him, but because he *continues* to be a man, and *leaves behind* him the law of force which made him a slave. Even if the slave passes from one slave State into another, he is not held as a slave in the State to which he comes by the law of the State which he has left. So far as the law is concerned, he is free; for he is beyond its reach. . . .

“If I am correct, then, in the position that the Government of the United States cannot, under the Constitution, create, continue, or enforce any such relation as that of owner and property, or what is under the slave-codes the same thing, of master and slave, between man and man, it must follow that no claim to persons as property can be maintained, under any clause of the Constitution, or any law of the United States.

. . . . “The provisions of the Constitution, continued in the amendments, like the provisions of the ordinance, contained in the articles of the compact, were mainly designed to establish as written law certain great principles of natural right and justice, which exist independently of all such sanction. They rather announce restrictions upon legislative power imposed by the very nature of society and of government, than create

restrictions which, were they erased from the Constitution, the Legislature would be at liberty to disregard. No Legislature is omnipotent. No Legislature can make right, wrong; or wrong, right. Nor is any Legislature at liberty to disregard the fundamental principles of rectitude and justice. Whether restrained or not by any constitutional provisions, there are acts beyond any legitimate or binding legislative authority. There are certain vital principles in our national Government which will ascertain and overrule an apparent and flagrant abuse of legislative power. The Legislature cannot authorize injustice by law; cannot nullify private contracts; cannot abrogate the securities of life, liberty and property, which it is the very object of society, as well as of our constitution of government, to provide; cannot make a man judge in his own case; cannot repeal the laws of Nature; cannot create any obligation to do wrong or neglect duty. No court is bound to enforce unjust law; but, on the contrary, every court is bound, by prior and superior obligations, to abstain from enforcing such law. . . .

“It is the maxim of the common law that he who will not favor liberty shall be accursed. ‘*Execrandus, qui non favet libertati!*’ The courts of England, ever presuming, in obedience to this maxim, in favor of freedom, extinguished villeinage and established an impregnable barrier against the introduction of a new slavery. May I not trust that the favor shown to liberty by the courts of the chief monarchy of Europe, will not surpass that which liberty will receive from the courts of the chief republic of America?

. . . . “Upon questions—such as are some of those involved in this case—which partake largely of a moral and political nature, the judgment even of this court cannot be regarded as altogether final. The decision to be made here, must necessarily be rejudged at the tribunal of public opinion; the opinion, not of the American people only, but of the civilized world. At home, as is well known, a growing disaffection to the Constitution prevails, founded upon its supposed allowance and support of human slavery; abroad, the national character suffers under the same reproach. I hope, and—I trust it may not be too serious to add—I most earnestly pray, that the judgment of the court in this case may commend itself to the reason and con-

science of mankind; that it may rescue the Constitution from the undeserved opprobrium of lending its sanction to the idea that there may be property in men; that it may gather around that venerable charter of republican freedom the renewed affection and confidence of a generous people; and that it may win for American institutions the warm admiration and homage of all, who, everywhere, love liberty and revere justice."

With this noble invocation Mr. Chase closed his argument. The judgment of the court was adverse to Van Zandt upon all points.

When the certificate of these decisions was presented in the Circuit Court, final judgment for the penalty was of course entered.

Mr. Chase then moved in arrest of the judgment in the suit for damages, but the judge, pending the suit in the Supreme Court, had changed his position on the controlling points, and the decision was again adverse. Mr. Chase then proposed to accept the new trial upon the terms of the order already made, but upon this question the opinion of the court had also changed! and judgment was entered against Van Zandt for twelve hundred dollars damages, as well as the penalty in the sum of five hundred dollars.

The character of Judge McLean is unquestioned, but in the absence of the universal pro-slavery sentiment of the times, it is not improbable that his decision would have been different.

The services both of Mr. Chase and Governor Seward (who also submitted a written argument) in behalf of Van Zandt were given without compensation. A small sum was contributed by antislavery men for the actual expenses of the defense, but it was not sufficient even for that purpose.

Van Zandt suffered severely by these events. He is long since dead, and the final judgment has been entered in his cause by that awful and just Judge with whom humanity is certainly no crime.¹

¹ *Salmon Portland Chase to Lewis Tappan.*

"CINCINNATI, March 18, 1847.

... "I regret the decision in the Van Zandt case, and, I confess, did not expect it. I had a letter from a very intelligent slaveholder, to whom I sent a copy of my argument, in which he was frank enough to say, that so far as he had read the

argument, I seemed to have the right of it; 'but,' he added, 'you seem to forget that upon these questions necessity knows no law.' I do not know that I ever mentioned to you, that when I had concluded my argument for Van Zandt in the Circuit Court, Jones, the plaintiff, came to me, though an entire stranger to him, and expressed his regret that the suit had been brought, saying that he had been badly advised or he should not have commenced it; so fully satisfied was he, then, that the decision of Judge McLean must be against him. But much as I regret the issue of the case in the Supreme Court, I do not regret that the discussion has been had, and I am thankful I have had some part in it. I have received from many and very different political quarters, assurances of the full assent of the writers to the leading points of the argument; and I am well satisfied that the intelligent judgment of the profession, so far as it has considered the case, is with us.

"I am glad to see that Governor Seward's argument has been given to the public in the *New York Tribune* in a condensed form; and it is one of the gratifications, and one of the greatest too, that I have derived from my connection with the case, that it has brought me into intercourse with that gentleman. I regard him as one of the very first public men of our country. Who but himself would have done what he did for the poor wretch Freeman? His course in the Van Zandt case has been generous and noble; but his action in the Freeman case, considering his own personal position and the circumstances, was magnanimous in the highest degree."

CHAPTER X.

STATE ELECTION, 1842—DIFFICULTIES OF THE LIBERTY PARTY MOVEMENT—NATIONAL CONVENTION OF THE LIBERTY PARTY AT BUFFALO IN 1843—SOUTHERN AND WESTERN LIBERTY CONVENTION AT CINCINNATI IN 1845—A GREAT AND IMPORTANT GATHERING—THE CASE OF SAMUEL WATSON.

THE State election in Ohio in 1840 showed the strength of the antislavery vote to be nine hundred and three; but it was a vote representing the unconditional abolition sentiment of the voters. It said briefly, and without circumlocution, concealment, or reservation, of any kind: "Slavery must be overthrown. No matter how numerous the difficulties, how formidable the obstacles, how strong the foes, to be vanquished—slavery must cease to pollute the land. No matter whether the event be near or remote, whether the task-master willingly or unwillingly relinquish his arbitrary power, whether by a peaceful or a bloody process—slavery must die. No matter though, to effect it, every party should be torn by dissensions, every sect dashed into fragments, the national compact dissolved, the land filled with the horrors of a civil and a servile war—still, slavery must be buried in the grave of infamy, beyond the possibility of a resurrection. If the state cannot survive the antislavery agitation, then let the state perish. If the Church must be cast down by the struggles of humanity to be free, then let the Church fall, and its fragments be scattered to the four winds of heaven, never more to curse the earth. If the American Union cannot be maintained, except by immolating human freedom on

the altar of tyranny, then let the American Union be consumed by a living thunder-bolt, and no tear be shed over its ashes. If the republic must be blotted out from the roll of nations, by proclaiming liberty to the captives, then let the republic sink beneath the waves of oblivion, and a shout of joy, louder than the voice of many waters, fill the universe at its extinction. Against this declaration, none but traitors and tyrants will raise an outcry. It is the mandate of Heaven and the voice of God. It has righteousness for its foundation, reason for its authority, and truth for its support.”¹

Language like this, addressed to the temper of the times, won no support to the cause of antislavery in any form, but greatly increased its difficulties. The public sentiment of the country, passionately pro-slavery from causes impossible wholly to be explained, and all the more intense because of the very obscurity of its motives, was deepened and intensified, if that were possible, by the denunciations and violence of the unconditional antislavery men. The writers and stumpers of the old parties made an adroit and effective use of it; a characteristic use, since every antislavery man was denounced by them as an abolitionist, and perforce seditious, a violator of the law, an inciter to servile insurrection and to the murder of women and children. Abolitionism was made a synonym, in the popular mind, for slave-insurrection and negro equality, equally fearful and abhorrent. It was alleged by public men—and doubtless many believed it—that abolitionism would lead to a dissolution of the Union. So that as every antislavery man was charged with being an abolitionist, and as every abolitionist was represented to be a willful promoter of negro insurrection, negro equality and disunion, the Liberty party received but a scant consideration among the voters of the State.

It is not surprising, therefore, that the movement did not attract any great accessions; still there were some, and the vote for Judge King in October, 1842, was five thousand three hundred and five; a good deal disappointing the expectations of Mr. Chase, who had confidently looked forward to greater results. His hope had been that the vote would be sufficiently large to attract into the Liberty organization some leading men, acting

¹ Mr. William Lloyd Garrison in *The Liberty Bell*, 1842.

with the other parties, but of known antislavery convictions. Disappointed in this, however, he thought to make accessions by personal appeals to leading men in both parties.

But he was unsuccessful. Antislavery Whigs preferred the Whig party organization, and antislavery Democrats preferred acting with the Democratic party; the Whigs professing the belief that the Whig party must soon take the constitutional antislavery ground, and Democrats professing a like belief with respect to the Democratic party. But neither showed much disposition to sever present political connections to take part in a new organization whose avowed primary ground of action was antislavery.

In August, 1843, a National Convention of the Liberty party met at Buffalo, to take into consideration the expediency of nominating candidates for the presidency and vice-presidency. Mr. Birney and Mr. Thomas Morris had already been put in nomination by those who had voted for the former in 1840; but it was thought due to the voters who had since joined the party, that an opportunity should be given for reconsideration and the substitution of other names, if that should be thought expedient. There were nearly a thousand delegates in attendance, from every free State, except New Hampshire; but they refused either to postpone action upon nominations until the next year, as was proposed by Mr. Chase, or to make any change in candidates. Mr. Birney and Mr. Morris were accordingly put formally into nomination, almost, if not altogether, without dissent.

The platform adopted by the convention was composed of resolutions¹ almost all of which were drawn by Mr. Chase; the most remarkable exception being the resolution declaring the fugitive slave law clause in the Constitution not binding in conscience, and therefore to be considered as mentally excepted in every oath taken to support that instrument. It was impossible for Mr. Chase to give his sanction to this doctrine of mental reservation, and in the committee-room of the committee on resolutions his efforts to defeat it had been successful, but being presented in the body of the convention—though probably a great majority of the members were opposed to it—it was adopted

¹ It is not deemed necessary to reproduce the resolutions of the Buffalo Convention; they affirmed the doctrines of the Liberty party.

under the excitement occasioned by an eloquent speech of its proposer,¹ who began with the question—"Shall we obey the dead fathers or the living God?"

The presidential election took place in the following year, and Mr. Birney received slightly over sixty-two thousand votes; a number small and insignificant when considered in the light merely of party interests and success, but neither small nor insignificant when considered in its relations to other organizations and party policies. In 1840 the unorganized vote against slavery had been only one in three hundred and sixty of the whole number of votes given by the people. The vote given for the Liberty party in 1844 was one in forty. In several States, and in many counties and cities, it was sufficient—if given to the candidates of either one of the old parties—to determine the contest in their favor. This was in itself a fact of great importance and gave to the Liberty organization a power and influence very much in excess really of what would have been warranted by reason of mere numbers. It was a necessary political consequence that, holding the "balance of power" in many important localities, both the old parties, wherever such a course could be adopted without danger of alienating their pro-slavery members, made advances toward the principles and measures of the new party; and so long as it inflexibly maintained its organization and united with no party having and desiring to have a pro-slavery wing, it widened and deepened the currents of antislavery feeling.

In 1845 the *Southern and Western Liberty Convention* was held at Cincinnati on the 11th and 12th days of June. It met in pursuance of a call signed by Salmon P. Chase, Samuel Lewis, Richard B. Pullan, and others, and addressed to the "friends of constitutional liberty." "It is not designed," said the sign-

¹ The words of the resolution referred to, which was introduced into the convention by John Pierpont, a Unitarian clergyman of Massachusetts, were these: "*Resolved, That we hereby give it to be distinctly understood by this nation and the world, that, considering the strength of our cause to lie in its righteousness and our hopes for it in our conformity to the laws of God and our support of the rights of man, we owe it to the Sovereign Ruler of the Universe—as a proof of our allegiance to Him in all our civil relations and offices, whether as friends, citizens or public functionaries, sworn to support the Constitution of the United States—to regard and treat the third clause of the instrument, whenever applied in the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the Constitution of the United States, whenever we are called upon as sworn to support it.*"

ers of the call, "that this convention shall be composed, exclusively, of members of the Liberty party, but of all who, 'believing that whatever is worth preserving in republicanism can be maintained only by eternal and uncompromising war against the criminal usurpations of the slave-power,' are resolved 'to use all constitutional, and honorable, and just means, to effect the extinction of slavery in their respective States, and its reduction to its constitutional limits within the United States.'" The whole number of persons in attendance upon this convention as delegates was about two thousand; they came from Ohio, Indiana, Illinois and Michigan; from the Territories of Wisconsin and Iowa; from Western Pennsylvania and Virginia and Kentucky. Delegations were present also from Massachusetts, New York and Rhode Island. It was the most remarkable gathering of antislavery men that, up to the time of its meeting, had been convened in the country. Its sittings were continued through two days, and its proceedings were distinguished for the dignity and solemnity which befitted the occasion and its objects. Mr. Chase took an active part, and was the author of its "Address to the People of the United States;" a characteristic paper, clear, temperate and judicial. More than a hundred thousand copies were circulated in pamphlet form; it was reproduced in antislavery newspapers, and freely commented upon by the press of the Democratic and Whig parties. Its effect upon the public mind, in conjunction with current political events, was widespread and important.

"The Liberty party," said this address, "founds itself upon the great cardinal principles of true democracy and of true Christianity, the brotherhood of the human family. It avows its purpose to wage implacable war against slaveholding as the direst form of oppression, and then against every other species of tyranny and injustice. Its members agree to regard the extinction of slavery as the most important end which can, at this time, be proposed to political action; and they agree to differ as to other questions of minor importance. . . ."

The rise of such a party as this, the address alleged, met the "want which enlightened lovers of liberty felt, of a real democratic party in the country—democratic not in name only, but in deed and in truth. In this want, the Liberty party had its

origin, and so long as this want remains otherwise unsatisfied, the Liberty party must exist; not as a mere abolition party, but as a truly democratic party,¹ which aims at the extinction of slavery, because slaveholding is inconsistent with democratic principles; aims at it, not as an ultimate end, but as the most important present object; as a great and necessary step in the work of reform; as an illustrious era in the advancement of society, to be wrought out by its action and instrumentality. The Liberty party of 1845 is, in truth, the Liberty party of 1776 re-

¹ Mr. Chase, in this address, in some paragraphs not quoted above, charged an equal devotion to the slave-interest upon both the Whig and Democratic parties. Mr. Seward, in a letter to Mr. Chase, dated at Auburn, August 4, 1845, protests against this as unjust. "I have no sympathy," he said, "with the Whig party (though I own I love it much) in any feelings of passion it may indulge on account of the exposure of its lukewarmness on the subject of slavery. I love the Whig party, but I love it only as the agency through which to promote the good of the country and of mankind." He said he did not apply the name *Democratic* to the other party, because he could not admit such a misnomer, regarding it as the slavery party. "There can be," he continued, "but two permanent parties. The one will be and must be the *Locofoco* party. And that always was, and is, and must be, *the* slavery party. Its antagonist of course must be, always, as it always was and is, AN ANTI-SLAVERY PARTY, *more or less*. Whether more or less at one time or another, depends of course on the advancement of the public mind and the intentness with which it can be fixed on the question of slavery. Nor will the character of that antagonist party be greatly changed by any change of organization or name. Strike down the Whig party and raise the Liberty party in its place—if it be possible—and the Liberty party, composed of the same elements, will be only the Whig party as it would have been if left to maintain its original position. I see nothing but loss of *time* and *strength* in the attempt at substitution, if successful: although I can see that the action of the third party for a while might tend to stimulate the Whig party to a greater zeal. The Liberty party I do not think will succeed in displacing the Whig [party] and giving a new name to the same mass (and I repeat, the mass of the opposition will always be the same under any name). You think otherwise. So let it be. We must differ until time shows which was right. Meantime, I am for emancipation and against slavery, whether my party go with me and live, or go against it and fall. Where can I do the most good? Manifestly with my own party, whose fortunes I share; and the more perseveringly when those fortunes are adverse from errors not my own. To abandon a party and friends to whom I owe so much, whose confidence I do in some degree possess, and who, as far as I am known to them, have steadily advanced to every position I have ever taken in regard to slavery, would be criminal, and not more criminal than unwise. I could not speak to them with any claim on their consideration, while I should be but one man in the opposing or rival party which was seeking their overthrow. If *you* be right, the liberty cause will find me just where I am, faithful to that cause whoever leads the battle, or under whatever banner. If *I* be right, it is just the same."

vived. It is more: it is the party of advancement and freedom, which has—in every age and with varying success—fought the battles of human liberty against the party of false conservatism and slavery. . . .

“We ask all true friends of liberty, of impartial, universal liberty, to be firm and steadfast. The little handful of voters who, in 1840, wearied of compromising expediency, and despairing of antislavery action by pro-slavery parties, raised anew the standard of the Declaration” (of Independence), “and manfully resolved to vote right then and vote for freedom, has already swelled to a GREAT PARTY, strong enough, numerically, to decide the issue of any national contest, and stronger far in the power of its pure and elevating principles. And if these principles be sound, which we doubt not, and if the slavery question be, as we verily believe it is, the GREAT QUESTION of our day and nation, it is a libel upon the intelligence, the patriotism and the virtue of the American people, to say that there is no hope that a majority will not array themselves under our banner. Let it not be said that we are factious or impracticable. We adhere to our views because we believe them to be sound, practical, and vitally important. We have already said that we are ready to prove our devotion to our principles by coöperation with either of the two great American parties which will openly and honestly, in State and national conventions, avow our doctrines and adopt our measures, until slavery shall be overthrown. We do not, indeed, expect any such adoption and avowal by either of those parties, because we are well aware that they fear more, at present, from the loss of slaveholding support than from the loss of antislavery coöperation. But we can be satisfied with nothing less, for we will compromise no longer; and, therefore, must of necessity maintain our separate organization as the true Democratic party of the country, and trust our cause to the suffrages of the people and the blessing of God!

“Carry then, friends of freedom and free labor, your principles to the ballot-box. Let no difficulties discourage, no dangers daunt, no delays dishearten you. Your solemn vow that slavery must perish is registered in heaven. Renew that vow! Think of the martyrs of truth and freedom; think of the millions of the enslaved; think of the other millions of the op-

pressed and degraded free; and renew that vow! Be not tempted from the path of political duty. To compromise for any partial or temporary advantage, is ruin to our cause. Unswerving fidelity to our principles; unalterable determination to carry those principles to the ballot-box at every election; inflexible and unanimous support of those, and only those, who are true to our principles, are the conditions of our ultimate triumph. Let these conditions be fulfilled and our triumph is certain. The indications of its coming multiply on every side. A spirit of inquiry and of action is awakened everywhere. The assemblage of this convention, whose voice we utter, is itself an auspicious omen. Gathered from the North and the South and from the East and the West, we here unite our counsels and consolidate our action. We are resolved to go forward, knowing that our cause is just, trusting in God. . . . He can, and we trust He will, make our instrumentality efficient for the redemption of our land from slavery, and for the fulfillment of our fathers' pledge in behalf of freedom, before Him and before the world."

It is somewhat remarkable that, although the annexation of Texas had been determined upon by Congress in the spring of 1845, no other notice of the introduction of that weighty element into the antislavery struggle appeared in this address, than these few words: "It" (slavery) "has dictated the acquisition of an immense foreign territory, not for the laudable purpose of extending the blessings of freedom, but with the bad design of diffusing the curse of slavery, and thereby consolidating and perpetuating its own ascendancy."

Meantime, a slave-case occurred at Cincinnati which attracted a general attention. On the morning of the 21st of January, 1845, one Hoppess, having in charge a colored man named Samuel Watson, arrived at Cincinnati on the steamer Ohio Belle. Not long after the boat was made fast to the shore, Watson was missing. In the evening he was found by Hoppess upon the landing, not attempting and probably not thinking of escape. He was seized and lodged in the "watch-house," and on the following morning was taken before a magistrate in order to obtain a certificate for his removal as a fugitive from service, under the Federal Act of 1793.

At this point in the case a writ of *habeas corpus* was issued by a judge of the Supreme Court of the State, in obedience to which Watson was brought before him, and Hoppess was required to justify the detention. To this purpose Hoppess alleged that Watson was a slave in Virginia, whose master had taken him thence to Arkansas. The master had returned to Virginia and had died there, after having sold Watson to Floyd; that as the agent of Floyd he (Hoppess) had gone to Arkansas, obtained possession of Watson, and was returning with him to Virginia, when, the boat having arrived at Cincinnati very early in the morning, Watson escaped. The proof showed that at the time of the alleged escape the boat was made fast to the Ohio shore and inside of low-water mark; that at the time he was seized on the landing he was making no attempt to escape, and that those who first noticed the boat on the morning of her arrival neither observed any indications, nor heard any suggestion, of an escape having taken place.

Mr. Chase,¹ as counsel for Watson, insisted—1. That there had been no escape; 2. That the escape, if there was one, was from one place in Ohio to another place in the same State, and so not within the constitutional provision as to escaping servants, nor the provisions of the act of 1793; 3. That the boat, at the time of the escape, was within the State of Ohio, being fastened to the Ohio shore and within low-water mark; to which line, by consent of all, the territory of the State extends; and beyond this line, it was insisted, to the middle of the river; 4. That the holding of persons as slaves in Arkansas was repugnant to the treaty with France, which provided for the admission of all the inhabitants of the territory to the immunities of citizens of the United States; and also to the fifth amendment to the Constitution, which declares that no person shall be deprived of liberty without due process of law, and applies, at least, to all national Territories and States created out of such territories; and that Watson, having been taken by his alleged master from Virginia to Arkansas, was free there, and could

¹ Associated with him were Messrs. Birney and Johnson; and the judge of the Supreme Court before whom the case was tried was Honorable N. C. Read, who had been the opposing counsel to Mr. Chase in the Matilda case and in the case also of the State against James G. Birney.

not be reclaimed; 5. That the act of 1793, relating to fugitives from service, was unconstitutional; that no power was conferred by the Constitution upon Congress to legislate on the subject; and if there was, yet the provisions of this act, authorizing seizure without warrant, trial without jury and without opportunity to the defendant to cross-examine witnesses against him, and judgment by a State magistrate irresponsible in the exercise of this authority to the State or the United States, and compensated only according to his own bargain with the plaintiff, were clearly unconstitutional; and 6. That the Ordinance of 1787 confined the right of reclaiming escaping servants, as to the territory of the United States northwest of the Ohio River and as to the States erected out of it, to cases of escape from the *original* States; and that Watson, not having escaped from an original State, could not, therefore, be reclaimed as a fugitive from service.

• These considerations failed to influence the court to their whole extent; the judge holding that slavery might exist in Arkansas; that the treaty with France was for the cession of territory and allegiance, and did not change the relations of persons nor the rights of property. He also held that a slave escaping to Ohio from a new State was subject to recaption precisely as though the escape had been from one of the original States. He sustained the constitutionality of the Federal act authorizing summary process against escaping servants; and upon the leading point in the case, respecting the jurisdiction on the Ohio River, the court—although laying down the principle that slavery was strictly local—still held that a master navigating the Ohio River, while upon the water was within the jurisdiction of Virginia or Kentucky for the purpose of retaining the right to his slave; and that, although the boat which contained them should be fastened to the shore of a free State, yet a slave going at large would be liable to recaption as a fugitive from one State into another—this being an incident to the common right of navigation, secured at an early day to the people of the States bordering upon the Ohio River. But although the effect of this opinion was to remand Watson into slavery, the court emphatically recognized the strictly local character of the institution; upon this point coming fully up to the doctrine set up by

Mr. Chase in the *Matilda* case in 1837, and in the case also of the State of Ohio against Birney. "Slavery," said the court, "is wrong inflicted by force and supported alone by the municipal power of the State or Territory in which it exists. It is opposed to the principles of natural justice and right and is the mere creature of positive law. If a master bring his slave into the State of Ohio he loses all power over him. If the master take his slave beyond the influence of the laws which create the relation, it fails; there is nothing to support it, and they stand as man and man. The slave is free by the laws of the State to which he has been brought by the master, and there is no law authorizing the master to force him back to the State which recognizes the relation of master and slave. At one time I was of opinion that he had the right of passage through a free State with his slave. This would probably harmonize with the spirit of the compromise upon this subject. But upon more careful examination, I am satisfied the master must lose his slave if he brings him into a free State, unless the slave voluntarily returns to a state of slavery; because the master loses all power over the slave by the law of the State to which he has brought him, and there is no other law authorizing the master to remove him. The Constitution of the United States only recognizes the right of recapture of a fugitive held to service in one State *escaping into another*. The person owing service must escape from the State where such service is owed into another State. The act of Congress carrying into effect the constitutional provision, authorizes a recaption only where there has been an escape from the State where the service was owed into another State. If there has been no such escape, the master has no right of recaption, and the slave may go where he pleases; the master has lost all control over him."

"This opinion of Judge Read," remarks the writer of the pamphlet from which this account of Watson's case is extracted, "shows that his transition from his former to his present opinion, might be characterized as *progress*. The popular sympathy for a slave claiming his liberty, and the evident impression made upon public sentiment by the considerations urged in his behalf, were indications no less significant of 'progress.'" ¹

¹ Pending this case of Watson Mr. Polk, the recently-elected President, passed

After the result of the case was known, it was determined at a meeting of the colored people of Cincinnati, that an appropriate mark of grateful respect should be tendered to each of the counsel for Watson, who had all declined compensation for their professional services. The testimonial to Mr. Chase was a silver pitcher, copied from a fine antique model, with little ornament beyond the slight chasing of the borders and handle. It bore this inscription :

A
 TESTIMONIAL OF GRATITUDE
 TO
 SALMON P. CHASE
 FROM
 THE COLORED PEOPLE OF CINCINNATI,
 FOR HIS
 VARIOUS PUBLIC SERVICES IN BEHALF OF THE OPPRESSED
 AND PARTICULARLY FOR HIS
 ELOQUENT ADVOCACY OF THE RIGHTS OF MAN
 IN THE CASE OF SAMUEL WATSON,
 WHO WAS CLAIMED AS A FUGITIVE SLAVE,
 FEBRUARY 12, 1845.

In accepting this testimonial Mr. Chase said, in reply to the presentation address, that he was content to be counted one of the rank and file in the contest for universal freedom. "I can only take credit," he continued, "if I take credit at all, for not being unwilling to learn and to do. Nor in what I have done can I claim to have acted from any peculiar consideration of the colored people as a separate and distinct class in the community; but from the simple consideration that all the individuals of that class are members of the community, and in virtue of their manhood are entitled to every original right enjoyed by any other member. I am only one of a great number, who adopt the opinion that in a country of democratic institutions, there is no reliable security for the rights of any unless the rights of all are, also, secure. In a monarchy or an aristocracy, the rights, or rather privileges, of a class may be created by through Cincinnati, and was welcomed by Judge Read, who was a prominent member of the Democratic party.

law and secured by law. But in a democracy, which recognizes no classes and no privileges, every man must be protected in his just rights, or no man can be, by law. The moment the law excludes a portion of the community from its equal regard, it divides the community into higher and lower classes, and introduces all the evils of the aristocratic principle. Henceforth in that community, rights, in the proper sense of that word, cease to exist. Instead of rights, there are privileges for the higher classes, and restrictions for the inferior. We feel, therefore, that all legal distinctions between individuals of the same community, founded on any circumstances of color, origin and the like, are hostile to the genius of our institutions and incompatible with the true theory of American liberty. God forbid that we shall fail to sympathize truly and deeply with the poor, the destitute, the oppressed, the enslaved colored people of our land; or to exert ourselves strenuously in their behalf; but let us not take to ourselves too much credit for sympathy or effort, since our own rights as well as theirs are involved in the struggle in which we are engaged, and every day's experience adds fresh strength to the conviction that slavery and oppression must cease, or American liberty must perish." Mr. Chase further said, in the course of his remarks, that he "*embraced with pleasure the opportunity of declaring his disapprobation of that clause of the constitution of the State which denied to a portion of the colored people the right of suffrage. . . . True democracy,*" he alleged, "*makes no inquiry about the color of the skin, or the place of nativity, or any other similar circumstance of condition. Whenever it sees a man, it recognizes a being endowed by his Creator with original inalienable rights. In communities of men, it recognizes no distinctions founded on mere arbitrary will. I regard, therefore, the exclusion of the colored people as a body from the elective franchise as incompatible with true democratic principles.*"

Ten years afterward, when Mr. Chase was a candidate for Governor of Ohio, his declaration for universal suffrage made on the occasion of this presentation was used as a potent electioneering argument against him; but he neither denied nor qualified his expressions on the subject. More than this—he reiterated his adherence to his avowed principles, and said that

he "more valued the gratitude of an oppressed people than he did any office, even that of Governor of Ohio."

It ought to be observed here, that in conformity with his views touching the radical injustice of the State laws discriminating against the colored people, Mr. Chase, in his local political efforts, sought, as a primary object, the repeal of those laws.

CHAPTER XI.

ANNEXATION OF TEXAS—BUFFALO NATIONAL LIBERTY CONVENTION OF 1847—STATE CONVENTION AT COLUMBUS, 1848—DEMOCRATIC AND WHIG NATIONAL CONVENTIONS OF THAT YEAR—CONVENTION OF BARNBURNER DEMOCRATS OF NEW YORK—FREE-SOIL NATIONAL CONVENTION AT BUFFALO IN AUGUST—NOMINATION OF MARTIN VAN BUREN AND CHARLES FRANCIS ADAMS—PLATFORM—GENERAL RESULTS.

THE annexation of Texas and the war with Mexico, had given a powerful impulse to the antislavery sentiment of the North. The Whigs, out of office and in natural antagonism to every measure of a Democratic Administration, and perfectly informed, at the same time, that there could be no permanent alliance between themselves and the slave-interest—had become widely and deeply affected with antislavery sentiments, and great inroads had been made also among Northern Democrats. The end of the war, and the acquisition of vast territories under the treaty with Mexico—called of Guadalupe Hidalgo—made in February, 1848, introduced into national politics new elements. Whether the recently-acquired territories should be given up to slavery, or made free, became a topic of very earnest discussion, and the public temper in the North seemed to warrant the belief that one or the other of the great parties would be compelled to take ground in favor of freedom.

The National Convention of the Liberty men was held at Buffalo in the fall of 1847, and in this convention Mr. Chase had participated as a delegate; but under the full conviction that

the ensuing six or eight months would materially change the aspect of political affairs, he had opposed the nomination of candidates. The convention did not share his views, and nominated John P. Hale for the first office. It was proposed to put Mr. Chase's name upon the ticket for the second, but he peremptorily declined, and Leicester King was selected.

Mr. Chase, however, did not feel irrevocably bound by this action; and looked forward with hope that one of the great parties would place itself squarely upon a platform of slavery exclusion; or, at least, nominate a statesman so committed to that policy as to warrant those in voting for him who believed exclusion to be of paramount importance.

In order to be prepared for that event, and at the same time prepared also for independent action—either in supporting the nominees of the Liberty party, or of a new organization, if that should be deemed wiser and better—he obtained the coöperation of some friends in procuring signatures to a call for a People's Convention to be held at Columbus on the 21st of June, 1848, being the anniversary of the battle of Bunker Hill. This call was signed by more than three thousand citizens of the State, including men of all parties—Whigs, Liberty men and Democrats, with a preponderance of the latter. “A great crisis is at hand,” was the language of this paper. “The war with Mexico must result—if, before you read this call, it shall not already have resulted—in the acquisition of extensive territories by the United States. These territories are now free territories; but it is demanded by the slave-power that they shall be, by the national Government, made slave territories; that the trade in living men and women shall be permitted in them by the national authority; that free labor and free laborers shall be virtually excluded from them by being subjected to degrading competition with slave-labor and slave-laborers; and finally that they may be erected into slave States, with slave representations in Congress and the electoral colleges. It is strange, but unhappily true, that prominent men in each of the two great parties of the country have been found ready to submit to this demand. Mighty efforts are now made to force upon both these parties nominations, for President and Vice-President, of candidates who will favor, either by active coöperation or silent

connivance, the designs of the slave-power. These efforts will be successful, unless the friends of freedom arouse themselves and act in concert. They may be successful, notwithstanding such action. If so, nothing will remain for true patriots but acquiescence in the demand, or a noble struggle for victory. It becomes us to be prepared for every event. Should the conventions of the Whig and Democratic parties nominate candidates worthy of the confidence of non-slaveholding freemen, we shall greatly rejoice; if not, we must act as befits men determined to resist by all constitutional means, the extension of slavery into the territories hereafter acquired. We ask no man to leave his party or surrender his party views. This call is signed indiscriminately by Democrats, Whigs and Liberty men. But we do ask every man who loves his country, to be ready, if need be, to suspend for a time ordinary party contentions and unite in one manful, earnest and victorious effort for the holy cause of freedom and free labor. . . . We therefore invite the electors of Ohio, friends of freedom, free territory and free labor, without distinction of party to meet in mass convention for the purpose of considering the political condition of our country, and taking such action as the exigency may require: *And may God defend the right!*"

Pending the circulation of this call, the national conventions of the two old parties were held; that of the Democrats at Baltimore on the 22d of May, and the Whig Convention at Philadelphia on the 7th of June. Both were more or less controlled by the slave-interest. In the Democratic Convention no attempt was made to secure any declaration against slavery or its extension, but the opposition to the slave-domination found expression in an effort to secure admission into the convention of the Radical or Barnburner delegation from New York, the members of which were avowedly in favor of the exclusion of slavery from the Territories. The convention proposed to admit both the Barnburner and "Hunker" or Conservative delegations, giving to each one-half the vote to which the State was entitled, but the Barnburners declined to accede to this proposition, and returned to their constituents to give an account of their mission. The convention nominated General Cass for President and General William O. Butler for Vice-President.

The Whig Convention nominated General Taylor for the first and Millard Fillmore for the second place on their ticket. No resolves affirming any distinctive principles were adopted, and repeated efforts to secure some antislavery expression by interposing a resolution affirming the *Wilmot Proviso*, were met by successful motions to lay the resolution on the table. The nomination of a Southern slaveholder for the presidency, whose military glory was the fruit of the Mexican War, was satisfactory to the South—but at the beginning of the canvass was extremely distasteful to many Northern Whigs, who, however, afterward went to his support.

This was the condition of political affairs, when the People's State Convention, called to meet on the 21st of June at Columbus, met pursuant to the call. The New York Democrats—the Barnburners—met in State Convention on the same day, to determine what course, in the existing circumstances, should be pursued by the New York Democracy. The New York Convention passed a resolution authorizing the delegates to the Baltimore Convention to attend and take part in any convention of the free States which might be called for the purpose of collecting and concentrating the popular will in relation to the presidency, and nominated Mr. Van Buren as their candidate.

The Ohio Convention was a large and harmonious body. Mr. Chase, anxious to avoid all action which might be interpreted as evincing a wish on the part of Liberty men to take the lead in the new political organization likely to be formed, drew the address and resolutions of the convention, but placed them in other hands and committed their advocacy to other tongues. He wished to take no risks of possible prejudice on the part of members of the old parties participating in the convention, and was therefore willing that the credit of whatever might be done should accrue to others.

The convention took the course he anticipated and wished. It declared the nominations of the old parties unfit to be supported; passed resolutions in favor of freedom for the Territories, and recommended a national convention at Buffalo on the 9th of August next following, to consist of six delegates at large from any State choosing to be represented, and three from each congressional district.

A national convention of "Free-Soilers"—as they were called who favored slavery exclusion—met at Buffalo, accordingly, on the 9th of August. The New York Radical delegation, appointed originally to attend the Democratic National Convention at Baltimore, took their seats as members. The attendance upon this gathering at Buffalo was surprisingly great. Besides the regular convention, which consisted of four hundred and sixty-five delegates representing eighteen States, there was a mass convention which numbered many thousand persons. Mr. Chase was chosen to preside over the former, and Mr. Charles Francis Adams over the latter. There was entire harmony among the delegates, and a great enthusiasm among the people. The nomination of Mr. Van Buren as their candidate for the presidency, unanimously made by the former, was ratified by the latter, assembled in mass convention, with enthusiastic demonstrations of approval. The nomination of Mr. Adams for the second place was equally satisfactory, although many of the delegates from the West preferred a Western man, and no doubt would have united upon Mr. Chase had he permitted the use of his name, which he declined to do.

The resolutions which formed the declaration of principles proposed by the convention to the people, were almost wholly drawn by Mr. Chase. They were carefully considered in committee and earnestly discussed before they received its sanction. When reported to the convention by the chairman of the committee on resolutions, Mr. Butler, of New York, they were adopted by a unanimous vote.

In these resolutions there was nothing Delphic; they expressed the precise views of their author and of the convention; they declared: "That the proviso of Jefferson, to prohibit the existence of slavery after the year 1800 in all the Territories of the United States, Northern and Southern; the votes of six States and sixteen delegates in the Congress of 1784 for that proviso, to three States and seven delegates against it; the actual exclusion of slavery from the Northwestern Territory by the Ordinance of 1787, unanimously adopted by the States in Congress; and the entire history of that period, clearly show that it was the settled policy of the nation, not to extend, nationalize or encourage, but to limit, localize and *discourage* slavery; and to

this policy, which should never have been departed from, the Government ought to return; that our fathers ordained the Constitution of the United States in order, among other great national objects, to establish justice, promote the general welfare, and secure the blessings of liberty; but expressly denied to the Federal Government, which they created, all constitutional power to deprive any person of life, liberty or property, without due legal process; that in the judgment of this convention, Congress has no more power to make a slave than to make a king; no more power to institute or establish slavery than to institute or establish a monarchy; no such power can be found among those specifically conferred by the Constitution or derived by just implication from them; that it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever that Government possesses constitutional authority to legislate on that subject, and is thus responsible for its existence; that the true and, in the judgment of this convention, the only safe means of preventing the extension of slavery into territory now free, is to prohibit its existence in all such territory by act of Congress; that we accept the issue which the slave-power has forced upon us, and to their demand for more slave States and more slave territory, our calm but final answer is—'No more slave States and no more slave territory.' Let the soil of our extensive domains be ever kept free for the hardy pioneers of our own land, and the oppressed and banished of other lands, seeking homes of comfort and fields of enterprise in the New World; that we demand freedom and established institutions for our brethren in Oregon, now exposed to hardships, peril and massacre, by the reckless hostility of the slave-power to the establishment of free government for free Territories, and not only for them, but for our new brethren in California and New Mexico."¹

So ended the work of this great convention. Its large numbers, and the high respectability and influence of its member-

¹ The convention resolved, also, for cheap postage; retrenched Federal expenditures; the abolition of all unnecessary offices and salaries; the election of all civil officers by the people, so far as practicable; river and harbor improvements; the grant of public lands to actual settlers; a tariff of duties for revenue adequate to defray the necessary expenses of the Federal Government, and to pay annual installments of the public debt and the interest thereon.

ship and following, had a profound effect upon the leaders of the old parties, and upon the people; and to its assembling and action has been attributed, and no doubt justly, the passage of the bill organizing the Territory of Oregon with the prohibition of slavery, which was then pending in the Senate of the United States.

The election which followed, as all the world knows, resulted in the choice of General Taylor: 2,872,000 votes were cast, by the people, and of these Mr. Van Buren had 291,342, being one-ninth—nearly one-eighth—of the whole number.

The election showed the power of principles and the power of party. Except in Ohio and Massachusetts, the Whigs almost everywhere supported the nominations of the Philadelphia Convention, and except in New York the Democrats almost everywhere supported General Cass. In New York the recognized organization of the Democratic party was in the hands of the friends of Mr. Van Buren, and he received in that State 120,000 votes. In Massachusetts, and in the northern counties of Ohio, where the Whigs were in the ascendant, the profound antislavery convictions of great numbers of the people made it impossible for them to support national candidates who had made no declarations against the extension of slavery, and Mr. Van Buren had in Massachusetts 38,000 and in Ohio 35,500 votes. The consequence of all was, that General Taylor carried New York, and General Cass carried Ohio and all the States northwest of the Ohio River, by reason of the defection of Whig votes. A further and more important consequence of the complications of the canvass, was the damage and demoralization it wrought in both the old parties. Though the Whigs emerged from it enjoying a nominal victory, the Whig party was too extensively disorganized to make use of its fruits, either for the consolidation of its own power or for the good of the country.

The Democratic party in the North was similarly affected, but in far less degree. Immediately after the election, however—claiming that under the doctrines maintained by General Cass, slavery, though not prohibited by law, could find no ingress into the Territories—the great body of the Democrats passed by an easy transition into a profession of the doctrines entertained by the “Independent Democracy” which had sup-

ported Mr. Van Buren. Everywhere indications became visible on the part of the Old-line Democrats of a disposition to unite with the Free-Soil Democrats upon the ground of slavery prohibition. In a number of States, resolutions were adopted by the Old-line and the Independent Democrats uniting the two organizations; while in others where actual union did not take place, there was more or less concert of action between them.

CHAPTER XII.

DEMOCRATIC ANTISLAVERY IN OHIO IN 1848, 1849, AND 1850—COMPOSITION OF THE OHIO LEGISLATURE IN 1848-'49—WHIG APPORTIONMENT OF 1847-'48 IN HAMILTON COUNTY—FREE-SOIL CAUCUS—TOWNSHEND AND MORSE—ACTION OF THE CAUCUS—THE MORSE AND TOWNSHEND COALITION WITH THE OLD-LINE DEMOCRATS—ELECTION OF MR. CHASE TO THE UNITED STATES SENATE—WHIG CHARGES OF ITS IMMORALITY—WHAT HAPPENED TO THE PRINCIPAL ACTORS IN THE COALITION—EXTRACTS FROM LETTERS OF MR. CHASE—VERDICT OF THE PEOPLE OF OHIO—HISTORY OF THE REPEAL OF THE "BLACK LAWS"—NOTES TO CHAPTER XII.

IN Ohio and New York, more than in the other free States, the Democracy felt the impulse of the antislavery movement.

In the former, the State Convention which assembled at Columbus on the 8th of January, 1848, had declared: "*That the people of Ohio, now, as they have always done, look upon the institution of slavery in any part of the Union as an evil, and unfavorable to the full development of the spirit and practical benefits of free institutions; and that, entertaining these sentiments, they will at the same time FEEL IT TO BE THEIR DUTY TO USE ALL THE POWER CLEARLY GIVEN BY THE NATIONAL COMPACT, TO PREVENT ITS INCREASE, TO MITIGATE AND FINALLY TO ERADICATE THE EVIL.*"

The doctrine contained in this statement of the creed of the Ohio Democracy was that avowed and supported by Mr. Chase,

but the action of the National Democratic Convention destroyed whatever hopes he might have entertained that the Democracy of the nation would put themselves in accord with the Democracy of Ohio. He went into the movement which culminated in the Buffalo Convention therefore, with all his energies; and in the canvass which followed took an active part, but confined his efforts almost wholly to Ohio.

That canvass was marked by extraordinary features.

There were in the State three strong parties. The great mass of the voters belonged, of course, either to the Whig or to the Democratic party, but a very considerable number were Independent Democrats, or Free-Soilers, who supported the Buffalo nominations. The election for members of the Legislature showed the effect of this political condition. Much the greater number were Democrats and Whigs; but some, not unimportant members, had been elected as "Independent Democrats" or Free-Soilers, either by a union between Old-line Democrats and Free-Soilers, or between Whigs and Free-Soilers; and two had been elected as Independent Democrats over the nominees of both the old parties. The Legislature, thus chosen, had in its hands nearly the whole appointing power of the State. A United States Senator was to be elected; two Judges of the Supreme Court were to be appointed, and a great number of less important offices were to be filled.

This was the political situation at the time of the meeting of the Legislature in December, 1848. An important question engaged the attention of that body at the very beginning of the session, which arose out of the election of members in Hamilton County.

For a long period of years Hamilton County had constituted but a single election district, and in 1847 was entitled to two senators and five representatives. The county being Democratic, all these members were of course Democrats.

At the session of 1847-'48, however, the Whigs succeeded in making a division of the county, by means of which one Whig senator and two Whig representatives would be elected in a fraction of the county, and one senator and three representatives would be elected by the Democrats in a large part of the county.

This division was denounced by the Democrats as unconstitutional; they charged that it was a fraud upon the people of the whole State. The Whigs declared that it was not only constitutional, but was a measure of public justice. The question of the constitutionality of the act was undoubtedly one upon which scrupulous men might honestly differ; but that it was singularly unequal and unjust in its operation could not be denied, and some not uninfluential members of the Whig party opposed it for that reason. Mr. Chase, immediately upon the passage of the act—and long before his election to the United States Senate was possible or even thought of—stated his emphatic conviction that it was unconstitutional.

The Democrats acted upon their professions, and ignored the division. No senator was to be elected in 1848, but they voted for two representatives upon the Democratic ticket common throughout Hamilton County. The Whigs voted for two candidates in the district created by the Whig apportionment; if the act making the division were to prevail, the Whig candidates would of course be entitled to membership, seeing that they had a majority of votes in the new district, but the county clerk—a Democrat—gave certificates of election to the Democratic candidates. Upon the meeting of the Legislature, early in December, 1848, there appeared as claimants for seats from Hamilton County—Pugh and Pierce, Democrats, and Spencer and Runyon, Whigs.

Now, the Legislature itself was peculiarly constituted, in respect of political parties; and for the first time in the history of the State, the Free-Soil members met in caucus for consultation touching the course proper to be pursued by them.

There were present at that consultation thirteen Free-Soilers; eleven of whom had been Whigs, and were elected by the aid of Whig votes, upon united Whig and Free-Soil tickets. Two members of the caucus—Colonel John F. Morse, of Lake County, and Dr. Norton S. Townshend, of Lorain—had been elected as "Independents," or in opposition to the candidates of both the old parties. Dr. Townshend was of Democratic antecedents, and Colonel Morse had formerly acted with the Whig party.

It was proposed by one of the Whig members, that all legislative questions should be canvassed and decided in caucus, and

that all the Free-Soilers should consider themselves as pledged and bound to vote in the Senate and House as the majority of the caucus should determine. To this all present were asked to give distinct personal consent, and all consented except Dr. Townshend and Colonel Morse. The former said that he could not pledge himself to take a Whig view of all the questions presented for legislative action, as inevitably he must if he consented to be governed as was proposed. Eleven of the thirteen members of the caucus were practically Whigs. He expressed a willingness at all times to consult with them, but he reserved to himself the right to vote according to his own convictions of duty, and as in his judgment the cause of freedom should require. Colonel Morse fully indorsed the position taken by Dr. Townshend, and also declined to give the required pledge. Hereupon, one of the Whig members proposed the expulsion of both Townshend and Morse from the caucus. In reply to this, Dr. Townshend was allowed the opportunity to say, that eleven of the members present had been elected by Whig votes, and were therefore not independent of the Whig party; and that as only Colonel Morse and himself had been elected in opposition to the candidates of both the old parties, they (that is Colonel Morse and himself) would in future consider themselves as the true Free-Soil party in the Legislature, and would not thereafter consult with any members who had been elected otherwise than as they had been—as Independent Democrats. Morse and Townshend then retired from the caucus.

The importance of this action will be fully understood when the reader is informed that the eleven Whig Free-Soilers, united with the Old-line Whig members of the Legislature, exactly equaled in numbers the Old-line Democrats; and that in joint ballot of Senate and House, Morse and Townshend held the “balance of power.”

Under these circumstances, Morse and Townshend at once became objects of much natural solicitude to both Whigs and Democrats; and on their side, conscious of the strength of their position, and that they sought no selfish ends, they became exacting for the right, as they understood it, and secured at length not only the repeal of the “black laws” and the election of Mr. Chase to the United States Senate, but prevented the election

of any known pro-slavery man to the bench of the Supreme or inferior courts of the State; great and important results, indeed! wrought as they were by two men who belonged to a political organization which was at that time both hated and feared!

Colonel Morse had long been a near neighbor and friend of Joshua R. Giddings—the distinguished and courageous anti-slavery agitator in Northern Ohio—and desired his election to the Senate. Dr. Townshend desired the election of Mr. Chase, but both cared more for the antislavery cause than for the elevation of any particular man, or for the advancement of any party. They consulted, and determined that Colonel Morse should confer with leading Whig members with a view to union in political action. The basis of the proposed union was, that if the Whigs would join Morse and Townshend in procuring the repeal of the “black laws,” and the election of Mr. Giddings to the United States Senate, they would join the Whigs in electing the Whig candidates into the State and judicial offices. Dr. Townshend was at the same time authorized to confer with leading Democrats, and to arrange with them a union, if the Whigs should decline—the conditions being that, if the Democrats would join in the repeal of the “black laws” and the election of Mr. Chase to the United States Senate, they—Morse and Townshend, the Independent Democratic party in the Legislature—would unite to support certain Democratic measures and nominations.

The great majority of the Whig members promptly acceded to the proposed coalition, but three or four “silver-grays” were perseveringly obstinate, and finally defeated it; not because they found in it any culpable degree of corruption, but because they were too intensely pro-slavery to be brought into the support of so avowed and resolute an antislavery candidate as Mr. Giddings.

The whole body of the Democrats chose to accept the alliance; nor was it difficult for them to do so, for the reasons particularly, that they were unembarrassed by the necessity of subordinating their action to the dictation of a national Democratic Administration; and because, secondly, there were some Old-line members sufficiently imbued with antislavery sentiments to prefer Mr. Chase to any other candidate. These exerted a large influence

in bringing about the result; and the arrangement, first made between Colonel Morse and Dr. Townshend, and afterward between both of them and the Democrats, was faithfully carried out by all the parties to it. It had no reference to the admission of Pugh and Pierce, however, for that had been determined before the coalition was formed.

Mr. Chase was elected on the 22d of February, 1849, on the third ballot. He received the vote of every Old-line Democrat, and of Morse and Townshend.

His election was of course deeply exasperating to the Whigs throughout the State, and the passions then excited no doubt greatly affected his political fortunes in his after-life. They made the most virulent charges of corruption and of bargain and sale; all of them founded upon the facts above written. The admission of Pugh and Pierce was peculiarly and especially irritating; and of all the circumstances preliminary to the election was the particular one upon which the most serious imputations were cast; but the subsequent political action of the people of Hamilton County and of the State at large, was a complete vindication of the Democrats, both Old-line and Independent, who took part in these transactions. The leaders in the Townshend and Morse coalition were afterward honored by the people in various emphatic ways. Dr. Townshend was in 1850 elected to the Constitutional Convention of Ohio; afterward to the Congress of the United States, and now (1874) is a professor in the Agricultural College of Ohio. Colonel Morse was reelected to the Legislature, and was in 1850 made Speaker of the House of Representatives—a special and distinguished mark, on the part of the people of the State, of their approval of his action in 1849. George E. Pugh was elected to the Legislature a second time; then Attorney-General of the State, and then Senator of the United States. Stanley Matthews, Alexander Long, Rufus P. Spalding, and others (in the Legislature and out of it), who were connected with the “Free-Soil firm of Morse and Townshend”—as the coalition was familiarly called in the party slang of the times—have since been the recipients of public favor.

Very early in his public career, Mr. Chase had distinctly announced his purpose to subordinate all other subjects of

political action to the paramount one of detaching the Federal Government from any and all responsibility for human slavery. He had repeatedly declared his settled purpose to act with either of the great parties which should take this ground. The position of the Old-line Democracy of Ohio in 1849 was, in profession at least, nearly if not wholly up to the standards of the Liberty men. It seemed entirely probable that they might come into complete accord with the Independent Democrats; and upon this conviction Mr. Chase declared his intention to act with them in State politics, so long as they maintained that position, and did so in the fall elections of 1849, 1850 and 1851.

“I see,” said Mr. Chase, in a letter to Colonel Morse, under date of Washington, March 14, 1849—“I see that the Whig papers are pouring out their denunciations upon me. I could not prevent them if I would. But if the Free-Soilers had united with the Whigs in electing *their* officers, the tone of these Whig papers would be far different. We must be content to endure. We have done no wrong in endeavoring to settle, in conformity to justice, the vexed questions which grew out of the apportionment law, or by electing fit men—though Democrats not of our organization—to office, or by receiving the aid of such Democrats in the repeal of the ‘black laws’ and the election of free Democrats to office. Beyond this, we have not meddled with the questions between the old parties. We leave those questions to be considered by the people, in the light of the principles laid down in our platform, and to the action of a future Legislature. For my own part, I am conscious of nothing which justifies this abuse of me; nor shall I retaliate it. In the position to which I have been called, it will be my aim to deserve the confidence of the people of Ohio and of the entire Northwest, by striving to bring the national Government back to the principles of the Ordinance of 1787, and by promoting measures calculated to advance their interests and develop the resources of their States.” “Thanks for your cordial congratulations,” he wrote to his friend Cleveland, about the same time. “I rejoice to know that my election gives such universal satisfaction to those who fight the battles of freedom so bravely and with such inflexible determination in the ranks of the Liberty party.

I shall strive to deserve the generous confidence which they tender to me in advance, though I cannot hope to realize the expectations of friends so partial as yourself. I lack experience and that prompt sagacity which is a substitute for experience, and often so sufficient a substitute. But I shall try to do right. I hope that I may have the strength and resolution necessary to do right in the midst of circumstances the most menacing, or most persuasive to the opposite course! I already see that I will require much of both, in matters quite independent of slavery questions."

Whether coalitions such as that by which Mr. Chase was first elected to the American Senate are warranted by the maxims of a strict political morality, is a question which every reader will determine for himself. But wherever parliamentary government exists, they have happened more or less frequently, and will continue to happen to the end of time. Those political philosophers who object to them, must devise some improvement upon the system by which they can be made impossible.

—Long after the discussion of the events attending upon the election of Mr. Chase had ceased; after every one of them had been laid bare, and exhibited in the worst possible view of which party rancor was capable, the people of Ohio rendered a final verdict upon the whole matter by twice electing Mr. Chase to be their chief magistrate, and a second time—by the overwhelming vote of their delegates—choosing him to be a representative of their State in the Senate of the United States.

. . . . Subjoined is a brief history of the repeal of the black laws of Ohio, referred to in the preceding account of the circumstances attending upon the first election of Mr. Chase to the United States Senate:

In the canvass that preceded the fall election of 1848 in Ohio, the repeal of the law which excluded colored people from the witness-box had been favored by a considerable number of Whigs and opposed by a large majority of the Democrats. The Free-Soilers had demanded the repeal of all laws making distinctions on account of color. When the Legislature met at Columbus in December, it was soon ascertained that the Free-Soil members held the balance of power, and it naturally became an

object with both the other parties to secure their adhesion. But these members declared their determination to unite with no party which would not vote for the repeal of *the black laws*, as the laws making distinctions on account of color were commonly called. Mr. Chase was in Columbus at this time, in professional attendance upon the courts, and was much consulted by the Free-Soil members and especially by those who had been elected without aid from either of the old parties.

His advice was against coöperation with any party except upon condition of the repeal of the black laws, and this advice was the more readily adopted as it was in complete unison with the views of the members to whom it was given.

The laws called *the black laws* required colored people to give bonds for good behavior as a condition of residence; excluded them from the schools; denied them the right of testifying in the courts when a white man was party on either side; and subjected them to other unjust and degrading disabilities. Mr. Chase had been an open and consistent opponent of all this injustice for years, and was ready to take advantage of a condition of things which offered an opportunity of incorporating his views into the legislation of the State. He, therefore, thinking "that the best day was well employed in such a work," devoted an entire Sunday in January, 1849, to the preparation of such a bill as he thought would be least likely to excite violent hostility among the members of the Legislature, and at the same time accomplish the objects of the Free-Soilers. The first section of the bill provided for separate schools for colored children in localities where the local authorities should determine their admission to the ordinary schools inexpedient; and for the care and direction of these separate schools, wherever they might be established, by trustees elected by the colored people themselves; and the concluding section provided for the repeal of all laws making distinctions on account of color. This bill went so far beyond any reform in this respect that had ever been thought possible, except after many years of arduous labor, that hardly any one believed it at all likely to pass. But Mr. Chase was confident and the Free-Soil members were resolute. They adopted his bill, and consulted with other members. As observed in the body of this chapter, the Ohio Democrats

were pretty strongly imbued, at this time, with antislavery sentiments. They had recently witnessed the election by the Whigs of a Southern slaveholder over their Northern Democratic candidate, and free from the embarrassment of a national administration or a pending national political contest, were predisposed to a favorable consideration of the Free-Soil proposition. This predisposition was largely due also to their desire to have the cooperation of the Free-Soil members in the legislative appointments and elections about to be made. At any rate, they took the bill into consideration and agreed to support it.

Thereupon it was introduced into the House of Representatives by Colonel John F. Morse, and was carried by a large majority; the Whigs following, for the most part, the lead of the Democrats; and both parties voting for it with a considerable degree of unanimity. It was then sent to the Senate, where it could doubtless have been passed at once, but for a motion by a Whig Senator to refer it to a committee. The motion prevailed; the bill was referred; and was reported with amendments which excepted from the repeal the laws which denied to the colored people the right to sit on juries, and the right to poor-house relief. These amendments were adopted by decided votes in the Senate, and concurred in by the House, after considerable opposition from leading Democrats—and the bill thus amended, became a law.

Prompt action in a favorable conjuncture of circumstances, thus secured the enactment by decisive majorities in both Houses, of a humane and beneficent law, which, under almost any other circumstances, would have been rejected by majorities equally decisive. It was one of those acts in advance of the sentiments and yet in accordance with the moral convictions of the people, which required but tact and courage to be accomplished, but once accomplished, are not likely to be reversed. It relieved the colored people from all their most onerous disabilities; gave them entrance into the schools, and awakened great hopes for the future. Laws were afterward enacted in derogation of the right of suffrage allowed by the constitution to colored persons, half and more than one-half white, but the advantages gained to them by the act of 1849 were never lost.

NOTES TO CHAPTER XII.

THE following extracts illustrate Mr. Chase's views on the subjects referred to, and properly belong to this period in this history.

I.

Extracts from some remarks made by Mr. Chase before the Liberty Convention held at Columbus, December 29, 1842: He said he did not know how far Liberty men were agreed upon questions of money and trade, nor did he consider unanimity as essential. "Establish truth and justice," he said, "restore the Government to its true sphere of action, and there would be little difficulty in settling the other questions." Individually, he would confess his opinions without reserve. "The great question in respect of the currency seemed to be, whether credit could be made to serve the purpose of money. If it could—if paper could be made the actual representative of specie dollars, always exchangeable for specie at the will of the holder, without loss or considerable inconvenience, he had no objection to a mixed currency. But he was utterly opposed to a *mere paper-money system*—to all bank frauds—to all bank suspensions on their issues or deposits—to all bank expansions. Touching the question of foreign trade, it seemed to him that the Creator of all designed that the different nations of the earth should live together in harmony and mutual intercourse, supplying reciprocally the wants of each other, and that all unnecessary restrictions upon intercourse and mutual supply were wrong in principle and impolitic in practice. But that inasmuch as the duties on imports were the most convenient sources of revenue, and the settled policy of the Government was to raise the revenue in that manner, he could see no objection to so arranging those duties as to encourage any branches of production or manufactures which would, in a reasonable time, become so established as to maintain themselves without protection."

II.

Extract from a letter to the Hon. Joshua R. Giddings, under date of August 15, 1846: . . . "I will give you briefly my own view. I cannot adopt a Whig antislavery platform, because I do not at all concur in Whig views of public policy, either as an antislavery man or a simple citizen. I think that the political views of the Democrats are, in the main, sound; and the chief fault I have to accuse them of is, that they do not carry out their principles in reference to the subject of slavery. I do not believe in a high tariff, in a Bank of the United States, or a system of corporate banking. I am not willing, therefore, to act with a party which will only make antislavery *one* of the items of its political faith, or rather give to certain objects of antislavery action a place among its measures. Of course, I am very far from being willing to act with the Whig party, which does not, as a party, adopt any antislavery faith or propose any antislavery measures. Lest I may be misunderstood, I will add that were the Whig party to adopt Liberty principles and measures as paramount in importance, I should give to its candidates, if honest and capable, a cordial support—however I might differ as to banks, trade, etc., etc., which I and they would then agree in regarding as subordinate.

“You have here my ideas as to the only basis upon which an antislavery party can stand. It may be true that antislavery men in the other parties can render much service to the cause of freedom by availing themselves, within their respective organizations, of the antislavery sentiment there and the pressure from without; and I have sometimes thought that if all the antislavery men whose opinions are Democratic, should act with that party in this State, they might change its character wholly. But I have not been sanguine enough in this idea to make it a basis of action, though much urged to it by some friends now in the Democratic party, who are pleased to say that my influence, joined with their own, might effect the desired object of making the action of the party in relation to slavery consistent with its general principles. My fear is, that if there were no party distinctly and earnestly antislavery, parties divided by other questions would, as they always have, compromise away liberty.” . . .

III.

Extracts from a letter to Joshua R. Giddings, under date October 20, 1846: . . . “I have failed in expressing myself with as much clearness as I wished, if I have conveyed to your mind the idea that I am prepared to accede to any political union which is not based upon the substantial principles and measures of the Liberty men. What I am willing to give up are, names and separate organizations;—what I am not willing to give up are, principles and consistent action, both with reference to men and measures in accordance with principles. . . . Let me state to you briefly my idea of the grounds which, in my judgment, should determine the course of an honest man in political action in reference to the subject of slavery.

“If I were a Whig, in the Whig party, and believed that by the action of that party, the overthrow of the slave-power and the extinction of slavery could be speedily achieved, I would act with and in that party; supporting, however, for office only antislavery men.

“If I were a Democrat, in the Democratic party, and entertained a belief as to that party as stated above in regard to the Whig party, I would act in and with the Democratic party, supporting for office, however, only antislavery men.

“If I were persuaded (as I am) that there is now no reasonable prospect that either the Whig or the Democratic party, constituted as both are of slaveholders and non-slaveholders, and, as national parties, admitting no antislavery articles into their creed and much less avowed antislavery measures into their action, can at present be relied on for cordial and inflexible hostility to slavery and the slave-power, I would (and of course do) abstain from coöperation with either of those parties, and act in and with the only party with which I agree in principle and action in relation to the paramount political question of the day.” . . .

IV.

To Charles R. Miller, of Toledo.

“CINCINNATI, July 4, 1849.

. . . . “All the omens seem auspicious to our cause. In some of the free States, the entire body of the old Democracy adopts our platform, and rallies with us under the common standard of the Democratic faith, unsullied by compromise with oppression. In others, numerous individuals and sections favor our views and are prepared for union, while portions of the party, prompted by various considerations, still hold back.

“Besides these accessions of strength, the progressive wing of the old Whig party, animated by a generous zeal for freedom and equal rights, and refusing any longer to be directed by leaders of doubtful policy or principle in respect to slavery, arrays itself boldly and decidedly on our side. Evidently, there can be but two parties in the free States. One of them must be the free Democracy, animated and guided by those measures of equal rights which have ever constituted the basis of the Democratic creed; and the other, the party of expediency, compromise and conservatism, by whatever name designated. . . .

“Under these circumstances, all that we have to do is to go steadily forward, trusting in God. Our cause is our strength. Unswerving fidelity to our principles and inflexible perseverance in united effort will, with his blessing, give us the victory.”

V.

To John G. Breslin.

“CINCINNATI, July 30, 1849.

“I observe indications in various quarters of a disposition on the part of influential gentlemen to interpose difficulties in the way of a cordial union between the Old-line Democracy and the free Democracy, by insisting on conditions to which the latter cannot agree without the sacrifice of principles which they hold far dearer than party success.

“The free Democracy, holding in common with the Old-line Democracy, the cardinal and essential doctrines of the Democratic faith, believe that the time has come for the application of those doctrines to the subject of slavery as well as to the subjects of currency and trade. They believe that slavery is the worst form of despotism. The ownership of one man by another is the most absolute subjection known to human experience. No Democrat who has any real living faith in the great cardinal doctrine of the Democracy, that all men have equal rights by nature; and that the only legitimate object of government is to maintain and secure these rights, can doubt that slaveholding is grossly inconsistent with Democratic principles.

“It is not necessary to advert to the circumstances which, for many years, prevented either of the great parties from taking ground against slavery. It is enough that circumstances are now changed. The acquisition of Mexican territories has presented the question of slavery in new aspects. Heretofore the slave-power has been content with retaining slave territory as slave territory; now it seeks to subject free territory to the blight of slavery. This enormous pretension has led to a more general examination of the constitutional relations of the General Government to the slave system; and that examination has fastened the conviction in the minds of thousands and hundreds of thousands that the Government of the Union is bound to prohibit slavery in the Territories, and to exert all its legitimate and constitutional powers to limit, localize and discourage it, and especially to prohibit its existence in all places within the sphere of its exclusive jurisdiction.

“This is the conviction of the Democracy. They have announced it over and over again, and are pledged to govern their political action by it. This pledge they will undoubtedly redeem.

“Now, what is to hinder the reception of this faith by the Old-line Democracy? What shall prevent their bold and frank avowal of it? What should interfere with manly and straightforward action in consistency with it?

“I can see but one thing—the alliance, so called, with the slaveholders

themselves—the fear of losing their political support and influence in a presidential election.

“Now, it is very certain that no consideration of mere political expediency *ought* to induce the Democracy to refrain from carrying out their own principles; and it seems to me equally certain that political expediency and duty at this time coincide.

“For what will be the cost to the Democracy of the alliance with the slaveholders in a presidential campaign?

“To determine this question, it must first be seen what the slaveholders demand as the price of their alliance. This demand is easily stated.

“It is non-intervention upon the subject of slavery. That is, Northern men may think and act at home as they choose, and Southern men likewise; but when Northern men and Southern men meet at Washington, either in executive or legislative capacities, they must not take any action against slavery, but leave the slaveholders at liberty to introduce slaveholding wherever they can.

“This, if I understand it, is the ground of the *Washington Union*, which has been approved by a number of Democratic prints in the free States, and universally, I believe—as well it might be—in the slave States.

“Now, it is my deliberate opinion that it is utterly impracticable to unite the Democracy on this platform in the free States.

“The free Democracy can never accede to it; and maintaining, as they do, the cardinal doctrines of Democracy, and occupying as they will, a bold and independent position on the slavery question and every other, the people—who love boldness and independence—will rally round them in such numbers that it will be utterly impossible for compromising Democracy to carry a respectable number of free States; and they must, as heretofore, divide the free States with compromising Whigism. Success, therefore, on the non-intervention platform is, for the old Democracy, quite out of the question.

“The free Democracy believe in non-intervention, such as the Constitution requires; non-intervention by Congress with the legislation of the States on the subject of slavery. But neither the history of the country nor the Constitution of the country, warrants non-intervention by Congress with slavery in Territories and elsewhere without the limits of any State, but within the exclusive jurisdiction of the national Government. Slavery in such Territory or places cannot, under a strict construction of the Constitution, exist at all. Slavery in such Territory or places ought at least to be prohibited by Congress.

“I have regretted to see certain expressions attributed to John Van Buren calculated to revive unpleasant feeling—such as, that the national Democratic party is dissolved. I would prefer to say, that the national Democratic party is in process of regeneration—in progress, obeying that law of progress which all its doctrines recognize, from the old platform of non-intervention to the Jeffersonian platform of slavery restriction and discouragement. It seems to me that the party in the free States ought at once to advance to the Jeffersonian ground, and there unite in indissoluble phalanx with their brethren of the free Democracy. Let the party in the slave States advance to the same ground. Perhaps in advancing some may desert and go over to the Conservatives. Possibly in the slave States the party must go into a temporary minority. Let it be so. The compensation will be found in the concentration, unanimity, and the invincibility of the united Democracy in the free States. Triumphant in the free States, and strong by the strength of their principles even in the slave States, the Democracy can elect all its national candidates, under such circumstances, in despite of all opposition.

“Such are my views. I feel strong confidence that time will prove their correctness. I am a Democrat, and I feel earnestly solicitous for the success of the Democratic organization and the triumph of its principles. The doctrines of the Democracy on the subjects of trade, currency and special privileges, command the entire assent of my judgment. But I cannot, while boldly asserting their principles in reference to those subjects, shrink from their just application to slavery. I should feel guilty of shameful dereliction of duty if I did. You know what multitudes now sympathize with me, and how truly. It is this very fidelity to Democratic principles which makes it impossible for them to compromise with slavery. What a melancholy spectacle it would be to see the Democratic party embracing defeat by such a compromise, and thus making it necessary for hundreds of thousands of the truest Democrats in the land to choose between adherence to party and adherence to principle!”

VI.

Extract from a speech of Mr. Chase in the Senate of the United States, April 9, 1853: “Let me say to all who concern themselves in these things, that so far as I have had any share in any political action in Ohio, I stand ready to meet the fullest and the most searching scrutiny. I have no political secrets. My public life has been so plain, so open, that he who runs may read its record. No man can truthfully say that I have ever deviated, upon any occasion or under any influence, by the breadth of a hair, from the path which fidelity to my long-cherished principles required me to pursue. It is true that I acted in a minority. The time has been when I stood almost alone. Some years ago when I first promulgated those political opinions which have ever since determined my action, I found few sympathizers or supporters. But I knew those principles to be sound. I believed them to be important; and I did not shrink from their defense then any more than I shrink from it now, when their abstract correctness is generally admitted and their practical application is resolutely demanded by tens of thousands of voters at the ballot-box. And let me say to gentlemen that they are indulging a vain dream, if they fancy that those principles are to die out of the hearts of the people. They will go on conquering and to conquer. You may depend upon it that the faith of freedom is neither dead nor dying. You may depend upon it that it has lost nothing of that vital energy which has overcome so many prejudices and changed so many convictions. The advocates of that faith shrink from no discussion; they desire it rather. They court investigation; they challenge scrutiny. They know that the more their principles and measures are examined and scrutinized, the more they will commend themselves not only to the warm and generous affections, but to the sober and deliberate judgments of the American people.

“And now let me further say that there is nothing in the circumstances of my election which I desire to withdraw from scrutiny here or elsewhere. There happen to be two Democratic parties in my State. The political platforms of both are substantially the same; but one insists upon the national recognition and adoption of its principles as the condition of support to national nominees; the other has heretofore supported such nominees without any real condition. The former is known as the Independent or free Democracy: the latter as the Old-line Democracy—and many who act in the Old-line party hold the State platform very cheap, and sympathize strongly with those who are known in the other States as ‘Hun-
 kers.’ There are more, however, with whom the principles of the State platform are a cherished faith, and who of course sympathize more strongly

with the Independent Democracy. Some two years ago, when no national election was pending, when the Old-line Democracy was in opposition to the national Administration, and of course not responsible for any pro-slavery action, many Independent Democrats—myself among them—supported the Old-line nominations. At this election, the Old-line ticket was elected by a large majority over all opposition. Upon no other occasion, for many years, has the Old-line State ticket received an absolute majority.”

A Senator inquired, “How was it at the last presidential election?”

Mr. Chase: “The Independent Democrats unanimously supported their own ticket, and the Baltimore nominees lacked fifteen thousand votes of an absolute majority. Well, there has been in New York a union of the Barnburners and Hunkers; and no small pains is taken at the other end of the Avenue and at this, to cement and consolidate the union. We have witnessed a pretty careful distribution and adjustment of the offices with this view. How the attempt to harmonize these discordant elements by the potent influence of patronage will succeed, I cannot say. But we know it is made, and we know it is the most common thing in the world, when two parties or two sections of one party, having some common objects, unite to form a majority over a third party hostile to those objects, to divide the offices which that majority has to fill, between the sections which compose it. Now, it so happened that in the Legislature of Ohio in 1848-'49 no party had a majority. The Independent Democrats, it is true, were few in number; but the Old-line Democrats, though numerous, were not numerous enough to effect any thing by themselves. Under these circumstances, that which was most natural took place: the Independent and Old-line Democrats united. But there was—and I am proud to say it—no sacrifice of principle on either side. The Old-line Democrats voted for me because they knew me to be sound in the Democratic faith, though Independent in party action. The Independent Democrats voted for Old-line nominees for Supreme Judges, who, though they differed from them in party action, yet shared their general opposition to the extension and nationalization of slavery. Let the Senator make of this all he can. I see nothing in it to lament. I can appeal confidently to my whole course here to justify the confidence reposed in me. Nothing has transpired in the history of either of the eminent gentlemen, elected to other offices at the same time, to make the Independent Democrats regret the votes they cast for them. Many members of the Legislature who participated in those elections have since received distinguished proofs of public confidence; and a succession of Democratic victories instead of the succession of defeats which had for years marked the previous history of the Democratic party, has attested the wisdom of the Old-line Democrats who recommended, or adopted, or approved the union.

“I do not so highly value a seat here that I would sacrifice one jot or tittle of my personal independence to obtain or to retain it. Nor would I surrender any political principles to come or to remain here. It is very possible I may not be re-elected. I shall have as little to regret in that event as any man. I am entirely willing, whenever the people of my State indicate that such is their pleasure, to retire from the scene. I have said on another occasion and to my Democratic constituents, that a private is not less acceptable to me than a public station. I said it sincerely and honestly. I have ever preferred, and all the acts of my life will prove it, action with a minority in defense of principles, to action with a majority and to any position which a majority can confer, in disregard of principles.”

CHAPTER XIII.

MR. CHASE TAKES HIS SEAT IN THE SENATE—THIRTY-FIRST CONGRESS—SLAVERY AGITATION—TAKES NO PART IN DEMOCRATIC CAUCUS—QUESTION OF SLAVERY IN THE DOMAIN ACQUIRED FROM MEXICO—APPLICATION OF CALIFORNIA FOR ADMISSION INTO THE UNION—PROPOSAL OF COMPROMISE—SENATE COMMITTEE OF THIRTEEN—REPORT OF THE COMMITTEE—EXTRACTS FROM MR. CHASE'S SPEECH ON THE MATTERS INVOLVED IN THAT REPORT.

MR. CHASE was elected to the Senate on the 22d of February, 1849, and took his seat as a member of that body on the 6th of March ensuing; the Senate being then in special executive session for the transaction of business immediately necessary upon the accession of General Taylor to the presidency. Little else was done, except to debate the validity of the election of General Shields. It happened, however, that during this special session Rudolphus Dickinson, a member of the House from Ohio, died in Washington, and it devolved upon Mr. Chase to make the customary obituary address and move the customary resolutions; a task he performed, he says, very little to his own satisfaction.

The first regular session of the Thirty-first Congress began on the 3d of December, 1849, in the midst of great political excitement and agitation not only in Congress, but throughout the whole country. "It is not to be denied," said Mr. Webster;¹ "it is not to be denied that we live in the midst of strong agitations, and are surrounded by dangers to our institutions of government. The imprisoned winds are let loose. The East, the

¹ In his celebrated speech of March 7, 1850.

West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths." Nearly three weeks were spent in fruitless efforts to organize the House of Representatives, and an organization was at last effected only through proceedings of doubtful constitutionality. Pending this long struggle—which was frequently interrupted by scenes of great disorder and tumult—the Senate did no other business than form the necessary standing committees (carefully ignoring Mr. Chase and Mr. Hale), and debate somewhat warmly the question of admitting Father Theobald Matthew, an Irish Roman Catholic priest—a famous promoter of temperance and of known antislavery sentiments—to the privileges of the floor.

On his advent into the Senate Mr. Chase found there Benton, Calhoun, Clay, Webster, Cass, Corwin, Bell, Berrien, and others of the great men of that generation of statesmen, and some whose names have since become historic—Douglas, Jefferson Davis; James M. Mason and Hannibal Hamlin. Mr. Seward was a new member just elected by the Whigs of New York.

Mr. Chase felt a great disinclination to take part in the debates; a disinclination which arose as well from natural modesty and distrust of his own powers, as from a sense of inexperience and deference to the venerable men who surrounded him; and hence, though a constant attendant upon the sessions of the Senate, and deeply and anxiously interested in all the great matters of legislation pending before it, he participated but little in the debates.

He took no part in the caucuses of the Democratic members—being, as was said, "outside of a healthy organization"—and declined in any way to commit himself to their party further than to support their candidates in Ohio so long as the Democrats in that State maintained an antislavery position. He did not believe the union between the Independent or Free-Soil and Old-line Democracy likely to become effective or permanent until the latter, in national convention, should declare their freedom from pro-slavery domination, or should break the bonds of adhesion to the slave interest by an open separation.

The year 1850 was an important and eventful one in the history of the antislavery struggle.

It has been observed in a former chapter that the war with Mexico and the consequent acquisition of vast territories from that country, had given a new and widely-extended impulse to the agitation of the slavery question. The South had expected to profit from foreign acquisition by adding new States to the slaveholding portion of the United States; but that expectation was not realized. "Surprise and disappointment have resulted of course," said Mr. Webster. "In other words, it is obvious that the question which has so long harassed the country, and at times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion—the question of slavery in these United States;" slavery being one of those questions which are ever fresh though discussed for ages, and are never settled though settled regularly in every decade.

The treaty of peace with Mexico had been made in February, 1848, but irreconcilable differences of opinion in Congress had prevented the establishment of territorial governments in the newly-acquired domain. The people of California, unwilling to await Federal action and sorely needing a fixed government, chose delegates to a Territorial Convention. This was in June, 1849. The convention met at Monterey, and formed a State constitution. This constitution contained an express prohibition of slavery. Of the members of the convention, some sixteen were natives and had been residents of the slaveholding States; twenty-two were from the non-slaveholding States, and the remaining ten members were either native Californians or old settlers in that country. The prohibition of slavery was made by the unanimous voice of the whole body.

But disappointment touching the newly-acquired domain was not the only cause of irritation to the South. Antislavery had grown to be dangerously aggressive. Petitions were presented in Congress from all parts of the North, praying not only for the positive exclusion of slavery from the new Territories, but for its abolition in the District of Columbia, for its abolition in all places within the jurisdiction of the General Government, for the interdiction of the slave-trade upon the high-seas and between the States, for the repeal of the fugitive slave law. The Legislature of New York solemnly resolved that to admit slavery into New Mexico would be revolting to the spirit of the age.

Vermont declared slavery to be *a crime*; ¹ and several Northern States instructed their Senators to vote for slavery restriction. These things excited a real fear and alarm in the South, and strongly indicated to the people of that section not only the loss of their political equality in the national councils, but the ultimate destruction of their slave-property.

Some scheme of "adjustment" was demanded, therefore, by the South. The admission of California was strenuously resisted, unless accompanied by compensation for the exclusion of slavery from its borders.

Mr. Clay, on the 29th of January, 1850, had introduced into the Senate a series of resolutions covering the whole ground of

¹ Mr. Chase's views on slavery, almost immediately upon his appearance in the Senate, became the subject of severe comment by Southern Senators. His first remarks at any length were upon the resolutions of the Legislature of Vermont, presented by Mr. Upham of that State, early in January, 1850. These resolutions denounced slavery as *a crime and a sore evil upon the body politic*, and were very bitterly and specially censured by Mr. Mason, of Virginia, and Mr. Butler, of South Carolina, and by some others. These voted for printing the resolutions in order, as they said, that the Southern people might see the growth of antislavery sentiment in the North. They said they wanted such denunciations put upon the public records, that when "that issue came which all patriots and lovers of the Union should avoid," it would appear what sort of vituperation had been heaped upon the South, not by fanatics only, but by sovereign States. To this Mr. Chase replied; agreeing with Mr. Butler that the people of the South should be distinctly informed as to Northern sentiment. It was his opinion, however, that the way to an amicable solution of the slavery question did not lie through crimination and recrimination, but in a clear and candid understanding of the positions on both sides. But he thought it due to the people of Ohio to say that no menace of disunion, no resolves tending toward disunion, nor intimations of the probability of disunion in any form, should move him from the path judgment and conscience told him he ought to pursue. He added that he wished to observe an entire respect for the rights of all the people and of all the States in the Union. To this Mr. Butler answered that while the Ohio Senator admonished the cultivation of harmony, and tendered homilies on the value of the Union, he had avowed doctrines which would seem to aim at the disfranchisement of the Southern section of the country. "I cannot allow him to preach moderation," said Mr. Butler, "when I know he has, with others, ultimate designs—designs which I will not allow him to disguise under forms and professions of moderation." And these "ultimate designs" Mr. Butler found shadowed at length in Mr. Chase's letter to Breslin, which he caused to be read in open Senate as the proof!

Mr. Chase uniformly voted for the reception of all petitions presented in the Senate; among others for one praying for a dissolution of the Union—saying in respect to it, however, that of course Congress had no constitutional power to grant such a prayer; but that to refuse to receive the petition would be an infringement—an invasion—of the constitutional right of the people to present their grievances.

controversy between the sections, and proposing measures for their settlement. Pending the discussion of these—on the 13th of February—the President communicated to both Houses authenticated copies of the constitution of the proposed new State of California.

Mr. Chase was earnestly opposed to any scheme of compromise, and following the lead of Mr. Benton had sought to keep the question of the admission of California free from complication with other questions properly affecting slavery. He was opposed of course to the formation of a compromise committee. He could see no good result to come from it; it would not inspire confidence nor command respect. "I do not believe," he said, "that it will be esteemed in future times a creditable distinction to have been, in the year of grace 1850, a member of any committee by whose intervention or by whose non-intervention free territory was subjected to the blight of slavery."

But the predominating temper of the Senate bore down all opposition, and a committee was ordered; thirteen in number, all "conservatives" on the subject of slavery; six from the North and six from the South, with Mr. Clay as chairman. The committee was formed on the 19th of April and reported the result of its deliberations on the 8th of May, in a paper carefully and elaborately drawn, and covering all the points of controversy in detail. It submitted "views and recommendations" which embodied in substance the material parts of the resolutions of Mr. Clay offered on the 29th of January. The recommendations of the committee were: 1. That when additional States—one or more—formed out of Texas, should apply for admission into the Union, good faith would require that they should be admitted; 2. That California should forthwith be admitted with the boundaries she had proposed; 3. That territorial governments should be established in Utah and New Mexico, without the Wilmot proviso, embracing all the territory not included in the boundaries of California; 4. The combination of these two last-mentioned measures in one bill; 5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent, and the section for that purpose to be incorporated in the bill admitting California and establishing

territorial governments for Utah and New Mexico ; 6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State ; 7. Abstaining from abolishing slavery, but under a heavy penalty prohibiting the slave-trade in the District of Columbia.

Upon the principal matters involved in this report, Mr. Chase had already, on the 26th and 27th of March, in a speech occupying a portion of each of those two days, stated his views at length, and with great care. He had rapidly sketched the rise of the American Government and the American Union, so far as their relations to American slavery were involved, from their origin in the association of 1774 to the establishment of the Constitution of 1787. "One spirit pervaded," he said, "and one principle controlled all the action of the framers of the republic—a spirit of profound reverence for the rights of man as man—the principle of the perfect equality of men before the law.

"And what has been the result," he asked, "of the subversion of the original policy of slavery restriction and discouragement, and the substitution—in disregard of the letter and spirit of the Constitution—of the opposite policy? Why, instead of six slave States—for I do not reckon among the slave States New York or New Jersey, in both of which emancipation was expected in 1787, and soon after actually took place—instead of six slave States we have fifteen ; instead of a majority of free States, we have an equal number of slave and free ; instead of seven hundred thousand slaves we have three millions ; instead of a property estimate of them at ten millions of dollars, we hear them rated at a thousand millions and even fifteen hundred millions ; instead of slavery being regarded as a curse, a reproach, a blight, an evil, a wrong, a sin, we are now told that it is the most stable foundation of our institutions ; the happiest relation that labor can sustain to capital ; a blessing to both races, black and white, and to the master and the slave.

"This is a great and a sad change. If it goes on, the spirit of liberty must at length be extinguished, and a despotism will be formed under the forms of free institutions."¹

¹ He here paid a beautiful tribute to the memory of Thomas Jefferson: "I do

He denied the doctrine that an equilibrium between the slaveholding and the non-slaveholding sections of the country, at any time had been or at any time should be an approved feature of our political system. The doctrine was a recent one; never thought of till we began to create slave States acquired from foreign powers. It was alien to the original policy of the Government, and inconsistent with the interests and the duty of the country. Nor was it true, either, that slavery and freedom were entitled to equal regard in the administration of the Government. "The argument is, that the States are equal; that each State has an equal right with every other State to determine for itself what shall be the character of its domestic institutions, and therefore that every right acquired under the laws

not know," he said, "that any monument has been erected over the grave of Jefferson."

Mr. Mason, of Virginia, said that there had been—a granite obelisk.

"I am glad to hear it," said Mr. Chase; "no monumental marble bears a nobler name."

Mr. Seward said: "The inscription is, *'Here was buried Thomas Jefferson, Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia.'*"

"It is an appropriate inscription," said Mr. Chase, "and worthily commemorates distinguished services. But if a stranger from some foreign land should ask me for the monument of Jefferson, I could not take him to Virginia and bid him look on a granite obelisk, however admirable in its proportions or its inscriptions. I would ask him to go with me beyond the Alleghanies, into the midst of the broad Northwest, and would say to him—

'Si monumentum quæris, circumspice!'

'Behold, sir, on every side his monument! These thronged cities, these flourishing villages, these cultivated fields; these million happy homes of prosperous freemen; these churches, these schools, these asylums for the unfortunate and the helpless; these institutions of education, religion and humanity;—these great States—great in their present resources, but greater far in the mighty energies by which the resources of the future are to be developed: these, these are the monuments of Jefferson. His memorial is over all our Western land:

'Our veriest rill, our mightiest river,
Roll migling with his fame forever.'

"But what monument," he asked, "should be erected to those whose misapplied talents, energy and perseverance, have procured, or whose compromising timidity has permitted, the reversal of the policy of Jefferson? What inscription should commemorate the acts of those who have surrendered vast territories to slavery; who have disappointed the expectations of the fathers of the republic; who have prepared for our country the dangers and difficulties which are now around and upon us? It is not for me to say what that inscription should be."

of any State must be protected and enforced in the national Territories as in the States whose laws conferred it. But the argument does not warrant the conclusion. It is true that the States are entirely and absolutely equal; it is true that each State, except where restrained by constitutional provisions, may form its domestic institutions according to its own pleasure,—but it is not true that every right derived from State law can be carried beyond the State into the Territories or elsewhere;—it is not true, for example, that if a State chooses to authorize slaveholding within its limits, Congress is therefore bound to authorize slaveholding in the Territories. It is no more true than that a bank, chartered by the laws of a particular State, would have a right under that law to establish branches in the Territories, although the national Government might be constitutionally incompetent to legalize banking. Slavery depends entirely for its existence and continuance on the local law. Beyond the sphere of the operation of such law, no man can be compelled to submit to the condition of a slave, except by mere unauthorized force.”

It was in the light of these general principles that he proceeded to consider the matters involved in the resolutions of Mr. Clay of the 29th of January. He protested against coupling the question of the admission of California with other questions, and declared his opposition to the appointment of the committee to submit a plan of compromise. He objected to the postponement of the admission of the new State, that territorial bills for the organization of Utah and New Mexico might have precedence. The country would regard such postponement as a concession to the demand for the extension of slavery into free Territories. The design was palpable enough. No such concession would ever receive the sanction of his vote. With respect to the admission of new States to be formed out of Texas, and the adjustment of the Texan boundary and the assumption by the United States of the Texan debt, he thought those questions had been brought prematurely into the discussion; that whatever might be the true construction of the resolutions of annexation (of Texas), or their obligatory force under the constitution, there was no necessity to be immediately active in carving a new State out of Texas; and that there was no great

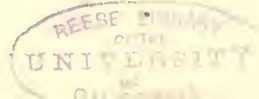
reason for apprehension that Texas would soon propose to divide herself if Congress did not meddle with the matter. As for the Texan debt, he preferred to leave that where the resolutions of annexation left it—with Texas.

Three other propositions Mr. Chase considered together. These were: 1. That slavery in the District of Columbia ought not to be abolished, except with the consent of the people of the District and of Maryland; 2. That the slave-trade in the District ought to be abolished; 3. That Congress had no power to prohibit the slave-trade among the States.

In the first proposition he could not concur. "I have already said that in my judgment the Constitution confers on Congress no power to enforce the absolute subjection of one man to the disposal of another man as property. It is my opinion that all legislation adopted or enacted by Congress for enforcing that condition ought to be repealed whether in this District or elsewhere. I listened with great pleasure to the emphatic declaration of the Senator from Kentucky, in respect to the extension of slavery by Congress, that he would give no vote to propagate wrongs! What wrongs? Why, sir, those wrongs, multiplied and complicated, which are summed up in one word—SLAVERY. And where is the warrant for this comprehensive condemnation of slavery? It is found in that LAW—to assert the supremacy of which here seems to some so censurable—that law of sublimer origin and more awful sanction than any human code, written in ineffaceable characters upon every heart of man, which condemns all injustice and all oppression as a violation of that injunction which commands us to do unto others as we would that others should do unto us.

"If the Senator from Kentucky was right—and who did not feel that he was right?—in saying that he would give no vote to *propagate wrongs*, am I not right in saying that I will give no vote to *perpetuate wrongs*?—I will give no vote for the continuance of slavery in this District. . . . The power of exclusive legislation over the District is confided to us. We are bound to use it so as to establish justice and secure the blessings of liberty to all within its reach."

He expressed it as his belief that Congress might constitutionally prohibit the slave-trade among the States. "And why



should not Congress prohibit this traffic? We hear much of the cruelty of the African slave-trade. Our laws denounce against those engaged in it the punishment of death. Is it less cruel, less deserving of punishment, to tear fathers, mothers, children, from their homes and each other, in Maryland and Virginia, and transport them to the markets of Louisiana and Mississippi? If there be a difference in cruelty and wrong, is it not in favor of the African and against the American slave-trade? Why, then, should we be guilty of the inconsistency of abolishing *that* by the sternest prohibition, and continuing *this* under the sanction of national law?"

Touching the proposition to make more effectual provision for the extradition of fugitive slaves, he inquired where in the Constitution power was conferred upon Congress to legislate on the subject? "I know," he said, "to what clause I shall be referred. I know I shall be told that 'no person held to service or labor in one State, under the laws thereof, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom said service or labor may be due.' But this clause contains no grant of legislative power to Congress. . . . The clause is one of compact; and if this opinion be correct, the power of legislation and the duty of legislation must be with the States, and not with Congress."

When Mr. Butler asked, "if some of the States refused to pass laws to comply with the obligation of the compact, where the remedy was?" Mr. Chase answered distinctly and without equivocation, that he knew of no remedy where a State refused to perform the stipulation. "The obligation of the compact, and the extent of the compact are, as in every other case of treaty stipulation, matters which address themselves exclusively to the good faith and sound judgment of the parties to it. . . . I repeat that the clause in relation to fugitives from labor is a clause of compact. For many years after the adoption of the Constitution it was so regarded. It was not much discussed, and the limits of the respective powers of the State and Federal Governments under it were not very accurately settled. But nearly all the States legislated under it, and provided such methods for the extradition of

fugitives as they deemed consistent with the security of the personal rights of their own citizens. . . .

“But if it be granted that Congress has the power to legislate, are we bound to exercise it? We have power, without question, to enact a bankrupt law, but no one proposes such a law; and if proposed, no one would feel bound to vote for it simply because we have power to enact it. We have power to declare war; but to declare war without just cause, would be not a duty but a crime. The power to provide by law for the extradition of fugitives is not conferred by any express grant. We have it, if we have it at all, as an implied power, and the implication which gives it to us is, to say the least, remote and doubtful. We are not bound to exercise it. We are bound, indeed, *not* to exercise it, unless with great caution and with careful regard, not merely to the alleged right sought to be secured, but to every other right which may be affected by it. Were the power as clear as the power to coin money or regulate commerce, still it should not be exercised to the prejudice of any right which the Constitution guarantees. We are not prepared, I hope, and I trust we never shall be prepared, to give the sanction of the American Senate to the bill and the amendments now upon our table—a bill which authorizes and requires the appointment of two hundred and sixty-one commissioners, and an indefinite number of other officers, to catch runaway slaves in the State of Ohio; which punishes humanity as a crime; which authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the State without opportunity of defense and upon *ex-parte* testimony. Certainly no such bill can receive my vote.”

He argued at length the question of slavery in the Territories, contending that the possibility of its entrance ought to be excluded by a positive prohibition. He paid some particular attention to the doctrine of Mr. Webster that physical law had excluded it from Utah and New Mexico. “Is it true,” he asked, “that any law of physical geography will protect the new Territories from the curse of slavery? Peonism was there under the Mexican law, and if peonism were not there to warn us what may be expected if slavery be not prohibited, could we, as rational legislators, find an excuse in the physical circumstances of the

country for abandoning the [Wilmot] proviso? It is said to be 'Asiatic in formation and scenery.' Are there no slaves in Asia? But the soil is cultivated by 'irrigation.' Well, will this fact, if it be a fact, that the sun shines from a cloudless sky, and waters to refresh the earth must be drawn from the streams which snow-capped hills supply: will this exclude slavery? But the lands are poor. Sir, who knows that? Much of the vast region over which we are to extend territorial government is wholly unexplored. In other parts there is, as everywhere else, good land and poor land. Certainly there are mines, and in no employment has slave-labor been more commonly or more profitably used. Let us take care that we do not deceive ourselves, or mislead others. Neither soil, nor climate, nor physical formation, nor degrees of latitude, will exclude slavery from any country. Can any gentleman name a degree of latitude beyond which slavery has not gone, or any description of country to which it has not, at some time, found access?"

He concluded thus: "Honesty is the best policy; justice the highest expediency; and principle the only proper basis of union in a political organization. Holding fast as I do to democratic principles; believing firmly that all men are created equal, and are endowed by their Creator with inalienable rights to life and liberty, I desire to see those principles carried out boldly, earnestly, resolutely, in the practical administration of affairs. I wish to see the powers of this Government exercised for the great objects which the Constitution indicates—for the perfection of our Union; for the establishment of justice; for the common defense; for the security of liberty.

. . . . "We of the West are in the habit of looking upon the Union as we look upon the arch of heaven, without a thought that it can ever decay or fall. With equal reverence we regard the great Ordinance of Freedom, under whose benign influence, within little more than half a century, a wilderness has been converted into an empire. Ohio, the eldest born of the Constitution and the Ordinance, cleaves and will cleave faithfully to both. And now that the time has come when vast accessions of free territory demand the application of those principles of the Ordinance, to which she is indebted for her prosperity and power, to guard them against the blighting influence of slavery,

she will insist that the same protection shall be extended to the Territories which was extended to her.

“Nor are these the sentiments of Ohio alone. They are the sentiments of the people throughout the free States. Here and there the arts or the fears of politicians or capitalists may suppress their utterance—but they live and will live in the hearts of the masses. There is no great and real change in those opinions and convictions which placed a majority pledged to free soil in the other wing of the Capitol. It may be, however, that you will succeed here in sacrificing the claims of freedom by some settlement carried through the forms of legislation. But the people will unsettle your settlement. It may be that you will determine that the Territories shall not be secured by law against the ingress of slavery. The people will reverse your determination. It may be that you will succeed in burying the Ordinance of Freedom. But the people will write upon its tomb, *Resurgam*—‘I shall rise again’—and the same history which records its resurrection may also inform posterity that they who fancied they had killed the proviso, had only committed political suicide.”

CHAPTER XIV.

BILLS SUBMITTED BY THE SENATE COMMITTEE OF THIRTEEN—NON-INTERVENTION WITH SLAVERY IN THE TERRITORIES—JEFFERSON DAVIS'S PROPOSITION—COUNTER-PROPOSITION BY MR. CHASE—SPEECH OF MR. CHASE ON THE SUBJECT—THE TEXAS BOUNDARY—FUGITIVE SLAVE ACT OF 1850—MR. CHASE'S OPPOSITION TO IT—ADOPTION OF THE COMPROMISE OF 1850—"A COMPLETE AND FINAL ADJUSTMENT"—MR. SUMNER'S ADVENT INTO THE SENATE—INTRODUCTION BY MR. DOUGLAS OF THE BILL ORGANIZING A TERRITORIAL GOVERNMENT IN NEBRASKA.

THE Senate committee of thirteen, along with their report, submitted bills designed to carry into effect their several recommendations—alleging at the same time that they "had endeavored to present a comprehensive plan of adjustment, which, removing all causes of existing excitement and agitation, leaves none to divide the country and disturb the general harmony."

The accompanying bills were really six in number—1. For the admission of California; 2. For the organization of a territorial government in Utah; 3. For the organization of a territorial government in New Mexico; and 4. Establishing the boundaries of Texas—these four different measures being included, however, in one bill of thirty-nine sections. A fifth made further provision for the return of fugitive slaves, and the sixth abolished the slave-trade in the District of Columbia.

Slavery in Utah and New Mexico was thus disposed of in the bills organizing those Territories: "The legislative power of the Territory shall extend to all rightful subjects of legisla-

tion consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, nor in respect to African slavery." "It will be observed," said the committee, "that the bill for establishing these two Territories omits the Wilmot proviso on the one hand, and on the other makes no provision for the introduction of slavery into any part of them. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force so soon as such Territory were admitted as a State into the Union The true principle which ought to regulate the action of Congress in forming territorial governments for each newly-acquired domain is to refrain from all legislation on the subject in the Territory acquired, so long as it retains the territorial form of government—leaving it to people of such Territory, when they have attained to a condition which entitles them to admission as a State, to decide for themselves the question of the allowance or prohibition of domestic slavery."

Leading Southern Senators were unwilling, however, to acquiesce in these views and recommendations of Mr. Clay and his associates; but sought a distinct recognition of the right to hold slaves in the new Territories. Mr. Jefferson Davis proposed to so amend the committee's bill as to prevent the territorial Legislature from "passing any law interfering with rights of property growing out of the institution of African slavery as it exists in any of the States of this Union." This was a bold and sufficiently plain proposition; but it became almost immediately apparent that it could not command a majority of the Senators. The powerful voice of Mr. Clay was promptly against it. "I cannot vote," he said, "to convert a Territory already free into a slave Territory."

Mr. Jefferson Davis proposed to modify his proposition, and moved as an amendment, "that nothing contained in the bill should be construed to prevent the territorial Legislature from passing such laws as may be necessary for the protection of rights of property of any kind which may have been or may be hereafter, conformably to the Constitution and laws of the United States, held in or introduced into such Territory."

This amendment covered the doctrine of "non-intervention," as Mr. Davis said, though at the same time he alleged that by the adoption of it the Senate would recognize—by strong implication at least—the existence of slavery in the Territories; that at any rate it would recognize the constitutional right of slaveholders to carry their slaves into the Territories and hold them there, and enjoy the fruits of their labor; rather a remarkable kind of non-intervention. And upon this proposition, susceptible of such a construction, Mr. Davis said he sought a distinct expression of sentiment on the part of all the Senators.

Mr. Chase said he felt it exceedingly desirable to have some proposition to vote upon which should have the same meaning in all parts of the country, which was not the case with that of the Senator from Mississippi. Some Senators agreed with the author in his conclusion touching its import, and some denied it. He wished to exclude that conclusion, and offered an amendment which he thought would effect that purpose, and upon which he desired a vote. His amendment provided, "that nothing contained in the act should be construed as authorizing or permitting the introduction of slavery or the holding of persons as property in the said Territory."

Several Senators, in a breath, declared this to be nothing other than the Wilmot proviso.

"It is not the Wilmot proviso," said Mr. Chase. "The bill reported by the committee contained an express prohibition of territorial legislation in respect to African slavery. It so happens that hardly any two Senators who have spoken on the subject of that prohibition have agreed as to its import, and it was for the purpose of fixing a construction that the Senator from Mississippi offered his amendment, which provides that the territorial Legislature shall neither introduce nor exclude slavery, but shall have power to legislate for the protection of property of every kind which may be introduced or held conformably to the Constitution and laws of the United States.

"What does this language mean? Shall we advance a single step toward a clear and unambiguous declaration of legislative intention if we adopt this amendment? Undoubtedly the intent would be clear enough if we all agreed that the terms

property of every kind held within or brought into the Territories in conformity with the Constitution and laws of the United States, included property in slaves. But we are not so agreed," and he had offered an amendment which met and negatived the proposition of Mr. Davis, "that the right to carry slaves into the Territory, and hold and dispose of them there, is covered and secured either by the Senator's amendment or by the original clause as reported by the committee. Those Senators who think that under the original provision of the bill or under the amendment, slaves may be introduced into the Territory or persons held there as property—who see nothing undesirable in that result—will of course vote against my restrictive proposition. But I do not see how any Senator can refuse to vote for it, who holds the opinion—frequently expressed here—that neither the original clause nor the amendment of the Senator from Mississippi, when rightly construed, will warrant slavery in the Territories, or who is unwilling to see slavery established there as the effect and result of legislation here. Such a vote will only give expression and effect to the professed wish and purpose of such a Senator. It will *not* be a vote for the *prohibition* of slavery in the Territories. It *will* be a vote that slavery shall not be *established* there by the bill or the amendment, under a construction which many Senators insist upon as the true one, and which—there is some reason to feel—may be held to be the true one by the judiciary as now constituted."

The debate which followed upon this proposed amendment of Mr. Chase to the amendment of Mr. Davis—participated in by Clay, Webster, Cass, Davis, Douglas, and others—was important, as fixing the sense in which the committee's clause on slavery, in the territorial bills, was interpreted by Senators. Mr. Douglas expressed the prevailing sentiment. Said that Senator: "He" (alluding to Mr. Jefferson Davis) "desires an amendment which he thinks will recognize the institution of slavery in the new Territories as it is now existing in this country. I do not believe that it exists there now by law. I believe it is prohibited by law there at this time, and the effect if not the object of his amendment would be to introduce slavery by law into a country from which I think a large majority of this Senate are

of opinion it is now excluded, and he calls upon us to introduce it there. The Senator from Kentucky, who brought forward this compromise, tells us that 'he never can give a vote by which he will introduce slavery where it does not exist.' Other Senators have declared the same thing, to an extent which authorizes us to assume that a majority of this Senate will never extend slavery by law into territory now free."

The question on the adoption of the amendment of Mr. Chase showed twenty-five Senators in its favor and thirty against it—among the latter Mr. Douglas and Mr. Webster. The amendment of Mr. Davis met a like fate—twenty-five Senators voting aye and thirty voting no.

Touching the Texas boundary question, Mr. Chase declared that he had no disposition to take from Texas a foot nor an inch which rightfully belonged to her; "but I have regarded from the beginning," he said, "this question of boundary as one to be adjusted—since the United States now stands in the place of Mexico—by some fair and competent tribunal. I have been willing to leave it to commissioners, and have voted for propositions intended to effect that object. I have been willing to commit its decision to the Supreme Court of the United States, and it seemed to me that—organized as we all know that court to be—nothing more than this could be desired by the advocates of the Texas claim. Certainly the absence of all bias against the claim on the part of that tribunal will not be doubted. If neither of these modes of terminating the dispute should prove acceptable to Texas, I would—for one—consent cheerfully to refer the whole matter to the arbitrament of intelligent and disinterested individuals, whether Americans or foreigners. But in either case the question submitted should be the question of boundary, to be determined as a matter of law and fact, upon the acknowledged principles applicable to such cases."¹

¹ The claim on behalf of Texas was, that all the territory lying north and east of the Rio Grande, from its mouth to its source, belonged to her by a "good legal title, acquired previous to her admission into the Union, and rested not only upon the right of revolution, exercised at the time of the revolt against Mexico, but upon treaty stipulations also, and was therefore a part of the original territory."

The territory thus claimed to belong to Texas was of an average width of one hundred miles throughout its whole area, and was nearly two thousand miles long, and contained within its bosom some twenty populous towns and villages, whose

Mr. Chase's opposition to the fugitive slave bill of Mr. Mason (for the bill reported by the committee of thirteen received little or no consideration) was very earnest.

The bill of Mr. Mason contained some extraordinary features, as a brief recapitulation will show :

It provided for the appointment of not more than three commissioners in each county in the United States and in the organized Territories,¹ who were authorized to administer oaths, examine witnesses, and hear and determine all cases arising under the provisions of the act itself, relating to the arrest and return of fugitive slaves, concurrent with the jurisdiction conferred by the act upon the judges of the Circuit and District Courts of the United States, severally and collectively, in term-time and vacation ; and to grant certificates under authority of which fugitive slaves might be removed out of the State by their claimants. The marshals and deputy-marshals of United States courts were put at the command of these commissioners, and in addition they were authorized to appoint any number of "suitable persons" to execute the warrants and processes issued by them in pursuance of the act ; and authority was conferred upon the commissioners and the "suitable persons" appointed by them, to summon and call to their aid the by-standers, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the Constitution referred to (that touching the delivery of fugitives from labor or service) ; "and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their

people—as the opponents of Texas alleged—had never seen a Texan officer nor obeyed any other than Mexican laws. These opponents claimed further, that all this vast and important country had been conquered by the armies of the United States, and that the United States had acquired title to it by paying to Mexico its full value in money.

It is historically true, no doubt, that Texas had never exercised undisputed acts of sovereignty in that territory, but she *had* asserted her claim to its sovereignty under circumstances of great and tragic interest.

The question of the right to this immense extent of country was one of deep interest in its relations to the pending struggle on the subject of slavery. Texas asserted her claim even to the point of raising an army to enforce it as against the United States, though at the same moment the United States were supporting an army upon her frontier for the protection of her people against the Indians.

¹ This was the provision in the bill originally presented in the Senate, January 4, 1850, but afterward modified as to the number of the commissioners.

services may be required." The claimant was authorized to pursue and seize fugitives either upon a duly-issued process or without process, where that could be done; and upon being taken before a court or commissioner, it became the duty of that officer to hear and determine the case in a summary manner, and upon satisfactory proof of the identity of the fugitive and that the alleged service or labor was really owing, to issue to the claimant a certificate setting forth the facts, and authorizing the claimant to use the force proper and necessary to remove the fugitive; this certificate to be final and conclusive in all respects. And in no trial or hearing under the act was the testimony of the fugitive to be admitted in evidence. Any person who should knowingly or willingly obstruct, hinder, or prevent the arrest of a fugitive slave; or who should rescue or attempt to rescue a fugitive slave; or who should aid or abet or assist a fugitive slave, directly or indirectly, to escape; or who should harbor or conceal a fugitive slave, so as to prevent discovery or arrest of such fugitive slave, after notice or knowledge that the person was a fugitive slave—was to be subject to a fine not exceeding one thousand dollars and imprisonment not exceeding six months; and, moreover, was to forfeit and pay to the party losing the fugitive, by way of civil damages, the sum of one thousand dollars, precisely. The fees of the commissioner were to be ten dollars in each case where a certificate authorizing the removal of the fugitive was delivered to the claimant; and only five dollars in cases where, in the opinion of the commissioner, the proof was not sufficient to warrant the delivery of such certificate.

This bill was denounced in the North with great vehemence by journals and men of all parties, and by none more conspicuously than by Democratic newspapers in Ohio. It was declared to be an insult and a menace upon the Northern people; that it transformed them from freemen into a nation of slave-catchers; that it offered bribes to public officers; that it abrogated the right of trial by jury; that it was a dangerous attack upon the personal liberty of every citizen of a free State; that, in a word, it was a "bill of abominations."

Mr. Chase opposed the bill with peculiar and persevering earnestness. "It seems to be taken for granted," he said with a good deal of bitterness, "that but one class of rights are to be

regarded by us—the rights of masters. . . . I do not believe that a slave-claimant can go into any State of this Union, and seize a person under the protection of its laws, and upon mere assertion that the person seized is a fugitive from service, carry him off without process by private force. I deny utterly that such a proceeding is warranted by the Constitution.” He declared that such an enactment must lead to the most serious difficulties; that it would stir up tumult; that so far from making slave-property more secure, it would surely make it less so. This latter declaration Mr. Butler, of South Carolina, conceded to be true. He offered an amendment to the bill denying the right of reclamation in the Territories of the Union, and confining it to cases of escape from one State into another State. “If slaveholding is condemned by the law of Nature, as the decisions of the courts even of slave States declare it is; if slavery is a local institution, created by State law and dependent upon State law for its continuance and existence, let us act upon this principle as if we believed in it, and declare that slavery cannot be extended beyond State jurisdiction, and deny to its support the power of the national Government in the Territories.” For this amendment there was a solitary vote; that of Mr. Chase himself! and forty-one Senators voted against it—including Hamlin, afterward Vice-President of the United States, and Dayton, afterward minister to the court of France. He offered another amendment, the effect of which would be—if adopted—to admit a trial by jury upon the question whether an alleged fugitive really owed service in another State. Claims of right in the services of individuals found under the protection of the laws of a free State, he declared, ought to be investigated in the same manner as other claims of right, and the defense to the claim to the custody and service of any man ought to be as free from embarrassment as any other defense against any other claim. “If the most ordinary controversy,” he said, “involving a contested claim to twenty dollars must be decided by a jury, surely a controversy which involves the right of a man to his liberty, should have a similar trial.” But of course his amendment was rejected, and in a very summary way too.

At last all the measures recommended by the committee became laws, though not in the forms in which they were recom-

mended. They were intended to compose the whole slavery agitation; to be a complete and final adjustment of all the questions growing out of the subject. A number of the friends of the measures signed a compact, pledging themselves to vote for no man for any office who would in any way renew the agitation. Among these were Henry Clay, Howell Cobb, Alexander H. Stephens, Robert Toombs, and Humphrey Marshall.

The first session of the Thirty-first Congress ended on the 30th day of September, 1850, after ten months of continuous and exciting labors; and five-sixths of the whole session was devoted to the consideration and discussion of the slavery question in some one of its various phases—a portentous fact, showing how full of dangers the subject was and how difficult it was to compose them.

. . . There was very little discussion of the slavery question during the whole of the Thirty-second Congress. Some memorials were presented, praying the repeal of the fugitive slave law, but of course no action was had in that direction.

Mr. Sumner took his seat in the Senate at the beginning of this Congress, and signalized his advent by a powerful speech in advocacy of the immediate repeal of the fugitive slave act. His speech occasioned a profound sensation among Senators, and was variously characterized. Mr. Badger, of North Carolina, said it was the most extraordinary speech ever heard in the Senate; Mr. Douglas said it was an assault upon the Constitution; Mr. Weller, of California, said it counseled to murder; Mr. Chase said it marked an era in American history. "It would distinguish the day when the advocates of that theory of governmental policy and constitutional construction," which, he said, Mr. Sumner had so ably defended, "no longer content to stand on the defensive in the contest with slavery, boldly attacked the very citadel of its power, in attacking that doctrine of *finality*, which two of the political parties of the country, through their national organizations, were attempting to establish as the impregnable defense of its usurpations."

A strong effort was made to organize a territorial government in Nebraska. A bill passed the House for that purpose. It contained no prohibition of slavery, but received the support of antislavery members because they believed that slavery was

excluded from the Territory by operation of the Missouri Compromise Act. On the last night of the second session—March 3, 1853—Mr. Douglas moved in the Senate to take up this bill. He said that for eight years he had been pressing it, beginning when he was in the House of Representatives; that it was very dear to his heart, and of immense magnitude and of great import to the country. Of its infinite great magnitude and import to the country how little the Senator then knew! But his motion was not successful. In the course of a very brief debate upon it, Mr. Atchison, a pro-slavery Senator from Missouri—afterward notorious for his participation in the border-wars of Kansas—made an important statement. One of his objections to the bill was, he said, that under it the Compromise of 1820—the Missouri restriction upon slavery extension—would be operative unless especially rescinded; and of *that* there was no hope or prospect. He declared the Missouri Compromise to have been a great error, for which, however, there was no remedy and to which the South must submit.

CHAPTER XV.

“THE ERA OF SLAVE-HUNTING”—SECOND SESSION OF THE THIRTY-SECOND CONGRESS—MEETING OF THE NATIONAL CONVENTIONS OF THE WHIG AND DEMOCRATIC PARTIES IN 1852—THEIR DECLARATIONS AND NOMINATIONS—MR. CHASE’S LETTER TO B. F. BUTLER, OF NEW YORK—ACTION OF THE NEW YORK DEMOCRACY—THE VIEWS OF MR. CHASE TOUCHING THAT ACTION—NATIONAL FREE-SOIL CONVENTION AT PITTSBURG—ITS PLATFORM—THE ELECTION OF GENERAL PIERCE—FORECAST OF THE FUTURE.

THE compromise measures of 1850 were promptly followed by what has been aptly called “the era of slave-hunting.” The enforcement of the fugitive slave act was marked by much excitement and some not serious disorder in Northern States; but enough to make the act peculiarly obnoxious to many others than the antislavery agitators. While there was a general and perhaps decided acquiescence in the compromise, this particular feature of it kept alive irritation, and counteracted, at least partially, the influence of the scheme of adjustment as a whole. The capture of “Shadrach” at Boston, and his rescue by some friends of his own race and color, were the occasion of a real excitement; a good deal intensified by the action of the President (Mr. Fillmore), who issued a proclamation, calling on the people to be active and vigilant in enforcing the laws, meaning of course the fugitive slave law very particularly; while the Secretaries of War and of the Navy fulminated general orders, addressed to the military and naval branches

of the public service, charging officers and men to be ready at their several posts of duty to aid in catching fugitives, which excited much indignation among the people.

The second session of the Thirty-second Congress was not important in any action upon the slavery question. Mr. Fillmore communicated a message to the Senate devoted to the fugitive slave law, which grew out of the case of Shadrach; there were a great many petitions presented for the repeal of that law, and some discussion upon them, but no action; and a resolution proposing an inquiry into the propriety of paying the Spanish claimants in the case of the *Amistad* slave-ship, was introduced by Mr. Mason, of Virginia, and opposed by Mr. Chase. These, and some discussion upon a proposal of Mr. Clay to make more effectual provision for the suppression of the African slave-trade, constituted about the sum total of the slavery agitation during the session.

The compromise measures had been supported by almost the entire body of the Democratic party in Congress, though opposed by a majority of the Ohio representatives, and had been almost universally denounced by the Democratic press of that State. For a time it seemed possible that they *might* be repudiated by the Northern Democrats.

But when the National Convention of the party met on the 1st of June, 1852, for the nomination of candidates for President and Vice-President, it became speedily apparent that no such hope was to be realized. The convention strongly denounced any efforts of the abolitionists, *or of others*, to induce Congress to interfere with questions of slavery, or to take incipient steps on the subject, as calculated to lead to the most alarming and dangerous consequences. It declared that the Democratic party would abide by and adhere to a faithful execution of the acts known as the compromise measures of 1850—including the fugitive slave act; which act “being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, nor so changed as to destroy or impair its efficiency.” It was solemnly declared, finally, “that the Democratic party will resist all attempts at renewing in Congress or out of it, the agitation of the slavery question, under whatever shape or color it may be made.”

The nominations of this convention were—for President, Franklin Pierce, of New Hampshire; for Vice-President, William R. King, of Alabama.

A few days later—on the 16th of June¹—the Whigs also met in national council. Upon the slavery question they took substantially the same ground as, if not even stronger and more emphatic than, the Democracy. They resolved that “the series of acts known as the compromise measures of 1850—the act known as the fugitive slave law included—are received and acquiesced in by the Whig party of the United States as a settlement, in principle and substance, of the dangerous and exciting questions which they embrace; and, so far as they are concerned, we will maintain them and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other—not impairing their present efficiency; and we deprecate all further agitation of the question thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation whenever, wherever or however the attempt may be made; and we will maintain this system as essential to the nationality of the Whig party and the integrity of the Union.”

General Winfield Scott was nominated for President and William A. Graham, of North Carolina, for Vice-President.

The candidates of both parties professed prompt and zealous adhesion to the platforms presented for their acceptance; and one of them became an itinerant solicitor, in his own behalf and that of the party whose standard-bearer he was, for the popular suffrages.

Mr. Chase interpreted these platforms and nominations to mean resistance not to pro-slavery, but to antislavery agitation. He did not long hesitate as to the course he ought to pursue. He addressed a letter to Benjamin F. Butler, of New York, one of his associates in the great work of the Buffalo Convention, declaring his determination to adhere to the principles announced there, and to act with the only party faithful to those principles; that is, with the Independent Democracy, who had continued to maintain their organization, and had called a National Convention

¹ Both the Democratic and Whig Conventions were held in Baltimore.

to meet at Pittsburg on the 11th of August—and he earnestly urged Mr. Butler, and through Mr. Butler those Democrats who had acted with him at Buffalo, to maintain the ground they had there taken.

“I shall ever lament,” says Mr. Chase, in one of the Trowbridge letters, “that this appeal was not heeded. The party of freedom had given in 1840, while unorganized, one vote in every three hundred and fifty of the votes cast in the United States. In 1844, it had given one vote in every forty-four, and in 1848, it had given one vote in ten and almost one in nine. This, it must be remembered, was the proportion in the free States of the whole vote of the United States. The proportion in the free States, considered by themselves, must of course have been much larger. It cannot be doubted, I think, that had the New York Democracy in 1852 adhered to the principles avowed in 1848, and refused to support the Baltimore nominations upon a platform repugnant to the sentiments and convictions of a large majority of the Northern people, a vote would have been given to the nominees of the Independent Democracy which, if not sufficient to elect its candidates, would have insured the election of General Scott, and the consequent union of nearly the whole Democratic party, in the course of the following year, upon the principles of the Independent Democracy. The Democracy of the Union—united upon those principles—would have been invincible; and slavery, excluded from the Territories, would have been ameliorated, diminished, and finally abolished by State action. The rebellion, in all probability, would have been avoided, and the Union would have been preserved unbroken, and preserved not for slavery but for freedom. I took great pains to explain these views to many, and a good deal of apprehension was manifested by certain slave-State Senators lest they should be adopted.”

The Free-Soilers met at Pittsburg, and nominated for President John P. Hale and for Vice-President George W. Julian. They adopted a platform of unequivocal hostility to slavery extension, in favor of slavery restriction, and in emphatic denunciation of the fugitive slave law. They declared the true “mission of American Democracy to be, to maintain the liberties of the people, the sovereignty of the States, and the perpetuity of the

Union, by the impartial application to public affairs, without sectional discrimination, of the fundamental principles of equal rights, strict justice and economical administration. That to the importunate and persevering demands of the slave-power for more slave States, new slave Territories, and the nationalization of slavery, our distinct and final answer is—no more slave States, no more slave Territory, no nationalized slavery, and no national legislation for the extradition of slaves.” The fugitive slave act was denounced as repugnant to the Constitution, to the principles of the common law, to the spirit of Christianity, and to the sentiments of the civilized world. They demanded its immediate and unconditional repeal. They declared the doctrine that any human law is a finality and not subject to modification or repeal, as not in accordance with the creed of the founders of the government and dangerous to the liberties of the people. They denounced the payment of ten millions to Texas; and declared that there could be no permanent settlement of the slavery question, except in the practical recognition of the truth that slavery was sectional and freedom national, by the total separation of the Federal Government from slavery, and the exercise of its legitimate and constitutional influence on the side of freedom, and by leaving to the States the whole subject of slavery, including the extradition of fugitives from service.

Upon these views of the question of slavery, the free Democracy appealed to the people of the country for support.

The New York Democrats did not respond either to the personal appeal of Mr. Chase or to the united voice of the Pittsburg Convention, but almost unanimously went to the support of General Pierce, who was elected of course. Their defection, and that of those influenced by their example in other States, reduced the vote of the Independent Democrats from 291,678 in 1848 to 157,296 in 1852; or about one in twenty of the whole votes cast. Near three-fourths of the entire defection was in New York. In Ohio the vote for Hale in 1852 was about four thousand less than for Van Buren in 1848; Van Buren's vote having been 35,354; Hale's was 31,682, and the Old-line Democracy carried the State.

The agreement of the two old parties upon substantially the same platform, and the election of General Pierce, devolved up-

on the Democratic party the whole responsibility of that platform. The reorganization of parties became inevitable, and as the platform of the Independent Democrats alone represented antagonism to the invasions of slavery, it became certain also that the principles of that party must form the basis of opposition to the Administration, which in the logic of events would inevitably be driven into new concessions to the slave-power.

CHAPTER XVI.

MEETING OF THE THIRTY-THIRD CONGRESS IN DECEMBER, 1853—EXTRACT FROM THE MESSAGE OF PRESIDENT PIERCE—PLEDGES HIMSELF IN BEHALF OF THE QUIET AND HARMONY OF THE COUNTRY—NEBRASKA BILL INTRODUCED INTO THE SENATE BY MR. DOUGLAS—EXTRACTS FROM THE REPORT WHICH ACCOMPANIED THE BILL—REPEAL OF MISSOURI RESTRICTION PROPOSED BY MR. DIXON, OF KENTUCKY—MR. SUMNER'S COUNTER-PROPOSITION—DENUNCIATIONS BY THE "WASHINGTON UNION" OF THE AMENDMENTS OF SENATORS DIXON AND SUMNER—"THE SOUTH WIND THICK WITH STORM"—MR. DOUGLAS PROPOSES THE REPEAL OF THE MISSOURI RESTRICTION—MODIFICATION OF THE ALLEGED GROUND OF REPEAL—THE ADMINISTRATION PLEDGES ITSELF TO THE PRINCIPLE OF "NON-INTERVENTION" EMBODIED IN THE NEBRASKA BILL.

PRESIDENT PIERCE, in his first annual message, submitted to Congress on the 6th of December, 1853, felicitated his countrymen upon the prevailing peace and quiet.

"We are not only at peace with all the world," he said, "but in regard to political affairs, we are exempt from any cause of serious disquietude in our domestic relations. The controversies which have agitated the country heretofore, are passing away with the causes that produced them and the passions they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determi-

nation that each one of the States, its institutions, its welfare, and its domestic peace, shall be held alike secure under the sacred ægis of the Constitution."

He declared his fixed purpose to maintain, so far as responsibility rested with him, the quiet and harmony of the country. "It is no part of my purpose to give prominence," he said, "to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

These were the pledges of President Pierce made to the people of the country on the 6th of December, 1853.

On the 4th of January, 1854, Mr. Douglas, of Illinois, chairman of the Committee on Territories, reported in the Senate a bill for establishing a government in the Territory of Nebraska. This bill contained no express repeal of the Missouri Compromise restriction, nor did it prohibit slavery; but was accompanied by a report, in which the committee said that they refrained from entering upon any controversy with respect to the constitutional validity of the Missouri restriction (which had been questioned), as "it would involve the same issues which produced the agita-

tion, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then—either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave-property—so we are not prepared to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute,” but the committee submitted a section at the same time, in these words: “That in order to avoid all misconstruction, it is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to carry into practical operation the following propositions and principles, established by the compromise measures of one thousand eight hundred and fifty, to wit: First. That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. Second. That ‘all cases involving title to slaves’ and ‘questions of personal freedom,’ are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States. Third. That the provisions of the Constitution and the laws of the United States in respect to fugitives from service, are to be carried into faithful execution in all the ‘organized Territories’ the same as in the States.”

On the 16th of January Mr. Dixon, a Whig Senator from Kentucky, gave notice that when the Nebraska Bill should come up for consideration, he should move as an amendment, that so much of the Missouri Compromise Act as excluded slavery from the territory ceded by France to the United States, which lies north of thirty-six degrees thirty minutes, should not be construed to apply to the act for organizing a territorial government in Nebraska, but that the citizens of the several States and Territories should be at liberty to take and hold their slaves within any of the Territories or of the States to be formed from them. Mr. Dixon afterward explained that he was a pro-slavery man from a slaveholding State, and represented a slaveholding con-

stituency; and that it was his purpose to maintain their rights whenever any question affecting them was brought before the people. Where slavery was concerned, he declared he was neither Whig nor Democrat.

The next day—Tuesday, January 17th—Mr. Sumner gave notice that he should move as an amendment to the bill that nothing contained in it should be construed to abrogate or in any way contravene the section in the Missouri Compromise Act, which forever prohibited slavery in all the territory ceded by France lying north of thirty-six degrees and thirty minutes.

Mr. Douglas gave notice at the same time that he should, on the next Monday (January 23d), move to take up the Nebraska Bill. He said he gave this notice in order to call the attention of Senators to the subject.

The newspaper organ of General Pierce's Administration—the *Washington Union*, on Friday, January 20th—denounced the proposed amendments of both Mr. Dixon and Mr. Sumner, as coming from members of two parties irreconcilably opposed to Democratic ascendancy. "It may be well for us to scrutinize with care the movements of those who are our uniform opponents. That abolitionists would rejoice to see the fires of discord rekindled by the revival of the slavery agitation, no one can doubt. Those who have perused the extracts from Senator Sumner's speech, which we lately published, will be slow to suppose that agitation is not his object in offering his amendment. On the other hand, there is nothing in the past history of the Whig party which ought to make it offensive in us to say, that of late years its only hopes of ascendancy have been based upon the slavery agitation in some one of its forms. . . . Prudence, patriotism, devotion to the Union, the interest of the Democratic party, all suggest that that public sentiment which now acquiesces cheerfully in the principles of the Compromise of 1850, should not be inconsiderately disturbed. The triumphant election of President Pierce shows that on this basis the hearts and the judgments of the people are with the Democracy. We venture to suggest that it is well worthy of consideration, whether a faithful adherence to the creed which has been so triumphantly indorsed by THE PEOPLE, does not require all good Democrats to hesitate and reflect maturely upon any proposition

which any member of our party can object to as an interpolation upon that creed. In a word, it would be wise in all Democrats to consider whether it would not be safest to *let well enough alone*. To repeal the Missouri Compromise might, and according to our view, would clear the principle of congressional non-intervention of all embarrassment; but we doubt whether the good thus promised is so important that it would be wise to seek it through the agitation which necessarily stands in our path. Upon a calm review of the whole ground, we yet see no such reasons for disturbing the Compromise of 1820, as could induce us to advocate either of the amendments proposed to Mr. Douglas's bill." In the same article the *Union* said, however—"It will be remembered that the bill, as proposed by Mr. Douglas, reënacts and applies to Nebraska the clause on slavery adopted in the Compromise of 1850. That clause is silent as to the question of slavery during the territorial condition of the inhabitants, but expressly recognizes and asserts their right to come into the Union as a State, either with or without the institution of slavery, as they may determine in their constitution."

So far the peace of the country was undisturbed by a new slavery agitation. But now what?—

"Eurus, Notusque ruunt, creberque procellis,
Africus,"

said Mr. Chase, quoting. "Yes, sir, '*creber procellis Africus*'—the south wind thick with storm."

On Monday, the 23d of January, Mr. Douglas asked permission to make a report from the Committee on Territories, in relation to the Nebraska Bill, which had been set apart for consideration that day. He said that the committee had concluded to recommend the division of the proposed Territory of Nebraska into two Territories, and to change—of course—the boundary; the second to be called Kansas. "We have prepared our amendment," he said, "in the form of a substitute, to come in lieu of the bill which we have already reported. We have also incorporated into it one or two other amendments, which make the provisions of the bill upon other and more delicate questions clear and specific, so as to avoid all conflict of opinion." He asked that the substitute be printed, so that Senators could

see what it was. Mr. Mason asked—"I wish to know whether the amendment now proposed as a substitute is reported from the committee?" Mr. Douglas answered, "It is." Mr. Douglas said also, in answer to other inquiries, that both Territories were included in one bill, and that the boundaries were specified in each case. The substitute was then ordered to be printed.

One of the amendments introduced into the substitute, and intended by Mr. Douglas to make certain delicate questions more clear and specific, was comprehended in these pregnant words: "That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."¹

On the 26th of January, the *Union* newspaper announced that the Democratic party was entirely pledged to the policy embodied in Mr. Douglas's substitute, and that the Administration was firm in its resolution to carry it out; and a fortnight later declared, that those Democratic members of Congress who, supporting the policy of Mr. Douglas's bill, were discarded by their constituents, would be taken care of by the President in making distribution of the public patronage.

¹ The history of this amendment will appear in the eighteenth chapter of this volume.

CHAPTER XVII.

THE APPEAL OF THE INDEPENDENT DEMOCRATS—EFFECT OF THE APPEAL UPON THE PUBLIC SENTIMENT OF THE NORTH.

IT was the belief of the Independent Democrats in Congress, that under the bill introduced by Mr. Douglas on the 4th of January, it was designed that slavery should be allowed in Nebraska. The substitute offered by the same Senator on the 23d of January—dividing Nebraska into two Territories, with a view, probably, to devote one of them to slavery and the other to freedom—ripened that belief into certainty. Forwarned, as they felt, they had already prepared an appeal to the people of the United States, advising them of the danger, and urging them to interpose without delay to prevent it.

“As Senators and Representatives in the Congress of the United States,” said the signers of this celebrated paper,¹ “it is our duty to warn our constituents, whenever imminent danger menaces the freedom of our institutions or the permanency of the Union.

“Such danger, as we firmly believe, now impends, and we earnestly solicit your prompt attention to it.

“At the last session of Congress a bill for the organization of the Territory of Nebraska passed the House of Representatives by an overwhelming majority. That bill was based on the principle of excluding slavery from the new Territory. It was not taken up for consideration in the Senate, and consequently failed to become a law.

¹ This paper was written by Mr. Chase, in part from a draft prepared by Mr. Giddings.

“At the present session a new Nebraska Bill has been reported by the Senate Committee on Territories, which, should it unhappily receive the sanction of Congress, will open all the unorganized Territories of the Union to the ingress of slavery.

“We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the Old World and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.

“Take your maps, fellow-citizens, we entreat you, and see what country it is which this bill gratuitously and recklessly proposes to open to slavery.

“From the southwestern corner of Missouri pursue the parallel of $36^{\circ} 30'$ north latitude westerly across the Arkansas, across the North Fork of the Canadian to the northeastern angle of Texas; then follow the northern boundary of Texas to the western limit of New Mexico; then proceed along that western line to its northern termination; then again turn westwardly, and follow the northern line of New Mexico to the crest of the Rocky Mountains; then ascend northwardly along the crest of that mountain-range to the line which separates the United States from the British possessions in North America, on the forty-ninth parallel of north latitude; then pursue your course eastwardly along that line to the White-Earth River, which falls into the Missouri from the north; descend that river to its confluence with the Missouri; descend the Missouri, along the western border of Minnesota, of Iowa, of Missouri, to the point where it ceases to be a boundary-line, and enters the State to which it gives its name then continue your southward course along the western limit of that State to the point from which you set out. You have now made the circuit of the proposed Territory of Nebraska. You have traversed the vast distance of more than three thousand miles. You have traced the outline of an area of four hundred and eighty-five thousand square miles; more than twelve times as great as that of Ohio.

“This immense region, occupying the very heart of the North American Continent, and larger, by thirty-three thousand square miles, than all the existing free States—including Cali-

fornia; this immense region, well watered and fertile, through which the middle and northern routes from the Atlantic to the Pacific must pass, this immense region, embracing all the unorganized territory of the nation, except the comparatively insignificant district of Indian Territory north of Red River and between Arkansas and Texas, and now for more than thirty years regarded by the common consent of the American people as consecrated to freedom by statute and by compact—this immense region the bill now before the Senate, without reason and without excuse, but in flagrant disregard of sound policy and sacred faith, purposes to open to slavery.

“We beg your attention, fellow-citizens, to a few historical facts:

“The original settled policy of the United States, clearly indicated by the Jefferson proviso of 1784 and the Ordinance of 1787, was non-extension of slavery.

“In 1803, Louisiana was acquired by purchase from France. At that time there were some twenty-five or thirty thousand slaves in the Territory; most of them within what is now the State of Louisiana; a few only, farther north, on the west bank of the Mississippi. Congress, instead of providing for the abolition of slavery in this new Territory, permitted its continuance. In 1812 the State of Louisiana was organized and admitted into the Union with slavery.

“In 1818, six years later, the inhabitants of the Territory of Missouri applied to Congress for authority to form a State constitution, and for admission into the Union. There were, at that time, in the whole territory acquired from France, outside of the State of Louisiana, not three thousand slaves.

“There was no apology, in the circumstances of the country, for the continuance of slavery. The original national policy was against it, and not less the plain language of the treaty under which the territory had been acquired from France.

“It was proposed, therefore, to incorporate in the bill authorizing the formation of a State government, a provision requiring that the constitution of the new State should contain an article providing for the abolition of existing slavery, and prohibiting the further introduction of slaves.

“This provision was vehemently and pertinaciously opposed,

but finally prevailed in the House of Representatives by a decided vote. In the Senate it was rejected, and—in consequence of the disagreement between the two Houses—the bill was lost.

“At the next session of Congress, the controversy was renewed with increased violence. It was terminated at length by a compromise. Missouri was allowed to come into the Union with slavery; but a section was inserted in the act authorizing her admission, excluding slavery forever from all the territory acquired from France, not included in the new State, lying north of $36^{\circ} 30'$. We quote the prohibitory section:

“‘SECTION 8. *Be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° and $30'$ of north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than as the punishment of crimes, shall be and is hereby forever prohibited.’

“The question of the constitutionality of this prohibition was submitted by President Monroe to his cabinet. John Quincy Adams was then Secretary of State; John C. Calhoun was Secretary of War; William H. Crawford was Secretary of the Treasury; and William Wirt was Attorney-General. Each of these eminent gentlemen—three of them being from the slave States—gave a written opinion, affirming its constitutionality, and thereupon the act received the sanction of the President himself, also from a slave State.

“Nothing is more certain in history than the fact that Missouri could not have been admitted as a slave State had not certain members from the free States been reconciled to the measure by the incorporation of this prohibition into the act of admission. Nothing is more certain than that this prohibition has been regarded and accepted by the whole country as a solemn compact against the extension of slavery into any part of the territory acquired from France lying north of $36^{\circ} 30'$, and not included in the new State of Missouri. The same act—let it be ever remembered—which authorized the formation of a constitution by the State, without a clause forbidding slavery, consecrated, beyond question and beyond honest recall, the whole remainder of the Territory to freedom and free institutions forever. For more than thirty years—during more than

half our national existence under our present Constitution—this compact has been universally regarded and acted upon as inviolable American law. In conformity with it, Iowa was admitted as a free State and Minnesota has been organized as a free Territory.

“It is a strange and ominous fact, well calculated to awaken the worst apprehensions and the most fearful forebodings of future calamities, that it is now deliberately proposed to repeal this prohibition, by implication or directly—the latter certainly the manlier way—and thus to subvert the compact, and allow slavery in all the yet unorganized territory.

“We cannot, in this address, review the various pretenses under which it is attempted to cloak this monstrous wrong, but we must not altogether omit to notice one.

“It is said that Nebraska sustains the same relations to slavery as did the territory acquired from Mexico prior to 1850, and that the pro-slavery clauses of the bill are necessary to carry into effect the compromise of that year.

“No assertion could be more groundless.

“Three acquisitions of territory have been made by treaty. The first was from France. Out of this territory have been created the three slave States of Louisiana, Arkansas and Missouri, and the single free State of Iowa. The controversy which arose in relation to the then unorganized portion of this territory was closed in 1820 by the Missouri act, containing the slavery prohibition, as has been already stated. This controversy related only to territory acquired from France. The act by which it was terminated was confined, by its own expressions, to the same territory, and had no relation to any other.

“The second acquisition was from Spain. Florida, the territory thus acquired, was yielded to slavery without a struggle and almost without a murmur.

“The third was from Mexico. The controversy which arose from this acquisition is fresh in the remembrance of the American people. Out of it sprung the acts of Congress commonly known as the Compromise Measures of 1850, by one of which California was admitted as a free State; while two others, organizing the Territories of New Mexico and Utah, exposed all the residue of the recently-acquired territory to the invasion of slavery.

“These acts were never supposed to abrogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits.

“The statesmen whose powerful support carried the Utah and New Mexico acts never dreamed that their provisions would be ever applied to Nebraska. Even at the last session of Congress, Mr. Atchison, of Missouri, in a speech in favor of taking up the former Nebraska Bill, on the morning of the 4th of March, 1853, said: ‘It is evident that the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence.’ These words would not have fallen from this watchful guardian of slavery had he supposed that this Territory was embraced by the pro-slavery provisions of the Compromise Acts. This pretension had not then been set up. It is a palpable after-thought.

“The Compromise Acts themselves refute this pretension. In the third article of the second section of the joint resolution for annexing Texas to the United States, it is expressly declared that, ‘in such State or States as shall be formed out of such territory north of said Missouri Compromise line, slavery or involuntary servitude, except for crime, shall be prohibited;’ and in the act for organizing New Mexico and settling the boundary of Texas, a proviso was incorporated, on motion of Mr. Mason, of Virginia, which distinctly preserves this prohibition, and flouts the barefaced pretension that all the territory of the United States, whether south or north of the Missouri Compromise line, is to be open to slavery. It is as follows: ‘*Provided*, that nothing herein contained shall be construed to impair or qualify any thing contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise.’

“Here is proof beyond controversy that the principle of the Missouri act prohibiting slavery north of 36° 30', far from being

abrogated by the Compromise Acts, is expressly affirmed; and that the proposed repeal of this prohibition, instead of being an affirmation of the Compromise Acts, is a repeal of a very prominent provision of the most important act of the series. It is solemnly declared in the very Compromise Acts, '*that nothing herein contained shall be construed to impair or qualify*' the prohibition of slavery north of $36^{\circ} 30'$; and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go? To all who, in any way, lean upon these compromises, we commend this exposition.

"The pretenses, therefore, that the territory covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the Compromises of 1850 require the incorporation of the pro-slavery clauses of the Utah and New Mexico Bill in the Nebraska act, are mere inventions, designed to cover up from public reprehension meditated bad faith. Were he living now, no one would be more forward, more eloquent, or more indignant in his denunciation of that bad faith, than Henry Clay, the foremost champion of both compromises.

"In 1820 the slave States said to the free States: 'Admit Missouri with slavery, and refrain from positive exclusion south of $36^{\circ} 30'$, and we will join you in perpetual prohibition north of that line.' The free States consented. In 1854 the slave States say to the free States: 'Missouri is admitted; no prohibition south of $36^{\circ} 30'$ has been attempted; we have received the full consideration of our agreement; no more is to be gained by adherence to it on our part; we therefore propose to cancel the compact.' If this is not Punic faith, what is? Not without the deepest dishonor and crime can the free States acquiesce in the demand.

"We confess our total inability properly to delineate the character or describe the consequences of this measure. Language fails to express the sentiments of indignation and abhorrence which it inspires; and no vision less penetrating and comprehensive than that of the All-Seeing can reach its evil issues. . . .

"We appeal to the people. We warn you that the dearest

interests of freedom and the Union are in imminent peril. Demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery. We tell you that the Union can only be maintained by the full recognition of the just claims of freedom and man. The Union was formed to establish justice and secure the blessings of liberty. When it fails to accomplish these ends it will be worthless, and when it becomes worthless it cannot long endure.

“We entreat you to be mindful of that fundamental maxim of Democracy—EQUAL RIGHTS AND EXACT JUSTICE FOR ALL MEN. Do not submit to become agents in extending legalized oppression and systematized injustice over a vast territory yet exempt from these terrible evils.

“We implore Christians and Christian ministers to interpose. Their divine religion requires them to behold in every man a brother, and to labor for the advancement and regeneration of the human race.

“Whatever apologies may be offered for the toleration of slavery in the States, none can be offered for its extension into Territories where it does not exist, and where that extension involves the repeal of ancient law and the violation of solemn compact. Let all protest, earnestly and emphatically, by correspondence, through the press, by memorials, by resolutions of public meetings and legislative bodies, and in whatever other mode may seem expedient, against this enormous crime.

“For ourselves, we shall resist it by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents, erect anew the standard of freedom, and call on the people to come to the rescue of the country from the domination of slavery. We will not despair; for the cause of human freedom is the cause of God.”

The appeal was signed by S. P. Chase, Senator from Ohio; Charles Sumner, Senator from Massachusetts; J. R. Giddings and Edward Wade, Representatives from Ohio; Gerritt Smith, Representative from New York; Alexander De Witt, Representative from Massachusetts. It was printed in Washington and New York papers on the 24th and 25th of January, and

within a fortnight was reprinted in most of the newspapers throughout the free States.

The effect of the appeal was instant. Its powerful and solemn language, coupled with the magnitude of the subject to which it called the public attention, created in the North a profound agitation. Its warnings were felt to be warranted by the occasion which produced them, and everywhere preparation began with a view to manifest to Congress the popular judgment against the proposed repeal. Opposition to the measure was confined to no party, to no State, to no part of a State, but pervaded the entire Northern people; and but for the prodigious influence of party organization and discipline, joined with an extensive patronage of offices, all of which were speedily and energetically called into operation, the uprising might have been effective against the repeal.

CHAPTER XVIII.

MR. DOUGLAS DENOUNCES THE APPEAL OF THE INDEPENDENT DEMOCRATS—DEFENDS THE “PRINCIPLE” OF HIS NEBRASKA BILL—AND ALLEGES THAT THE LEGISLATION OF 1850 SUPERSEDED THE MISSOURI RESTRICTION—MR. CHASE DENIES THE DOCTRINE OF SUPERSEDURE—HIS SPEECH—ACTION OF THE SENATE ON THE QUESTION OF SUPERSEDURE—MR. CHASE SEEKS TO DISCOVER, BY IMPORTANT AMENDMENTS, THE REAL PRINCIPLE OF THE BILL—ITS REAL PRINCIPLE DEVELOPED—THE AGITATION IN THE NORTH—PASSAGE OF THE BILL—ANECDOTE OF MR. CHASE.

MR. DOUGLAS came into the Senate on the morning of the 30th of January, laboring under much angry excitement. He had read the appeal of the Independent Democrats, and at once denounced both it and its authors with indignant bitterness. He stigmatized statements it contained as “base falsehoods.” He said material facts of history had been suppressed, and that other facts had been misstated and misrepresented. He called Chase and Sumner “abolition confederates in slander,” “pure, unmitigated, unadulterated abolitionists,” who wished a renewal of the slavery agitation, and who sought by this appeal to win “tender-footed Democrats” into the support of their “plot.” He branded the already-prevailing excitement as an “abolition tornado, which would again put the country in peril.” He elaborated his views upon the vital principle of the Nebraska Bill; it was that, he said, upon which rested the Compromise of 1850; “the great principle of self-government; the right of the people to decide the question of

their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States." He said that the object of the Compromise of 1850 was to establish certain great principles, applicable to all the unorganized territory of the country, which would avoid the slavery agitation for all time to come. He denied that that compromise was a mere temporary expedient, applicable only to Utah and New Mexico, which left the country entirely at sea in the future. If it was an expedient merely, then Webster, Clay and Cass had palmed upon the people an atrocious fraud. But he held that there had been, by the legislation of 1850, an express annulment of the Missouri Compromise, and that as to all unorganized Territories it was superseded by that legislation, and that Congress was bound to apply the principle it established in the organization of all existing Territories, and in all that might be acquired in future. "If this principle is right," he said, "the bill is right. If the principle is wrong, the bill is wrong. . . . The legal effect of the bill, if it be passed, is neither to legislate slavery into the Territories nor out of them, but to leave the people free to do as they please, under the provisions and subject to the limitations of the Constitution of the United States. And why," he asked, "shall not this principle prevail? Why should any man, North or South, object to it?" He announced his intention to stand by it, not merely because he was bound to it by the Baltimore platform of 1852, but because of a higher and more solemn obligation, to which the Democracy stood pledged by the love and affection they bore to the great principle of free institutions, which lies at the basis of the Democratic creed, and gives to every political community the right to govern itself in obedience to the Constitution of the country.

Mr. Chase said he reaffirmed every word and syllable in the appeal, distinctly and emphatically, and that at a future day he would demonstrate that the Missouri prohibition had *not* been repealed by the compromise measures of 1850; that not a single word had been uttered in the Senate-chamber, nor in the House of Representatives, indicating any idea or purpose, on the part of anybody, that those measures were to operate as a repeal, and "that when the Senator vouches the authority

of Clay and Webster to sustain him, he vouches authorities which would rebuke him, could those statesmen speak from their graves."

Mr. Sumner added that the language of the appeal was strong, but no stronger than the exigency required. The proposed measure, which reversed the time-honored policy of our fathers in the restriction of slavery, could not justly be described in common language. He denounced it as "a soulless, eyeless monster—horrid, unshapely and vast."

On the 3d of February Mr. Chase proceeded to vindicate the statements contained in the appeal. He declared the averment in the substitute reported by Mr. Douglas on the 23d of January, to the effect that the Missouri prohibition had been "superseded by the principles of the legislation of 1850, commonly called the compromise measures," to be "untrue in fact and without foundation in history." He moved—for that reason—to strike it out of the bill, and in support of his motion, reviewed the history both of the Missouri Compromise and the compromise measures of 1850. "When the measures of 1850 were before Congress," he asked, "when the questions involved in them were discussed from day to day, from week to week, from month to month, in this Senate-chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested that the acts of that year were to affect the Missouri Compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as chairman of the Committee of Thirteen, or in any speech in support of the Compromise Acts, or in any conversation in the committee, or out of the committee, ever hint at this doctrine of supersedure? Did any supporter, or any opponent of the Compromise Acts, ever vindicate or condemn them upon the ground that the Missouri prohibition would be affected by them? Well, sir, the Compromise Acts were passed. They were denounced North and South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the

repeal of the Missouri prohibition? Did any objector to them at the North ever suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion." He reviewed the history of the pending bill in its several phases, and said the doctrine of supersedure was no older than the 23d of January. He asked Mr. Mason, of Virginia, whether, at any time before that date, he had ever heard such a proposition stated or maintained by anybody anywhere? Mr. Mason remained silent. He appealed to General Cass, who had been one of the Committee of Thirteen which in 1850 had reported the compromise measures, whether in that committee or elsewhere, any syllable was uttered which indicated any purpose to apply the principles of those measures to any other Territories than those organized under them? General Cass remained silent also.

Mr. Chase said, near the conclusion of his speech, that he had proved the averment he proposed to strike out of the bill, to be untrue. "Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the Compromise Acts? Will you here, acting under your high responsibility as Senators of the States, assert as fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those Compromise Acts disproves?" But if it must be done, he said, he wished to see it done openly and boldly, and not by indirection.

"But who," he asked, "who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we, who are denounced as agitators and factionists. No, sir: the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions had put a final period to the discussion of slavery.

"This will not escape the observation of the country. It is SLAVERY that renews the strife. It is slavery that again wants

room. It is slavery, with its insatiate demands for more slave territory and more slave States."

Mr. Chase was two hours and a half in the delivery of this great argument, and so completely and overwhelmingly did he refute the doctrine of supersedure, that no Senator attempted either reply or defense. His amendment was rejected, however, by thirty to thirteen. But although the friends of repeal had voted down his amendment, they felt the averment in the bill to be too paltry for successful defense before the people. The inexorable necessity remained, nevertheless, that some adequate reason should be assigned for the abrogation of the prohibition. Mr. Douglas proposed to substitute a declaration that the Missouri act was *inconsistent* with the principles of the legislation of 1850, commonly called the compromise measures. This was a less hazardous and objectionable method of statement; although, according to Mr. Douglas, it conveyed the "express idea of the original words"—and simply "made it plainer."

Accordingly on the 7th of February that Senator introduced an amendment, which alleged that the Missouri prohibition, "being inconsistent with the principles of non-intervention by Congress with slavery in the Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, or to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States." This was adopted on the 15th of February, by thirty-five to ten; Mr. Chase remarking, however, that he did not regard this statement as any truer in fact than that for which it was a substitute. For his own part, he said, he would altogether prefer to see the measure stripped of excuses.

But he called the attention of the Senate to a weightier matter. The alleged principle of the bill was, that the people of the Territory were to be left perfectly free to form and regulate their own domestic institutions in their own way, *subject only to the Constitution of the United States*. It was of the first importance to ascertain what was meant by this phrase—"subject

only to the Constitution of the United States." There was a wide difference of opinion among Senators as to what the constitutional limitations and restrictions really were. Some Senators thought the Constitution had no operation in the Territories, except by express enactment of Congress. Others thought it extended over the Territories from the moment of their acquisition. Some maintained that the Constitution, properly interpreted, prevented the existence of slavery in the Territories altogether, and made it impossible for a territorial Legislature to introduce it by any valid enactment. Others contended that under it, the territorial Legislature could not exclude slavery. He sought to exclude all doubt on the subject, and moved that after the words of the amendment just made should be added these—"under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein." His object was to get the sense of the Senate upon the vital question, whether, *subject to the limitations of the Constitution*, the people of the Territory, acting through their proper representatives, in the territorial Legislature, COULD protect themselves against slavery by prohibiting it. The operation of this amendment, if adopted, would be very simple: it asserted distinctly and unequivocally the principle of non-intervention which the bill professed; that under it, in the judgment of Congress, the people of the Territory might utterly exclude slavery if they should choose to do so. Of course there could be no real objection to this amendment, if the principle of the bill¹ was a genuine non-intervention; but the long and somewhat stormy debate which followed, illustrated clearly enough that in the judgment of some Senators, at least, the bill was expected to operate a very potent kind of intervention in behalf of slavery. The amendment was rejected by the emphatic vote of thirty-six nays to ten in the affirmative.

¹ In order still further to illustrate the character of the alleged principle of the bill—non-intervention with the domestic affairs of the States and Territories—Mr. Chase offered another amendment, the effect of which would be, if adopted, to enable the people of the Territory to elect their own Governor, judges of courts, and other State officers, and members also of the territorial Legislature. But the Senate was not fifteen minutes in voting it down, and almost as summarily rejected another, intended to restore the boundaries of Nebraska as stated in the original bill, and leave but one Government therein instead of two.

Pending the debate upon the bill in the Senate, the agitation in the North had widened and deepened, until it pervaded all ranks and classes and largely involved both political parties. It exhibited itself in many public meetings; in numberless petitions signed by both men and women; in remonstrances by religious bodies; in the denunciations of press and pulpit; in resolves of State Legislatures. The most remarkable protest was that presented by Mr. Everett, of Massachusetts,¹ which bore the signatures of three thousand and fifty clergymen of the New England States. It ran in these impressive words: "The undersigned, clergymen of different religious denominations in New England, hereby, IN THE NAME OF ALMIGHTY GOD and in His presence, do solemnly protest against the passage of what is known as the Nebraska Bill, or any repeal or modification of the existing legal prohibitions of slavery in that part of our national domain which it is proposed to organize into the Territories of Nebraska and Kansas. We protest against it as a great moral wrong, as a breach of faith eminently unjust to the moral principles of the community, and subversive of all confidence in national engagements; as a measure full of danger to the peace and even to the existence of our beloved Union, and exposing us to the righteous judgments of the Almighty."

The bill was pressed forward to its passage, however, although the universal and continually growing excitement evidently made a deep impression upon the minds of its leading friends in Congress. Mr. Douglas showed his consciousness of it by repeated observations in the course of the debate, most of them in hot, imperious temper. But the bill carried his political fortunes, as he believed, and with a pertinacious courage and defiance alike of the counsels of friends and the threats of enemies, he bore it triumphantly through.

It passed the Senate at about five o'clock on the morning of the 4th of March, 1854, at the close of a session of seventeen hours' duration, by a vote of thirty-seven to fourteen. A Southern Senator—Houston, of Texas—closed the debate by a solemn protest and warning against it. The scene in the Senate, at this momentous hour, was full of intense and suppressed excitement. It was one of triumph and glory for the friends of the measure,

¹ It was presented, however, after the bill had passed the Senate.

and their exultation found vent in verbal congratulation within the walls of the Capitol, and by the firing of cannon without them, but in the hearing of those whose votes had decided the tremendous issue. The opponents of the bill saw in its passage the great opportunity of freedom, and the grief of present defeat was tempered by a belief that it would prove an effective instrument for the final overthrow of the slave-power.

It was yet dark when the lights were turned out in the Senate-chamber, and both Senators and spectators departed for their homes. Mr. Chase and Mr. Sumner walked down the steps of the Capitol together. The thunder of the cannon of triumphant slavery at steady intervals smote upon their ears. "They celebrate a present victory," said Mr. Chase, "but the echoes they awake will never rest till slavery itself shall die."

The bill was sent to the House, but was not taken up in that body for more than two months. It was finally passed under circumstances of great disorder and excitement, on the 20th of May, by one hundred and thirteen votes to one hundred against it. Party lines among Southern members were almost wholly lost in its support. Forty-four Northern Democrats voted for the bill; forty-four Northern Democrats voted against it, and forty-four Northern Whigs voted against and no Northern Whig for it. Seven Southern Whigs and two Democrats voted against it; one of the latter was Thomas H. Benton.

The first session of the Thirty-third Congress began on the 5th of December, 1853, and ended on the 7th of August, 1854. It opened in the midst of peace and prosperity; it closed in the midst of a more universal and dangerous slavery agitation than was ever before known in the history of the American people.

NOTE TO CHAPTER XVIII.

Extracts from a Letter of Mr. Chase to John Paul.

WASHINGTON, December 28, 1854.

". . . . My views of the matters referred to in your last letter are clear and may be easily stated.

"With me opposition to nationalized slaveholding and slave-catching and to slavery domination in our national Government, is a simple appli-

cation of Democratic principle. At the present moment I regard the application of that principle as of paramount importance.

"I can therefore be a member of no party or political organization which, in a free State, ignores the slavery question, or which reduces it to a secondary consideration. Nor can I belong to any party which is anti-democratic in its character.

"The rule which guides my political action is very simple.

"For years past slavery has controlled the action of the old political parties. No matter which of them has obtained the control of the Government, its administration has been, of necessity, pro-slavery. Under Polk, Texas was annexed with slavery. Under Fillmore, the fugitive slave act was passed. Under Pierce, the Missouri prohibition has been repealed. Not one of these measures could have been carried without the active aid of the existing Administration.

"While the ascendant party has been thus constantly pro-slavery, the existence of a powerful independent political organization avowedly antislavery has naturally had great influence upon the action of the party in opposition. The minority party in the free States has been antislavery at least so far as continued connection with a pro-slavery wing would permit. Thus when the old Democratic party succeeded under Polk, the old Whig party, being in the minority, became decidedly antislavery in profession, and to some extent in action. When the Whig party in its turn succeeded under Taylor, the old Democratic party being in the minority, became just as antislavery in profession and action as the Whigs had been in like circumstances. When the Old-line Democracy again succeeded under Pierce, the Whigs again became antislavery.

"In each of these successive periods the minority, whatever its political designation, has been ready to coöperate with the independent Antislavery party. Such coöperations have actually taken place. They have been more marked in their character and more frequent in their occurrence as the strength of the independent opposition to slavery has increased. Hence the coöperation between the antislavery Independents and the Whigs which elected Mr. Hale to the Senate in 1841. Hence too, the coöperation between the antislavery Independents and the Democrats which elected Mr. Sumner and myself in 1851 and 1849. Hence, finally, those coöperations between the antislavery Independents and the Whigs which have elected Mr. Gillette and Mr. Brainard in 1854.

"These coöperations between minorities opposed to an accidental majority are inevitable; and, when no principle is surrendered or hazarded, are free from all reasonable objection. Thus far they have not only marked but accelerated the prevalence of antislavery sentiment and principle.

"As an Independent Democrat, recognizing the importance of consistent antislavery action, I have not hesitated to adopt the rule which these facts suggest.

"I have coöperated and will cheerfully coöperate with any of my fellow-citizens whom circumstances have disposed or may dispose to coöperate with me in the advancement of the antislavery cause. I can never yield or modify my principles; but if any party is willing to vote with me for men of my organization who will faithfully carry them out in legislative, judicial and executive action, I am willing to vote with men of theirs who will do the same or will not oppose the doing of it by others.

"Thus in the recent election in Ohio I entered heartily into the People's movement, which was nothing more nor less than a coöperation of Liberal Democrats, Independent Democrats and Whigs for the election of

reliable slavery prohibitionists to the next Congress and of rebuking the pro-slavery action of the Administration party. . . .

“For one I wish to see this People’s movement go on in the liberal spirit which has thus far characterized it. But if it is to be understood that the Know-Nothings who participated in it will henceforth ignore the antislavery element or support no candidates who are not members of their order, or whose nominations are not dictated by them, those who regard the slavery question as of paramount importance and whose principles will not allow them to become members of Know-Nothing associations, must of necessity assume an antagonistic position. If this conflict shall arise, it is plain that the People’s movement cannot go on or must go on without the Know-Nothing coöperation. It becomes the friends of Liberty to be prepared for every event.

“Let it be granted that in the action of some foreigners there has been something justly censurable and calculated to provoke the hostility which has embodied itself in the Know-Nothing organization; still, cannot what is wrong in that action be remedied without resort to secret political organizations? Is it right to punish all for the faults of some? Can antislavery men, especially, join in the indiscriminate proscription of those Americans of foreign birth who stood shoulder to shoulder with us in the anti-Nebraska struggle of last fall?

“I cannot take upon myself any secret political obligations. I cannot proscribe men on account of their birth. I cannot make religious faith a political test. I cannot pretend to judge those who think and act otherwise than I do. If they choose to condemn me because I cannot in these things violate the political maxims which have governed my political life hitherto, I must content myself with that approval of my own conscience which has sustained me heretofore under severer trials.

“Your kind wishes for my political advancement are gratefully acknowledged. There are some reasons why such an indorsement of my political course as you suggest would be very gratifying. But hitherto I have never sacrificed or compromised any political principle, and I cannot begin now. No position is high enough to tempt me from the plain path in which my sense of political duty requires me to walk.”

Mr. Chase to General John A. Dix.

“WASHINGTON, November 25, 1863.

“Your kind invitation to write something that may be read at the breaking of ground on the Union Pacific Railroad in Nebraska, found me in the midst of engagements so exacting that it has been impossible to write any thing worth the reading.

“I could not, however, omit writing altogether, for that would imply an indifference to the work which no American feels.

“It is among my most pleasing recollections of service as a Senator from Ohio, that the first practical measure looking to the construction of a Pacific Railroad, which received the sanction of Congress, was moved by me. That measure was an amendment to the army appropriation bill, placing at the disposal of the Secretary of War one hundred and fifty thousand dollars, to be expended in surveys and explorations of routes for the road. It was adopted in the Senate in February, 1853, and was subsequently concurred in by the House. Its results are embodied in the volumes known as the Pacific Railroad Reports, printed by order of Congress.

“It is another pleasing recollection that I had the honor in March, 1850, of presenting and commending to the Senate the memorial of Dr. Pulte, an intelligent physician of Cincinnati, praying that measures might

be taken for the connection of New York with London by extending the existing lines of telegraph to the Pacific, by way of the coast and Behring's Straits through Northern Asia to St. Petersburg—thus forming connections with the lines to the cities of Western Europe.

“This great work has since been completed to the Pacific by the indomitable energy of Hiram Sibley, a private citizen of New York, aided by the simple promise of employment and compensation by the Government. On the other side of the Pacific, the Russian telegraph-line from St. Petersburg, constructed by the imperial Government, approaches if it has not already reached, the Pacific; and American enterprise is earnestly enlisted in the task—now certain to be accomplished—of completing the wonderful work which the Cincinnati physician suggested more than thirteen years ago.

“Steam moves more slowly than lightning. The progress of the railroad has been necessarily slower than that of the telegraph. When the surveys and explorations for a route had been partially reported, the subject of the railroad was again brought before Congress; and I had some connection with it—now, however, of a less pleasant, though still significant character. Solicitous for the progress of the work, I submitted a resolution in January, 1854, instructing the Committee on Roads and Canals to inquire into and report upon the construction of a railroad from some point on the western lines of the Western States to some point on the eastern line of California.

“On the motion of Mr. Gwynn the reference to the Committee on Roads and Canals was stricken out and the whole subject referred to a select committee of nine Senators, from which committee I was excluded—because I then held about the same relations to the Democratic party on the subject of slavery as the War Democrats now hold on the question of the rebellion.

“Mr. Gwynn's committee reported a bill which, after much discussion and sundry amendments passed the Senate in 1855, but failing to receive the sanction of the House, did not become a law.

“Nothing further of importance was done in relation to the Pacific Railroad during the next seven years. The attention of the country was absorbed by other questions; and it remained for the Thirty-seventh Congress to give a grand proof of the stability of the republic and the worth of democratic-republican institutions, by taking up this great measure, in the midst of our terrible civil war, and framing it into a law. The Thirty-seventh Congress will be forever memorable in history as the author of many acts of legislation of transcendent importance and far-reaching consequences. Among these great acts the Pacific Railroad Bill will remain as one of the most illustrious monuments of the wisdom and courage of its members.

“I shall not attempt any discussion of its importance to our industry, our commerce, or our Union. I have elsewhere said something on these themes; but now the road is its own most eloquent advocate. I rejoice in the belief that under your charge and that of the eminent citizens associated with you, it will go steadily forward to completion; and vindicate, by perfect success, the most sanguine hopes and predictions of its advocates and promoters.”

CHAPTER XIX.

PARTY ACTION IN RELATION TO THE NEBRASKA BILL—DIFFICULTY OF OBTAINING SIGNATURES TO THE APPEAL OF THE INDEPENDENT DEMOCRATS—ATTEMPT TO CHANGE THE CURRENT OF PUBLIC SENTIMENT THROUGH KNOW-NOTHINGISM—FAILURE OF THAT ATTEMPT—MR. CHASE RETIRES FROM THE SENATE—THE STRUGGLE IN KANSAS—BRIEF ACCOUNT OF THE EARLIER EVENTS IN THAT STRUGGLE—STATE OF PARTIES IN OHIO—ORGANIZATION OF THE REPUBLICAN PARTY—NOMINATION OF MR. CHASE FOR GOVERNOR—HIS SPEECH OF ACCEPTANCE—CANVASS OF THE STATE AND HIS ELECTION.

WHEN the Kansas-Nebraska Bill first appeared in the Senate, there was great uncertainty among the Whig Senators and Representatives as to the course they ought to pursue. Nearly the whole of the Southern Whig members of both Houses went over to the support of the Administration upon this question; in the Senate there was but one exception, and in the House of Representatives there were but seven who finally voted against the bill. The dissolution of the Whig party—largely accomplished by the action of its National Convention of 1852—and inevitable under the excitement growing out of the Nebraska act, did not seem so clear to Northern Whigs in Congress as to warrant them in an utter abandonment of its fortunes, and although most of them approved the appeal of the Independent Democrats—which it was intended by its authors should be signed by all the members of Congress opposed to the repeal of the Missouri prohibition—they refused to give it the sanction of their names. Even Mr. Seward declined to sign it. It was

found impossible to obtain the signatures desired; and it was then proposed to issue it with the names only of the Ohio Senators and the Ohio Representatives who opposed the bill. But even this was impracticable. Finding any thing like unanimity unattainable, the paper was signed by the Independent Democrats alone. The people took the alarm, and their potential voice was soon heard in Congress. The alliance of the Administration Senators and Representatives with substantially the whole body of the Southern Whigs, secured, it is true, the passage of the bill—but the Senators and Representatives who voted against it, represented a majority of the people of the free States. It was no longer doubtful upon what ground the reorganization of parties would take place. It must necessarily find its only bond of union in opposition to the extension of slavery.

A vain attempt was made to turn the current of public sentiment into other channels through the instrumentality of the "American" or "Know-Nothing" organization. This was a secret society based chiefly upon opposition to the Roman Catholic Church, though a large part of its leadership was much more intensely pro-slavery than anti-Catholic. The novelty of its methods of action, and a measure of real hostility to supposed inimical foreign influences in our politics—joined with other motives—made it for a time a very powerful political instrument. During the brief period of its existence, it received into its lodges a considerable majority of the members of both the Whig and Democratic parties, and was a stepping-stone for many voters into the anti-Nebraska, and subsequently the Republican organization. But its character as a *secret* political society, bound by oaths to promote certain political purposes, made it thoroughly distasteful to the sober judgment of the people; nor were its professed objects such as to command a permanent support. Its first National Convention was broken up by a division upon the slavery question, and it promptly and utterly disappeared from political contests. The Whig party, although it made a struggle in some States at the fall elections of 1854, also disappeared, the great majority of its members going into the Know-Nothing, and afterward into the Republican organization; and some, of intense pro-slavery sentiments, joined themselves to the Democracy.

Meantime Mr. Chase had been superseded in the Senate¹ by Mr. George E. Pugh, Democrat, who was chosen his successor in a Legislature unaffected by the anti-Nebraska agitation. His term of service closed with the expiration of the Thirty-third Congress, March 3, 1855; and he carried with him, in his retirement, the cordial respect and hearty personal good-will of all his fellow-senators. Though he had supported his antislavery convictions with an unflinching firmness, he had done so with so much dignity and courtliness of manner, and so entire a freedom from all personal imputation or impeachment of pro-slavery Senators and pro-slavery people, that he left behind him no enemy in the Senate. Many years afterward when in the midst of the war, Pierre Soulé—who had been a Senator from Louisiana during a part of Mr. Chase's term, and a well-known "fire-eater"—was a political prisoner in Fort Lafayette, he appealed to Mr. Chase to procure his enlargement upon parole, and recalled their former personal friendship. Mr. Chase could make no impression, however, upon the stern Secretary of War, in the effort he made to procure Mr. Soulé's release.

The struggle for the possession of Kansas began even before the passage of the Nebraska act, and after that event grew to be, in time, a local civil war. The antislavery party in the North organized emigrant aid societies; the pro-slavery party in the South, particularly in Missouri, on the borders of Kansas, organized "Social Bands," "Blue Lodges," and "Sons of the South." The former sent *bona-fide* settlers; the latter were not so scrupulous. Many hundred of these from Missouri went over into the Territory, and established a sort of squatter empire there as early as July and August, 1854. But though

¹ Mr. Chase during his senatorial service supported also, of course, many measures of less permanent and enduring interest; among these, the homestead law—the devotion of a portion of the public lands to the support of the indigent insane—the abolition of the franking privilege—the improvement of navigation on inland seas and rivers—the abolition of cruel and unusual punishments in the navy—cheap postage. In the Senate as everywhere else, he continued those habits of labor and attention which forgot nothing, anticipated all duties, and accomplished as much as any one in his peculiar situation could have done in the same circumstances. He constantly opposed all extra allowances, all extravagant appropriations, all unnecessary expenditures of whatever kind. His name is rarely found wanting in the call of the votes of the Senate, and was never absent when the subject of it was of real importance.

there was a good deal of threatening oratory, and some actual demonstrations of hostility against the free-State men, no blood was shed till a later period.

Andrew H. Reeder, of Pennsylvania—said to be a sound national Democrat, who would as soon buy a slave as a horse—was appointed territorial Governor. Accompanied by his Secretary of State—Woodson—Governor Reeder arrived at Fort Leavenworth in the early part of October, and established there his official residence. He declared his firm purpose to maintain law and order; the purity of the ballot-box and freedom of speech. In February he caused a census to be taken of the inhabitants of the Territory. The total population was found to be 8,501, of whom 2,905 were voters and about 250 slaves. He then—in the early part of March—ordered an election for delegates to the first territorial Legislature, to be held on the 30th of that month. There was a great deal of voting done in Kansas that day; almost wholly by Missourians, however, who invaded the Territory by thousands; took armed possession of the polls, and elected of course whomsoever they wished. The Legislature, elected in this way, met on the 2d of July, and proceeded to pass laws for the local government. One of these was of an extraordinary character. It enacted, among other things, “that if any free person shall assert or maintain, by speaking or writing, that persons have not the right to hold slaves in this Territory; or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right to hold slaves in this Territory—such person shall be deemed guilty of felony and punished by imprisonment at hard labor for a term of not less than two years!” Governor Reeder systematically vetoed the acts of this Legislature, and refused to recognize their validity when re-enacted over his veto; and the Legislature, in its turn, petitioned the President for his removal—a prayer with which, in due season, the President complied. Wilson Shannon, of Ohio, was appointed in Governor Reeder’s place. Governor Shannon recognized this Legislature as a legal body, whose laws were valid and binding upon the people of the Territory, and

ostentatiously announced himself in favor of making Kansas a slave State.

But the free-State settlers, who were continually augmented in numbers, as well by voluntary emigration as through the instrumentality of the "Emigrant Aid Societies"—the latter supplying them with materials of war also—were not mere passive spectators of these events. They held meetings in various parts of the Territory; declared their sympathy with Governor Reeder; pledged themselves against the introduction of slavery, and denounced the violation of the ballot-boxes by the Missourians as an iniquitous outrage. In the fall of 1855, after Reeder had been superseded, they met in convention by their delegates, at Topeka, and took measures for the election of other delegates to a constitutional convention. Delegates were elected, accordingly, in October; and met in pursuance of their election and formed a constitution—excluding slavery and providing for the erection of a State government, which was expected to go into operation in the following March. Under this free constitution, they made application to Congress for admission into the Union of the States, and were rejected.

Immediately after the adjournment of the Topeka Free-State Convention, the pro-slavery leaders and their followers held a "Law-and-order Convention" at Leavenworth, over which Governor Shannon presided. It denounced the Topeka Convention as a treasonable body, and pledged the "law-and-order-and-union-loving party" to the support of the laws; meaning those laws enacted by the Legislature which Governor Reeder had repudiated.

And now ensued a partisan warfare, not of great magnitude, but of extreme vindictiveness; of battles, sieges and burnings; of murder, pillage and outrage. The free-State people, refusing to be bound by the laws of the fraudulently elected Legislature, organized for military defense and aggression upon invaders; while the territorial and national administrations sought to enforce those laws.

The details of the "Kansas War," with ample exaggeration and embellishment, found their way into the newspapers of the country, and engaged the whole political elements in a continued excited discussion of the slavery question.

But neither the outrages in Kansas, nor the appeals of anti-slavery agitators, were potent enough to destroy the Democratic party, or very seriously to cripple or disorganize it. The great body of its members in the free States, notwithstanding the confusion and uncertainty which reigned among them for a brief period after the introduction of the Nebraska Bill into Congress, were brought rapidly and completely into the support of the principle of "non-intervention" embodied in that act—although a large minority abandoned the party. On the other hand it received considerable accessions of pro-slavery Whigs, which measurably compensated for loss of its own members.

In Ohio, the opposition to Democratic ascendancy was not compacted until after the assembling of the convention which, on the 13th of July, 1855,¹ nominated Mr. Chase as the Republican candidate for Governor. The Know-Nothing party was

¹ The first State Convention of the anti-Nebraska party of Ohio was held at Columbus on the 13th of July, 1854, and was largely due to the personal efforts of Mr. Chase in rousing to action the opposition to the new policy of the national Administration on the subject of slavery. The anti-Nebraska party of Michigan met at Detroit on the 6th of the same month; and of Indiana on the same day (July 13th) that the party met in State Convention in Ohio. More than a thousand accredited delegates were present at Columbus; and other thousands, besides the alternate delegates, came with them to aid with counsel and encouragement. The convention was somewhat contemptuously called by its enemies a "Chase movement," and an attempt to "fuse" Whigs and Free-Soilers, but the real purpose of the gathering was well expressed by Judge Spalding, of Cleveland, in these words: "This is not an attempt at *fusion*, but is an attempt to unite the sober judgment of the people of Ohio on the outrage perpetrated upon them by the repeal of the Missouri Compromise." The organization of this convention denoted the readiness with which old names and issues disappeared in the aspiration for national issues and results. An Old-line Democrat was chosen president; an Old-line Whig vice-president, and an original Free-Soiler secretary. The committees were made up chiefly from members of the old parties; the committee on resolutions containing such well-known names both in local and national politics, as David Heaton, William B. Allison (at this time a United States Senator from Iowa), General H. B. Carrington, Norton S. Townshend, Joseph W. Vance, Rufus P. Spalding, and E. R. Eckley. The resolutions were in the spirit of the convention, which was full of enthusiasm; and though only two years before General Pierce had carried Ohio by a majority of nearly seventeen thousand votes, the nominees of this 13th of July convention were elected in the following October by average majorities of nearly eighty thousand! It was at this same gathering also, that the name "Republican" was formally assumed by the anti-Nebraska party of Ohio; in this, however, following only in the wake of the Republicans of Michigan, who had formally adopted that name on the 6th of July at their convention in Detroit.

yet powerful, and many of its leaders were averse to antislavery agitation, and some of these sought to avoid it by forcing into the front of political action the vital idea of the Know-Nothing society; but far the larger part of the opposition had little or no sympathy with its proscriptive spirit, and Mr. Chase had with it no sympathy at all, as was well known. But it was apparent that without a union of all the elements of opposition the Democracy would regain the control of the State.

A union was effected, and although a large majority of the convention which met on the 13th of July were "Americans," opposition to slavery was so much stronger among them than zeal for the principles of their order, that Mr. Chase was nominated by a vote of nearly two to one. The remainder of the ticket was made up chiefly of members of the "American" party.

A considerable number of Whigs, however, who still retained against Mr. Chase the animosities which had grown out of his election to the Senate in 1849, refused to join in his support. They nominated an "American" candidate, not with any expectation of electing him, but in the hope of drawing enough votes from Mr. Chase to elect the candidate of the Administration party.

In accepting the Republican nomination, Mr. Chase stated—in a few brief and vigorous sentences—his conceptions of the political needs of the times:

"On many public questions," he said, "not now directly in issue, I have had occasion heretofore to express my opinions in various forms. Those opinions remain unchanged.

"On the great issues now before the people, my opinions are expressed in the platform you have this day adopted.

"The independence and sovereignty of the State, in her legislation and judiciary, must be asserted and maintained.

"The spread of slavery, under all circumstances and at all times, must be inflexibly resisted.

"Slavery in the Territories must be prohibited by law. On this point there is the most pressing need of union and resolution. Kansas must be saved from slavery by the voters of the free States.

"It was my fortune to bear some humble part in the memo-

rable struggle which issued in the repeal of the Missouri prohibition. Upon that occasion, though among the most determined opponents of the Compromise of 1850, I declared in my place that I was ready to stand shoulder to shoulder with the supporters of those compromises, now justly incensed by that violation of plighted faith, for the redress of that last and greatest wrong.

“In this spirit I am prepared to act to-day. Side by side with all men who are willing to unite with me for the defense of freedom, I am ready to contend to the last for the rescue of the Territories from slavery.

“I would do no injustice to the slave States. All rights guaranteed to them by the Constitution should be fully and cheerfully conceded. Whatever can be constitutionally done by the national Legislature to promote their progress and improvement, should be unhesitatingly and ungrudgingly done.

“We should insist only, that outside of slave States we shall not be responsible for the maintenance of slavery; and that the just and constitutional influence of the Federal Government shall be exerted on the side of liberty.

“The question of slavery in the States may safely be left to the States themselves. The humanity, the justice, the wisdom of the people will, I trust, so dispose of it that in the not far-distant future a day will come, when the sun in all his course over our broad land, from the Atlantic to the Pacific, shall not behold a slave.”

The campaign which ensued was unusually sharp. Old Whigs and old Democrats alike thoroughly hated Mr. Chase. They joined in charging him with much the greater part of the political wickedness that had happened in the State since his first appearance in political contests; and it is a remarkable circumstance that Whig journals, forced by public sentiment into his support, were scarcely less abusive of him than open enemies.

He made a vigorous and effective canvass,¹ speaking in most

¹ C. R. M., in the *Brooklyn Daily Times* of the 27th of September, 1871, in the course of a pleasant and graphic sketch of “stump-speakers” and “stump-speaking” in Ohio, says of Mr. Chase that “he owed his rapid, complete, and continued ascendancy to an intimate acquaintance with the people, growing out of his ‘stumping’ the State and the circulation of his printed speeches. For lasting, permanent effect

of the counties, correcting misapprehension, disproving the innumerable falsehoods with which he was assailed, and advocating with characteristic energy, the principles of universal justice

on the public opinion of the State, Governor Chase has exerted probably a greater influence than any of his predecessors.

“As a ‘stump-speaker,’ Chase was most untiring and energetic. During and preceding his senatorial term no public man in the State made as many speeches as he did. Though the champion, at the period of which I am writing, of a cause intensely unpopular, his speeches were listened to and read more extensively than those of any other public man in the State.

“I have frequently heard Chase speak in cross-road school-houses to audiences of twenty to fifty; once in an engine-house in Cincinnati, to an audience of less than forty; in county court-houses to audiences of one hundred to two hundred, and in the United States Senate. His speeches, whether in the school-house or in the Senate, whether before large or small audiences, were always characterized by the same unbending regard for truth and justice, by the same calmness and self-possession, by the same strong and clear statement of his case, the same considerate regard for the opinions of others. These solid characteristics, with his nobility of character, his individuality and disinterestedness of purpose, made him irresistible as a leader.

“Twenty-five years ago I often heard it said, ‘What a pity such a man as Chase should throw himself away on the worthless cause of abolition!’ But, in fact, Chase never would have acquired much influence as a mere partisan politician. It was only as a champion of truth and justice that he was strong.

“As to the effectiveness of Chase as a ‘stump-speaker,’ I have the best means of knowing, from 1849 to 1852, a period when the free Democracy of Ohio and the Barnburners of New York were carrying on their brave battle with the slave-power, I conducted a newspaper at Toledo, Ohio, with daily and weekly editions. In the beginning of our crusade against the slave-power, the Democratic party majorities were strong in all Northwestern Ohio. The Whig party also, at that time, under the Fillmore Administration, where it was not hostile, was indifferent to the Free-Soil cause. Against all these adverse influences the free Democracy had to contend; but having access to the people through the press, we printed and circulated Chase’s speeches, and sent them into every household where they would receive them. We appointed frequent meetings, and Senator Chase never failed in responding to the invitations of our committees to address the people. He was as prompt and thorough in going through our congressional districts and delivering ‘stump-speeches,’ wherever appointments had been made for him, as he now is in discharging his judicial duties at Washington or in distant and remote parts of the Union.

“The surprising effect of this canvassing—Chase being our leader and chief speaker—was, that in a short time the free Democracy gained ascendancy in the county; and, in rapid succession, we gained the majority in the Assembly, senatorial and congressional districts. I have always attributed this rapid, complete and permanent triumph of the Free-Soil cause in the northwestern counties of Ohio—winning that triumph against strong and hostile party organization—mainly to the effective influence of Senator Chase as a ‘stump-speaker,’ supplemented by the influence of a friendly press in printing and carrying to every household his masterly speeches.”

upon which, in his younger years—without hope of preferment or reward—he had staked, unflinchingly, both his personal and political fortunes.

The result of that canvass was decisive of the fate of the Democratic party in Ohio for nearly a score of years. Mr. Chase was elected by a decided majority (15,550) in a full vote; and the Republican party at once attained to an organization and discipline such as the Whig party in the State, in all its long career, had never known.

CHAPTER XX.

MR. CHASE AS GOVERNOR—EDUCATION—THE MARGARET GARNER TRAGEDY—LETTER OF MR. CHASE TO MR. TROWBRIDGE, GIVING A HISTORY OF THAT CASE.

AT the time Mr. Chase became Governor of Ohio, the agitation of questions of national politics was so great as almost entirely to obscure, in interest and comparative importance, questions of merely State policy. These were, however, the usual questions upon which the old parties differed in most of the States, and related more particularly to methods of taxation and economy of administration, and generally were of purely local concern. But he addressed himself at once to the duties of his position; promoting reforms wherever reforms were practicable; encouraged educational interests, as seemed to him best calculated to advance the public good;¹ largely reorganized the

¹ In a letter under date of July 6, 1858, addressed to the State Teachers' Association of Ohio, Mr. Chase gives some ideas touching education.

"GENTLEMEN: I regret my absence from the meeting of the Association on my own account, for I am thoroughly conscious how meagrely any thing I could say would reward the attention of its members. But if I could communicate little I could receive much, as I wish to learn all I can in respect to the best means of promoting the cause of education in our State.

"In that case, having been myself a teacher, and knowing something of a teacher's responsibilities, trials and aspirations, I naturally and almost necessarily feel a lively interest. No safer, no more remunerative investment of revenue is made by the State, than in the instruction of the youth.

"*Stinginess* here is not economy. It is waste, and the worst description of waste—the waste of mind. Of that power originates the energies that make efficient whatever activities promote private or public prosperity.

"The school-house is a better institution than the court-house or the state-house.

military system of the State ; and lost no opportunity in making the voice of Ohio heard on the side of freedom and justice. At the same time he endeavored, as far as was practicable, to conciliate opposition founded in misapprehension, and to raise the position of the State to the highest point of dignity and respect attainable among the States of the Union. His public papers were models of terse and vigorous writing. The Republican party, when he left the chair, was the most compact and powerful political organization ever known in the history of Ohio.

Within a fortnight after he became Governor, a slave-hunt took place in the southern part of the State, which, from its circumstances of great and peculiar horror, for a time excited an absorbed attention. The story of Margaret Garner is best told in Mr. Chase's own words, in a letter to Mr. Trowbridge :

"WASHINGTON, *March 13, 1864.*

" . . . The Margaret Garner case is invested with a peculiar interest by reason of its tragic circumstances.

"It is impossible to state the facts except in the merest outline ; but even an outline will convey a pretty accurate idea of the whole transaction.

"In the night of the 27th of January, 1856, a party of slaves escaped

In the state-house laws are enacted ; in the court-house laws are applied. In the school-house legislators, judges and jurymen are made.

"Especially the school-house is indispensable where popular government is made a reality by universal suffrage and general eligibility to office. It is impossible to over-estimate the importance of universal education where everybody is to be a voter, and where anybody may be a President.

"To make the school-house efficient, teachers must not only be qualified but honored ! The responsibility of their trust, the magnitude of their work, and the dignity of their calling, must be acknowledged, and not coldly acknowledged only, but thoroughly appreciated. The community hardly yet begins to realize its debt of gratitude, honor and reward, it owes to the teachers of the schools.

"These things are obvious ; but what practical methods are best adapted to secure the great end of giving to all the youths of the State the best education they are willing to receive and are capable of receiving, is not so clear.

"What provisions for the education of teachers should be supplied ; how far, if at all, the colleges of the State, and especially those more immediately under legislative control, may be made parts of the general plan of education, or serviceable to the general purpose of educating teachers ; and what may be fitly and economically done to extend the benefits of the educational system beyond school-house walls by lectures and libraries, are subjects which doubtless will engage your discussions, and in respect of which I should be particularly glad to have the benefit of them."

from Boone County, in Kentucky, into Storrs township, adjoining Cincinnati, on the Ohio River. Among the persons comprising the party were an old man named Simon Garner and his wife—so far as a slave woman could be a wife—Mary; a son of the old man, also named Simon, and Margaret his wife, and their four children.

“They took refuge in the house of a colored man, living near the river’s bank, below Mill Creek—a stream which divides Storrs from Cincinnati. They were tracked immediately, and a warrant for their apprehension was obtained the next morning, Monday, the 28th, from one P——, a commissioner appointed by Justice McLean under the fugitive slave act of 1850. Provided with this warrant, the United States marshal—a person named Robinson—with a gang of officers and the slave-claimants, hastened to the house where the fugitives had taken refuge. Their entrance was resisted. Young Simon, who was armed with a six-shooter, fired four shots on the party of official and unofficial slave-hunters, before he and his companions were captured. While this was going on, his wife Margaret, who was naturally of a violent temper, and now frenzied by excitement, seized a butcher-knife, and, declaring that she would kill all her children before they should be taken across the river, actually succeeded in killing one, a little girl of ten years of age, named Mary.

“The survivors were taken in custody, and conveyed to a police station. The friends of the slaves procured the same day a writ of *habeas corpus*, returnable before the probate judge of the county; which was executed by the sheriff so far as to take the slaves into custody and convey them to the county jail.

“The probate judge immediately proceeded to Columbus, to confer with me as to the proper course of procedure.

“The hostility to abolition, under which name was included all earnest antislavery action, was at this time intense in Southern Ohio, and nowhere more intense than in Cincinnati. At the election which had been held for Governor only three months before, I had received in Hamilton County (which includes Cincinnati) only forty-five hundred and eighteen votes, out of twenty-three thousand two hundred and eighty. The rest—divided between the Democratic and Know-Nothing candidates—represented hostility to my political and especially to my antislavery opinions and principles.

“I had been Governor just fourteen days when the probate judge called to confer with me. It was not necessary for me to inform him that, in my judgment, the fugitive slave act was unconstitutional; it had been proclaimed on too many occasions to leave in ignorance a man so well informed. Nor did I think it right to make any suggestions to a magistrate concerning a decision to be made by him. What he naturally desired to know, and had a right to know, was whether the Executive of the State would sustain the process of the State in the midst of a community in which, by most persons, any decision against the claims of masters

would be regarded as little better than treason to the Constitution and Union. I did not hesitate to assure him that the process of the State courts should be enforced in every part of the State, whether in Hamilton or any other county; and authorized him to say to the sheriff that, in the performance of his duty, he would be sustained by the whole power at the command of the Governor.

“The case—for some reason satisfactory to the friends of the slaves—was not brought to a hearing before the probate judge on the writ then issued. Proceedings under it were abandoned, and the sheriff had already (on Tuesday), before the return of the judge, notified the Federal marshal that he did not regard the fugitives as in his custody, though they might remain in jail; but as in that of the officers of the United States.

“The slave-act commissioner, under whose warrant the seizure had been made, then declared his purpose to proceed to hear the case on the claim for surrender; but delays of various kinds were interposed, until on Friday, February 8th, the grand-jury of Hamilton County reported an indictment against the two Garners for the murder of the child Mary; and all four being still in jail, they were again taken into custody by the sheriff. The three children remained in jail also, but were regarded as being in the custody of the marshal.

“Matters remained in this condition for some days—until the marshal applied to the United States district judge for a *habeas corpus* against the sheriff for the four fugitives, for the purpose of bringing them before him, to determine—not whether they were unlawfully deprived of their liberty—but whether the sheriff was entitled to their custody under the criminal process of the State, rather than the marshal under the slave-act commissioner's warrant.

“It was a manifest abuse of the writ of *habeas corpus*, thus to convert it into a summary replevin; but the counsel for the sheriff—one of whom, in conversation with the judge, had heard him express the opinion that the prisoners could not be removed from custody under arrest for crime, by any proceeding under the fugitive slave act—made no opposition to the allowance of the writ. It was accordingly granted, and a hearing was had on Tuesday, the 26th of February, upon the return of the sheriff, that he held the four persons indicted under the process of the State, to abide their trial on the charge of murder.

“After the argument before the district judge was closed, the judge allowed the slave-act commissioner to take the bench, and announce his decision in the proceeding commenced by his warrant. As was expected, he denied the fugitives the claims to freedom asserted in their behalf, and ordered that all should be delivered to their respective claimants.

“The slave-act commissioner in the case was a weak, mercenary fellow; but his decision is written in judicial style, and bears the marks of a very different order of intellect from his. Who wrote it?

“Meanwhile another writ of *habeas corpus* had been issued by Judge Burgoyne, of the Probate Court, for the three children; on which a hearing was had before him on the same day—Tuesday, February 26th—on which the slave-act commissioner delivered his decision as just stated. After many arguments on the constitutionality of the slave act, and particularly that part of it which makes United States commissioners *judges* in cases arising under it, he deferred his judgment until Saturday following, having made a special order that the children should not be removed from the jurisdiction of the court until final decision.

“On Thursday morning, however, the United States district judge announced his decision in the case which had been argued before him. He declared—to the surprise of every one, unless some had foreknowledge of his conclusions—that the custody of the sheriff as against the claims of the marshal under the fugitive slave act, was unlawful; and ordered the former to deliver the indicted prisoners to the latter.

“With this order the marshal at once proceeded to the jail, where the sheriff delivered to him not only the four indicted prisoners, but also the three children, notwithstanding the order of the probate judge as to the latter. All the fugitives were at once hurried into an omnibus, which was surrounded by a number of special deputy marshals—(there were *five hundred* of these appointed, the purchase of whose claims for fees, it was said, offered a good chance for speculation to certain Federal officers!)—and immediately driven to the river, and taken across into Kentucky. Hardly an hour elapsed after the United States district judge had made his order before the fugitives were lodged in a Kentucky jail.

“I had observed the proceedings in these cases with great interest and a deep solicitude for the fate of the slaves. All that I could do in their behalf, under the circumstances then existing, was done. They were represented by able counsel, and the power of the State was pledged to maintain the process of the State. No one imagined that any judge could be found who would undertake to transfer by a proceeding in *habeas corpus*, prisoners indicted under a State law to Federal custody under the fugitive slave act. Nor did any one imagine that persons held under an order of a State court, during the pendency of a writ of *habeas corpus*, would be carried off beyond the jurisdiction and in violation of that order. But such a judge was found, and such an abduction was perpetrated.

“I could not prevent this any more than I could prevent the commission of other outrages. I could not foresee such transactions, and if I could have foreseen I had no more power to prevent them than any private citizen had; except in the single contingency that the sheriff might need the power of the State to enforce the execution of process in his hands. Except in that contingency, I had no power other than that the whole weight of which was given to the side of the fugitives in every form of counsel, encouragement and support, to those engaged in their defense. I was not in Cincinnati during the proceedings. The Legislature was in

session. I had only a fortnight before the capture of the fugitives entered into office, wholly without experience in its duties, and my constant presence was required at Columbus. Had I been in Cincinnati, I do not see that I should have been likely to add any thing to the zeal or ability with which the cause of the fugitives was defended, or to suggest any thing which did not occur to their counsel. And certainly, if they on the spot could devise no way to prevent the surrender and carrying off of the fugitives under the unforeseen circumstances of that day, it is not wonderful that I could devise none while a hundred and twenty miles distant, and wholly uninformed of the outrage that was being enacted.

“Some abolitionists have blamed me because I did not in some way prevent the carrying back into slavery of Margaret Garner. They saw the tragic circumstances of her seizure, and felt peculiar sympathy for her, but they did not see the extraordinary efforts made to save her. That those efforts were unsuccessful, all humane persons must lament; but how more effort could be made, or with what more likelihood of success, no one has yet pointed out. And no one conversant with the circumstances and concerned in the efforts made in her behalf, has found fault with what I did. All those approved my action and were grateful for my support. It must be remembered, too, that Margaret was but one of seven fugitives, each of whom was entitled if not to equal sympathy, certainly to equal rights and equal efforts for their protection. None of these were forgotten or neglected.

“After they were surrendered, the prosecuting attorney sent me copies of the indictment and proceedings, and suggested that although the indicted prisoners could hardly be considered as having fled from justice in Ohio, yet it might be proper to regard them as having constructively done so, and to issue a requisition for their delivery to an agent of the State, to be brought back within its jurisdiction. I felt keenly the humiliation of being reduced to this mode of asserting the right of the State to the custody of persons indicted under her laws. It was obvious that when returned to the custody of the sheriff, they would be in precisely the same relations as when they were taken from his custody by the order of the United States district judge, and there would be no legal obstacle, which did not exist to the original order, to a repetition of it.

“A friend, however, volunteered—if I would issue a requisition—to go with the agent and purchase the freedom of the three children, and it seemed probable, if the others could be brought back, that an arrangement might be made also with their claimants for the relinquishment of their claims upon them. So I overcame my reluctance to adopt the theory of constructive escape, and issued the requisition.

“My agent, and the gentleman who had volunteered to accompany him, immediately departed on their mission and obtained a warrant of extradition from the Governor of Kentucky, who doubtless gladly embraced the opportunity of making a precedent of constructive escape,

which he hoped would be useful to claimants of slaves found in Ohio, but not actual fugitives from a slave State.

“With the warrant thus obtained, the agent proceeded to Louisville, but the slave-masters continued to evade him, and the slaves were sent South notwithstanding our efforts to recover them.

“Hearing subsequently that Margaret had been brought back to Covington, I wrote to the prosecuting attorney to go over and demand her. He went, and was told that she had been there, but had again been sent to the South. It is doubtful whether she was in fact ever brought back there.

“Nothing has been heard of the Garner family since. Perhaps the rebellion has restored the liberty of which the cause of the rebellion caused the loss, and we may yet hear of these slaves as among those rejoicing in the new-found freedom which God’s providence has given to so many.”



CHAPTER XXI.

THE CONSERVATISM OF MR. CHASE—"THE GREENE COUNTY SLAVE-HUNT"—ACTION OF THE U. S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO—ACTION OF THE STATE COURTS—SLAVE-SHOOTING ON KANE'S CREEK—PUBLIC MEETINGS IN OHIO—CONFLICT OF FEDERAL AND STATE PROCESS—THE GREAT RAILWAY CELEBRATION OF 1857—REMARKS OF GOVERNOR CHASE AT BALTIMORE—COLONEL CARRINGTON'S MISSION AND INTERVIEW WITH SECRETARY OF STATE CASS—INTERVIEW OF GOVERNOR CHASE WITH MR. BUCHANAN AND GENERAL CASS.

THE Margaret Garner case was not the only slave-hunt which took place in Ohio during Mr. Chase's administration. There were several such; two or three of them being of importance in their possible consequences. Not long before the close of his first term, an attempt to capture a fugitive agitated the western part of the State, and at one time threatened a serious collision with the Federal authority.

But Mr. Chase, while upholding with a strong hand the independence and dignity of Ohio, never lost sight of the relations which so central and powerful a State ought to sustain toward the General Government. His administration was not aggressive, therefore, but was marked by the natural and wise conservatism of his character.

On the 15th day of May, 1857, the Deputy U. S. Marshal for Southern Ohio, with five citizens of Kentucky, holding a warrant issued by a United States commissioner at Cincinnati, reached Mechanicsburg, Ohio, and went thence nearly a mile into the country to the house of Russell Hyde, in pursuit of a

fugitive slave, who had lived there nearly six months, and was daily expecting his family to join him in a land of freedom. Anderson, the fugitive, took refuge in a loft; was fired upon by one of the party, and returned the fire. The pursuers, who had by this time aroused the neighbors, retired from the field and returned to Cincinnati.

On the 27th the party returned, reënforced; but Anderson meantime had fled and was safe in Canada. Arrests were made, however, of Russell Hyde and three other citizens, charged with aiding and abetting the escape of the fugitive. Expecting, as they were advised, that they would be examined at Urbana, the county-seat, no resistance was made; but instead of Urbana the intended destination was Cincinnati. The proper legal papers were prepared, upon which a writ of *habeas corpus* was obtained with a view to determine the legitimacy of the arrest, but before the sheriff was able to serve the writ, the marshal's *posse* had crossed the county line, into Clark County, and was out of his bailiwick. A second writ issued out of the Clark County court, but the marshal's party, when overtaken, refused to obey the writ, and before adequate force could be obtained to enforce the process, the boundary-line was also crossed. A third writ was obtained in Greene County, and was placed in the hands of a sufficient *posse*; and was enforced after an exchange of shots between the parties. The evidence was conflicting as to which party first fired, and touching the conduct of the marshal's assistants; but in this connection these facts are not material.

On the 29th of May the U. S. District Judge for the Southern District of Ohio, issued a writ of *habeas corpus* directing the sheriff of Clark County to bring the deputy-marshals arrested by him and named in the writ, before that court, and show cause for their detention. Meanwhile, several of them had been held to bail by State-Justice Christie, of Clark County, on a charge of assault with intent to kill, and for want of securities they had been placed in confinement. This writ was executed and the parties were brought into court. The cause was argued on the 25th of June; Attorney-General Christopher P. Wolcott, by direction of Governor Chase,¹ appearing for the State. Mr. Wol-

¹ The leading Democratic paper of Southern Ohio—the *Cincinnati Enquirer*—commenting on these events, thus closed a "leader:" "The designation of the Attor-

cott declared that "the United States could not go behind the State criminal record—that the Federal court could no more go behind the power of the State court, than a State court could go behind that of a Federal court—otherwise the two Governments would come into direct opposition. Both would attempt to execute process, and this would end in an appeal to arms."

In the mean time other events had occurred to excite the public mind. On the 21st of June three slaves started from Henry County, Kentucky, crossed the river, and were pursued, without process, and found by the claimants behind some logs, on Kane's Creek, about four miles from the river. In the course of these transactions, one negro was killed, one escaped, and one was captured.

On the 20th of June a mass meeting of the citizens of Clark County was held at Charleston, and positive ground was taken upon the right of the State to protect her officers in the execution of the legitimate process of the State courts. A few days later a large meeting was held at Cedarville, at which the skirmish between the deputy-marshal and the *posse* of the State was called the "battle of Lumbarton."

The attorney who had drawn the papers for the issue of the State writ of *habeas corpus*, was put under arrest on a warrant issued by the U. S. Commissioner at Cincinnati, and held in bonds of fifteen hundred dollars to answer a charge of resisting the arrest of fugitives from labor.

On the 9th of July, the United States District Judge discharged the deputy-marshals out of custody; admitting, however, that there "was a question whether the marshals had not exceeded authority in the use of unnecessary force."

Thus it happened that both the Federal and State courts alike had outstanding process, involving violations of criminal or statute law, and each was alike jealous of dignity and prerogative.

Governor Chase, in this state of affairs, determined upon a personal interview with the authorities at Washington; not choosing to leave the matter to correspondence and the opposing statements of the parties at issue.

ney-General by Governor Chase to aid the lawyers retained by the Sheriff of Clark County, is equivalent to a declaration of war on the part of Chase and his abolition crew against the United States courts. Let the war come; the sooner the better."

Just at this time the great railway celebration of 1857—at the opening of the Ohio & Mississippi, the Marietta & Cincinnati, and the northwestern arm of the Baltimore & Ohio Railroad—occurred, bringing Secretary Cass, Mayor Swann, of Baltimore, and many other distinguished citizens, from the Eastern central and the border States to the West, where numerous excursions, speeches and social reunions made quite emphatic the supposed value of railroads in promoting harmony between the sections.

During the return-trip to Baltimore and Washington, Governor Chase—whose words were eagerly watched, in view of his well-known antislavery antecedents—took occasion, during a banquet given at the Maryland Institute (Baltimore), to express the sentiment extracted below. He was introduced to the assembled guests by Mayor Swann, who had been an early and warmly-attached friend during his teaching and student-life in Washington, and a companion in the law-office of William Wirt: “You have spoken eloquently,” he said, “of railroads as bonds of union; and your observations were as just as they were eloquent. There must of course be differences of opinion among us on some points; and real grievances may from time to time demand redress. But there is no evil for which disunion is the proper cure. And the more we see of each other, the less likely we shall be to commit the error of thinking otherwise. The fact is, that we who live along the line of the American Central Railway don’t mean to let the Union be broken up. Maryland will not consent to it, I think. I trust Virginia will not. Ohio, I am *sure*, will not; nor Indiana, nor Illinois, nor Missouri. Who then, will?—We may differ hereafter as we have differed heretofore. We will maintain our respective positions with candor, courtesy, firmness and resolution; and we will refer whatever questions may be between us to the great American tribunal of popular discussion and popular judgment. But, in the time to come, as in the time past, we will cleave to THE UNION as an ark of refuge: and, under God, as our surest guarantee of prosperity and power, and abiding glory.” These words excited a genuine enthusiasm among those who heard them.

—From Baltimore, Governor Chase went to Annapolis, to

visit there Commodore Goldsborough, then in command of the Naval School—whose wife was a daughter of William Wirt. From Annapolis he sent Colonel Carrington, of his staff, to Washington; Colonel Carrington's mission being to arrange an interview for Mr. Chase with President Buchanan, and his Secretary of State at that time, General Cass. Colonel Carrington carried with him a memorandum containing Mr. Chase's general views in relation to the threatened conflict between the Federal and State authorities in Ohio. In his conference with General Cass, Colonel Carrington stated that Governor Chase was as earnest in support of Federal authority, legitimately exercised, as he was in support of the authority of the State; but that he should feel compelled to protect the State officials in the exercise of their duties, and the State courts in the exercise of their legitimate functions, if it took every man in the State to do it. To this General Cass¹ responded by saying that such a course might involve the country in the most serious consequences. "Time," said he, "will surely rid us of slavery; and we must tolerate its crosses as best we can while it lasts. But if the peace should once be broken, God only knows what the end would be. How is peace to be preserved," he asked, "if the States once bristle in arms, and only await opportunity openly to contend?" Colonel Carrington, adhering closely to the instructions of his memorandum, said that no one would more deplore a conflict than Governor Chase. Mr. Chase sincerely desired to prevent even the possibility of one, and his solution was, that if the United States District Attorney at Cincinnati should be instructed to drop all suits against citizens of the State, a similar course might be adopted by the State toward the marshal and his deputies (who had undoubtedly exceeded their powers), and the excitement might be thus allayed without a breach of the peace. An interview was arranged ac-

¹ It may be observed here, that General Cass and Governor Chase had long been sincere and intimate friends; very especially during the senatorial career of the latter, when General Cass was accustomed to say that "Chase was as good a Democrat as anybody, but that he was radical and advanced on the slavery question." Upon the culmination of the pro-slavery pressure on Mr. Buchanan in the winter of 1860-'61, Mr. Chase was one of the friends who urged General Cass to a prompt withdrawal from the Cabinet, rather than support a position fatal to his reputation, and certainly abhorrent to his principles of political duty.

cordingly, between the President and Governor Chase, at which the Secretary of State was to be present, and on the next day an interview took place, the result of it being that the prosecutions were soon after dropped without embarrassment to either jurisdiction.

“In this case, as in the Garner case,” wrote Mr. Chase to Mr. Trowbridge, “I exerted all the power the Constitution gave me for the vindication of the rights which the Constitution guaranteed.

“The decision of the United States District Judge in this case, like that in the Garner case, denied the right of the State to execute its own criminal process or civil process, where the execution interfered with the claims of masters under the fugitive slave law.

“These transactions made a profound impression upon the public mind, and no doubt contributed much to the political revolution which took place in 1860.”

CHAPTER XXII.

REORGANIZATION OF THE MILITARY SYSTEM OF OHIO—CONVENTION OF MILITARY OFFICERS—EXTRACT FROM COLONEL PARSONS'S REPORT ON THE MILITARY SYSTEM—GROWING IMPORTANCE OF THE NEW ORGANIZATION—ITS EFFICACY AND USEFULNESS IN A PERILOUS CONJUNCTURE—"THE BRESLIN DEFLACATION"—GIBSON'S CONCEALMENT OF IT—PROMPT ACTION OF GOVERNOR CHASE—NOMINATED FOR REËLECTION—DIFFICULTIES OF THE CANVASS—HIS GREAT LABORS IN CONDUCTING IT—SECOND INAUGURAL ADDRESS—A MODEL PAPER—JOHN BROWN'S RAID INTO VIRGINIA—GOVERNOR WISE FEARS AN INVASION FROM OHIO—HIS LETTER TO GOVERNOR CHASE—GOVERNOR CHASE'S CHARACTERISTIC REPLY—EXTRACT FROM HIS LAST ANNUAL MESSAGE—REËLECTED TO UNITED STATES SENATE.

SOON after becoming Governor, Mr. Chase turned his attention to a reorganization of the military system of the State. He advised the legislation necessary to effect that end, and in March, 1857, an act was passed which to some extent, at any rate, met the requirements suggested.

He promptly appointed his military staff, and took immediate measures for the organization and equipment of the new militia establishment.

In January, 1858, a State Convention of the officers of the volunteer militia, organized under the act referred to, was held at Columbus, over which the Governor presided. Positive orders had been issued that arms should be issued only to uniformed organizations, and there were present at the convention—as dele-

gates from the various divisions and brigades—one hundred and sixty-five officers, a large number of whom were afterward efficient in active service during the rebellion, including such men as Generals William H. Lytle, James B. Steadman, Q. A. Jones, John Ferguson, and James H. Cantwell.

In addressing the convention Governor Chase said: "Let me assure you, gentlemen, that I regard an organized volunteer force—in which no one is compelled to enlist, and which depends for its strength upon the individual promptings of the hearts of those who compose it—as well worthy of respect as it is in accordance with the spirit of our republican institutions. In such an organization I see peace secured in every community, and the surest guarantee for safety against invasion from without. In assisting to complete it, you will never find me wanting."

Responsive to the views of the Governor, the assembled officers resolved, among other things: "That as our Government is one in which the people are their own rulers, and the Government derives its support from the people, it is of vital importance that standing armies of magnitude should never be introduced; and that, in view of this fundamental republican principle, it is necessary that a citizen soldiery should be well organized, to protect the rights of all the people and defend the Government in all times of danger;" and "that the experience of the old States and of our larger cities proves the necessity of such a military organization; and that, while seventeen States are, by pecuniary outlay, fostering and strengthening their militia, and that, while it is undeniable that their cities have been saved from riot and untold sacrifice of life and treasure by virtue of such organized militia, it is not wise, in the third State in this Union, to stand alone, and be the only leading State to refuse pecuniary aid to those who are ready to give time and substance to the development of a well-regulated and restricted military system."

This convention—which, it is perhaps proper to observe, was composed of men of all parties, many of whom had served ably and well upon the battle-fields of Mexico—through its appropriate committees, drew up such amendments and modifications of the law of March, 1857, as were warranted by experience and judgment. The principal amendment was for the establishment of a military fund, to be appropriated to the care

of the arms of the State, to providing armories in the counties, and to the purchase of camp-equipages and the like, for the volunteer companies. In presenting these proposed modifications in the Ohio House of Representatives, at the session of 1859, Colonel Richard C. Parsons, of Cleveland, offered a report from the Military Committee (prepared upon consultation with Governor Chase, and at his wish), which closed in these words: "It has passed into a truism, that 'in time of peace we should prepare for war.' It is one upon which we should *act*—act in view of a wise provision for our future—act in view of the history of the past. At present our State and nation are blessed with peace. I trust this state of things will long continue. But the time may come when all will be changed. It may become necessary for our nation, and for our State, that we shall appeal to arms for the protection of our rights. It may be that the time will come when a well-disciplined, perfectly organized and equipped *citizen* soldiery shall form a tower of strength. If this be so, I have faith to believe that in that day the 'Ohio State Volunteers' will prove true to the trust reposed in them. Identified, as they are and will be, with every fibre of our State government; fighting, as they will be, for all that they hold dear; strong in the consciousness of numbers, discipline and education; backed by the people and acknowledged by the people, they will demonstrate again the truth that it is our country's *militia* instead of its army, that we can rely upon in case of actual danger."

During the summer, of 1858 such progress was made toward a substantial organization, that a general review was held by the Governor on the 3d of July—at which time seven companies of artillery paraded, and infantry commands were present from the First, Second, Third, Eighth, and Seventeenth Divisions.

At the close of the year the Adjutant-General of the State (Colonel Carrington, afterward of the Eighteenth United States Infantry) reported the force to be one hundred and fifty companies, and that ten battalions had been organized and equipped; whereas, prior to 1857, not a single regiment existed in the State.

During the same year Governor Chase caused his adjutant-

general to publish a volume of military regulations; and to this, in 1861, by authority of the General Assembly of the State, *tactics* were added, making together a volume of more than four hundred pages. That officer was also sent to New York and Massachusetts, to attend brigade and regimental reviews and field exercises in those States, for the purpose of making practical observations and securing such helps as would assist in bringing the Ohio volunteer militia up to a standard of actual efficiency.

Of the character of this volunteer system, thus practically initiated and organized by Governor Chase—in despite of the foolish and persistent ridicule heaped upon it by the enemies of his administration—and of its great usefulness at a critical and important conjuncture of public affairs, it is only necessary to state that within sixty hours after receipt of President Lincoln's first call, in April, 1861, for seventy-five thousand volunteers—including a call upon Ohio for two regiments—twenty companies of this command were started for Washington by Governor Dennison, successor to Governor Chase; and that notwithstanding a partial decline of the volunteer militia, and want of legislative support, Governor Dennison was enabled to send into Western Virginia *nine* full regiments of State militia before her first United States volunteers were mustered into the service.

One of the most painful of the duties devolved on Governor Chase during his first term grew out of the "Breslin defalcation," and its concealment by Gibson, Breslin's successor in the important office of Treasurer of State. Breslin had misapplied, during his incumbency, nearly half a million of dollars,—and the defalcation was adroitly concealed from Governor Chase and all the other State officers, for almost a year and a half after they came into office. Gibson succeeded in this by representing the money as having been actually received from Breslin (who was Gibson's brother-in-law), and as being actually in the Treasury, and by deceiving the legislative committees, and those officers of the State whose duty it was to examine into its condition. Without going into the methods of this concealment, it is enough to say that it was successful until July, 1857, when, finding it impossible to provide sufficient funds to pay the interest on the State debt

accrued and due in that month, Gibson disclosed the defalcation to the Auditor of the State, and the Auditor communicated the fact to the Governor. Mr. Chase at once went to the Treasurer's office, and after some conversation which more precisely disclosed the facts, insisted upon Gibson's immediate resignation. Gibson denied the Governor's authority to require it. The Governor admitted that he had no such authority, but added that as Gibson had represented the money which had been abstracted as having been actually in the Treasury, and now admitted that it was not there, he was—upon his own showing—a defaulter; and the Governor said he could not accept Gibson's explanation to be true until established by proof. He went on to say that the constitution of the State authorized the Governor to fill any State office made vacant by disability, and that he should take the responsibility, if Gibson did not resign, of assuming the fact of the defalcation and instituting a prosecution against him as the author of it; the first step in which would be, his arrest; and of considering his arrest as creating a disability, and thereupon of appointing his successor. Gibson saw the force and logic of the Governor's position, and asked time to consider and consult his legal advisers. Mr. Chase assented, and fixed two o'clock in the afternoon (it being then about eleven in the morning) as the hour at which he would expect Gibson's decision. He called again at the hour agreed upon. Gibson meantime had consulted with his friends and his lawyers; their counsel was indicated by his action—he handed the Governor his resignation; his successor was appointed, gave the necessary bonds, and entered upon his duties that very afternoon; and he afterward, in another office, became also a defaulter, and died by suicide.

Governor Chase took upon himself this summary method of action as a duty he owed to the State, and as necessary to protect its interests, and incidentally to defend the party which had put him into the Executive office from virtual responsibility for the defalcation. He saved the credit of the State by taking immediate measures to provide—and did provide—money for the payment of the July interest.

Soon after this event, Mr. Chase was again nominated for Governor; this time by acclamation, and seriously against his

wishes. The election of Mr. Buchanan in the fall of the preceding year; the lassitude and depression which usually follow defeat in a presidential campaign; and above all, the defalcation—which the enemies of his administration did not hesitate to charge upon the Governor himself—made the canvass for reelection peculiarly disagreeable and difficult. He was obliged to go through the State, and everywhere explain the facts to the people. In effect he conducted the canvass entirely alone, for there was no congressional election in that year to awaken an interest in national topics and secure the help of candidates for Congress pleading their own cause before their own constituencies. There was an American candidate in the field as before, and he was opposed on the Democratic side by a man of great energy and ability—Payne, of Cuyahoga. But despite all opposing influences, he was reëlected by a small majority—less than fifteen hundred—and ran somewhat ahead of the average of the ticket.

Some conception of the vast labor he performed during this second canvass may be gathered from a letter written to his youngest daughter under date Columbus, September 13, 1857:

“Since I wrote you last, I have traveled much and have made many speeches—partly about the defalcation; partly about slavery, and partly about other things. First, I went to Loveland; then up across the country to Marietta, traveling all night to get there (Tuesday night of week before last)—and where I made a speech to a large crowd of people. I rode about twenty miles the same evening to Coolville, in Athens County, where I made another speech. I went next morning to Pomeroy, and made two speeches; one in the forenoon and another in the afternoon. The next morning I went in a carriage to Gallipolis, where I spoke to the people in the court-house. My next speech was to be made at Ironton—more than fifteen miles distant—the next day. We had to go by carriage, and started immediately after I was through my speech at Gallipolis. The road was very rough; and two miles from the town one of the horses became so lame that he could not travel, and we had to return on foot. We procured another pair of horses; started again and traveled all night, without stopping, and even then did not reach Ironton till about nine o’clock in the morning. There I made a speech in the afternoon; and you may depend upon that I was glad the next day was Sunday, when I could rest and go to church instead of speaking. Monday came but too soon, and I had to go to Portsmouth, where I went in a carriage, and made a speech in the market-place. The next day I went to Jackson by rail-

road; and the next day by carriage to Piketon, and made a speech in each place. From Piketon I was compelled to make another long, long journey by carriage to West Union in Adams County. We started at four o'clock in the afternoon and got to West Union at four o'clock the next morning. I made a speech here to twelve or fifteen hundred people; and immediately afterward I went along with an old friend named King, to Decatur, where I spoke in a church at night. When I was done I had still to ride twelve miles to Mr. King's, about two miles from Georgetown, where I spoke the next day and staid all night. The next day after that was Saturday, and I went onward to Batavia and there made my last speech for the week—and then rode over to Milford, and took the cars, and reached home between ten and eleven at night. To morrow I go to Cincinnati."

Governor Chase's second inaugural address was delivered on the 11th of January, 1858, and is a model paper. "The will of the people," he said, addressing himself according to official forms, to his *fellow-citizens of the Senate and House of Representatives*, "expressed in the mode prescribed by the constitution, has summoned me, for the second time, to the duties and responsibilities of the chief magistracy of Ohio; and I have now, in your presence, taken upon myself the solemn obligation of an oath to perform them faithfully.

"During the two years since I was first honored with this trust, it has been my constant endeavor to acquit myself of it as became a citizen devoted to the institutions of this State, and bound by every obligation of honor and gratitude to the faithful service of the people. I may not say that I have committed no errors. Doubtless some things have been omitted which might have been done, and some things done which might have been better done. But I may say, and it does not seem unfit that I should say, here in this presence—fearing no contradiction of any truthful man who knows the truth—that all my acts have been designed to promote the highest interests of the State, and that my best faculties and my most earnest endeavors have been entirely and unremittingly devoted to her service.

"Assuming now, once more, in obedience to the popular voice, this responsible trust, my past must stand sole sponsor for my future. Larger experience and better information will, I trust, enable me to accomplish something more for the public good than has been hitherto effected; but my aims,

my purposes, and my principles of action must remain unchanged.

“ You will not expect of me, on this occasion, any discussion of civil or political questions. I have already made known to you my views in relation to public affairs. That these views will meet your concurrence in all respects, it would be presumption in me to anticipate; but there is one point at least, where all our judgments, all our purposes, and all our exertions may well join. The common good should be, and I trust will be, our common aim. Under our fortunate policy, no king—no aristocracy—no arbitrary power—no privileged class—can claim to be the State. The welfare, the honor, the advancement in all things good and noble of the State, is nothing else than the welfare, the honor, the advancement of the people and the whole people. To these great objects, however we may differ as to the best means of promoting them, we may well join in addressing the most strenuous exertions of our highest powers.

“ It is not our part, happily, to lay the foundations of institutions. That work is done, and well done, to our hands. It is our singular felicity to be citizens of the first State of the Union, organized, through the wise providence of the founders of the republic, upon the ‘ fundamental principles of civil and religious liberty,’ which they declared to be the basis of all American law and all American constitutions. In the organization of other States, unfriendly circumstances had permitted only the partial application of these principles. In the organization of this no such circumstances interposed their evil influences. The institutions of Ohio were formed in precise harmony with the ideal of a State as it existed in the minds of the master-builders of the Confederacy and of the Union. This ideal demanded, first of all, the absolute freedom of every individual guaranteed and secured by impartial law; next, inviolability of conscience, and just protection to all forms of worship and all religious organizations; then, the sacred observance of compacts; then, the promotion of religion, morality, and knowledge, by universal education. There was nothing narrow, nothing illiberal, nothing unjust, in this ideal. It welcomed the immigrant to the freest participation with the home-born in the inestimable blessings of popular institutions. It pledged the

State, to be founded under it, to perpetual union with her sister States. It established sovereignty of the people upon the indestructible—and the only indestructible—foundation, that of the RIGHTS OF MAN.

“Organized under these auspices and in accordance with this ideal, Ohio may justly be styled the model State of the American Union. It is an honorable—a gratifying distinction. Let it be our care that its lustre be sullied by no act or omission of ours. Upon the soil thus consecrated to liberty and union—upon the foundations thus wisely laid of equality and justice—let us go on, in humble dependence upon Divine favor, to build yet broader and higher, the noble edifice of a truly democratic and truly republican State; never forgetting that man is more than institutions, and rights the sole vital principle of law.”

In the last year of Mr. Chase's service as Governor, John Brown's invasion of Virginia shocked and astonished the country. In the South it aroused fearful forebodings of danger, and reports spread rapidly through Virginia, and indeed through all the slave States, that large bodies of men were being organized in Ohio and the free States, for the purpose of rescuing Brown and his associates from their captors; or, in case they were executed, to seize citizens of Virginia and hold them as hostages. Governor Wise, of Virginia, thought these reports of sufficient importance to justify official action. He accordingly addressed a letter to President Buchanan, stating the apprehensions existing in consequence of the reported organizations, and declared that, “if another invasion should assail the State of Virginia, he should *pursue the invaders into any territory*, and punish them whenever they could be reached by arms.” Governor Wise inclosed a copy of this letter to Governor Chase, and repeated his purpose to pursue invaders into adjoining States. “Necessity,” he said, “may compel us to do so. But if it does, you may be assured that it will be done with no disrespect to the sovereignty of your State; but this State expects the confederate duty to be observed of guarding your territory from becoming dangerous to our peace and safety, by affording places of depot and rendezvous to lawless desperadoes who may seek to make war upon our people.” Governor Chase's reply was characteristic:

"COLUMBUS, December 1, 1859.

"SIR: Your letter of the 25th ultimo, post-marked 26th, together with a copy of one of the same date addressed to the President, was received yesterday. No intelligence other than that contained in these letters has reached me of any such preparations as are described in them, and the letters themselves convey no such information in respect to place or persons as is necessary to enable the authorities of this State, in the absence of other intelligence, to interpose with any certainty or effect. Whenever it shall be made to appear, either by evidence transmitted by you or otherwise, that unlawful combinations are being formed by any persons or at any place in Ohio for the invasion of Virginia, or for the commission of crimes against her people, it will undoubtedly become the duty of the Executive to use whatever power he may possess to break up such combinations and defeat their unlawful purposes; and that duty, it need not be doubted, will be promptly performed.

"I observe with regret an intimation in your letter that necessity may compel the authorities of Virginia to pursue invaders of her jurisdiction into the territories of adjoining States. It is to be hoped that no circumstances will arise creating in their opinion such a necessity. Laws of the United States, as well as the laws of Ohio, indicate the mode in which persons charged with crime in another State and escaping into this may be demanded and must be surrendered; and the people of this State will require from her authorities the punctual fulfillment of every obligation to the other members of the Union. They cannot consent, however, to the invasion of her territory by armed bodies from other States, even for the purpose of pursuing and arresting fugitives from justice.

"I have the honor to be,

"Very respectfully yours,

"S. P. CHASE.

"His Excellency HENRY A. WISE, Governor, etc., etc., etc."

No further correspondence took place on the subject; the reported organizations being of course false.

In his last annual message, delivered to the Legislature on the 2d of January, 1860, Governor Chase said: "I doubt not that I expressed the sentiments of our common constituents, when I declared my conviction that it is the duty of the Executive authorities of Ohio to exercise whatever power the law may vest in them for the suppression of unlawful combination against the peace and safety of other members of the Federal Union; and that the people of Ohio, while they will suffer no invasion of their own territory, will countenance no invasion of the territory of other States; but, expecting from them the fulfillment

of every constitutional obligation, will require of their own authorities the prompt performance of reciprocal duties.

“While we will not disavow just admiration of noble qualities by whomsoever displayed, we must not the less but rather the more earnestly condemn all inroads into States, not merely at peace with us, but united to us by the bond of political union, and all attempts to excite within their borders servile insurrections, necessarily tending to involve the country in the calamities of civil as well as servile war.

“That a spirit of distrust and alienation has arisen in the country, it were idle to deny. That it is not shared in any great degree by the masses in either section is, I trust, equally true. The people desire union and concord, not discord and disunion.

“Claiming no absolute exemption from blame in behalf of the free States, we cannot admit their liability to exclusive censure. In repeated instances, without pretense of justification, the territory of Ohio has been clandestinely entered and peaceful inhabitants, guilty of no crime but color, have been cruelly kidnapped. The fugitive slave act—necessarily repugnant to public sentiment, and believed by a large majority to be unconstitutional in some of its conspicuous provisions—has been executed within her limits with circumstances of aggravation which could not fail to excite the deepest feeling; and cases have not been wanting where her citizens, traveling on lawful business in slave States, on mere suspicion of obnoxious sentiments, have been subjected to espionage and indignity, to arrest and imprisonment. To these particular causes of complaint must be added the general grievance of the repeal of the Missouri prohibition, manifesting the determination of a large majority of the slaveholding class to extend slavery throughout the national Territories.

“Notwithstanding these causes of complaint, and in confident expectation of their ultimate removal, through the influence of better information and juster sentiments, the people of Ohio have held fast to the Constitution and the Union; ever respecting all the rights of all the States and of all the citizens of the States; never resisting with illegal force even the execution of the fugitive slave act by Federal officers acting under legal warrants.

“Ohio has uttered no menace of disunion when the American people have seen fit to intrust the powers of the Federal Government to citizens of other political views than those of a majority of her citizens. No threats of disunion in a similar contingency by citizens of other States will excite in her any sentiments save those of sorrow and reprobation. They will not move her from her course. She will neither dissolve the Union herself, nor consent to its dissolution by others. Faithful to the covenant of the ordinance, she will resist the extension of slavery; confirmed in the principles of the Constitution, she will oppose its nationalization. True to the faith in which her youth was nurtured, and calm in the consciousness of her matured strength, she will abide in the Union, and, under the Constitution, maintain liberty.

“Let us hope that good counsel may yet prevail; that differences may be composed by a return to the faith of the fathers and to the original policy of the republic; and that our whole country, thus relieved from existing causes of dissension, may once more present to the admiration of the world the spectacle of a great and prosperous community of united States, protected in their industry and defended in their rights by the equal laws and impartial administration of State and Federal Governments. To this end, at least, no effort of ours will be wanting.”

On the 2d of February, 1860, Mr. Chase was reelected to the Senate of the United States; the people of Ohio thus, for the third time since his first election, in 1849, and by decisive votes, indorsing all his public career. His election was the spontaneous work of the Republican party, and was unsought by any act of Mr. Chase, and was thoroughly gratifying to the Republicans throughout the country. Out of one hundred and thirty-five votes cast in joint convention of the Legislature, Mr. Chase received seventy-six.

CHAPTER XXIII.

PRESIDENTIAL CANVASS OF 1856, AND IN 1860—WANT OF INFLUENCE OF OHIO DELEGATION IN CHICAGO CONVENTION—ELECTION OF MR. LINCOLN—WITHDRAWAL OF SOUTH CAROLINA FROM THE UNION—LETTER OF MR. CHASE TO RANDALL HUNT—GOES TO SPRINGFIELD BY INVITATION OF MR. LINCOLN—INTERVIEWS WITH MR. LINCOLN—CONDITIONAL OFFER OF TREASURY DEPARTMENT—LETTER TO GOVERNOR SEWARD—PEACE CONFERENCE CALLED BY LEGISLATURE OF VIRGINIA—MR. CHASE ATTENDS AS A DELEGATE FROM OHIO—SPEECH IN THE CONFERENCE—THE CONFERENCE A FAILURE—APPOINTMENT AS SECRETARY OF THE TREASURY—RESIGNS HIS SENATORSHIP.

MANY Republicans throughout the country were earnestly in favor of the nomination of Mr. Chase for the presidency so early as 1856. But slavery-conservatism was at that time yet predominant in the party, and the party itself was not dominant in the nation, nor was it likely to become so except by judicious concessions both as to candidates and platform. The nomination of a statesman of the avowed convictions and character of Mr. Chase, was forbidden upon every principle of party expediency, and although some leading men thought it would be better to do otherwise, the Philadelphia Convention of 1856 presented to the country the name of Colonel John C. Fremont. The alliteration of "Free speech, free men, and Fremont," it was believed would be weightier with the mass of the voters of the country than any guarantee of practical ability, superiority of character, and long public experience. No doubt the convention was right. But if the convention did not present

the name of a known capable statesman as the standard-bearer of the party, or that of a citizen strongly identified with the advocacy of its fundamental ideas, it made some measure of compensation for this important neglect, by the boldness of its avowals upon the paramount question before the country. It declared, as the basis of its action, unequivocal hostility to slavery and slavery-extension. It resolved, "That, with our republican fathers, we hold it to be a self-evident truth, that all men are endowed with inalienable rights to life, liberty, and the pursuit of happiness; that the primary object and ulterior design of our Federal Government were, to secure these rights to all persons within its exclusive jurisdiction; and that, as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing slavery in any territory of the United States, by positive legislation prohibiting its existence therein; that we deny the authority of Congress, of a territorial Legislature, of any individual or association of individuals, to give legal existence to slavery in any Territory of the United States, while the present Constitution shall be maintained;" and "that the Constitution confers upon Congress sovereign power over the Territories of the United States for their government; and that in the exercise of this power, it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism — polygamy and slavery."

The Democratic party of 1856, "claiming fellowship with and desiring the coöperation of all who regard the preservation of the Union under the Constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery," recognized and adopted the principles embodied in the organic laws establishing the Territories of Kansas and Nebraska, "as embodying the only sound and safe solution of the slavery question, upon which the great national idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference with slavery in the Territories or the District of Columbia."

The "American party" interjected a candidate and platform into the canvass; but with no expectation of success.

Although Mr. Chase had another preference, he supported Colonel Fremont cordially and effectively. Ohio gave a splendid majority for the national Republican ticket; but the result of the election showed the continued great vitality of the Democratic party. Mr. Buchanan received a total of 1,838,169 votes, Colonel Fremont 1,341,264, and Mr. Fillmore 874,534. Of the electoral votes Mr. Buchanan had 174; a clear majority of 60.

During the four years immediately following upon the election of Mr. Buchanan the name of Mr. Chase grew more familiar to the people of the country, and as the time drew near for the nomination of a Republican candidate in 1860, attracted a wide attention, and his supporters were to be found in every congressional district in the free States, and he was not without friends even in some slave districts. The steady and excellent course of his administration in Ohio was warmly admired by the Republicans, and had extorted praise even from political enemies. The position of the Republican party, however, was not materially changed from what it had been in 1856; it did not command a majority of the voters of the country, and indeed had made no decisive accessions of strength since its first attempt in the presidential field. Conservatism still held sway in its councils; and the success of the party in 1860 as in 1856 depended, therefore, upon a judicious selection of candidates and a defensible platform; but more than either upon divisions in the camps of its enemies. These divisions happened, and are too essentially a part of the history of the war of the rebellion to need recapitulation here.

The Republican State Convention of Ohio, called to elect senatorial delegates to the National Convention to be held in Chicago in May, was held in March, 1860, and declared the preference of the Republicans of the State for the nomination of Governor Chase. This expression of preference was an entirely deliberate proceeding, having been made upon a call and vote of the counties separately; the vote standing, for such expression three hundred and eighty-five, and against it sixty-nine. But the Convention chose only four delegates at large, or senatorial delegates so called; the congressional delegates being chosen

by conventions held in the several Congress districts. By this arrangement opportunity was given for the friends of other candidates to excite divisions, and to secure in some of the districts delegates unfriendly to Mr. Chase.

When the Chicago Convention met, the disagreement of the Ohio delegation was utterly destructive of its influence. Without its united action, there was little ground to expect for Mr. Chase the support of delegations from other States; and in any event his nomination was perhaps unlikely, but he had numerous friends in the convention who, had the Ohio delegation shown a compact front, would have united to secure his nomination. But union was impossible. Mr. Chase received a respectable support, notwithstanding: on the first ballot forty-nine votes, on the second forty-two and a half, and on the third twenty-four and a half.

The nomination of Mr. Lincoln was entirely satisfactory to Mr. Chase; and in the bitter and protracted canvass which followed, he took an active and important part.

Although preceding the election, none doubted that Mr. Lincoln would be chosen, the event itself was followed by a vast increase in the excitement and agitation already prevailing throughout the country. In the South the people proceeded to prompt action, with a view to immediate disunion. South Carolina led the way. "No sooner," says Mr. Pollard in his history of "The Lost Cause," "had the telegraph announced the election of Abraham Lincoln¹ President of the United States, than the State of South Carolina prepared for a deliberate withdrawal from the Union. Considering the argument as fully exhausted, she determined to resume the exercise of her rights as a sovereign State; and for this purpose her Legislature called a convention. The convention assembled in Columbia on the 17th of December, 1860. Its sessions were held in a church, over which floated a flag bearing the device of a palmetto-tree, with an open Bible at its trunk, with the inscription: 'God is our refuge and

¹ Before the war presidential electors of South Carolina were chosen by the Legislature of the State, on the same day in which presidential electors were elected by the people in the other States. The Legislature remained in session in 1860 after meeting for this purpose, and passed resolutions calling a secession convention—passed in the Senate on the 9th of November and in the House on the 12th.

strength, a very present help in time of trouble; therefore we will not fear though the earth be removed and though the mountains be carried into the sea; the Lord of hosts with us, the God of Jacob is our refuge.' On the 18th the convention adjourned to Charleston, and on the 20th passed the memorable ordinance of secession, concluding with the declaration that the "Union now subsisting between South Carolina and other States under the name of *The United States of America* is hereby dissolved." Other of the South Atlantic States, though not so rapid in action as South Carolina, betrayed unmistakably the temper of their people to imitate her example. They were resolved upon disunion; peaceably if possible, but by war if, to effect it, war should become necessary.

Mr. Chase was a careful and anxious observer of the progress of events, but at no time faltered in his conviction that the real interests of the country demanded that no further extension of slavery should be allowed, nor in his resolution to prevent, so far as rested with him, a further extension of the slave-system; though willing, at the same time, to give to the South just assurance and guarantees that no invasions of existing rights were meditated or intended.

Mr. Chase to Mr. Randall Hunt, a Citizen of New Orleans.

"COLUMBUS, November 30, 1860.

". . . . Would to Heaven that it were in my power to compose the strife which now disturbs the peace of our country! Certainly, there is in my heart no feeling but good-will to every part of it.

"But what can be done? I mean what can be done by a private citizen? If the executive power of the nation were in my hands, I should know what to do. I would maintain the Union, support the Constitution, and enforce the laws.

"And here let me call your attention to an omission in the published report of my Covington speech. After stating, as my chief objection to the Bell-Everett platform, that it proposed nothing which all parties did not agree to, and therefore was inadequate to the demands of the time, I went on to say that what seemed to me the distinguishing characteristic of the party supporting Mr. Bell, and also of that party supporting Mr. Douglas, in the South, was a true devotion to the Union and a resolute determination to sustain it, against the designs of disunion entertained by a portion—though I hoped not a very large portion—of the supporters of Mr. Breckenridge: so that in the South, whatever might be the case in the

North, their platform did propose a practical issue on a practical question, and that on that issue all my sympathies were with them.

“I abhor the very idea of a dissolution of the Union. If I were President, I would indeed exhaust every expedient of forbearance consistent with safety. But at all hazards and against all opposition the laws of the Union should be enforced, through the judiciary if practicable, but, against rebellion, by all necessary means. The question of slavery should not be permitted to influence my action one way or another.

“But while I would thus act when circumstances should demand action, I would not shut my eyes to the fact, manifest to everybody, that it is from the slavery question that our chief dangers arise, and I would direct whatever influence I might possess to an adjustment of it—not by any new compromise, for new compromises can only breed new dangers—but by honest provision for the honest fulfillment of all constitutional obligations connected with it.

“Nothing to me seems clearer than that, under the Constitution, slavery is a State institution, and that much embarrassment would have been avoided had this principle never been lost sight of. It would have assured peace to the States in which slavery exists by uniting almost all men of all opinions against all aggression upon them. Let this principle be now, once more, frankly recognized and it will redress much of our trouble. The slave States can lose nothing, for few of their statesmen expect any further extension of slavery. Disunion, certainly, is not extension. Disunion rather is abolition, and abolition civil and perhaps servile war, which God forbid! It is precisely because they anticipate abolition that many earnest abolitionists desire disunion. Why, then, may not all—slave States and free States alike—frankly accept the actual condition of non-extension; determined, in the Union, by the irreversible judgment of the people; determined, out of the Union, by inevitable destiny? Such acceptance would be a long step toward peace.

“Besides the question of extension there seems to me to be but one other which need occasion any anxiety. I refer of course to the extradition of escaping slaves. I have no doubt that the Constitution stipulates for such extradition; but I cannot help seeing that natural sentiment and conscientious conviction make the execution of this stipulation everywhere difficult and in the free States wellnigh impracticable; and I would not delude anybody with the notion of what some people call ‘a fair law.’ For all such propositions mean evasion, and would evade nothing. It is high time to have done with evasions. Let us recognize facts as they are, frankly and boldly, and not try to creep away from them. In this spirit I would recognize the fact of constitutional obligation and the fact that it cannot be fulfilled with any thing like completeness, and then I would see what could be done instead of literal fulfillment. It seems to me that compensation for the fugitive would be better than any thing else that is practicable. It would be better for the slave States, because the return of

a fugitive is not in itself a desirable thing either for the individual from whom or for the State from which he flees; it would be better for the free States, because it would involve nothing repugnant to the sentiments and convictions of the people; it would be better—ininitely better for all—than disunion.

“With these questions thus adjusted, peace would return, and harmony and prosperity. Is there any better way? I see none. It is useless to attempt impossibilities. It is useless to try to reverse public opinion. It is useless to contend with the general course and progress of civilization. It is useful only to endeavor so to modify and direct that course as to make the current, capable of becoming a destructive flood, a beneficent and fertilizing stream.

“You have my thoughts honestly though hastily expressed.

“Yours most cordially,

“S. P. CHASE.”

Not long after the election, amid the struggles of contending factions in the Republican party, and of the distress and agitation prevailing everywhere both North and South, Mr. Lincoln invited Mr. Chase to a conference at Springfield. Mr. Chase went without delay. He arrived in that city on the evening of the 3d of January, 1861; and found there politicians of all grades and from all quarters urging the claims, or opposing the claims, of contending aspirants for office; Cameron, of Pennsylvania, being, for the time, the particular subject of contention among partisans and of embarrassment to Mr. Lincoln.

Immediately upon being informed of his arrival, Mr. Lincoln—without consulting what would perhaps have been a strict formality—called upon Mr. Chase at his hotel. The meeting between the two gentlemen was friendly and cordial; Mr. Lincoln recalling, at the very beginning of their interview, the fact that in 1858 Mr. Chase, almost alone of the leaders of the Republican party outside of Illinois, had given him active help by coming into the State and aiding him in his celebrated canvass against Mr. Douglas. “I have done with you,” said Mr. Lincoln, “what I would not perhaps have ventured to do with any other man in the country—sent for you to ask you whether you will accept the appointment of Secretary of the Treasury, without, however, being exactly prepared to offer it to you.” To this Mr. Chase replied that such a question placed him in an unpleasant position; that he wanted no appointment, and certainly

could not easily reconcile himself to the acceptance of a subordinate one. Mr. Lincoln said that he had felt bound to offer the position of Secretary of State¹ to Mr. Seward as the generally-recognized leader of the Republican party, intending, if Mr. Seward had declined, to offer it without qualification to Mr. Chase. He added that he had not wished Mr. Seward to decline; but had sincerely desired him to accept, and was glad he had accepted. Mr. Chase concurred with Mr. Lincoln concerning the offer to Mr. Seward, and said that, though he was unprepared to declare his willingness to accept the Treasury Department if tendered him, the selection of Mr. Seward to the Department of State would remove his objections to a subordinate place if he should conclude to accept at all. From this subject, the conversation took a wide range, including men and policies. Mr. Lincoln was firm against any deviation from the declarations of the Chicago Convention, but said that if the country could guard effectually against any further acquisition of territory, the restoration and extension of the Missouri line

¹ *Mr. Chase to Mr. Seward.*

“COLUMBUS, January 11, 1861.

“MY DEAR SIR: You are to be Secretary of State. The post is yours by right, and you will have the post. My best wishes go with you. Permit me a few words about matters in which we have a deep common interest.

“The telegraph reports that you are to speak on Saturday. Let me urge you to give countenance to no scheme of compromise. Mr. Lincoln will be inaugurated in a few days. Then the Republicans will be charged with the responsibility of administration. Then, too, they will control one branch of the Government.

“To me it seems all-important that no compromise be now made, and no concession involving any surrender of principles; but that the people of the slave States, and of all the States, be plainly told that the Republicans have no proposition to make at present; that when they have the power they will be ready to offer an adjustment, fair and beneficial to all sections of the country—that in the mean time all they ask of those who now have the power is, to uphold the Constitution, maintain the Union, and enforce the laws. I fully believe that such an adjustment can be offered, and that, when offered by an Administration having the power and the will to make itself respected, and the laws something more than meaningless words on the statute-books, it will be accepted, and that then we shall have stable peace and *the new era*.

“Pardon my suggestions. They are prompted only by zeal for the cause and good-will to its defenders.

“Cordially yours,

“S. P. CHASE.

“HON. WILLIAM H. SEWARD.”

might be agreed to for the sake of peace. Mr. Chase dissented, saying that "the American people knew no such god as Terminus."

During the two days Mr. Chase remained in Springfield, several interviews took place between Mr. Lincoln and himself, in one of which Mr. Lincoln said that he had been informed by Mr. Cameron that the appointment of Mr. Chase to the Treasury would be entirely acceptable to Pennsylvania; but he said, at the same time, that the anti-Cameron men were urging the appointment to the Treasury Department of William S. Dayton, of New Jersey.

Mr. Lincoln and Mr. Chase separated with a no more distinct understanding than this—that Mr. Chase was at liberty to consider the offer under the advice of friends; with a disposition to accept if they should think the public interest required it, though on his own part feeling and believing at the same time that he could be more useful in the Senate.

On the 19th of January—a few days subsequent to Mr. Chase's return from Springfield—the Legislature of Virginia passed a series of resolutions, in which that body declared, "that unless the unhappy controversy which now divides the States of the Confederacy shall be satisfactorily adjusted, a permanent dissolution of the Union is inevitable;" and representing "the wishes of the people of the Commonwealth of Virginia," alleged their desire to employ every reasonable means to avert so fearful a calamity. Then declaring its determination "to make a final effort to restore the Union and the Constitution in the spirit in which they were established by the fathers of the republic," the Legislature resolved, "that on behalf of the Commonwealth of Virginia, an invitation is hereby extended to all such States, whether slaveholding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford to the people of the slaveholding States adequate guarantees for the security of their rights, to appoint commissioners to meet on the 4th of February next, in the city of Washington, similar commissioners appointed by Virginia, to consider and if practicable agree upon some suitable adjust-

ment." Five persons were appointed to attend on the part of Virginia—John Tyler, William C. Rives, John W. Brockenbrough, George W. Summers, and James A. Seddon.

Governor Dennison, of Ohio, responded to the invitation of Virginia by appointing as delegates to this "Peace Convention" Mr. Chase, Thomas Ewing, William S. Groesbeck, John C. Wright, who, dying at an early period of its deliberations, was succeeded by Christopher P. Wolcott; Reuben Hitchcock, and Franklin T. Backus. Seven slave States and fourteen of the free States sent representatives.

Mr. Chase did not much believe in this conference as a means of reconciliation, but rather that it was intended to secure new concessions to slavery. He was quite willing there, as elsewhere, to give to the slave States the strongest assurances that no aggressions upon their rights or interests were meditated, but he was not willing to disguise from them that a further extension of slavery was, so far as he could exercise influence, impossible.

Upon the meeting of the Conference, on the 4th of February, 1861, it was soon found that the slave-State delegates would expect inadmissible concessions. The commissioners whose views agreed with those of Mr. Chase finally determined to propose to refer all matters of difference to a National Convention of all the States, and meantime to arrest the progress of disunion, by giving definite assurances that no invasion of the rights of States over the subject of slavery, or any other subject, was intended or would be attempted. In the very earnest speech he made to the convention (February 26th) in support of this proposition, he suggested—while admitting that his suggestion was not exactly to the point of the discussion—as a mode of avoiding the disorders which grew out of the fugitive slave law, instead of the rendition of fugitives, to make compensation for them out of the national Treasury. He warned the South, with great solemnity, of the consequences of secession. "If forced to the last extremity," he said, "the people of the free States will meet the issue as best they may; but be assured they will meet it with no discordant councils. Mr. Lincoln will be inaugurated on the 4th of March. He will take an oath to protect and defend the Constitution of the United States—of all

the United States. That oath will bind him to take care that the laws be faithfully executed throughout the United States. Will secession absolve him from that oath? Will it diminish, by one jot or tittle, its awful obligation? Will attempted revolution do more than secession? And if not—and the oath and obligation remain—and the President does his duty and undertakes to enforce the laws, and secession or revolution resists, what then? War! Civil war!—Let us not rush headlong into that unfathomable gulf. Let us not tempt this unutterable woe. We offer you a plain and honorable mode of adjusting all difficulties. It is a mode which, we believe, will receive the sanction of the people. We pledge ourselves here that we will do all in our power to obtain their sanction for it. Is it too much to ask you, gentlemen of the South, to meet us on this honorable and practicable ground? Will you not at least concede this to the country?"

Instead of adopting the proposal for a National Convention, a proposed amendment to the Constitution was forced through the Conference in violation of its rules, and submitted to Congress. This proposed amendment (to be the thirteenth)¹ was

¹ The first section of this amendment was as follows: "In all the present territory of the United States north of the parallel of thirty-six degrees and thirty minutes of north latitude, involuntary servitude except in punishment of crime, is prohibited. In all the present territory south of that line the status of persons held to involuntary service or labor as it now exists shall not be changed; nor shall any law be passed by Congress or the territorial Legislature to hinder or prevent the taking of such persons from any of the States of this Union to said territory, nor to impair the rights arising from said relation; but the same shall be subject to judicial cognizance in the Federal courts according to the course of the common law. When any Territory north or south of said line, within such boundary as Congress may prescribe, shall contain a population equal to that required for a member of Congress, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without involuntary servitude as the constitution of such State may provide." The second, third and seventh sections ran thus: The second—"No territory shall be acquired by the United States except by discovery, and for naval and commercial stations, depots, and transit routes, without the concurrence of a majority of all the Senators from States which allow involuntary servitude and a majority of all the Senators from States which prohibit that relation; nor shall territory be acquired by treaty unless by the votes of a majority of the Senators from each class of States hereinbefore mentioned, be cast as a part of the two-thirds majority necessary to the ratification of such treaty." The third—"Neither the Constitution nor any amendment thereof shall be construed to give Congress power to regulate, abolish or control within any State, the relation estab-

comprised in seven sections, and made large concessions to slavery. Mr. Chase and Mr. Wolcott, of the Ohio representatives, alone voted against it. When it was submitted to Congress, however, it met but little favor; and the labors of the convention ended in naught.

Congress, however, engaged itself busily in various schemes of intended pacification; every one of them involving more or less of abandonment of the ground taken by the Republican party in relation to slavery. Mr. Chase steadily opposed them all, so far as he was consulted and his influence could be made effective. Threats were openly made that unless such abandonment was conceded, Mr. Lincoln's inauguration would not be permitted. To these menaces Mr. Chase replied in words which were repeated through the North—"Inauguration first, adjust-

lished or recognized by the laws thereof touching persons held to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensation; nor the power to interfere with or prohibit representatives and others from bringing with them to the District of Columbia, retaining and taking away persons so held to service or labor; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those States and Territories where the same is established or recognized; nor the power to prohibit the removal or transportation of persons held to labor or involuntary service in any State or Territory of the United States to any other State or Territory thereof where it is established or recognized by law or usage; and the right during transportation by sea or river, of touching at ports, shores and landings, and of landing in case of distress, shall exist; but not the right of transit in or through any State or Territory, or of sale or traffic against the laws thereof. Nor shall Congress have power to authorize any higher rate of taxation on persons held to labor or service than on land. The bringing into the District of Columbia of persons held to labor or service for sale, or placing them in depots to be afterward transferred to other places for sale as merchandise, is prohibited." The seventh—"Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor, in all cases where the marshal or other officer whose duty it was to arrest such fugitive was prevented from so doing by violence or intimidation from mobs or riotous assemblages, or when, after arrest, such fugitive was rescued by like violence or intimidation, and the owner thereby deprived of the same; and the acceptance of such payment shall preclude the owner from further claim to such fugitive. Congress shall provide by law for securing to the citizens of such State the privileges and immunities of citizens in the several States." These several resolutions formed the basis of the restoration of the Union and the Constitution in the spirit of the fathers of the republic, as that spirit was interpreted by a majority of the members of the "Peace Conference!"

ment afterward ;” “ words,” observes Mr. Trowbridge, “ which were not without effect upon the public mind.”

The inauguration, however, took place peacefully and in the presence of vast multitudes of people—many thousands from the North, and very few from the South, going to the capital to witness it. Mr. Chase took his seat in the Senate on the same day, March 4th.

Two days afterward, Mr. Lincoln, without consulting Mr. Chase, nominated him to be Secretary of the Treasury. Mr. Chase happened to be absent from the Senate when the nomination was received ; on his return, a few minutes later, he was informed of what had taken place, and that the nomination had been at once unanimously confirmed. “ I went immediately to the President,” writes Mr. Chase to Mr. Trowbridge, “ and expressed my disinclination to accept. After some conversation, in the course of which he referred to the embarrassment my declination would occasion him, I said I would give the matter further consideration and advise him next day of my decision. Some rumor of my hesitation got abroad, and I was immediately pressed by the most urgent remonstrances not to decline. I finally yielded to this, and surrendered a position every way more desirable to me, to take charge of the finances of the country under circumstances most unpropitious and forbidding.”

This decision to accept was made the evening of the nomination, and before sleeping Mr. Chase forwarded the resignation of his seat in the Senate to the Governor of Ohio, in the subjoined letter :

“ WASHINGTON, *March 6, 1861.*

“ SIR : Will you have the goodness to make known to the General Assembly my resignation of the office of Senator of the United States from the State of Ohio, of which I shall immediately notify the President of the Senate ?

“ It would be far more consonant with my wishes to remain at the post to which the people of Ohio, through the General Assembly, saw fit to call me. Deeply indebted to their generosity for repeated marks of confidence, and for the profoundly indulgent consideration with which my endeavors to promote their interests have ever been regarded by them, it is impossible for me to prefer any other service to theirs.

“ But the President has thought fit to call me to another sphere of duty, more laborious, more arduous, and fuller far of perplexing responsibilities. I sought to avoid it, and would now gladly decline it, if I might.

I find it impossible to do so, however, without seeming to shrink from cares and labors for the common good, which cannot be honorably shunned. I shall accept, therefore, these new duties, greatly distrusting my own abilities, but humbly invoking divine aid and guidance.

“ I shall hope that my decision will meet the approval of the General Assembly and the people of Ohio ; and shall greatly rejoice if, by the constant application of my best powers in the service of the whole country, I shall succeed in contributing any thing to that common welfare in which Ohio has an interest hardly inferior to that of any other of the States of the Union.

“ I have the honor to be,

“ With very great respect,

“ Yours truly,

“ S. P. CHASE.”

“ To his Excellency WILLIAM DENISON, Governor of Ohio.”

CHAPTER XXIV.

ENTERS UPON HIS DUTIES AS SECRETARY OF THE TREASURY—DE-
PRESSED STATE OF THE FINANCES AT THAT TIME—HIS EARLY
FINANCIAL MEASURES—BEGINNING OF THE REBELLION—EXTRA
SESSION OF CONGRESS, JULY, 1861.

THE critical condition of public affairs during the closing months of Mr. Buchanan's Administration, and the general apprehension that they must early culminate in civil war, had materially damaged the public credit some time before Mr. Lincoln's inauguration. The comparatively small necessities of the Government during the last session of the Thirty-sixth Congress were met with serious difficulty, and at rates and under circumstances which showed how extensive the loss of confidence was.

On the 17th of December, 1860, Congress authorized an issue of ten millions of one-year Treasury notes, to be disposed of at the best attainable rates.¹ Five millions of these were advertised to be awarded on the 28th of the same month. But a small aggregate sum was offered, and the rates varied from twelve to thirty-six per cent. The offers at twelve were accepted; they made a total, however, of only half a million dollars. An association of bankers—on condition that the proceeds be applied to the payment of interest on the then existing public debt—subsequently took one and a half million at twelve, and afterward the remainder of the five millions advertised at the same figure. In January, 1861, Secretary Dix disposed of the

¹ As early as June, 1860—four months before Mr. Lincoln's election—Secretary Cobb was borrowing money at twelve per cent. per annum.

other five of the ten millions authorized, at an average of about eleven per cent.

On the 8th of February Congress authorized a loan of twenty-five millions of United States stocks, payable in not less than ten nor more than twenty years, to bear six per cent. interest. Secretary Dix advertised eight millions of these to be awarded on the 22d of the same month. Pending the advertisement, on the 11th of February, the Secretary addressed a letter to the chairman of the Committee of Ways and Means, apprising the committee that the liabilities of the Government due and to fall due before the 4th of March were about ten millions of dollars; that the revenues of the department would be entirely insufficient to meet them, and that not less than eight millions would have to be borrowed. He said that in the existing condition of the country it would be impossible to obtain this sum except at rates seriously damaging to the public credit, without some pledge in addition to that of the General Government. Some of the States had offered the pledge of their faith to the extent of the public moneys deposited with them under the act of the 23d June, 1836;¹ and the Secretary invited attention to these proposals with a manifest hope that Congress would act favorably upon them; but no action was had. The bids were opened on the 22d of February, as advertised; the aggregate of offers was about fourteen and a half millions, and ranged from 75 to 96.10. Eight millions were accepted at rates not less than 90.

¹ The 13th section of the act of 23d June, 1836 (5 Stat. at Large, 53), authorized the Secretary of the Treasury to deposit with such States as should legalize their acceptance, in proportion to their congressional representation, such excess of the public moneys over five millions of dollars as should be in the United States Treasury on the 1st of January, 1837; to be returned to the Government in the manner prescribed by the act. The following table shows the distribution made, no portion of which has been returned to the national Treasury:

Maine.....	\$955,888 25	South Carolina.....	\$1,051,422 09
New Hampshire.....	669,086 79	Georgia.....	1,051,422 09
Massachusetts.....	1,838,178 58	Alabama.....	669,086 79
Vermont.....	669,086 79	Louisiana.....	477,919 14
Connecticut.....	764,670 60	Mississippi.....	882,835 80
Rhode Island.....	882,835 80	Tennessee.....	1,433,757 89
New York.....	4,014,520 71	Kentucky.....	1,433,757 89
New Jersey.....	764,670 60	Ohio.....	2,007,260 84
Pennsylvania.....	2,867,514 73	Missouri.....	882,835 80
Delaware.....	286,751 49	Indiana.....	860,254 44
Maryland.....	955,888 25	Illinois.....	477,919 14
Virginia.....	2,198,427 99	Michigan.....	286,751 49
North Carolina.....	1,433,757 89	Arkansas.....	286,751 49

This brief sketch will illustrate the depressed state of the public finances during the three months ending about the 4th of March, 1861. Congress during the same period had been stormy and factious. The Southern Senators and Representatives effectually controlled the expressions and action of the venerable and timid President. Seven of the slaveholding States, professing a constitutional right to do so, and surrounding their acts with the most solemn official forms, had publicly declared their secession from the Federal Union, and were in the attitude of practical war upon the national authority. They had united in the organization of a confederated government, and had assumed and were exercising the functions of a separate and independent nation. To render the situation still more painfully embarrassing, a powerful body of the Northern people protested earnestly, and even passionately, against the existence of any constitutional right in the General Government to coerce by arms States which had formally withdrawn from the Union. And there were not wanting members of the great party which had elected Mr. Lincoln who declared peaceable secession preferable to the calamities and contingencies of civil war. But war was inevitable, as the more sagacious statesmen clearly foresaw.

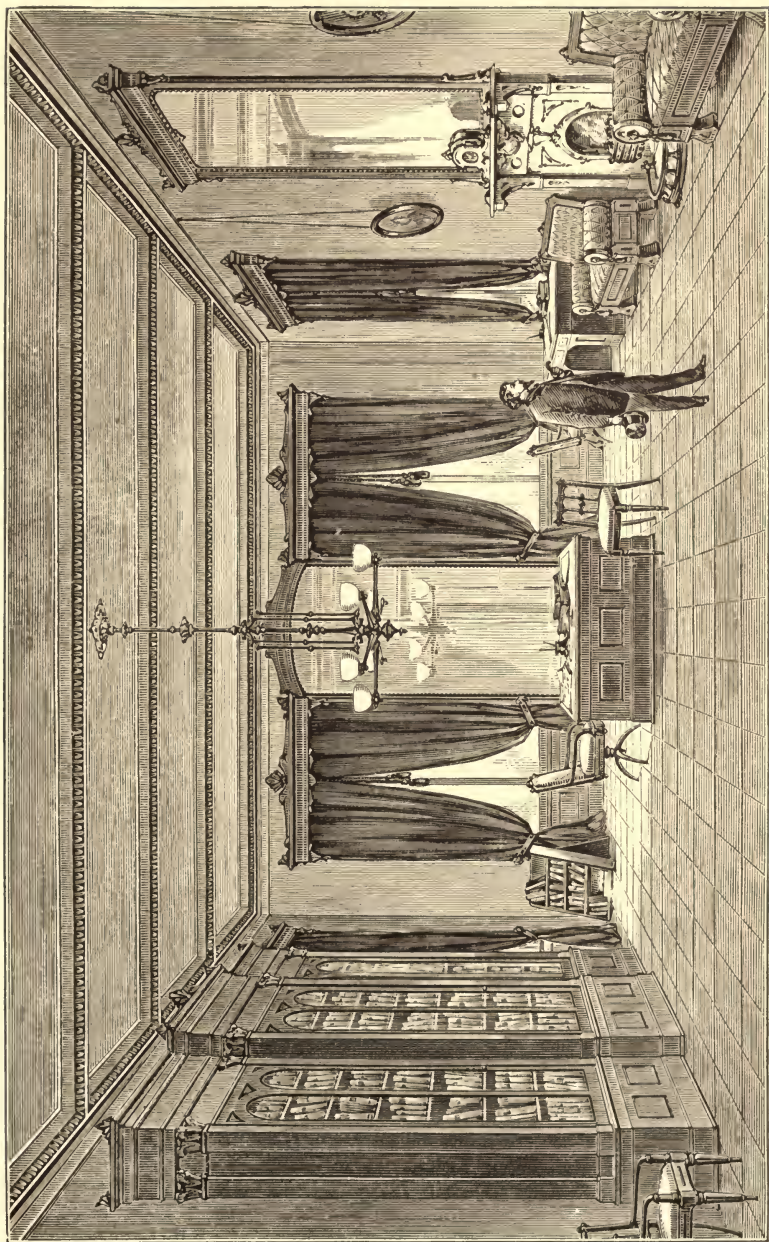
Mr. Chase, unawed by the portentous aspect of the political elements, immediately entered upon the organization of his financial plans. Plutarch writes of Pericles that he was seen in public only in going to and coming from the senate-house. It may truly be said of Mr. Chase that he was seen only in going to and coming from the place of his official labors. His abilities and energy soon manifested themselves to the people. He re-established the public credit upon solid foundations. He created a currency which answered all the vast requirements of the war, and was, beyond all precedent in the history of the country, popular among the people, and this too before the suspension of cash payments. It is important to be remembered that *that* currency was not at first a legal tender. He projected a system of national banks, designed ultimately to supersede all similar institutions existing under State laws. The circulating notes of these banks, secured both by private capital and by ample deposits of Government bonds with the Treasurer of the United States, were intended to provide, in an emphatic sense, a sound and

uniform currency, the benefits of which—embracing the whole country and extending into the far future—were to prevent the evils inseparable from disordered issues. Under the general operation of his measures, the loans of the Government were absorbed with great rapidity, not only by domestic purchasers but by foreign investors. And more important than any other consideration, the Administration was enabled to meet the prodigious expenditures entailed by the war promptly, surely, regularly.

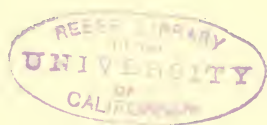
Mr. Chase did not deceive himself nor did he deceive the people as to the true basis of the extensive financial operations of the Government. He felt the force and necessity of a severe and comprehensive system of Federal taxation, and urged upon the early and earnest attention of Congress the adoption of an adequate scheme of revenue from this source as indispensable to a sound administration of the Treasury.

On assuming office as Secretary of the Treasury, March 7, 1861, Mr. Chase found that he had power to negotiate loans under the acts of 22d June, 1860, and 8th February and 2d March, 1861. Under the first, which authorized a loan of twenty-one millions of United States stocks at six per cent., Secretary Cobb had negotiated \$7,022,000, leaving \$13,978,000 for future negotiation; under the second, authorizing twenty-five millions six per cent. stock, Secretary Dix had disposed of \$8,006,000, leaving \$16,994,000; and under the third, authorizing a loan of ten millions of six per cent. stock (it was also a tariff act), no negotiation had been made or attempted. This last act gave power to the Secretary to exchange Treasury notes at par for coin to the amount undisposed of under the act of February 8th. These unsold loans made a total of \$40,964,000.

On the 22d of March proposals were advertised for eight millions of the loan of the 8th of February, to be awarded on the 2d of April following. Mr. Chase, entirely assured that this stock, payable in coin and bearing a coin interest of six per centum, was intrinsically worth par, resolved that there should be as little sacrifice in selling them as great and pressing public necessities would permit. The offers were more than twenty-seven millions; the lowest bid being for \$5,000 at 85, and the highest was for \$1,000 at par. Eight millions were accepted at



SECRETARY'S OFFICE, TREASURY DEPARTMENT.



94 and upward—realizing to the Treasury \$7,814,809.80. All offers under 94 were declined; the firmness of the Secretary in declining them, while it disappointed many, served to inspire general confidence; and if his action did not raise, it certainly preserved from a further decline, the already miserably depressed condition of the public credit. It showed clearly enough that the finances were to be controlled more with reference to the intrinsic value of the Government securities than to the wishes or interests of brokers and speculators.

On the 4th of April he awarded at par (and \$360,000 at a slight premium) \$4,901,000 six per cent. two-years' Treasury notes receivable for public dues, or at the holder's option, convertible into six per cent. United States stocks.

The means derived from these negotiations were, however, insufficient to supply even immediate wants. On the 21st of May (after hostilities were begun), under a public notice of the 11th of that instant, he awarded \$7,310,000 of the 8th of February loan at rates varying from 85 to 93 per cent., and \$1,689,000 in Treasury notes at par, realizing for the \$8,994,000 offered the sum of \$7,922,553.45 to the Treasury. He also issued Treasury notes to offerers at par and to public creditors up to July 4th to the amount of \$2,584,550.

Viewing these transactions in connection with the turbulent condition of the country, they cannot be regarded as any thing less than remarkably successful. He was selling Government stocks at an average discount of about six per cent., which contrasts strongly with the rates at which British debt was contracted during the French wars.

The great rebellion was inaugurated on the 12th of April by the attack on Sumter. On the 13th the fort was surrendered; on the 14th the President issued his call for seventy-five thousand troops.

These events were followed by a general rally to arms, both North and South, for that tremendous struggle the end whereof human foresight could not predict. But doubt and suspense were dispelled: the emblems of war appeared on every side; the enemies of coercion were hushed by the general voice of the people; and herein at least there was an improvement in the public condition. But the finances suffered severely from these

occurrences. They were sustained by the courage and genius of the Secretary and the confidence these qualities inspired. Many prominent and influential capitalists came forward in this important conjuncture and by prompt assistance rendered enduring services to the Federal cause; much of this action being due to a personal confidence in the character and abilities of the Secretary.

Congress, in obedience to the summons of the President, assembled at the capital on the 4th of July. Dominated by the unanimous attitude of the people, that body was prompt and energetic in its action. Men and means were voted in numbers and amount then thought prodigal and extravagant. Other views were learned, however, from the lessons of experience.

It is from this time forward that the distinctive policy of Mr. Chase is to be considered. Hitherto he had acted under authority conferred by existing laws; and with such large measure of success as to create a general confidence in the wisdom and effectiveness of his administration.

Before entering, however, upon a further history¹ of those gigantic financial operations which excited astonishment in the Old World and boastfulness in the New, it will be proper to exhibit the transactions for the fiscal year ending June 30, 1861. The public debt at its beginning, July 1, 1860, was \$64,769,703.08. The balance in the Treasury at that date was \$3,629,206.71; the total receipts for the year—from all sources—were \$86,972,893.81. Of this aggregate sum \$39,593,819.81 were on account of customs duties (\$35,417,102.11 of which were in coin and \$4,176,717.70 in Treasury notes); \$824,687.80 were derived from sales of public lands; \$861,096.54 from miscellaneous sources, and \$42,064,082.95 were from loans. The expenditures for the same period were \$84,577,258.60; of which \$23,188,203.19 were on account of the civil list, foreign intercourse, and miscellaneous objects; \$3,760,022.72 were expended by the Interior Department; \$22,981,150.44 by the War Department, over ten millions (\$10,108,784.59) in the last three months of the year; \$12,428,532.09 were expended by the Navy

¹ I beg to remind the reader, however, that it is not my purpose to enter upon *all* the details of Mr. Chase's administration, but rather to describe those principal transactions which are of permanent interest and importance.

Department; for redemption of Treasury notes and Texas creditors \$18,219,207.27, the last week of the year being estimated; and for payment of interest on the public debt (which was stated July 1, 1861, to be \$90,867,828.68), the last week in the fiscal year being also estimated, \$4,000,142.89; leaving a balance in the Treasury of \$2,355,635.21. The public debt of the United States on the 7th of March, 1861, at which date Mr. Chase assumed control of the department, was officially stated at \$76,455,299.28; the increase in its amount up to the end of the fiscal year (a period of nearly four months) being \$14,412,529.40.

CHAPTER XXV.

ESTIMATES FOR FISCAL YEAR 1862—PROPOSES INCREASED DUTIES ON TEAS, COFFEES, AND SUGARS, A DIRECT TAX OF TWENTY MILLIONS OF DOLLARS, AND A NATIONAL LOAN OF ONE HUNDRED MILLIONS—THE BASIS OF HIS ESTIMATES—ACTION OF CONGRESS UPON HIS RECOMMENDATIONS—ISSUE OF THE “DEMAND NOTES”—CONFERENCES WITH THE COMMITTEE OF THE ASSOCIATED BANKS OF NEW YORK, PHILADELPHIA, AND BOSTON—BORROWS ONE HUNDRED AND FIFTY MILLIONS OF DOLLARS.

MR. CHASE estimated the whole sum required for the fiscal year to end June 30, 1862, at \$318,519,581.87: that is to say, for the war service, \$185,296,397.19; for the naval service, \$30,609,520.29; for the civil list, foreign intercourse, and miscellaneous objects, \$831,406.90; for the Interior Department, \$431,525.77; total, \$217,168,850.15; to pay Treasury notes due and to become due, \$12,639,861.64; to meet former appropriations, \$79,710,870.08; and to pay interest on proposed new debt, \$9,000,000.

Three hundred and twenty millions being required, he proposed to raise eighty millions by taxes and two hundred and forty millions by loans. It would hardly be disputed, he observed, that in every sound system of finance adequate provision by taxation for the prompt discharge of all ordinary demands, for the punctual payment of interest on loans, and for the creation of a gradually increasing fund for the redemption of the principal, is indispensable. Public credit can only be created by public faith, and public faith can only be maintained by an economical, energetic and prudent administration of public affairs,

and by the prompt and punctual fulfillment of every public obligation.

Except on occasions of special exigency, no resort had been had to direct taxes or to internal duties on excises. Indirect taxation had been the general preference of the people, and the Secretary proposed no departure from the policy they had sanctioned.

But the existing tariff, framed with reference to a very different condition of affairs, was clearly inadequate to produce the necessary revenue for the ordinary expenses. The receipts for the last fiscal quarter had been but five millions and a half (\$5,527,246.33), though he anticipated during the next year a very considerable improvement. The sources of revenue most promptly available were to be found in articles either free of duty or very lightly taxed. Tea and coffee were wholly exempt, and the duty on sugar was light. By a duty of two and a half cents on brown, three cents on clayed, four cents on loaf and other refined sugars; two and one half cents per pound on syrup of sugar-cane; six cents per pound on candy; six cents a gallon on molasses, and four cents on sour molasses; five cents a pound on coffee; fifteen cents on black and twenty cents a pound on green teas—would produce an additional revenue of twenty millions of dollars; and he was sure the intelligent patriotism of the people would cheerfully sustain these necessary charges. Proposed duties on other articles then free, and changes upon some so heavily taxed as to amount to prohibition, would produce a further revenue of seven millions. From the existing tariff he expected an income of thirty millions; from the additional duties twenty-seven millions, and to this were to be added three millions to be derived from sales of public lands and miscellaneous sources—total sixty millions.

He proposed to raise twenty millions by direct taxes, or from internal duties or excises, or from both.

The value of the real and personal property of the people of the United States was, according to the census of 1860, sixteen thousand millions of dollars (\$16,102,924,116). The value of the real property was \$11,272,053,881, and of the personal property \$4,830,880,235. The proportion in the States not involved in the rebellion was \$10,900,758,009, of which \$7,630,530,605

represented the value of the real and \$3,270,227,404 the value of the personal property. A rate of one-eighth of one per cent. *ad valorem* on the whole would produce \$20,128,667; a rate of one-fifth of one per cent. would produce \$21,800,516, and three-tenths of one per cent. on real property alone would produce \$22,891,590; either sum being in excess of the amount required.

He thought internal duties might be more cheaply collected than direct taxes, and with less interference with the finances of the States. They might also be made to bear mainly upon articles of luxury, and thus diminish the burden imposed by duties on imports upon the classes of people least able to bear them.

But the needed sum might also be collected, in the judgment of the Secretary, by moderate charges on stills and distilled liquors, on ale and beer, on tobacco, on bank-notes, on spring carriages, on silver-ware and jewelry, and on legacies. If all the suggested sources of revenue were resorted to, the amount required from loans would be proportionally diminished, and the basis of the public credit enlarged and strengthened.

Moreover, he suggested retrenchment in salaries of the employés of the Government and the abolition of the franking privilege; and the confiscation of the property of rebels.

The only authority he had for obtaining loans was found in the act of March 2, 1861, authorizing an issue of bonds bearing an interest of six per cent., or in default of offers at par the payment of Treasury notes, bearing the same interest, at par, to the amount of ten millions; and in the act of June 22, 1860, under which Treasury notes at six per cent. might be paid to creditors at par, to the amount of \$11,393,450; making an aggregate of \$21,393,450. The magnitude of the public necessities required further measures.

He submitted the expediency of a NATIONAL LOAN of not less than one hundred millions, to be issued in the form of Treasury notes or exchequer bills, bearing interest at seven and three-tenths per cent., to be paid half-yearly, and redeemable at the pleasure of the United States after three years.

He suggested interest at the rate of seven and three-tenths per cent., because it was equitable to both borrower and lender, and peculiarly convenient of calculation; but he did not propose to restrict loans in this form to any precise limit short of the en-

tire sum that might be required, in addition to sums realized from other sources, for all the purposes of the year. He proposed to open subscription-books in the office of the United States Treasurer at Washington, and in the offices of assistant-treasurers and depositories of public moneys, and in the post-offices of such cities and towns as might be designated, and to appoint private persons to open books. Subscriptions were to be received for fifty or any multiple of fifty dollars. He was sure such a loan would be responded to by the people promptly and liberally. But if it was found *inexpedient* (note the delicacy of this expression!) to provide the whole amount needed in the foregoing mode, he proposed to issue one hundred millions of bonds to home and foreign lenders at rates not lower than par, payable in thirty years, at a rate of interest not exceeding seven per cent., payable in London.

As an auxiliary measure, and for whatever sums might be needed to supply the full amount required for the service of the fiscal year, the Secretary recommended provision for the issue of Treasury notes of ten, twenty, and twenty-five dollars each, payable one year after date, to the amount of fifty millions. He proposed that these notes should bear interest at the rate of three and sixty-five one-hundredths per cent., and be exchangeable, at the will of the holder, for Treasury notes or exchequer bills, payable after three years, bearing seven and three-tenths per cent. interest; or if found more convenient they might be made redeemable on demand in coin without interest. In either form, such notes might prove very useful if prudently used in anticipation of revenue certain to be received.

“But the greatest care will be requisite,” he added, “to prevent the degradation of such issues into an irredeemable paper currency, than which no more certainly fatal expedient for impoverishing the masses and discrediting the government of any country, can well be devised.”

The estimates of the war expenditures submitted in this report of Mr. Chase were rested upon the belief that about three hundred thousand troops of all arms—regulars and volunteers—would be brought into the field, and that the war would not be long continued. General Scott, the veteran chief who then commanded the armies, believed three hundred thousand men ample

for the purpose of suppressing the rebellion, and that it could be ended in a year. The number actually at the command of the Government on the 1st of July, 1861, was three hundred and ten thousand, but of these eighty thousand were three months' men, whose terms of service would shortly expire. Mr. Cameron (Secretary of War) at that particular period suffered embarrassments of a remarkable character; too many troops were offering. He reminded the world of the superior military ardor and resources of the republic; "instead of laboring under the difficulty of monarchical governments in the want of men to fill its armies (which in other countries has compelled a resort to forced conscription), one of its main difficulties is to keep down the proportions of the army, and prevent it from swelling beyond the actual force required," was a very clumsy and ungrammatical statement of a difficulty in the path of Mr. Cameron and the republic which grew less as the war wore painfully on, and finally disappeared altogether. With his report Mr. Chase transmitted bills¹ embodying the recommendations it contained.

To these proposed measures Congress responded promptly:

The loan act of July 17, 1861, empowered the Secretary to borrow two hundred and fifty millions of dollars, or so much of that sum as he should deem necessary for the public service. Against this bill but five votes were cast in the House—those of Messrs. Burnett, of Kentucky, Norton and Reid, of Missouri, Vallandigham, of Ohio, and Fernando Wood, of New York.

It gave the Secretary authority to issue coupon or registered bonds or both, or Treasury notes of any denomination not less than fifty dollars; the bonds to be redeemable after twenty years from their date and to bear an interest not exceeding seven per cent.; the Treasury notes to be payable after three years, and to bear interest at the rate of seven and three-tenths per cent. per annum.

¹ These bills were: "A bill to authorize a national loan, and for other purposes," and "a bill further to provide for the collection of duties on imports, and for other purposes." The latter was intended especially to enforce the collection of customs duties in the insurrectionary States. Mr. Chase invited Senators Fessenden and Collamer to Washington to consult with them in respect to the measures embodied in these bills, and they were approved by them with some very slight modifications, as they were afterward approved by Congress in the same way. But emphatically they were the work of Mr. Chase's own hand.

And to issue, also, in exchange for coin or in payment of salaries or other dues of the United States, Treasury notes of a less denomination than fifty dollars, bearing no interest, but payable on demand, and (by the supplemental loan act of August 5, 1861) receivable for public dues; or Treasury notes, bearing interest at the rate of three and sixty-five one-hundredths per cent., payable one year after their date, and exchangeable in sums of one hundred dollars or upward for the seven-thirty three years' Treasury notes. The non-interest bearing notes were limited to fifty millions in amount and to denominations not less than ten dollars; but, August 5th, he was authorized to issue notes under this clause so low in sum as five dollars.

He was authorized to negotiate one hundred millions of the loan in Europe, and to pay the interest upon it in Europe. He was to fix the rate of exchange at which the principal was to be received, and the exchange for payment of principal and interest was to be at the same rate. And by the supplemental loan act of August 5th, six per cent. bonds were authorized to the amount of the seven-thirty Treasury notes issued under the act of July 17th, into which six per cents the seven-thirty Treasury notes were to be convertible.

He was also authorized to issue not exceeding twenty millions of the Treasury notes, of any of the denominations named in the act, at an interest of six per cent., and payable at any time not exceeding twelve months from their date.

And finally, to appoint agents to receive subscriptions to the loan; and if he thought most expedient, to sell bonds at the best terms he could obtain, not below par.

So far of the action of Congress authorizing the Secretary of the Treasury to borrow money.

—The definite appropriations made during the extraordinary session amounted to two hundred and sixty-five millions of dollars; and there were made indefinite appropriations to a considerable amount. The war service was voted \$207,401,397.80; the naval service, \$56,385,086.29; and for civil and miscellaneous purposes \$1,371,873.90—total, \$265,158,357.99. These were in addition to former appropriations unpaid and to be satisfied out of the funds raised during the ensuing year.

A large number of new offices—military and civil—were

created and the salaries of others made larger; the pay of the privates in the army, volunteer and regular, was increased from eleven to thirteen dollars a month; bounties of public lands were also added to their pay; and the President was authorized to accept five hundred thousand troops for the suppression of the rebellion.

— An act was passed for the confiscation of the property of rebels; more, however, as a penal measure than for purposes of revenue.

The duties on a large number of articles were increased, but notably on sugars, coffees, teas and molasses; on brandy and distilled spirits; on wines; and on silks. A direct tax of twenty millions was apportioned among the States, thus: Maine, \$420,826; New Hampshire, \$218,406.66; Vermont, \$211,068; Massachusetts, \$824,581.33; Rhode Island, \$116,963.66; Connecticut, \$308,214; New York, \$2,603,918.66; New Jersey, \$450,134; Pennsylvania, \$1,946,719.33; Delaware, \$74,683.53; Maryland, \$436,823.33; Virginia, \$937,550.66; North Carolina, \$576,194.66; South Carolina, \$363,570.66; Georgia, \$584,367.33; Alabama, \$529,313.33; Mississippi, \$413,084.66; Louisiana, \$335,886.66; Ohio, \$1,567,089.33; Kentucky, \$713,695.33; Tennessee, \$669,498; Indiana, \$904,875.33; Illinois, \$1,146,551.33; Missouri, \$761,127.33; Kansas, \$71,743.33; Arkansas, \$261,886; Michigan, \$501,763.33; Florida, \$77,522.66; Texas, \$355,106.66; Iowa, \$452,088; Wisconsin, \$519,688.66; California, \$254,538.66; Minnesota, \$108,524; Oregon, \$35,140.66; and to the Territories, thus: New Mexico, \$62,648; Utah, \$26,982; Washington, \$7,755.33; Nebraska, \$19,312; Nevada, \$4,592.66; Colorado, \$22,905.33; Dakota, \$3,241.33; and to the District of Columbia, \$49,437.33. An elaborate system for the collection of this tax by Federal officers was provided, but any State electing to do so was authorized to collect it through the agency of its own officers "in its own way and manner," with a deduction of fifteen per cent. A tax of three per cent. upon income in excess of eight hundred dollars was laid by this act; but upon that portion of it derived from securities of the United States one and a half of one per cent. was laid; but upon stocks and securities and all other kinds of property in the United States owned by citizens of the United States residing abroad five per cent.,

with the same exception of one and a half per cent. upon that portion of it derived from the United States bonds. This income tax was to become operative January 1, 1862. In estimating income, taxes of all kinds were to be deducted.

The history of this direct tax act is brief, all its requirements having been suspended for further action of Congress,¹ except in so far as related to the collection of the first annual direct tax of \$20,000,000. All the States (except Delaware) and Territories (except Colorado) and the District of Columbia, formally assumed the payment of their quotas. Of course the eleven States in rebellion did not. In Delaware and Colorado provision was made for its collection by internal revenue officers; and in the States in rebellion by boards of tax commissioners. The whole amount apportioned to those States was \$5,153,891.33, of which there yet remains uncollected \$2,661,782.62. Alabama has paid no part of her quota. In some of the rebel States lands estimated to be worth seven hundred thousand dollars were seized and sold for non-payment of the taxes, and were bid in by the commissioners for the benefit of Government. Utah and Oregon paid no part of their quotas—while unsatisfied balances, to an aggregate of about one and a half million dollars, remain standing against New York, Wisconsin, Kansas, California, South Carolina, and Delaware, and the Territories of Washington and Colorado.² The direct tax levied by this act was upon real estate exclusively.

The extraordinary session came to an end on the 6th of August.

Though the fall of Sumter had been followed by a great uprising of the Northern people, and the determination to suppress the rebellion was universal and sincere, yet there was no really serious apprehension of a prolonged and calamitous war. The shooting of Colonel Ellsworth at Alexandria curiously illustrated the prevailing general incredulity. The news excited in the North an astonishment and indignation so wide-spread and profound as to indicate clearly enough how remote from the

¹ July 1, 1862, and June 30, 1864.

² Report of the Commissioner of Internal Revenue, 1870. Since the date of the report from which the facts in the text are taken, New York certainly (and perhaps others of the then delinquent States) has paid its quota.

popular mind the tremendous reality of the impending conflict was.

The battle of Bull Run put an end to delusion. It illustrated instantly and decisively that the country had entered upon a career of civil war, and that to carry it successfully forward required large measures.

General McClellan was called to Washington and made general-in-chief. The reorganization and augmentation of the armies involved greatly enlarged expenditures, and bore heavily upon every resource at the command of the Treasury. The requirements of each day were over a million of dollars. For the last quarter of the year 1861 the expenses averaged, in round numbers, forty-eight millions a month.¹

Under authority conferred by the acts of the extra session, and as measures of temporary relief, the Secretary issued \$14,019,034 in six per cent. two-years Treasury notes, and \$12,877,750 in six per cent. sixty-days Treasury notes. The first of these were in part paid to public creditors and in part exchanged for coin at par; and the second in exchange for money borrowed.

Steps were taken also for the early issue of the currency afterward popularly known as the "demand notes." The first of these appeared in August, and were paid to the clerks in the departments for salaries, and to other creditors of the Government. There was on their first appearance a genuine reluctance on the part even of loyal people to receive them, and as a means of securing their credit, the Secretary and his Assistant (Mr. George Harrington), and other leading officers of the Treasury (and perhaps of other departments) signed a paper agreeing to accept them in payment of their salaries; all this notwithstanding the fact that the notes were convertible at will into gold, and actually were so converted until the suspension of cash payments in the following December. The merchants and shop-keepers at Washington sought to discredit them, and railroad officers and banks and bankers in some instances at any rate, and in different parts of the country, refused to receive them at all. But they soon established themselves in the

¹ The payments from the Treasury for October, 1861, were \$45,787,054.02; November, \$55,524,675.86; December, \$42,461,268.73.

public confidence, and were everywhere preferred to the State bank currency. The whole amount of these demand notes in circulation at the time of the suspension of cash payments in the following December, was about thirty-three millions.¹

In order to provide for the permanent and regular war expenditures, the Secretary determined to engage the banking institutions of the three chief cities of the North to advance the sums needed, in the form of loans for three-years seven-thirty bonds, to be reimbursed, so far as practicable, from the proceeds of similar bonds to be subscribed for by the people through the agencies of the NATIONAL LOAN, using in the mean while, in aid of these advances, the power of issuing United States small notes. "Upon this plan he hoped," he said, "that the capital of the banks and the people might be so combined with the credit of the Government as to give efficiency to administrative action, whether civil or military, and competent support to the public credit."

With these objects in view, Mr. Chase invited representatives from the banks of New York, Boston, and Philadelphia, to meet him in the first-named city.² To this invitation there was a prompt response, August 19, 1861.

¹ More than one professedly loyal railroad corporation refused these notes in payment of fares and freight; to such Mr. Chase wrote remonstrances very brief and effective. The writer hereof—then a clerk in the Treasury Department—probably brought the first of these notes to Philadelphia, and he experienced a considerable difficulty in inducing the acceptance of one of them at the Continental Hotel. About the time of the suspension of cash payments, a wealthy New-Yorker came into the possession of a large sum—approximating to one million of dollars—in "demand notes." He offered them for deposit in a leading bank in New York; the officers of which refused to receive them, however, in the ordinary course of their business, or in any other way than as a special deposit. Having no alternative, the gentleman reluctantly consented. The "demand notes" being receivable for customs the same as coin, kept pace *pari passu* with the advance in the price of coin; and when the depositor in the ——— Bank withdrew his deposit, "demand notes" were worth nearly or quite one hundred and fifty per cent. premium, measured in legal tenders! Mr. M. B. Field gives me this anecdote.

² Mr. Thomas S. Townsend, compiler of "Townsend's National Record," contributes to the *Chronotype* for May, 1873, some interesting notes concerning Mr. Chase's financial management, from which I extract the following:

When Secretary Chase came to New York to get his first loan, the *London Times* said he had "coerced \$50,000,000 from the banks, but he would not fare so well at the London Exchange."

The *Economist*, a prominent London financial authority, said: "It is utterly out .

The conferences of the Secretary with the bank representatives were full and unreserved. Mr. Chase explained to them the situation of the country; the large inevitable expenditures necessary for the suppression of the rebellion; his hopes of a vigorous prosecution of all the measures requisite to that great end; his wishes and efforts for economy; his views of the inexpediency of high rates of interest, which might suggest a possibility of future inability to pay it, and his desire to enlist their aid in conducting the operations of the Treasury.

The bank representatives, on their side, explained the position of the banks. They alleged their disposition to sustain the Government, and their inability to take more bonds than their disposable capital allowed, without a prospect of an early sale and distribution. They urged that Mr. Chase was too stringent in his ideas about the rates of interest; and on some other points illiberal, and not sufficiently considerate of their interests.

There was danger that the result of the conferences would not be satisfactory. The Secretary said he was sure the banks

of the question, in our judgement, that the Americans can obtain, either at home or in Europe, any thing like the extravagant sums they are asking—for Europe *won't* lend them; America *cannot*."

American credit in Europe, so far as financial affairs were concerned, was reduced to such a low state, and the destruction of the Union considered so certain, that the British agent at Washington for the London bankers, through whom our Government business was transacted, called on Sunday, after hearing of the first Bull Run battle, to have his "little bill" attended to; and requested the Acting Secretary of the Treasury (Mr. George Harrington) to *give security* for the payment of about \$40,000 of balance due! The Acting Secretary replied to this dunning request by directing the anxious inquirer to call on Monday, as the Government would not probably break up before business hours next day.

The London *Times* also uttered this solemn announcement: "*No pressure that ever threatened is equal to that which now hangs over the United States; and it may safely be said that if, in future generations, they faithfully meet their liabilities, they will fairly earn a fame which will shine throughout the world.*"

The London *Times*, in March, 1863, concluded an article about Secretary Chase's stupendous operations by exclaiming: "What strength, what resources, what vitality, what energy, there must be in a nation that is able to *ruin* itself (!) on a scale so transcendent and magnificent!"

And "The Thunderer," a year later, complimented the American financier by declaring that "the hundredth part of Mr. Chase's embarrassments would tax Mr. Gladstone's ingenuity to the utmost, and set the [British] public mind in a ferment of excitement."

wished to do all that was in their power to support the Government, and hoped they would find themselves able to take the loans on terms that could be admitted. "If not, I will go back to Washington, and issue notes for circulation; for it is certain that the war must go on until the rebellion is put down, if we have to put out paper until it takes a thousand dollars to buy a breakfast."¹

It was finally agreed that the banks of the three cities should unite as associates, and advance to the Government fifty millions of dollars; five millions down, and the rest as the money was wanted, on the Secretary's warrants in favor of the assistant treasurers; and the Secretary was to appeal to the people for subscriptions to a national loan on three-years notes bearing seven-thirty per cent. interest, and convertible into twenty-year bonds bearing six per cent. interest, and pay over the proceeds of these subscriptions to the banks, in satisfaction of their advances, so far as they would go, and to deliver to them seven-thirty notes for any deficiency. The advances of the banks were to be in coin.

The stipulations of this agreement were faithfully fulfilled. Mr. Chase caused subscription-books for the national loan to be opened in all the chief cities and towns of the loyal States; the people responded with alacrity, and enabled him to pay to the banks about forty-five millions of dollars—the remainder of their advances was made good by the delivery of the promised seven-thirty three-years bonds.

The operation enabled the banks to make to the Government a second loan of fifty millions on very nearly the same terms as the first. But it had become evident that the popular subscriptions would not continue to be as large and prompt as before; while the inconvenience of their management by the department (it had necessitated a considerable increase in the clerical force) proved to be very great. The accounts of the subscription agents were, therefore closed, and the notes for the second loan were delivered directly to the bankers, who distrib-

¹ In the course of these conferences it was suggested by one of the bankers that the banks should offer an ultimatum. "No," said Mr. Chase; "it is not the business of the Secretary of the Treasury to receive an ultimatum, but to declare one if it shall become necessary."

uted them as best suited themselves. This arrangement very much simplified the transaction, so far as it affected the Treasury, but it was not quite so convenient or advantageous to the banks.

By these two loans the Secretary obtained one hundred millions of dollars, paying—under the immediate exigency—a rate of interest but one and three-tenths per cent. higher than the ordinary rate of six per cent., and that only for three years.

Mr. Chase sought a third loan, but the banks declined to make it upon the seven-thirties. He was therefore compelled, by the absolute necessity of providing immediate means for military and naval disbursements, to offer another description of securities. These were six per cent. bonds, which the act of July 17th had authorized the Secretary to issue, and dispose of at such a deduction from their face value as would make them equivalent to seven per cent. bonds (redeemable after twenty years) at par. Mr. Chase was extremely reluctant to avail himself of this power, but the emergency was great and pressing; there was no other resource, and he submitted. Fifty millions in six per cent. bonds were equal to \$45,795,478.48 in seven per cent. bonds, redeemable after twenty years; and a third loan was taken by the banks upon this basis, and the Secretary delivered to them fifty millions of six per cent. twenty-years bonds in exchange for \$45,795,478.48 in coin.

CHAPTER XXVI.

FIRST "SEVEN-THIRTY" NATIONAL LOAN—WHAT THE BANKS WANTED, AND MR. CHASE WOULD NOT DO—A PAPER-MONEY WAR INEVITABLE—SUSPENSION OF CASH PAYMENTS BY BANKS AND GOVERNMENT, DECEMBER 30, 1861—EXTRACTS FROM MR. CHASE'S REPORT TO CONGRESS—MEASURES PROPOSED BY HIM—PROPOSES A NATIONAL CURRENCY—THE PUBLIC DEBT—STRENGTH OF THE ARMY AND OF THE NAVY.

THE first hundred millions borrowed by the Secretary from the banks were stipulated to be repaid with funds received from the sale of the seven-thirty notes through the agencies for the national loan. Mr. Chase appointed one hundred and forty-eight agents (these were exclusive of the Treasury agencies proper); among them Mr. Jay Cooke, of Philadelphia. The Secretary allowed to these agents one-fifth of one per cent. upon the first hundred thousand dollars of subscriptions obtained by them respectively, and one-eighth of one per cent. upon all sums in excess; and, in addition to these commissions, they were allowed stipulated amounts, varying according to locality, for advertising purposes, but in no single instance exceeding one hundred and fifty dollars. The several agents returned subscriptions amounting in the aggregate to \$24,678,866.84, of which sum Mr. Jay Cooke had obtained \$5,224,050,¹ or more than one-fifth of the whole. He was paid the fixed percentage, which aggregated \$6,680.06; and, though he exhibited vouchers showing disbursements for advertising to the amount of \$3,041.44 (he had made other outlays for advertising for which he had no

¹ This large sum was subscribed in and about the city of Philadelphia.

specific vouchers), he was paid but one hundred and fifty dollars on that account. It was the energy and success of Mr. Cooke in this particular instance that first attracted the attention of the Secretary (who had not known him before), and led to that official connection which was afterward so useful to the Government.

The banks had constantly and strongly urged Mr. Chase to forego the issue of United States notes, and to draw directly upon them for the sums subscribed and placed upon their books to the credit of the Treasury. "In what funds," asked the Secretary, "will my drafts be paid?" "We in New York," was the answer, "are entirely willing to pay in coin." "But, suppose you in New York give checks to the Government creditor upon Cincinnati or St. Louis, in what kind of funds will the checks be paid at those points?" "In whatever funds the check-holder would be willing to receive his pay. That is, in coin if the creditor insists upon coin, and the bank is able and willing to pay in coin; but, if otherwise, in bank-notes." To this the Secretary said he could not consent. He was asked to borrow the credit of local banks in the form of circulation; but he preferred to put the credit of the people into notes, and use them as money. "If you can lend me all the coin required to conduct the operations of the war, or show me where I can borrow it elsewhere at fair rates, I will withdraw every note already issued, and pledge myself never to issue another; but if you cannot, you must let me stick to United States notes and increase their issue just so far as the deficiency of coin may make necessary."

This was the language of Mr. Chase to the bankers on the 16th of November, 1861, when he negotiated with them the third fifty-millions loan. His resolution was seen to be unalterable, and was followed by important consequences.

The vast operations of the war being now superadded to the current business of the country was rapidly modifying the conditions of the currency. If it be admitted that the active coin circulation amounted to two hundred and ten millions on the 16th of November (Mr. Chase estimated the coin *in circulation* at that time, including that held by the banks, at probably not less than \$210,000,000; but it *was* less), and that it could be

steadily preserved at that sum, it was still clearly inadequate to the largely-increased requirements. The enormous expenditures of the Government would alone absorb it several times in the course of each year, either in the form of taxes or of loans; the banks would thus be depleted of the coin necessary to redeem their notes; and the Government itself, in the inevitable delay of collecting, transporting, and disbursing it at widely-separated points, could have the actual use of but a relatively small part of it at any one time. Nothing was more certain, in these circumstances, than the enforced use by both Government and people, of paper money, and that the banks would expand their issues to the utmost limits compatible—not with safety—but with profit.

It speedily became apparent also that the banks could not dispose of their bonds for coin, and that they could not meet their obligations in coin; and, moreover, that the bank-note circulation could not be sustained at the par of coin. To make *that* circulation receivable by the Government in payment of public dues could only be done at the risk of irretrievable financial embarrassments and disorders.

Suspension became inevitable. Some of the banks which had subscribed to the seven per cent. (the third fifty millions) loan declined to pay in coin, and even asked to be relieved from payment in notes of the United States.

On the 27th of December, 1861, the banks agreed to suspend specie payments, and did suspend on the 30th of December following. Consequent upon this action of the banks, the Government had no alternative but to dishonor its own promises, and it did so. It ceased to pay coin; and from the morning of January 1, 1862, new elements entered into the WAR FINANCES, and they were elements of danger and destruction. That they were escaped, and the supplies met promptly and regularly, was due to the wise and firm policy now adopted by Mr. Secretary Chase.

It need scarcely be added, that this action of the banks of New York and the Government was promptly followed by the banks throughout the country.

Preceding the suspension, however, on the 9th of December, 1861, Mr. Chase submitted his second report to Congress. He

exhibited a summary of the results of his operations up to the 30th of November :

There were paid to creditors, or exchanged for coin at par, at different times in July and August, two years' six per cent. notes to the amount of . . .	\$14,019,034 66
There was borrowed at par, in the same months, upon sixty days' six per cent. notes the sum of . . .	12,877,750 00
There was borrowed at par, on the 19th of August, upon three years' seven-thirty bonds, issued for the most part to subscribers to the National Loan, .	50,000,000 00
There was borrowed, October 1st, on the like securities,	50,000,000 00
There was borrowed at par, for seven per cent., on the 16th of November, upon twenty years' six per cent. bonds reduced to the equivalent of sevens, including interest	45,795,478 48
There were issued, and were in circulation and on deposit with the Treasurer, November 30th, of demand notes	24,242,588 14
Making an aggregate realized from loans in various forms of	\$197,242,588 14

The receipts from the customs, which he had in July estimated at fifty-seven millions for the fiscal year 1862, he now stated would not probably exceed \$32,198,602.55. The actual receipts for the first quarter of the year had been \$7,198,602.55; the remaining three-quarters could not be expected to yield over \$25,000,000. He reduced the estimated receipts from public lands and miscellaneous sources from \$3,000,000 to \$2,354,000. The aggregate revenue from all sources, therefore (including the direct tax of twenty millions), he reduced to \$54,552,665.44, being \$25,447,334.56 less than the estimate of July. He attributed this difference between his former estimates and the actual results to the fact that Congress had not adopted—at the July session—the scale of duties he had proposed upon tea, coffee and sugar, and more especially to the changed circumstances of the country, which had proved, even beyond anticipation, unfavorable to foreign commerce. But large as this reduction was, it would not—he said—have compelled him to ask additional powers for the negotiation of loans beyond those asked for in his July report, had appropriations and expenditures been con-

fined within the estimates then submitted. Those estimates had been made upon the understanding that it would be necessary to bring into the field an aggregate of three hundred thousand men, volunteers and regulars; but after the estimates had been furnished to him and his report closed, the President had thought it expedient to ask for four hundred thousand men and four hundred millions of dollars. Congress went even beyond the recommendation of the President, and had authorized the acceptance of five hundred thousand volunteers. The large increase of the army and navy in men and officers—whose pay and rations had also been liberally increased—had augmented and would continue to augment the expenditures far beyond the limit indicated in the original estimates, and the limit would have to be still further extended by the sums required for the increase of the navy and other objects. Large additional appropriations were therefore necessary—of these \$47,985,566.61 were in consequence of expenditures authorized at the last session, \$143,130,927.76 were for future demands; making an increase, including \$22,787,933.31 for indefinite appropriations and redemption of temporary debt, beyond the estimates, of July, of \$213,904,427.68.

To provide the sums needed, the Secretary proposed :

The reduction of expenditure within the narrowest possible limits; contracts of every description to be subjected to strict supervision, and contractors to rigorous responsibility; the abolition of unnecessary offices and reduction of salaries; forfeiture of the property of rebels; that the duties on brown sugar should be increased to two and one-half cents per pound; on clayed sugar to three cents; on green tea to twenty cents per pound; and to five cents per pound on coffee; but thought no other alterations in the tariff would be expedient, unless changed circumstances should show their necessity. He proposed to increase the direct tax so as to produce from the loyal States an annual revenue of twenty millions of dollars; and to lay such duties on stills and distilled liquors, on tobacco, on bank-notes, on carriages, on legacies, on paper evidences of debt and instruments for conveyance of property, and other similar subjects of taxation, as would produce twenty millions; and some modification in the income tax, which he declared to be just in prin-

principle, would probably produce ten millions more—making an aggregate derived from internal taxation of fifty millions of dollars. He conceded that this sum was large, but as the public necessities were also great, he felt that he could not shrink from a plain statement of the demands of the situation. But the means of the people were extensive, and the objects to be attained by a consecration of a portion of them to the public service were priceless. The value of the real property of the loyal States he stated, in round numbers, at seven and a half thousands of millions; the personal property at three and a half thousands of millions; and their annual surplus earnings at not less than three hundred millions. Four mills on each dollar, or two-fifths of one per cent. on their real and personal property, would produce forty-four millions; to this sum the proposed income tax would probably add ten millions. The whole sum would be little more than one-sixth of the annual surplus earnings; and he thought such a tax could certainly be paid without inconvenience. However, the amount to be derived from taxes formed but a small portion of the whole sums required for the expenses of the war; the chief reliance was necessarily upon loans. But he made no recommendation as to the powers with which it might be expedient to invest him with respect to future negotiations. He referred that to the better judgment of Congress, but suggested that the rates of interest—whatever discretion might be otherwise given to him—should be fixed by law; and he submitted his views of a NATIONAL CURRENCY with great fullness, as appears elsewhere.

Mr. Chase then summarized the estimated receipts and expenditures for the fiscal year ending June 30, 1862: the total of receipts from all sources—taxes and loans—being \$329,501,994.38; and of expenditures, \$543,406,422.06; showing the apparent amount for which recourse must be had to future loans of \$213,904,427.68.

In order to complete the view of the financial situation, he summarized the facts and probabilities of the PUBLIC DEBT:¹

¹ The Secretary up to the date of this report had reimbursed to the States of Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, New Jersey, New Hampshire, Ohio, Pennsylvania, Rhode Island, and Wisconsin, the sum of \$4,514,078.51, being 40 per cent. of the sums they had severally advanced on account of war ex-

July 1, 1860, the debt was	\$64,769,703 08
July 1, 1861, the debt was	90,867,828 68
July 1, 1862, it would probably be	517,372,802 93

The estimated strength of the army at the date of this report was as follows :

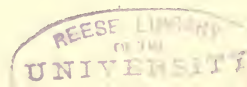
	Volunteers.	Regulars.	Aggregate.
Infantry	557,208	11,175	568,383
Cavalry	54,654	4,744	59,398
Artillery	20,380	4,308	24,688
Riflemen and sharpshooters	8,395	....	8,395
Engineers . . . . .	....	107	107
Total	640,637	20,334	660,971

These were for three years "or the war"—in addition were 77,875 three-months troops, making an actual aggregate of 718,512.

The increase in the naval forces was proportionate. On the 4th of March, 1861, the navy consisted of forty-two vessels, carrying five hundred and fifty-five guns and about seven thousand six hundred men. December 2, 1861, the number of vessels in the navy (including some in course of construction and some purchased vessels in course of equipment) was two hundred and sixty-four, carrying twenty-five hundred and fifty-five guns and twenty-two thousand men.

An act was passed and approved December 24th, by which the duties on tea, coffee, sugar, etc., were fixed at the rates proposed by Mr. Chase. This was the only fiscal legislation of the second session of the Thirty-seventh Congress preceding the close of the year, and the suspension of cash payments, December 31, 1861.

penses. Before sending to Congress the report from which these figures are extracted, Mr. Chase was asked by some prominent financial gentlemen of New York to make the best showing he could, and very particularly to state the public debt and its probabilities at the lowest possible sum. To this Mr. Chase replied, that this would not be compatible with his views of duty; that he felt bound to state the facts as they were; and if the reader will take the trouble to compare his estimates with the results of the debt, he will see how nearly they approximate. On the 30th of June, 1862, it was \$514,211,371.62; and on the 30th of June, 1863, it was \$1,098,793,181.37—his estimate in his report of December, 1862, having been \$1,122,297,403.24.



CHAPTER XXVII.

MILITARY AND FINANCIAL SITUATION IN JANUARY, 1862—A HARD-MONEY WAR IMPRACTICABLE — PROPOSAL OF MR. THADDEUS STEVENS TO ISSUE LEGAL-TENDER PAPER MONEY—MR. CHASE'S OPPOSITION TO THIS PROPOSAL—EXTRACTS FROM HIS LETTERS AND REPORTS ON THE SUBJECT—HIS EFFORTS TO AVOID THE LEGAL TENDER—FAILURE OF THESE EFFORTS, AND SUBMITS TO AN UNAVOIDABLE NECESSITY—OPINIONS OF REPUBLICAN REPRESENTATIVES AND SENATORS ON THE LEGAL TENDER — PASSAGE OF THE LEGAL-TENDER ACT—ONE HUNDRED AND FIFTY MILLION DOLLARS AUTHORIZED — A SECOND EMISSION OF ONE HUNDRED AND FIFTY MILLION DOLLARS SANCTIONED BY CONGRESS—SUMMARY OF THE WHOLE ISSUES AUTHORIZED—EFFECTS OF THE LEGAL TENDER.

THE situation, military and financial, at the beginning of the year 1862, was gloomy and inauspicious. The "Trent affair" had culminated that day in the release of the rebel envoys, Mason and Slidell, from their imprisonment in Fort Warren, and the recommencement of their journey, from Boston Harbor, toward England.

The whole course of the Trent transactions had been a sore wound to the national pride. Men of all parties felt that England had conducted them in a characteristic spirit of insult and menace. The history of this "affair" is brief:

On the 8th of November, 1861, Captain Charles Wilkes—commanding the sloop-of-war San Jacinto, then cruising in the Bahama Channel—forcibly detained the English mail-steamer Trent, and took from aboard of her James M. Mason and John

Slidell, who were making their way to England as emissaries of the Confederate Government. They were brought to the United States and lodged as political prisoners in Fort Warren.

The news of this capture was received in the United States with pride and exultation; in England with a storm of anger. The British flag, it was almost universally declared, had been insulted and outraged, and a reparation must be exacted as ample as the offense had been great. Her Majesty's Government was prompt to action; it was instantly as industrious in preparing for war as if war had been actually declared.

A special messenger was immediately dispatched to Washington, carrying private instructions to the British minister—which, however, for entirely obvious reasons, were made public at the earliest opportunity. Lord Lyons was instructed to exact not only the immediate release of the Confederate emissaries, but an ample apology also. "Should Mr. Seward ask time," said Lord Russell to Lord Lyons, "for the consideration of this grave and serious matter, you will allow not exceeding seven days." *Not* exceeding seven days! On this occasion, at any rate, Mr. Lincoln's Government was uncommonly efficient, and in six days Mason and Slidell were delivered up.

There was little in the military situation at that time to compensate for the deep humiliation of the Trent business. Quite otherwise indeed. Nothing at all had been accomplished; and the vast armies of the republic—excepting that under Grant in the West—lay inactive. The public heart was sore and restless; and a great clamor suddenly arose. A victim was needed. The administration of the War Department was famously incompetent; it commanded the confidence neither of the President nor of the people. It is not surprising, therefore, that the public exasperation concentrated itself furiously upon Mr. Cameron. Mr. Lincoln promptly seized an opportunity he had long wished; he sent a note of three lines to Mr. Cameron, informing him that the President had made up his mind to accept his (Mr. Cameron's) resignation as Secretary of War. Mr. Cameron, however, had not offered any resignation, either verbal or written. But he went out of office, and was succeeded on the 13th of January by Edwin M. Stanton.

Some military successes followed promptly upon Mr. Stan-

ton's accession; the victory at Fishing Creek, the capture of Forts Henry and Donelson, and of Roanoke Island. They were utterly indecisive, it is true, but they were important disasters to the insurgents; who, however, exhibited no signs of weakness nor of yielding; contrariwise, they seemed to be inspired to new and more vigorous efforts.

Mr. Lincoln's government was now in the midst of great difficulties. The magnitude of the war was enormously beyond all expectation; and the wisest could not forecast its issue. Though at peace with foreign nations, our foreign relations were a subject of more or less anxiety. At home the political elements were not united in support of the war. Instead of the army of four hundred thousand men proposed by the President at the extra session in July, 1861, seven hundred and fifty thousand had been accepted up to the beginning of the new year, and recruiting still went on. To support this immense soldiery, and an extensively enlarged navy, required great resources—but the Treasury was almost empty. The public debt already reached three hundred millions of dollars (January 28th), and one hundred millions were overdue. The daily expenditures approximated to two millions; three hundred and fifty millions were necessary to carry the Government through to the end of the fiscal year (June 30, 1862),¹ while upon the best showing the existing resources of the Treasury would be exhausted in less than fifty days. Income from taxes was hopelessly inadequate; loans could not be procured, except of bank-notes and upon inadmissible discounts; the public necessities pressed inexorably, and the people were impatient and clamorous. Delay was dangerous, therefore, in every aspect.

The suspension of cash payments by the Government, as well as by the banks, developed that a resort to PAPER MONEY had become unavoidable. A "hard-money" war was impracticable. The Treasury was forced to make choice, therefore, between the inconvertible notes of the local banks and the inconvertible notes

¹ These were the estimates of Mr. E. G. Spaulding, of Buffalo, in the House of Representatives on the 28th of January, 1862. They were not borne out by the facts as they existed June 30, 1862; but they are quoted as showing the reasons upon which action on the legal tender was largely founded at the time of its discussion in January and February, 1862.

of the Government. In either case expansion was inevitable: in the first, the issues would have been determined only by considerations of bank profit; in the second, by the public necessities—as afterward happened.

The Secretary of the Treasury and the Finance Committees of both Senate and House agreed fully as to the inexpediency of using bank-notes, and in the policy of issuing a circulation founded upon the public faith. They did not agree, however, as to the character of this circulation.

Mr. Thaddeus Stevens, representing the paper-money idea in its simplest form, proposed the issue of United States notes to an amount adequate to the wants of the Treasury, which should be receivable in payment of Government dues of every kind, and be a legal tender in payment of all debts both public and private. But Mr. Chase had already, in his report to Congress made on the 9th of December, 1861, expressed his aversion to a circulation of United States notes even when convertible into coin. He admitted that the substitution of a national for a State circulation would not be without benefits; the people would gain the advantage of a uniform currency, and relief from a considerable burden in the form of interest upon debt. If a scheme could be devised by which such a circulation would be certainly and strictly confined within the real needs of the people, and kept constantly equivalent to specie by prompt and certain redemption in coin, it could hardly fail of legislative sanction. But he expressed his apprehension that it would be attended with serious hazards and inconveniences. The temptation, especially great in times of pressure and danger, to issue notes without adequate provision for redemption; the ever-present liability to be called on for redemption beyond means, however carefully provided and managed; the hazard of panics, precipitating demands for coin concentrated on a few points and a single fund; the risk of a depreciated, depreciating, and finally worthless paper money; the immeasurable evils of dishonored public faith and national bankruptcy: all these were possible consequences of a system of government circulation. It might be truly said, perhaps, that they would be less deplorable than those of an irredeemable State-bank circulation; but the possible disasters of the plan so far outweighed its probable benefits, *that he felt him-*

*self constrained to forbear recommending its adoption.*¹ These words were written of a system the basis of which was coin, and under which, as was supposed, the convertibility of the notes into gold and silver would be steadily sustained.²

Mr. Chase was not without a remedy, however. In order to supply a sound and uniform currency—one entirely adequate to the wants of the country at the same time that it furnished a sure guarantee against excessive issues and uncertain value and credit—he proposed that system of NATIONAL BANKING ASSOCIATIONS which at a later period was authorized by the action of Congress. The principal features of this system he explained to be: First, a circulation of notes bearing a common impression and authenticated by a common authority (that of the national Government); second, the redemption of these notes by the associations and institutions to which they were to be delivered for issue; and, third, the security of that redemption by the pledge of United States stocks, and an adequate provision of spe-

¹ The reflections of Mr. Hamilton upon this point are too full of wisdom to be omitted: "The emitting of paper money by the authority of Government is wisely prohibited to the individual States by the Constitution, and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions under a general authority might have some advantages not applicable, and be free from some disadvantages which are applicable to the like emissions by the States separately, yet they are of a nature so liable to abuse—and, it may be affirmed, so certain of being abused—that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient. In times of tranquillity it might have no ill consequence; it might even perhaps be managed in a way to be productive of good; but in great and trying emergencies there is almost a moral certainty of its becoming mischievous. The stamping of paper is an operation so much easier than the laying of taxes, that a Government in the practice of paper emissions would rarely fail, in any such emergency, to indulge itself too far in that resource, to avoid as much as possible one less auspicious to present popularity. If it should not even be carried so far as to be rendered an absolute bubble, it would at least be likely to be extended to a degree which would occasion an inflated and artificial state of things, incompatible with the regular and prosperous course of the political economy."—(See Alexander Hamilton's "Report on a United States Bank.")

² Mr. Chase, prior to his annual report submitted to Congress, December 9, 1861, was confident there would be no suspension of cash payments. Mr. Maunsell B. Field, in his book, "Memories of Many Men and of Some Women," mentions (pp. 255, 256) two conversations between Mr. Chase and Mr. John J. Cisco, in both of which the former declared emphatically that so long as he was Secretary there should be no suspension.

cie.¹ By this plan private capital would be joined with the public faith; and the people, in their ordinary business, would reap the advantages of uniformity in currency; of uniformity in security; of effectual safeguard, if effectual safeguard was possible, against depreciation; and of protection from losses in discounts and exchanges; while in the operations of the Government the people would find the further advantages of a large demand for Government securities, of increased facilities for obtaining the loans required by the war, and of some alleviation of the burdens on industry through a diminution in the rate of interest, or a participation in the profits of circulation, without risking the perils of a great money monopoly. If a credit circulation was desirable in any form, it would, in the opinion of the Secretary, be most desirable in this. The notes thus issued and secured would, in his judgment, be the safest currency the country ever enjoyed; they would be of equal value in every part of the Union. By adopting this system, the whole circulation of the country, except a small amount of foreign coin, would, after the lapse of two or three years, bear the impress of the nation whether in coin or notes; while the amount of the latter, always easily ascertainable, and always generally known, would not be likely to be increased beyond the real wants of business. Of course it was necessary to the successful working of this plan that the State-bank circulation should be withdrawn and this national circulation substituted in its stead. He proposed, therefore, that Congress should offer inducements to the solvent institutions of the country to consent to this substitution; and expressed his conviction that no argument was necessary to establish the constitutionality of the proposed plan.

In order to make this plan effective for the purposes for which it was designed, prompt action was necessary on the part of Congress. Mr. Chase accordingly submitted a bill embodying the principles proposed; but the prevailing sentiment of Congress was decidedly hostile, and the almost united influence

¹ In his report of December, 1862, the Secretary, while renewing his recommendations for a system of national bank circulation, declared with emphasis that he proposed "no mere paper-money scheme, but, on the contrary, a series of measures looking to a safe and gradual return to gold and silver as the only permanent basis, standard and measure of values recognized by the Constitution."

of the State banks—a powerful interest in the country—was against it. As stated in another place in this volume, the most that was done at that session was permission granted to Mr. Hooper to introduce a bill providing for a system of national banking associations, upon which, however, no action was had.

The proposal to establish a circulation of United States notes in amount wholly at the discretion of Congress, and exclusively within the management and control of the Treasury Department, excited in the mind of Mr. Chase serious apprehensions of disaster; but to invest these same notes, irredeemable in coin, with the character of legal tender in payment of both public and private debts, and necessarily retroactive in its scope and operation, filled him with an almost invincible repugnance. He thought it a measure of great violence; of doubtful constitutionality, and certain to lead to many hardships and much injustice. But deeply as he felt these considerations, he felt that the safety of the state was indeed the supreme law. The inexorable necessity remained that a currency should be provided in which loans could be negotiated and the transactions of the Government could be carried on. In existing circumstances, his scheme of a national circulation issued through the instrumentality of banking institutions controlled by the national authority, was impracticable; but he did not despair of avoiding the legal-tender sanction. He proposed several modes of doing this—the more important of which was, perhaps, that the banks should receive and disburse the Government notes as they did their own. He believed that such an arrangement would give them as much credit as the legal-tender sanction would. But the banks resisted his wishes. To none of his projects would they give any thing approximating to a unanimous consent. Some manifested a disposition wholly to discredit the national circulation,¹ whether issued in notes bearing interest, or issued in notes bearing no interest; and if possible to force upon the country the circulation of the suspended banks. “This state of things,” wrote Mr.

¹ For example: not long before the passage of the legal-tender act, a distinguished bank president of New York—noted for his hostility to the measures of the Secretary, and thoroughly informed at the same time of the opposition of the Secretary to the legal tender, and believing doubtless that he would not consent to it—on a certain occasion ostentatiously threw out the demand notes in receiving deposits, with the exultant inquiry, “What will he do now?”

Chase to Mr. Trowbridge, "was the high-road to ruin, and I did not hesitate as to the remedy. I united with those who desired to make the United States notes a legal tender, and joining them decided the success of the measure."

The historical fact is, then, that Mr. Chase did not originate the legal-tender measure, nor come to its support even until he had exhausted all the means at his command to make its adoption unnecessary. And it was the fixed belief of many leading Republican members both of the Senate and House that it was unavoidable; and of its potency in affording prompt relief no one had any doubt. The Chambers of Commerce in New York and other leading cities officially indorsed the measure. Mr. John J. Cisco, the Assistant Treasurer at New York—whose long practical experience in financial affairs¹ made his opinions especially valuable and important—in a letter to Mr. Chase expressed his belief in the necessity of the measure; not indeed because he approved the principle it involved, but because the public safety was paramount to all other considerations. He was urged to its support by eminent New York merchants and bankers; among the latter John Austin Stevens, at that time President of the Bank of Commerce. His Assistant Secretary, Mr. George Harrington—in whose ability and judgment Mr. Chase reposed great confidence—was earnest in his advocacy of the measure. "It is impossible to get along without it," were his emphatic words. This was said about the 20th of January, 1862; on the 29th Mr. Chase addressed a letter to Mr. Thaddeus Stevens, in which he said:

"I have the honor to acknowledge the receipt of a resolution of the Committee of Ways and Means referring to me House bill No. 240,² and

¹ He had served in his office under General Pierce and Mr. Buchanan, and consented to a temporary service under Mr. Lincoln.

² House Bill No. 240 was entitled "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States." It was reported in the House of Representatives by Mr. E. G. Spaulding, of New York, who said, in the course of a speech made in its support, and referring to the legal-tender feature: "It is a war measure; a measure of necessity and not of choice, presented by the Committee of Ways and Means to meet the most pressing demands upon the Treasury, to sustain the army and the navy until they can make a vigorous advance upon the traitors and crush out the rebellion. These are extraordinary times, and extraordinary measures must be resorted

asking my opinion as to the propriety and necessity of its immediate passage by Congress.

“The condition of the Treasury certainly makes immediate action on the subject of affording provision for the expenditures of the Government both expedient and necessary. The general provisions of the bill submitted to me seem to be well adapted to the end proposed. There are some points in it, however, which may perhaps be usefully amended.

“The provision making the United States notes a legal tender has doubtless been well considered by the committee, and their conclusion needs no support from any observation of mine. I think it my duty to say, however, that in respect to this provision my reflections have conducted me to the same conclusions they have reached. It is not unknown to them that I have felt, nor do I wish to conceal that I now feel, a great aversion to making any thing but coin a legal tender in payment of debts. It has been my anxious wish to avoid the necessity of such legislation. It is at present impossible, however, in consequence of the large expenditures entailed by the war and the suspension of the banks, to procure sufficient coin for current disbursements; and it has therefore become indispensably necessary that we should resort to the issue of United States notes. The making them a legal tender might still be avoided if the willingness manifested by the people generally, by railroad companies and by many of the banking institutions, to receive and pay them as money in all transactions were absolutely or practically universal; but unfortunately there are some persons and some institutions which refuse to receive and pay them, and whose action tends not merely to the unnecessary depreciation of the notes, but to established discriminations in business against those who—in this matter—give a cordial support to the Government and in favor of those who do not. Such discriminations should, if possible, be

to in order to save our Government and preserve our nationality.” This bill, in its earlier phases, had been submitted to Mr. Chase for his reading: he returned it to Mr. Spaulding, with some slight modifications suggested by the settled modes of business in the department, and by considerations of economy and convenience. In his note to Mr. Spaulding on this occasion, he said he “exceedingly regretted that it was found necessary to resort to the measure of making fundable notes of the United States a legal tender,” but that he “heartily desired to coöperate with the committee in all measures to meet the existing necessities in the mode most useful and least hurtful to the general interests.” Mr. Spaulding states, in his “History of the Legal-Tender Paper Money of the Rebellion” (page 45), that this letter of Mr. Chase was regarded by a majority of the Committee of Ways and Means as non-committal on the legal-tender clause in the bill, and many believed that when pressed to a decision he would declare against its constitutionality. In order to obtain the opinion of the Secretary more fully, Mr. Erastus Corning offered a resolution in the committee, referring bill No. 240 to the Secretary, and requesting him to communicate at as early a day as possible his opinion as to the propriety and necessity of its immediate passage. After considerable delay, the Secretary sent the reply quoted in the text.

prevented; and the provision making the notes a legal tender in a great measure, at least, prevents it by putting all citizens in this respect upon the same level both of rights and duties.

"The committee doubtless will feel the necessity of accompanying this measure with legislation necessary to secure the highest credit as well as the largest currency of these notes. This security can be found, in my judgment, by proper provisions for funding them in interest-bearing bonds; by well-guarded legislation authorizing banking associations with circulation based on the bonds in which the notes are funded; and by a judicious system of adequate taxation, which will not only create a demand for the notes, but—by securing the prompt payment of interest—raise and sustain the credit of the bonds. Such legislation, it may be hoped, will divest the legal-tender clause of the bill of injurious tendencies, and secure the earliest possible return to a sound currency of coin and promptly convertible notes.

"I beg leave to add that vigorous military operations, and the unsparing retrenchment of all unnecessary expenses, will also contribute essentially to this desirable end."

A few days later—on the 3d of February—he addressed a short note to Mr. E. G. Spaulding, who, as head of a sub-committee of the Committee of Ways and Means, had the bill containing the legal-tender clause in charge. In that note Mr. Chase said:

"Mr. Seward said to me on yesterday that you had observed to him that my hesitation in coming up to the legal-tender proposition embarrassed you; and I am very sorry to know it, for my anxious wish is to support you in all respects.

"It is true I came with reluctance to the conclusion that the legal-tender clause is a necessity, but I came to it decidedly and I support it earnestly. I do not hesitate when I have made up my mind, however much regret I may feel over the necessity of the conclusion to which I came. . . .

"Immediate action is of great importance. The Treasury is nearly empty. I have been obliged to draw for the last installment of the November loan; so soon as it is paid, I fear the banks generally will refuse to receive the United States notes. You will see the necessity of urging the bill through without more delay."

But although the Secretary at last gave in his adhesion, the measure did not command the unanimous support of the friends of the Administration, and was solidly opposed by the Democrats. It encountered a violent hostility and opposition in both Houses; the harshest denunciations being showered upon it by

leading Republicans. Some of these will now be read with interest.

Mr. Justin S. Morrill, of Vermont (then in the House of Representatives): "I should feel that I utterly failed in the discharge of my duty, if I did not find a stronger prop for the country than this measure—a measure not blessed by one sound precedent, and damned by all!" Then followed this indictment: "It is of doubtful constitutionality; it is immoral; a breach of the public faith; it will banish all specie from circulation; it will degrade us in the estimation of other nations; it will cripple American labor, and throw larger wealth into the hands of the rich, and there is no necessity calling for so desperate a remedy. . . . I protest against making any thing a legal tender but gold and silver, as calculated to undermine all confidence in the republic."

Mr. Roscoe Conkling, of New York (then also in the House):—"It will proclaim throughout the country a saturnalia of fraud; a carnival of rogues. Every agent, attorney, treasurer, trustee; every debtor of a fiduciary character, who has received for others *money*—hard money, worth a hundred cents in the dollar—will forever release himself from liability by buying up, for that knavish purpose, at its depreciated value, the spurious currency we will put afloat. Everybody will do it, except those who are more honest than the American Congress advises them to be! . . . No precedent can be urged in its favor; no suggestion of the existence of such a power can be found in the legislative history of the country. . . . But more is claimed" (in the pending measure) "than the right to create a legal tender heretofore unknown. It is not confined to transactions *in futuro*, but is retroactive in its scope. It reaches back, and strikes at every existing pecuniary obligation."

Mr. Owen Lovejoy: "No respectable argument has been advanced in support of its constitutionality, and as great talent and eminent ability have been brought to bear upon it, I take it that no argument can be made in vindication of its constitutionality. . . . Moreover, it is not in the power of any legislative body to make something out of nothing."

Mr. Thaddeus Stevens: "The measure is one of necessity and not of choice. No one would willingly issue paper currency

not redeemable on demand and make it a legal tender. It is never desirable to depart from the circulating medium which, by the common consent of civilized nations, forms the standard of value."

Mr. Fessenden, in the Senate: "It is, in my judgment, a confession of bankruptcy. We go out to the country with a declaration that we are unable to pay or borrow, and such a confession is not calculated to increase our credit. Nobody can deny that it is bad faith. If it be necessary for the salvation of the Government, all considerations of the kind must yield; but to make the best of it, it is bad faith, and encourages bad morality both public and private. To say that notes thus issued shall be receivable in payment of all private obligations is, in its very essence, a wrong, for it compels one man to take from his neighbor in payment of a debt that which he would not otherwise receive or be obliged to receive, and what is not probably full payment." He declared that it inflicted a stain upon the national honor, and would occasion loss that would fall most heavily on the poor.

Mr. Sumner, in the Senate: "Is it necessary to incur all the unquestionable evils of inconvertible paper, forced into circulation by act of Congress—to suffer the stain upon our national faith—to bear the stigma of a seeming repudiation—to lose for the present that credit which is in itself a treasury—and to teach debtors everywhere that contracts may be varied at the will of the stronger? Surely, there is much in these inquiries that may make us pause. If our country were poor or feeble, without population and without resources; if it were already drained by a long war; if the enemy had succeeded in depriving us of the means of livelihood—then we should not even pause. But our country is rich and powerful, with a great population, busy, honest, and determined; and with unparalleled resources of all kinds, agricultural, mineral, industrial, and commercial: it is yet undrained by the war in which we are engaged; nor has the enemy succeeded in depriving us of any of the means of livelihood. It is hard, very hard, to think that such a country, so powerful, so rich, and so beloved, should be compelled to adopt a policy of even questionable propriety. If I mention these things—if I make these inquiries—it is because of the unfeigned

solicitude I feel with regard to this measure, and not with the view of arguing against the exercise of a constitutional power, when, in the opinion of the Government, in which I place trust, the necessity for its exercise has arrived. Surely, we must all be against paper money—we must all insist upon maintaining the integrity of the Government—and we must all set our faces against any proposition like the present, except as a temporary expedient, rendered imperative by the exigency of the hour. If I vote for this proposition, it will be because I am unwilling to refuse to the Government, especially charged with this responsibility, that confidence which is hardly less important to the public interests than the money itself.”

That feature in the bill excepting the interest on the public debt and duties on imports¹ from the operation of the legal tender, and making them payable in coin, was condemned as an unjust and odious discrimination. Mr. Stevens directed his strong invective against it. He said that with this provision incorporated (originated in the Senate) the measure had “all the bad qualities originally charged upon it by its enemies, and none of its benefits. It creates money, and by its very terms declares it depreciated. It makes two classes of money—one for the banks and brokers, and another for the people. It discriminates between the rights of different classes of creditors, allowing the capitalist to demand gold, and compelling the ordinary lender on individual security to receive notes which the Government itself has purposely discredited.” Mr. Hooper also opposed this feature, but it prevailed—chiefly upon the ground that the credit of the notes would be better sustained if they were made convertible into coin interest-bearing securities. But Mr. Stevens, feeling deeply the injustice of the discrimination, made an effort to have the wages of the army and navy, and contractors for supplies furnished for their support, paid in coin; nor was he far from success—sixty-seven votes being recorded in its favor to seventy-two against it.

The bill became a law on the 25th of February, 1862. It authorized the issue of one hundred and fifty millions of United

¹ Duties on imports were made payable in coin, and the coin so derived into the Treasury was to be reserved by the Secretary as a special fund for the payment of interest on the public debt.

States notes not bearing interest, payable at the Treasury of the United States, in denominations of not less than five dollars; fifty millions to be in lieu of fifty millions of demand notes authorized in July, 1861, which were to be taken up and retired as rapidly as practicable (and ten millions of "demand notes," also¹ issued under authority of an act approved February 12, 1862, passed while the legal-tender measure was under discussion, were also to be retired and legal tenders substituted in their stead); the two kinds of notes, taken together, were not to exceed one hundred and fifty millions; they were to be received in payment of all taxes, internal duties, excises, debts and demands of every kind due to the United States, EXCEPT duties on imports, which were to be paid in coin, and of all claims and demands against the United States of every kind whatsoever, EXCEPT for interest upon the public debt, which was to be paid in coin; and they were to be LAWFUL MONEY AND A LEGAL TENDER IN PAYMENT OF ALL DEBTS, PUBLIC AND PRIVATE, within the United States, EXCEPT duties on imports and interest on the public debt,² and they were to be received at par in exchange for the six per cent. "five-twenty bonds," or any other loans subsequently sold or negotiated by the Secretary of the Treasury.

Although there was no pledge to that effect in the act, the whole course of the debate upon it implied a general understanding, at any rate, that the amount of the legal tenders should not at any time exceed one hundred and fifty millions of dollars.

But one hundred and fifty millions were not enough. On the 7th of June subsequent to the passage of this act Mr. Chase

¹ On the 17th of March, 1862, the President approved an act by which the "demand notes" were also made a legal tender; the reason for the act being that although the "demand notes" were received for duties on imposts, and *ought* to have been at par with coin, some of the banks refused to receive them, and they were slightly depreciated in consequence.

² During the suspension of cash payments by the Bank of England, the imperial Treasury received the notes of the bank in payment of every kind of dues, and paid them out for interest upon the public debt. This latter, of course, affected many persons, and was not exactly honest; but doubtless it was better and fairer than to make a legal discrimination among public creditors. It ought to be observed, too, that the depreciation of Bank of England notes, even after it began, was very slight and gradual, and worked no extreme hardships; and it has been stated that for a short period after the suspension they were actually at a slight premium over coin.

applied to Congress for authority to issue one hundred and fifty millions more, and of this sum thirty-five millions were to be in denominations less than five dollars.¹ Great inconvenience, he

¹ In his letter of June 7, 1862, to Mr. Stevens, chairman of the Committee of Ways and Means, Mr. Chase proposed to make arrangements for engraving and printing the legal-tender notes in the Treasury Department building at Washington. Congress (act of July 11, 1862) authorized him to do so. The organization of the "Currency Bureau" was prompt; a suitable system of "checks and balances" was provided for the public protection, and from its first beginning in 1862, with one male and four female operatives, it attained in 1864—about the time of Mr. Secretary Chase's resignation—a capacity for the production of notes and bonds to the amount of sixteen millions of dollars a day!—which sum it sometimes exceeded, and employed over five hundred operatives. This bureau was the subject of a vast deal of gossip and scandal; its chief was charged with flagrant abuse of his place with respect to some of the women, which may or may not have been true; and with fraud and speculation, which certainly was *not* true. There was no lack of committees appointed both by Congress and the Secretary himself, to investigate its affairs; these committees were laborious and thorough in their inquiries; most of their members were either political enemies of the Secretary or personal enemies of the chief of the bureau; but they developed nothing showing dishonest or even careless management. It was in connection with the manufacture of paper money that the employment of women in the Treasury Department became a settled policy. The notes came from the bank-note companies in sheets, and at the beginning the business of the women was to trim them for circulation. This was afterward done by machinery; many of the women were then transferred to the performance of clerical duties, and others were appointed in pursuance of law.

As already said, this Currency Bureau was the subject of a great deal of official investigation. Indeed, it was so rarely free from some sort of exploration, at the direction either of Congress or the Secretary, that the head of the bureau was in the habit of saying that he was unhappy when a committee was not "sitting upon him." In the course of an investigation ordered by Congress, Mr. James Brooks, of New York—a Democratic member of the radical order—exercised an especially severe scrutiny. He felt sure that there must be numerous opportunities for the abstraction of bonds and currency in the printing division by its employés, and directed his examination to their development. The system of "checks and balances" was, however, as nearly perfect as human ingenuity could make it; and the head of the bureau gave Mr. Brooks a surprising instance of this. He asked Mr. Brooks for a one-dollar greenback; saying he would trace that particular dollar from the time it was part of a sheet of clean white paper in the "paper-room" to the hour of its delivery into the custody of another bureau of the Treasury Department. He did this, showing the course of the bill through the several rooms in which it was subjected to one operation of printing or another, and the several hands operating upon it until it at last emerged a completed piece of money. It was unmistakably true that the particular bill traced was the particular bill supplied for that purpose. Another instance, showing the excellence of the system, was this: One evening a sheet or two of fractional currency were missing; and this, too, before a single employé of the printing division had departed for home after the day's work was done. Indeed,

said, had arisen from the want of notes of the smaller denominations, it having been found impracticable—notwithstanding the efforts of the Treasury—to procure a supply sufficient to answer necessary demands. The Secretary thought the Government might authenticate, by device and imprint, small notes as well as small coins; and that a resumption of cash payments could be more safely and easily effected if the whole currency, large and small, was in United States notes. He said that while the expenses of the Government were not less than a million a day, the receipts from customs were only about \$230,000, and the conversions of legal tenders into six per cent. five-twenty bonds did not exceed \$150,000. “The condition of the Treasury,” said Mr. Chase in submitting a bill in accordance with these views of the existing necessities, “renders prompt action highly desirable; and I trust it is not necessary to assure Congress that should the powers asked for be granted, they will be exercised only with the most careful reference to the requirements of the public interests.”

The amount of legal tenders in circulation at this time was \$147,000,000, being within three millions of the whole amount authorized by the former act.

The popularity of the former issue was by this time general, and the wishes of the Secretary were promptly met. Moreover, Congress was willing to increase the supply of notes, since that mode of supporting the war averted, or seemed to avert, a neces-

it was a special feature of the system that no employé was dismissed until every scrap of paper in the division had been strictly accounted for; a proceeding which, though apparently complicated, required but a few moments for determination. On the occasion here referred to, the doors remained locked and no one was permitted to depart until the matter had been sifted and the culprit discovered. This was the work of a few minutes; and an examination of the books pointed unerringly to the guilty person—a young woman of sixteen or seventeen years of age. Of course she vigorously denied the charge against her; but an examination of her person, made by two or three elderly women belonging to the bureau, vindicated the accuracy of the system: the missing sheets were found concealed in the girl's clothing. The sum she sought to steal was small—twenty or thirty dollars, perhaps, and it was not thought worth while to prosecute her, though she was of course dismissed. But her prompt and certain discovery—the whole affair did not occupy twenty minutes—through the instrumentality of the system itself, shows how complete it was and is. I am not aware that any similar instance occurred of an attempt by an employé of the bureau to steal; which would be more honorable to human nature if it were not in part due to precautions which make stealing impossible!

sity for immediate severe taxation ; and taxation is scarcely ever popular, even with the most patriotic. So an additional issue of one hundred and fifty millions was authorized, thirty-five millions to be in denominations of less than five dollars. This act was approved by the President July 11, 1862.

In the absence of other methods for the support of the armies and the navy, and in the presence of constantly-increasing expenditures and greater facilities for the production of paper money—joined with its growing popularity—the limit of the legal-tender issues was not probable to be long preserved at even three hundred millions. The Secretary was compelled to make prompt use of all the authority conferred upon him, and rapidly exhausted it. The system worked so efficiently, indeed, that before the end of the war, Congress had authorized the application of the legal-tender sanction to one form or another of Government obligations to a total amount of TWELVE HUNDRED AND FIFTY MILLIONS OF DOLLARS! These several forms of legal-tender obligations may be thus summarized :

1. The legal-tender United States notes, commonly called “the greenbacks,” four hundred and fifty millions : authorized by the acts of February 25 and July 11, 1862, and March 3, 1863. Of the issues thus authorized, however, sixty millions were to be in lieu of the “demand-notes,” and fifty millions were to be held as a reserve for the reimbursement of the temporary loan beyond other convenient means of satisfaction. The Secretary was directed to retire the demand-notes as rapidly as practicable.

2. Treasury notes payable not more than three years from date, bearing interest in currency at a rate not exceeding six per cent. (principal payable in currency also), four hundred millions. Act of March 3, 1863.

3. Treasury notes redeemable after three years, bearing a currency interest not exceeding seven and three-tenths per cent. per annum, four hundred millions. Acts of March 3 and June 30, 1864.

How far these several acts were availed of by Mr. Chase, the following brief statement will show :

The whole legal tenders outstanding on the 30th of June, 1862, were \$149,660,000 ; of which \$53,040,000 were demand-

notes. The total of the public debt at the same date was \$514,211,371.92.

The whole outstanding legal tenders on the 30th of June, 1863, were \$390,997,608; of which \$3,351,019 were demand-notes; and the public debt was \$1,222,113,559.86.

The legal tenders outstanding June 30, 1864, amounted to a total of \$600,431,119; of which \$780,990 were demand-notes; \$431,178,670 were legal-tender notes proper; \$15,000,000 were three-years six per cent. compound (currency) interest-bearing notes; \$44,520,000 were one-year five per cent. (currency) notes; and \$108,951,450 were two-years five per cent. (currency) notes. The public debt was \$1,740,690,489.49.¹

The war experience seems to justify the conclusion that the legal tender was a measure warranted by political and military necessity, and that there was no other means of escape from the financial embarrassments existing at the time of its adoption. Without it the circulating notes of the Government would have been of no more value than the notes of the suspended banks; possibly they might have been of less value; but with it, they were clothed with a power which at once gave them a marked superiority. Many of the banks would have rejected them—not always from want of patriotism, but from motives of self-interest; and they would have been refused by a considerable class of citizens who, hostile to the war, would not have hesitated to clog its management in every way not actually treasonable. Both these probabilities are attested by facts connected with the issue of the "demand-notes." The difficulty disappeared under the operation of the legal tender. It enabled the Government at once to relieve itself of embarrassment. It secured prompt and ample supplies for both army and navy. It relieved and invigorated the industries of the people. It restored confidence, by furnishing a substitute for money, which for the time, at any

¹ Mr. Fessenden stated that on the 30th of June, 1865, the outstanding legal tenders amounted to \$669,255,395; of which \$472,603 were demand-notes; \$432,687,966 legal tenders proper; \$42,338,710 were one and two-years currency fives; \$15,000,000 were three-years currency sixes; \$178,756,080 were three-years compound sixes. The public debt was \$2,682,593,026.53.

On the 31st of October, 1868, Secretary McCulloch stated the public debt at \$2,808,549,437.55. The United States notes amounted to \$428,160,569, and the interest-bearing legal tenders to \$173,012,141.

rate, perfectly performed all the functions of money. Though it depreciated when the issues became excessive, the depreciation was too slow seriously to injure creditors generally. The increased business activity produced by the vast consumption of the Government, compensated for such losses. It did not bear with extreme hardship upon salaried persons, because in the main salaries were advanced *pari passu* with the depreciation. But it did bear with great severity upon those whose income was derived from unchangeable annuities, and large classes of laborers suffered because daily wages did not keep pace with the depreciation. But this was somewhat compensated by the increased steadiness of labor, and the sense of suffering was in a measure lost in the excitement furnished by the war.

Excessive issues increased the public debt more rapidly than if it had been possible to conduct the war upon a coin basis, which was not possible. In the midst of unlimited supplies of "greenbacks," indifference to expenditure was altogether too marked a characteristic of the war administration. On the other hand, however, these extensive issues enabled the Government to "float" its bonds successfully, and kept the aggregate of the debt far below what it would have been if the Government had used the notes of the banks. But they had this miserably bad effect: they bred extravagance and corruption among all ranks and classes of people, and in both the military and civil service.¹

¹ "Upon an average our army, on a peace footing, has cost us \$1,000 annually per man—rank and file. In the war in which we are now engaged we present the extraordinary spectacle of an army hardly ever before equaled in numbers, hired at the rate of wages paid to able-bodied men in the various peaceful avocations from which they were drawn. To the men in the ranks \$13 a month is paid, with their food and clothing. The soldier in the French army receives only about 56 cents a month; the pay of our soldiers being twenty times greater. The estimate in the French budget for 1860 was 345,908,744 francs, or \$64,687,500, for an army on a war footing of 762,765 men, and in addition a reserve militia on a peace footing of 415,746 men. We all know the maintenance of such an army has created serious embarrassments in the finances of the empire. They have, if we may credit foreign journals, completely changed the policy of the emperor. It costs this country twelve times as much to maintain a soldier in the field as it does the French Government. Our forces now under arms are, consequently, equivalent to 7,500,000 men for that country. It costs us two and a half times as much to maintain a soldier as it does the English Government. We hire our money at twice the rate of interest. Our expenditures per man, measured by the standard of interest paid, are on a scale

The advance in prices which happened during the war is to be attributed not wholly to the inflation of the currency; it was due partly to the fact that the Government was a vast consumer, and that in the supplies furnished it was counted by most contractors legitimate to cheat the public not only in quality of goods but in the extortion of prices no private purchaser would pay. If all the corruption of this character could be uncovered, it would be appalling. But, after all, there is a very definite sense in which the inflation was the primary as well as the ultimate cause of the corruption and the increase in prices; it furnished the means for both.

The depreciation of the Government notes was not fairly marked by the premiums paid for coin. The fluctuations in the price of gold were certainly extraordinary, and no adequate cause has been assigned to account for them. But they were, doubtless, in part due to military disasters, in part to mere spirit of speculation, and in part to the arts and efforts of public enemies operating in the gold-market. The state of the currency, however, did not account for them all. Thus, on the 13th of January, 1862, the premium in New York was 3 per cent.; it rose to $4\frac{3}{8}$ on the 13th of February, and fell to $1\frac{1}{2}$ on the 13th of March; then rose again, till on the 13th of June it was $5\frac{1}{2}$ per cent.; on the 15th of July it was 17; on the 15th of October it was $32\frac{1}{2}$, and closed on the 31st of December at 34. February 25, 1863, it had advanced to $72\frac{1}{2}$; but on the 26th of March, there being favorable news from the Southwest, it fell to $40\frac{1}{4}$; on the 2d of April it rose again to 58; a few days later, upon receiving report of the iron-clad attack upon Fort Sumter, it fell to 46, and after the battle of Gettysburg, the surrender of Vicksburg, and at the news of the surrender of Port Hudson, to $23\frac{1}{2}$. This was in July. On the 16th of October it rose to $56\frac{3}{8}$, and went no higher during the year. On the 2d of January, 1864, it opened at 52; it went up to 88 on the 14th of April, and fell to 67 on the 29th. June 22d, the date of the

more than four times greater than for that country. England can expend \$1,200,000,000 a year without creating a greater burden in the shape of a public debt than \$600,000,000 would be for the United States."—(From a "Report of the American Geographical and Statistical Society," January, 1862, cited by Roscoe Conkling, in the House of Representatives, February 4, 1862.)

passage of the gold bill, it rose to 130, and fell next day to 115. On the 1st of July, the day upon which the resignation of Mr. Chase as Secretary of the Treasury was announced to the public, it went up to 185; on the 2d of July it receded to 130, and on the 6th the gold bill was repealed. On the 11th of July it advanced again to 184; on the 15th it fell to 144, and after various fluctuations fell on the 26th of September to 87—thus rising, between the 1st of January and the 1st of July, 1864, from 52 to 185; and falling, between the 1st of July and the 26th of September, from 185 to 87. None of these fluctuations were brought about by an increase or decrease of the currency; on the contrary, gold rose most rapidly when there was no considerable increase of the currency, and fell in the face of large additions to it.¹ It is noticeable also, that the prices of commodities did not fluctuate either so rapidly or extensively as gold; and moreover, gold, relatively to prices before the war, had also suffered a serious depreciation.

The question of the constitutionality of the legal tender should be kept steadily distinct from that of its necessity, even if, in a period of war, it be conceded that the necessity for its use was overwhelming and unavoidable. The framers of the Constitution do not seem to have provided, in the supreme law, for a condition of civil war, and that they intended to prohibit legal-tender paper seems clear upon a fair interpretation of the discussion in the Federal Convention in relation to the subject, when considered, especially, with reference to the history of legal-tender paper in the War of the Revolution. The most and the least that can be said of the matter may be expressed in the words of the sagacious De Maistre, who, in his work on "The Generative Principle of Political Constitutions," has said: "That which is most constitutional is precisely that which cannot be written."

NOTE TO CHAPTER XXVII.

It has sometimes been alleged that the act of the British Parliament (of 1797), authorizing the suspension of cash payments by the Bank of England, was substantially a legal-tender act. During the debate upon the

¹ See "Report of Comptroller of the Currency," 1864.

bill Mr. Pitt explicitly denied that it made the bank-notes a legal tender. So far as concerned transactions between individuals, Mr. Pitt's denial was strictly true; but they were a legal tender on the part of the bank. The real effect of the act was to protect debtors from arrest after tender of bank-notes; though the creditor could recover cash by the ordinary course of law, even after such tender had been made. But British public opinion was so strongly in favor of the measure of bank suspension that but little resort was had to the courts for payment in cash, and Lord Chief-Justice Alvanley thanked God that few plaintiffs of such a character were to be found in England! "If it had been proposed," however, said the eminent Mr. Huskisson, M. P., and of Pitt's administration, in a pamphlet published about 1810, "at once to make bank-notes a legal tender, and in direct terms to enact that every man should be obliged thenceforward to receive them as equivalent to the gold-coin of the realm, such a proposition would have excited universal alarm."

CHAPTER XXVIII.

ACTION OF THE SUPREME COURT OF THE UNITED STATES ON THE LEGAL TENDER—THE CASE OF HEPBURN AGAINST GRISWOLD—WHAT THE COURT AFFIRMED IN THAT CASE—RESIGNATION OF JUSTICE GRIER—RECONSTRUCTION OF THE COURT—APPOINTMENT OF JUSTICES STRONG AND BRADLEY—PROMPT ATTEMPT TO REVERSE HEPBURN AGAINST GRISWOLD—CIRCUMSTANCES ATTENDING THAT ATTEMPT—THE REVERSAL ITSELF UNPRECEDENTED AND REVOLUTIONARY—HISTORY OF THE RECONSTRUCTION OF THE COURT—MR. CHASE ON HIS OWN ACTION IN HEPBURN AGAINST GRISWOLD.

HERE follows an account of the action of the Supreme Court of the United States¹ upon the legal tender; probably the most remarkable chapter in the history of that tribunal:

Mr. Justice Miller, in the dissenting opinion in the now celebrated case of Hepburn against Griswold, stated that the courts of fifteen States had affirmed the constitutionality of the legal-tender act, and that but one had denied it; this latter was the Court of Appeals of the State of Kentucky. It is to be observed, however, with respect to this statement of Justice Miller, that where the members of the State courts were of opposing politics, the opinions on the subject were divided.

The facts in the case of Hepburn against Griswold are briefly these:² On the 20th of June, 1860, a certain Mrs. Hepburn made a promissory note by the terms of which she was to

¹ This chapter is not strictly in its chronological order; but its peculiar connection with the preceding chapter makes it proper that it should be inserted here.

² 8 Wallace, 604, *et seq.*

pay to Henry Griswold on the 20th of February, 1862, eleven thousand two hundred and fifty dollars. At the time the note was made, as well as at the time it fell due, there certainly was no lawful money of the United States which was a legal tender in payment of private debts but gold and silver coin. Five days after the note became due—that is to say, on the 25th of February, 1862—the legal-tender act was approved by the President. Mrs. Hepburn's note not being paid at maturity, interest accrued upon it. In March, 1864, suit having meantime been brought on the note in the Louisville Chancery Court, she tendered \$12,720 in United States legal-tender notes, being the amount of principal and interest and costs to the date of the tender, in satisfaction of Griswold's claim. The tender was refused. The notes were then tendered and paid into court; the Chancellor, "resolving all doubts in favor of the act of Congress," declared the tender good and adjudged the debt, interest and costs, to be satisfied accordingly. Griswold, however, was not satisfied, and appealed the matter to the Court of Errors of Kentucky, where the Chancellor's judgment was reversed and the case remanded with instructions accordingly. Mrs. Hepburn then carried it to the Supreme Court of the United States.

It was first argued in that court at the December term 1867; and at the December term 1868 it was elaborately reargued, specially with reference to the constitutional question.

The case was considered carefully and anxiously, and decision of it was not made until the December term 1869, when the legal-tender act was declared unconstitutional. The members of the court concurring in the opinion—which was prepared and read by Chief-Justice Chase—were, the Chief-Justice, and Associate Justices Nelson, Clifford, Grier, and Field; the dissenting opinion was read by Justice Miller, and was for himself and Justices Swayne and Davis.

The syllabus of the case as reported shows that the court, or rather a majority of its members, affirmed these propositions:

I. Construed by the plain import of their terms and the manifest intent of the Legislature, the statutes of 1862 and 1863, which make United States notes a legal tender in payment of debts, public and private, apply to debts contracted before as well as to debts contracted after enactment.

II.

III.

IV. There is in the Constitution no express grant of legislative power to make any description of credit currency a legal tender in payment of debts.

V. The words "all laws necessary and proper for carrying into execution" powers expressly granted or vested have, in the Constitution, a sense equivalent to that of the word laws, not absolutely necessary indeed, but appropriate, plainly adapted to constitutional and legitimate ends, which are not prohibited, but consistent with the letter and spirit of the Constitution; laws really calculated to effect objects intrusted to the Government.

VI. Among means appropriate, plainly adapted, not inconsistent with the spirit of the Constitution, nor prohibited by its terms, the Legislature has unrestricted choice; but no power can be derived by implication from any express power to enact laws as means for carrying it into execution unless such laws come within this description.

VII. The making of notes or bills of credit a legal tender in payment of preëxisting debts is not a means appropriate, plainly adapted, or really calculated to carry into effect any express power vested in Congress; is inconsistent with the spirit of the Constitution; and is prohibited by the Constitution.

VIII. The clause in the acts of 1862 and 1863 which makes United States notes a legal tender in payment of all debts, public and private, is, so far as it applies to debts contracted before the passage of those acts, unwarranted by the Constitution.

IX. Prior to the 25th of February, 1862, all contracts for the payment of money, not expressly stipulating otherwise, were, in legal effect and universal understanding, contracts for the payment of coin, and, under the Constitution, the parties to such contracts are respectively entitled to demand and bound to pay the sums due, according to their terms, in coin, notwithstanding the clause in that act, and the subsequent acts of like tenor, which made United State notes a legal tender in payment of such debts.

This judgment of the Supreme Court was indorsed by many of the most influential Republican journals, and no doubt had an important beneficial effect upon the national credit both at home and abroad. But an immediate effort was made to reverse it. The circumstances attending that effort attracted wide attention and much severe comment.

It was freely charged by Democratic partisans and by some Republicans also, that if the judgment in *Hepburn* against *Griswold* had not been inimical to the interests of certain powerful railroad corporations, it would have stood. It was alleged and

was not denied, that when Messrs. Strong and Bradley were made members of the court they were both interested as shareholder in the Camden & Amboy Railroad Company. It was alleged also that one or both these gentlemen had formerly been employed as law counsel by that company, and as such counsel had given opinions affirming the legal tender to be constitutional. It was known too, that the Camden & Amboy Company had, in paying the interest upon their bonds subsequent to the decision in Hepburn against Griswold, made a reservation looking to a reversal of the judgment in that case.

But it seems incredible that a motive so inadequate and ignoble as the pecuniary interests of any private corporations could have moved the President to the appointment of the new justices, or the new justices to their perhaps indiscreetly prompt efforts to procure a reversal ; to the mind of leading Republicans—men of irreproachable character and patriotism—it seemed of vital importance to the best interests of the country that the legal tender should be supported by the court. The immense services it had performed in the overthrow of the rebellion were admitted. Many public men believed that without it the national efforts would have been in vain. Its use might become just as indispensable in some future great emergency. Should the country be deprived, by judicial interpretation, of recourse to it if the necessity should ever again arise? To say that it should, seemed a kind of political suicide.

Mr. Justice Strong became a member of the Supreme Court on the 14th of March, 1870, by nomination and confirmation, in place of Mr. Justice Grier, whose resignation took effect on the 1st of February ; but there was no intimation of any purpose to urge a reargument of the legal-tender question until after the confirmation by the Senate of Mr. Bradley as an additional justice, whose appointment was authorized by an act of Congress passed April 10, 1869, to take effect on the first Monday of the succeeding December, and who was confirmed some weeks after his nomination, on the 21st of March, 1870. Mr. Justice Bradley went from New Jersey to Washington on the 22d of March ; he was sworn into office on the 23d, and took his seat as a member of the court on the 24th. The next day, Friday, the first motion day afterward, the Attorney-Gen-

eral moved the court that the two cases of *Lathams vs. The United States*, and *Deming* against the same, appealed from the Court of Claims, should be set down for argument—and suggested that the legal tender might be reconsidered in them. The next day (Saturday, March 26th) was the regular conference-day of the court, and upon that occasion the motion of the Attorney-General was considered. The four justices who had joined in the judgment in *Hepburn* against *Griswold* earnestly opposed a reopening of the legal-tender question; but the justices who had dissented from that judgment insisted upon a rehearing. Their wishes prevailed by the votes of the new justices. An order was directed, accordingly, that the cases involved in the motion of the Attorney-General should be assigned for argument on the 4th of April—being the second Monday then ensuing. This order was in disregard of the usual practice, which is to leave the time for argument in cases situated as these were to be fixed by the counsel, subject, of course, to the approval of the court.

Before the order was announced, however, Mr. James M. Carlisle—who was of counsel for both appellants—addressed a letter to the Chief-Justice, in which he protested against a reargument of the legal-tender question in these cases. The rights of his clients, he said, had already been determined; and the reopening of the question would be an injustice to them.

This being brought to the attention of the justices before the opening of the court on Monday morning, when the order for reargument would have been announced in the due course of the proceedings, the announcement was postponed until after the protest of Mr. Carlisle could be considered. One of the justices being absent, it was agreed that it should be considered the next day after adjournment of the court, which happened accordingly.

The result of the discussion of Mr. Carlisle's protest on Tuesday was an order that the Attorney-General and Mr. Carlisle should be heard upon the matters involved in the motion of the former on Thursday morning, March 31st, and that the subject be considered in conference immediately after the adjournment of the court on that day, and that the result of the conference should be announced on the opening of the court the next morning.

This was a remarkable order, and, so far as the history of the court is known, was without precedent. The regular motion-day is Friday, and the regular conference-day is Saturday; and there is no instance upon the records which shows any anticipation of the regular order of the business of those days to reach a particular case. This order was also made against the remonstrances of the justices who agreed in the judgment in *Hepburn vs. Griswold*, and by the votes of the three justices who dissented in that case, and of the two new justices; and was carried into full effect.

On Thursday morning, accordingly, the Attorney-General and Mr. Carlisle were heard, an argument in progress (also in violation of precedent) being suspended, that they might be heard. The conference was held immediately after the adjournment, as had been determined; and a new order was passed—no inquiry being made into the convenience of counsel, as was the custom—that the “cases of *Latham vs. The United States* and *Deming vs. The United States* be heard upon all the questions involved in the records on the second Monday of April of this term” (which would be April the 11th). When this order was announced in court on the next day, the Chief-Justice distinctly stated that he and justices Nelson, Clifford and Field, dissented from it.

In consequence, however, of the unavoidable absence of Mr. Carlisle, the hearing was postponed until the 18th of April.

These two cases of *Lathams vs. The United States*, and *Deming vs. The same*, were appeals from the Court of Claims, and so far as the legal-tender question was involved in them, they had been continued under an order of the court, distinctly announced by the Chief-Justice—and acquiesced in by the counsel both for the appellants and the Government—that argument would not be heard in them, but that they should abide the judgment in *Hepburn* against *Griswold*, and in *Bronson* against *Rodes*; two cases which covered the exact points raised in the cases of the *Lathams* and of *Deming*. The purpose of the Attorney-General in moving to reargue the legal tender in these cases, was to avoid the effect of a settled rule of the court made in 1852, that “no reargument will be granted in any case, unless a member of the court who concurred in the judgment desires it.”

No argument, it was true, had been heard in the cases of the Lathams and of Deming, but those cases were as actually decided by the opinions in the other cases as if they had been argued and opinions delivered in both; and the effort to revive the legal-tender question in them was in substance at least a violation of the rule of the court, since no justice who concurred in the opinion in Hepburn against Griswold had intimated any desire for a reargument.

The Chief-Justice called the attention of the justices to these facts, believing that so far as the legal-tender question was involved in the cases, the order for reargument might be rescinded. But without effect. The same members of the court who had made the order for the argument were resolute in adhering to it.

The question was now made whether the new justices were not disqualified by reason of interest in the Camden & Amboy Railroad Company; it being known that the board of directors of that company had made their payment of interest in coin contingent upon the permanence of the decision in Hepburn against Griswold. It transpired that one of the new justices had sold his stock in that company upon being advised of his appointment, and the other stated his purpose to do so—though he did not seem to think that the small sum of the stock he held should operate as a disqualification to determine upon the question.

On Monday the 18th, just before going into court, the Chief-Justice and the justices learned that the cases would probably be dismissed. And this happened: When the cases of the Lathams and of Deming were called, one of the counsel representing the appellants in both cases, arose and said that with the permission of the court he would move to dismiss them. To this objection was made by the Attorney-General, and Justices Miller and Bradley suggested doubts as to the rights of appellants to withdraw the appeals. Upon request of Justice Miller the court retired for consultation. In the consultation which followed, no objection was made to the dismissal by any one except Justice Bradley. It was agreed, however, that the leave should be allowed; and upon the return of the justices, the Chief-Justice made the announcement, and the cases were dismissed accordingly.

The formal reversal of the judgment in Hepburn against Griswold did not take place until the next term of the court; but the events just recited gave ample notice to the country that a reversal would be effected at the first opportunity; and that the opportunity would certainly come, and that happened which it was intended by the majority in the court should happen—to wit: the decision in Hepburn against Griswold was everywhere throughout the country treated as *a nullity*.

. . . . There has been no amplification of details in the foregoing recital of the attempt to reverse Hepburn against Griswold, as it happened immediately after Justice Bradley became a member of the court. There was some heated discussion in the conferences (as was perfectly well known at the time), and a lack of dignity and courtesy in what transpired in public. The reversal was an event without parallel in the history of the great tribunal; and in view of all the circumstances attending upon it, has justly been called revolutionary. Aside from what took place in the court, in connection with the reversal, the action of the political and executive departments of the Government in bringing it about, is an integral and important part of this history.

The case of Hepburn against Griswold was first argued at the December term, 1867, but upon the suggestion of the Attorney-General, an order was made that it be reargued, and the case was continued accordingly for that purpose. It was at the next term of the court again heard, and four or five other cases—supposed to involve the same constitutional questions—were argued at the same time, bringing, as Mr. Justice Clifford observed, to the aid of the court an unusual array of great learning and eminent abilities. The Supreme Court at that time consisted of seven justices and the Chief-Justice; and an act of Congress (July 23, 1863) was in force that no vacancy in the office of associate-justice should be filled until after the number of associate-justices should be reduced to six. But meantime, pending the consultations of the court on the question—which extended through several months—it began to be well understood by the public that a majority of its members were against the legal tender; and opinions delivered in February, 1869, in two of the cases in which the legal tender was more or less in-

volved, *pro tanto* denied its constitutionality. On the 10th of April, 1869, Congress passed an act, to take effect December 1st following, by which the court was again enlarged: it was thereafter to consist of eight associate-justices and the Chief-Justice. Justices Nelson and Grier were both old men, and Justice Grier was very feeble and infirm, and it was well known wished to retire. But Justice Grier did not die, nor did he resign, and it was useless to appoint the additional justice provided for by the act of April 10, 1869, until a vacancy occurred, either by death or resignation, for such an appointment would still leave the justices in favor of the legal-tender in a minority in the court. November 27, 1869, Hepburn against Griswold was decided in conference; in the judgment then determined, Justice Grier cordially concurred. He resigned February 1, 1870; six days later, February 7th, the opinion of the court was read and entered. On the 14th of the same month Mr. Justice Strong became a member, and on the 24th of March following Mr. Justice Bradley took his seat in the court. The attempt at a reversal of Hepburn against Griswold, which so immediately ensued, is recited in the consecutive order of the events attending upon it, in its proper place in this chapter.

. . . . The partisans of the legal-tender system, in their criticisms upon Mr. Chase's opinion in Hepburn against Griswold, arraigned him for inconsistency. How far that charge is borne out by the facts of history, the reader may inform himself by reading the chapter of this book immediately preceding this. With but a single exception, there is no utterance of Mr. Chase upon the subject of the legal tender there cited which is not, and has not for many years been, of public record. They are conclusive that, at the time of the legal tender act he doubted the constitutionality of the measure. That, though unconvinced, he yielded his doubts, is not surprising. Some of the ablest of his political associates in the Senate and House believed the measure to be constitutional; the members of Mr. Lincoln's cabinet, with perhaps a single exception, joined in that belief; and the Attorney-General of the United States, said to be a lawyer of great abilities and competent learning, gave a written opinion to the effect that it was so. But Mr. Chase was not hasty or inconsiderate in his judicial action. He gave to the

subject exhaustive historical and legal research, and a long and patient reflection. The ultimate conviction of his judgment was against the act; and as he never hesitated in the discharge of a known duty, he did not hesitate in this. But he thought his former connection with the matter sufficiently important to justify some words of explanation. "It is not surprising," he therefore said, in his opinion in *Hepburn* against *Griswold* — "it is not surprising that, amid the tumult of the late civil war, and under the influence of apprehensions for the safety of the republic almost universal, different views, never before entertained by American statesmen or jurists, were adopted by many. The time was not favorable to considerate reflection upon the constitutional limits of legislative or executive authority. If power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted yielded their doubts; many who did not doubt were silent. Some who were strongly averse to making Government notes a legal tender felt themselves constrained to acquiesce in the views of the advocates of the measure. Not a few who then insisted upon its necessity, or acquiesced in that view, have, since the return of peace, and under the influence of the calmer time, reconsidered their conclusions, and now concur in those which we have just announced. These conclusions seem to us to be fully sanctioned by the letter and spirit of the Constitution."

And in his dissenting opinion in the "legal-tender cases" of *Knox* against *Lee*, and *Parker* against *Davis*¹ (it was in these cases that *Hepburn* against *Griswold* was reversed), he said: "The reference made in the opinion of the court, as well as in the argument at the bar, to the opinions of the Chief-Justice when he was Secretary of the Treasury, seems to warrant, if it does not require, some observations before proceeding further.

"It was his fortune at the time the legal-tender clause was inserted in the bill to authorize the issue of United States notes, and received the sanction of Congress, to be charged with the anxious and responsible duty of providing funds for the prosecuting of the war. In no report made by him to Congress was the expedient of making the notes of the

¹ 12 Wallace, 457.

United States a legal tender suggested. He urged the issue of notes payable on demand, in coin, or received as coin in payment of duties. When the State banks had suspended specie payments, he recommended the issue of United States notes, receivable for all loans to the United States and all Government dues except duties on imports. In his report of December, 1862, he said that *United States notes receivable for bonds bearing a secure specie interest are next best to notes convertible into coin*, and after stating the financial measures which in his judgment were advisable, he added: '*The Secretary recommends, therefore, no mere paper-money scheme, but, on the contrary, a series of measures looking to a gradual and safe return to gold and silver as the only permanent basis, standard, and measure of value recognized by the Constitution.*' At the session of Congress before this report was made, the bill containing the legal-tender clause had become a law. He was extremely and avowedly averse to this clause, but was very solicitous for the passage of the bill to authorize the issue of United States notes then pending. He thought it indispensably necessary that the authority to issue these notes should be granted by Congress. The passage of the bill was delayed, if not jeopardized, by the difference of opinion which prevailed on the question of making them a legal tender. It was under these circumstances that he expressed the opinion, when called upon by the Committee of Ways and Means, that it was necessary; and he was not sorry to find the act sustained by the decisions of respectable courts, not unanimous, indeed, nor without contrary decisions of State courts equally respectable. Examination and reflection under more propitious circumstances have satisfied him that this opinion was erroneous, and he does not hesitate to declare it. He would do so just as unhesitatingly, if his favor to the legal-tender clause had been at that time decided, and his opinion as to the constitutionality of the measure clear."

CHAPTER XXIX.

THE TEMPORARY-LOAN SYSTEM—ITS USEFULNESS—CERTIFICATES OF INDEBTEDNESS—THE FIVE-TWENTIES—CONDITION OF THE NATIONAL FINANCES JUNE 30, 1862—THE PUBLIC DEBT—CONSEQUENCES OF THE SUSPENSION OF CASH PAYMENTS.

IT has already been explained that, pending the discussion in Congress of the legal-tender act, the Government suffered great embarrassment for want of means to meet its constantly-accumulating engagements. But beyond any former experience the banks were plethoric of funds. In the city of New York, for illustration, the deposits in December, 1860, were one hundred and fourteen millions; in December, 1861, they were one hundred and forty-six millions, and at the latter period the loans and discounts by the same banks were twelve millions less than they had been at the former. The rule held good in all the large cities. The regular business of the country had been extensively injured and reduced by the war, with the effect of withdrawing funds from active industrial enterprise, and their accumulation in the vaults of banks and bankers.

In these circumstances, and seriously oppressed by the rapid and largely accruing demands upon him, the Secretary consulted with his Assistant Treasurer at New York, Mr. John J. Cisco. Mr. Cisco was perfectly familiar with the monetary condition of the country, and was eminently practical in his financial views. He proposed to Mr. Chase that system of TEMPORARY LOANS, which was subsequently found to be one of the most important supports of the Treasury. The plan was to receive on deposit in the sub-Treasury the funds of individuals or corporations at

a rate of interest not exceeding five per cent. per annum; the depositors retaining the privilege of withdrawing their funds at any time—on ten days' notice—after thirty days.

Mr. Chase immediately adopted this proposition. Its successful operation was surprisingly great and immediate. Within a very few days after making public announcement the temporary deposits aggregated many millions of dollars. The banks and other corporations and private persons promptly availed themselves of its benefits with instantly important relief to the Treasury and almost equally important advantage to the general business interests of the community; and Congress, upon the recommendation of the Secretary, in the fourth section of the "Legal-Tender Act," of the 25th of February, 1862, authorized these temporary loans to an amount not exceeding twenty-five millions of dollars. The offers were so much larger, however, than the sum fixed by the law, that, on the 17th of March following, the limit was increased to fifty millions; and four months later, on the 11th of July, was again increased; this time to one hundred millions, and the Secretary was at the same time authorized to prepare fifty millions of United States notes as a reserve to meet demands for their reimbursement beyond other convenient means of satisfaction. On the 30th of January, 1864, the limit was fixed at one hundred and fifty millions, and the Secretary was authorized to pay six per cent. interest at his discretion.

The beneficent operation of these several acts is easily inferred from the fact that so early as the 1st of July, 1862, the amount of temporary loan on deposit in the sub-Treasury was nearly fifty-eight millions of dollars (\$57,926,116.57), and at one period during the war reached the very high aggregate of one hundred and twenty millions. The system was not alone of great advantage to the Government, but was extremely useful in giving steadiness to the course of the currency exchanges. Its utility was conspicuous when, during a period of pressure in the fall of 1863, the Secretary was able to reimburse over fifty millions of deposits in the course of a few weeks, by which action a pressure was alleviated which otherwise might have grown into a common calamity, and the Secretary used at the same time only about ten millions of the reserve.

On the 1st of March, 1862, Congress authorized the Secre-

tary to issue "certificates of indebtedness of the United States" to such creditors of the Government as were willing to receive them in exchange for audited accounts. These certificates were payable one year from date, and were to bear interest at the rate of six per centum, payable in gold upon such as were issued prior to March 4, 1863, and in currency upon those issued after that date. They were not limited in amount, and were to be in sums not less than one thousand dollars each. By the act of March 17, 1862, this authority was enlarged, so as to embrace checks drawn in favor of creditors "by disbursing officers upon sums placed to their credit on the books of the United States Treasurer." "The power thus conferred on the Secretary," says Mr. Spaulding,¹ "to issue certificates of indebtedness for these purposes was broad and unlimited. The certificates issued under these two acts were in the similitude of bank-notes fitted for circulation as money, and did circulate to a considerable extent as currency until there was such an accumulation of interest upon them as to make it an object for capitalists to hold them as an investment. The Secretary began their issue simultaneously with the issue of the legal-tender United States notes, and continued to issue them in large amounts during the progress of the war, which was advantageous to the Government, but was at the same time a fruitful source of inflation, and operated directly against any considerable funding in the long 'five-twenty' bonds." In time extensive issue led to their depreciation, but they were chiefly received by creditors who made large percentages on their contracts with the Government.

The act of the 25th of February, 1862—the same which authorized the original issue of the legal-tender United States notes—in order "to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States," authorized him also to issue, "on the credit of the United States, coupon or registered bonds, to an amount not exceeding five hundred millions of dollars, redeemable at the pleasure of the United States after five years, and payable twenty years from date, and bearing interest at the rate of six per centum per annum, payable semi-annually;" these bonds, and all other bonds, stocks, and other securities of the United States, held within

¹ "History of the Legal-Tender Paper Money of the Rebellion," pp. 153, 154.

the United States, were declared "exempt from taxation by or under State authority," and "all duties on imported goods, which shall be paid in coin or in notes payable on demand heretofore authorized to be received and by law receivable in public dues, and the coin so paid, shall be set apart as a special fund," and was to be applied in the first instance to the payment of interest on the bonds and notes of the United States, and the residue to other specified purposes. The bonds here authorized were those afterward familiarly known as the "five-twenties," or the "five-twenty-sixes." Of these five-twenty bonds there were outstanding on the 30th of June, being the last day of the fiscal year 1862, an aggregate amount of \$13,990,600.

"These several measures," said Mr. Chase in his report submitted to Congress December 4, 1862, "have worked well. Their results have more than fulfilled the anticipations of the Secretary. Had other urgent demands on the attention of Congress permitted the consideration and adoption of the suggestions which the Secretary ventured to submit in favor of authorizing the formation, under a general law, of banking associations issuing only uniform notes prepared and furnished by the general Government, and of imposing a reasonable tax on the circulation of other institutions, no financial necessity would perhaps now demand additional legislation for the current fiscal year (1863), except such as experience suggested for the perfection of measures already sanctioned." He then made a statement exhibiting the practical working of the measures already in force: To the 1st day of July, 1862, \$57,926,116.57 had been received and were remaining on deposit in the Treasury. United States notes to the amount of \$158,591,230 had been issued and were in circulation; \$49,881,979.73 had been paid in certificates of indebtedness; and \$208,345,291.86 had been paid in cash. Not a single requisition from any department upon the Treasury remained unanswered. Every audited and settled claim on the Government, and every quartermaster's check for supplies furnished, which had reached the Treasury had been met; and there remained an unexpended balance of \$13,043,546.81.

The public debt at the same date was \$514,211,371.92. The whole income for the year, from all sources, including a balance in the Treasury, on the 1st of July, 1861, was \$583,885,247 06,

and the whole expenditures had been \$570,841,700.25. There should be deducted from these figures, however, income and disbursements on account of the permanent and temporary debt, which amounted to \$96,096,922.09; so that the total income not applied to repayments was \$487,788,324.97, and the total disbursements \$474,744,778.16. The Secretary said the average interest upon the whole debt was four and three-fifths per cent., and that it had been his constant care to reduce its cost in the form of interest to the lowest possible figure. But he was not hopeful, he added, that his exhibit for the fiscal year 1863 would show so favorable a rate.

Immediately consequent upon the suspension of cash payments in December preceding, gold and silver had disappeared from circulation; small coins as well as large. Specie began, almost immediately upon suspension, to command a premium; and on the 13th of January, 1862, it was already at three per cent.! and fluctuated between one per cent. and nine and one-half to the 30th of June, at which date it had reached nine and one-fourth per cent. Meantime the State banks had entered upon a career of expansion, which had its relative effect upon the price of gold; and, in the absence of small coins, the country began to be flooded with tokens and "shinplasters" in fractional parts of dollars, issued by cities, towns, corporations, brokers, merchants, grocers, bakers, liquor-sellers, and restaurant-keepers, everywhere! With these difficulties to deal with, and in the midst of military discouragements, the Treasury entered upon the second fiscal year of the rebellion, July 1, 1863.

CHAPTER XXX.

LETTERS AND EXTRACTS FROM LETTERS WRITTEN IN 1861—OF APPOINTMENTS IN THE TREASURY DEPARTMENT—EMANCIPATION A PROBABLE RESULT OF THE WAR—NATIONAL LOAN—EMANCIPATION PROCLAMATIONS BY COMMANDING GENERALS—DUTY OF GOVERNMENT TO PROVIDE A NATIONAL CURRENCY—WAR DEPARTMENT EXPENDITURES 1861—WHAT MR. CHASE THOUGHT OF MR. CAMERON.

To ——.¹

" April 16, 1861.

“ W HATEVER I could do for you consistently with my honest convictions of public duty, I have done. No friend of mine has ever accused me of ‘not remembering friends,’ except when he found he could not promote some purely personal end through me, in disregard of what I honestly believed public duty to require. Nobody can say that I have preferred my own interests to my friends, or that I ever declined any service to them, except when I felt I must.

“I had not thought, and do not now think, that under the circumstances of the country, as they exist, I ought to recommend you for appointment as collector. What I feel I ought not to do, I shall not do. I cannot see wherein this is unjust to you, or inconsistent with a sincere regard for you, and a sincere wish to serve you. If you do, I cannot help it.”

To John Roberts, Esq.

" May 21, 1861.

“ In making appointments, my rule always has been to give the preference to political friends, except in cases where peculiar fitness and

¹ For obvious reasons the name of the gentleman to whom this letter is addressed is omitted.

talents made the preference of a political opponent a public duty. In selecting among political friends, I have ever aimed to get the right man in the right place, without much reference to personal consequences to myself. Of course, I like as much as any man to favor personal friends, but I have never thought it right to appoint a man to office merely because he was such, without a careful consideration of his qualifications for the place. I have ever held my country as my best friend, and value those friends most who serve her most faithfully. Is there any thing blame-worthy in all this?"

To the Hon. Milton Sutcliffe, Warren, Ohio.

"June 10, 1861.

" . . . My time is so entirely occupied that it is next to impossible for me to take any part in the political organization of our State. If ours were the Democratic party instead of a Republican party, it would move straight forward, announcing its own principles and supporting its own candidates, claiming the support of members of other parties on patriotic grounds, and giving to such members as should accord that support just consideration. If a spirit like this could be infused into the Republican party, no Union party would be necessary, and no mere Union party could be successfully organized. Under the actually existing circumstances in Ohio, imperfectly known as they must be to me, I must leave to our friends on the spot the task and responsibility of organization. . . . A Republican Convention and Republican nominations, giving recognition among the nominees to the patriotic Democratic element which sustains the Administration in its present position, are best."

To Hiram Barney, Collector of the Port of New York.

"July 20, 1861.

" . . . You know my views—the public first, our friends next. So far as preferences can be legitimately given so as to aid those who, at considerable sacrifice of time, labor, and money, are engaged in upholding the principles we all deem vitally important to the welfare of the country, I think it a clear political duty that they should be given. But no public interest should be sacrificed, no public duty should be neglected, for any personal or party considerations. . . ."

To General John C. Fremont.

"August 4, 1861.

" . . . I had before responded promptly, though, in the present condition of the Treasury, not without difficulty, to your calls for money. The energy you are displaying is admirable, and excites the best hopes of the future fulfillment. I am very sanguine. Let me, however, take the privilege of a friend, as well as perform the duty of a Secretary of the

Treasury, in urging you not to allow the pressure of your other cares to withdraw your attention from the expenditures of the army under your command and in your department. This war must necessarily be an expensive war, and there is great danger that, after a brief period, the people, in view of the magnitude of the burdens it is likely to entail, will refuse their support to the measures necessary for its vigorous prosecution. Already, the disgust caused by fraud or exorbitance in contracts, and by the improvidence of quartermasters and commissaries, is beginning to show itself. What is needed is, to satisfy the people that neither time nor means will be needlessly wasted. They ask prompt and vigorous action, and all practicable economy. . . .”

To M. D. Potter, Esq., Cincinnati.

“August 22, 1861.

“ I have always urged *action*—accepting every man who could be put to real service, and expending every dollar for which a dollar's worth could be shown in results. I never have wanted paper regiments nor paper colonels, and I don't want them now. Active men and useful employment of means are what we need. . . .”

To the Hon. Garrett Davis, of Kentucky.

“August 24, 1861.

“ Let me assure you that the confidence you express in me moves me deeply. That I have been much misunderstood is not at all surprising. It has not been easy to distinguish between constitutional opposition to that slave-power which struck at Clay, and struck down Benton, and now organizes rebellion, and that abolitionism which insisted on immediate and unconditional emancipation, without much regard to means or consequences. I have wished to see popular government vindicate and recommend itself by its demonstrated capacity to probe and redress so great an evil as slavery—first, by the constitutional action of the national Government within its appropriate sphere, and then by the unconstrained action of the States within their several jurisdictions. I do not absolutely despair of the accomplishment of that wish; though I cannot shut my eyes to the possibility that, as extremes often meet, so now the madness of slavery propagandism, organized in rebellion, is likely to accomplish the purposes of abolitionism, pure and simple.

“But enough of this; yet rest assured of one thing. If I ever entertained an unfriendly thought toward Kentucky or Kentuckians, the wise and noble conduct of those who have brought her thus far safely through the fever of the time, loyal to the Union, and faithful to the glorious old flag we all so dearly love, would have banished that thought, and left no sentiment in my heart save one of fervent affection for the men who have accomplished this great work, prompting me to zealous efforts to fulfill all their wishes, so far as my ability allows. . . .”

To August Belmont, New York.

“September 13, 1861.

“ . . . I am obliged for your letter of the 15th August. It is much to be regretted that such a statesman as Palmerston should take such limited views of the American question as were indicated in the conversation with you. Had England manifested a national sympathy with the United States in the present rebellion, the growing friendship of the Americans for the British branch of the Anglo-Saxon family, stimulated by the visit of the Prince, would have ripened, I think, into permanent attachment and concord. What Providence will bring forth out of the unfortunate alienation, occasioned by the course of the British Government, it is difficult now to foresee. It is the part of wise statesmanship, however, to mitigate—not to stimulate—the exasperation.

“ . . . So far my negotiations and arrangements for money have been very fair successes. The national loan, in spite of all the disadvantages of our circumstances, is working well. If I had an Emperor Napoleon to sustain me, and subordinates held sufficiently responsible throughout the country to carry out my plans, the loan would be taken in this country with as much *empressement* as in France. But think of the necessity of selecting, appointing, and taking bonds from hundreds of agents for subscription, and that, too, with most inadequate means of information as to character, adaptedness, and responsibility! I have, however, made appointments in all the States which remain loyal, including Virginia and Kentucky, except Iowa, Minnesota, Kansas, and Oregon. I shall make appointments also in these, more for the name of doing it than from expectation of considerable returns. Subscriptions come in quite satisfactorily. My impression is that the associated banks will be so far reimbursed the first fifty millions taken by them that they will be able to advance the next fifty millions without difficulty. Indeed, I am confident that, if expenditure can be restricted within reasonable limits, the whole sums needed can be supplied in the country. Under these circumstances, the condition of the foreign market possesses less interest than it would in a different condition of affairs. Still, I should be strongly inclined to take ten, or even twenty, millions sterling foreign capital, if it could be had without solicitation at say six per cent. . . .”

To Hon. Simeon Nash, Gallipolis, Ohio.

“September 26, 1861.

“ . . . Is it your opinion that the best way to serve the country is to disregard the laws without a justifying emergency? When Congress had the distinct question of confiscating the property of rebels, and emancipating the slaves, under consideration, at a session held only two months ago, and passed an act limiting that confiscation and emancipation to property and slaves actually employed in the rebellion, or provided for it, do you think that the President, or a commanding general, has a right to disre-

gard the decision of Congress thus distinctly made? Assuming such disregard, how remote do you think we would be from a military despotism? If a commanding general evinces this disregard, and if the President disapproves it, shall there be a party for the general and against the President? Is a commanding general, who, by proclamation, gives occasion for such a division, the embodiment of patriotism?

"I have seen no suggestions or suspicions that aspirations for the presidency influenced the conduct of public men in this crisis, which have not emanated from St. Louis. Those who impute such motives are not the least likely to be influenced by them.

"Whether we shall be forced to a depreciated currency, or not, cannot now be foreseen. It will come when the Government receives the paper of the banks, for then it will have to pay in such paper. The result will be the disappearance of coin, and universal suspension. So long as the Government is able to confine its transactions to coin, and its own notes redeemable in coin, we shall be comparatively safe. At any rate, until Congress shall decide otherwise, I must execute the law as it exists, and receive and pay out only coin and Government notes. In so doing, I shall endeavor to occasion as little inconvenience as possible.

"If proof can be furnished that any officers of my department have sold gold for paper, and then paid the paper for dues, they shall be promptly dismissed. For frauds in the other departments I am not responsible, beyond the use of my best endeavors to induce energetic repression. These endeavors I have constantly used, and shall continue to do so. I shall call the attention of the War Department particularly to your statement in relation to the transportation of soldiers, where you say the Government paid \$3, while the boat got but \$1.50. . . ."

To John C. Hamilton, New York.

"October 1, 1861.

". . . . You see whom I would fain emulate if I might. When the engraver desired to place my face on the *fives* of the United States notes, I said: 'No; let the people renew their recollection of the first Secretary of the Treasury.' So I have been instrumental in giving renewed currency to features whose spirit animates, as your own great work shows, our Constitution, our institutions, and our history."

To Joseph Medill, of Chicago.

"October 16, 1861.

". . . . It has been plain to me from the beginning that gold-notes of the United States, promptly and honestly redeemed, would have little chance in competition with notes of less value, so long as these less valuable notes should be tolerated by the people as currency. For this reason, and also because I thought that bank circulation, paying no interest,

should at least contribute something to the national burdens, I recommended to Congress, in my report, an internal duty on bank-notes. A majority in Congress were, I think, in favor of the tax; but some Representatives of great influence, largely interested in banking institutions, objected, and their objections prevailed.

“The subject must necessarily attract the attention of the country.

“For myself, I never have entertained a doubt that it was the duty of the General Government to furnish a national currency. Its neglect of this duty has cost the people as much as this war will cost them. It must now be performed, not merely as a duty, but as a matter of necessary policy.”

To R. B. Warden, of Ohio.

“November 6, 1861.

“ . . . Let me thank you for your admirable article. It teaches a necessary lesson. We must imitate the grand patience of God; yet, in doing so, let us not shrink from the imitation of his justice and constant energy also.”

To Hon. Simon Cameron, Secretary of War.

“November 27, 1861.

“ . . . The period has arrived when it becomes my duty, as the financial minister of the Administration, to lay before Congress and the country a statement of our financial condition. In this statement, as you are aware, I must submit plans to Congress for meeting any deficiency in revenues consequent upon excessive expenditures.

“At the meeting of Congress, at the extra session in July, with a full knowledge on the part of the Administration of the magnitude of the rebellion, the requirements of the War Department indicated an expenditure upon the basis of 250,000 men. Congress promptly responded, by making the required appropriations, coupled with discretionary authority conferred upon the President for the raising of 500,000 men, if in his judgment such numbers would be required.

“Inasmuch as 250,000 men were all that were deemed requisite to meet any force that might be sent against us (having, in addition thereto, an almost unrestricted authority to increase the naval power), the appropriations made for carrying on the war were restricted to the sums asked for upon that basis, and authority was given to the Secretary of the Treasury to negotiate loans equal to any supposed deficiency in the revenues. Keeping constantly in view the restrictions of law by which I have been surrounded, and the large discretion reposed by Congress in the President, I have from time to time, as you are well aware, urged upon the various members of the Administration the absolute necessity for a more systematic exercise of the discretion given in calling additional troops into the field beyond the numbers provided for in the appropriations, and that such excess of numbers should only be called for after a clearly-defined neces-

sity was shown. In my judgment, the assumption of responsibility, without warrant of law, should only be exercised in the direst emergency. . .

"This communication is submitted to you in consequence of the difficulties which present themselves in raising the enormous sums which the estimates of the War Department in their present form would require. There appears to be by these estimates, received on Saturday last, 700,000 troops in the field, and 100,000 employés in addition. The full discretion given to the President was exhausted when 500,000 men were called out. Where these 700,000 men are, can any one tell? The Armies of the Potomac, of Western Virginia, of Kentucky, and of Missouri, do not in all embrace more than half this number.

"I beg you to bear in mind that I have repeatedly and earnestly condemned the loose and unsystematic manner in which authority has been given to irresponsible individuals, all over the country, to raise troops, expend money, and involve the Government in debt. The reason for giving such authority, so far as I have been able to ascertain, has been principally the desire to gratify applicants, without regard to any specific purposes to which the troops so raised were to be devoted. I have at all times, and upon all proper occasions, protested against giving military commissions to men known and acknowledged to be ignorant of military affairs. I have repeatedly urged that all the action of the President and the War Department should be made matters of record, and that the aggregate of authorities given should be kept at least within the limit of the very liberal discretion confided in the President. . . .

"The amount of money which it is proposed to submit to Congress as necessary to meet the demands of the Government for the remainder of the present and for the next fiscal year, in addition to the existing public debt, is about \$1,050,000,000. The receipts from customs, revenues and direct taxes, under present laws, can hardly exceed \$120,000,000, leaving \$930,000,000 to be provided for by loans. I feel that I must decline to submit estimates based upon mere conjecture, the aggregate of which will, in the absence, comparatively, of results, carry conviction to the minds of the people of an entire want of system in the management of our military affairs. . . . The want of success of our armies, and the difficulties of our financial operations, have not been in consequence of a want or excess of men, but for want of systematic administration. If the lack of economy, and the absence of accountability, are allowed to prevail in the future as in the past, bankruptcy, and the success of the rebellion, will be necessary consequences. . . . It is not and has not been my purpose to object in any manner to the raising of sufficient troops and the furnishing of needed supplies; but I have heretofore objected, and do now object, to rendering the Treasury of the United States liable for one thousand millions of dollars, in addition to already existing debt, when by proper system and proper economy the same results can be attained by an expenditure of half the sum.

"I have, therefore, deemed it my duty to return the estimates submitted by the War Department, and to decline to submit them, until they are subjected to a more rigid scrutiny, and a reasonably satisfactory explanation given for exceeding the discretionary authority given by Congress.

"The people, individually and collectively, have generously responded to every demand of the Government, trusting to its integrity and ability fully to protect them and their interests. They will, I hope, hold us all to a rigid accountability for our exercise of the authority given to us. I cannot consent, by the transmission of such estimates as those presented to me, to seem to sanction and participate in a disregard of the qualities they justly demand of us."

To Murat Halstead, Cincinnati.

"December 25, 1861.

". . . . You are unjust to Cameron, and I am bound as a man of honor to say so. I have seen him closely as most men here, and I am sure he has acted honorably and faithfully and patriotically. If he had been left to administer his own department, without interference and with only the support and aid which he himself desired, I am confident there would have been comparatively little complaint. He challenges investigation of all his transactions on the score of corruption, and may do so, I believe, with entire safety.

"This I say of him because I think I ought. He is fiercely assailed, and I should think myself mean if I shrunk from saying what I believe to be true, because of the clamor. If he were my enemy I ought to speak the truth in his behalf, and the obligation is not the less imperative, because he, more than any other man here, has always acted toward me the part of a frank, manly, and generous friend."

CHAPTER XXXI.

CONDITION OF THE STATE BANKS IN 1861—CHARACTER OF THE STATE-BANK CIRCULATION AT THE DATE—BRIEF ACCOUNT OF THE STATE BANKS (NOTE)—MR. CHASE RECOMMENDS THE NATIONAL BANKING SYSTEM—EXTRACTS FROM HIS REPORT, DECEMBER, 1861—NATIONAL BANKING BILL INTRODUCED IN HOUSE OF REPRESENTATIVES, BY MR. HOOPER, OF MASSACHUSETTS.

THE principal currency of the country in 1861, at the beginning of the war, was a paper one supplied by sixteen hundred banks organized and doing business under as many different laws as there were States, and in some particulars at least differing widely. Their aggregated capitals amounted to four hundred and thirty millions of dollars; their circulation was two hundred and ten millions; their deposits two hundred and fifty-eight millions, and their other liabilities about one hundred and twenty-five millions. Total, one thousand and fifteen millions of dollars. Their resources were: Loans and discounts, six hundred and ninety-six millions; cash, eighty-seven millions (\$87,674,507); stocks, seventy-four millions; and other property sufficient to make up the required aggregate of one thousand and fifteen millions of dollars.

Their instant liabilities—circulation, deposits, and dues to other banks—were five hundred and twenty millions of dollars. Their means, immediately available, were one hundred and ninety-seven millions—comprised in cash, cash items, circulating notes, and debts due from other banks.

Of the whole banking capital about one hundred and ten millions were in the seceding States, and fifty millions of the

circulation. Of the deposits about forty millions were held by the same banks. Of the loans and discounts five hundred and fifty millions were those of the banks in the adhering States, and they held more than seventy millions of the whole supply of cash.

The cash held by the national Government in the Treasury and depositories was \$3,600,000; this, with that held by the banks, made a total of ninety-one millions, and formed the basis of the currency.

What the whole sum of the coin in the country was at that time is of course conjectural; it was variously stated, the estimates ranging from \$100,000,000 to \$700,000,000. The extreme probability is that it did not exceed two hundred millions;¹ a safer estimate would no doubt be \$150,000,000. Subtracting the sum held by the Government and the banks, and adding the remainder (estimating the whole sum at \$200,000,000) to the paper circulation, and the total currency of the country was three hundred and eleven millions of dollars.

It was early realized that the expenditures of the war were certain to be very large; Congress, at its extra session in July, 1861, manifested a partial sense of their magnitude by voting for the support of the Government four hundred millions of dollars—a sum almost equivalent to the whole banking capital of the country, and many millions more than that of the banks in the Federal States. The private discounts of these banks, too, long before the rebellion began, were largely in excess of their capital.

It is not impossible that these State institutions might have been useful as auxiliaries to the financial measures of the Government, but, as a chief reliance in the varying fortunes of a great war, they were clearly inadequate. They were located at widely-separated places; they were managed by men of every shade of political opinions; their capitals varied largely; they were bound by no common public purpose and were subject to no common direction—indeed, they responded very doubtfully

¹ This is the estimate of Mr. George Walker. Mr. Chase estimated it at \$210,000,000. Secretary McCulloch estimated it at \$100,000,000, and there were "financiers" who fixed the sum at \$500,000,000 to \$700,000,000. If any thing, \$150,000,000 was excessive.

even to the current business, as was testified by the frequent convulsions which disturbed the commerce and industry of the country in its length and breadth. The circulation they furnished was unreliable; while the credit of some of the banks was good, that of others was doubtful, and in some cases bad. It was at all times inconvenient, because so various in feature as to require constant reference to "The Detector" to guard against loss by counterfeits; and most of it was subject to greater or less discounts as it was near or far from the place of issue. According to a statement made by Mr. Benton in the United States Senate in 1836, the number of banks then doing business in the several States of the Union and the District of Columbia, was about 750; and there were in circulation in June of that year 818 counterfeits, of which 756 were of \$10 and under, and 62 of \$20 and upward. There were in circulation at the same time 181 counterfeits of the notes of the United States Bank and its branches—total counterfeits, 991; and these were exclusive of broken-bank notes, of imitations and alterations. Time worked no improvement; but rather, the evil increased with the growth of the country. Official reports in eighteen different States in 1860 showed 140 banks broken, 234 closed, and 131 worthless. Such was the condition of 505 banks; the whole number in the eighteen States being 1,231. Between 1856 and 1862 the notes of over 1,200 banks were counterfeited or altered. There were in existence in the latter year over 3,000 kinds of altered notes; 1,700 varieties of spurious notes; 460 varieties of imitations; over 700 of other kinds—there being more than seven thousand various kinds of genuine bills in circulation, some executed by good artists and others indifferently. The following table is from reliable data as to the two years 1856 and 1862:

	1856.	1862.
Whole number of banks.....	1,409	1,500
Number whose notes were not counterfeited.....	463	253
Number of kinds of imitations.....	1,462	1,861
Number of kinds of alterations.....	1,119	3,039
Number of kinds of spurious.....	224	1,685

It is almost impossible to realize, after our experience with the "war currency," how the American people—impatient and critical—bore so long with a circulation requiring such constant

watchfulness, and subjecting them to so much loss both of time and money, as did that of the State banks.¹

In December, 1861, in his first annual report to Congress, Mr. Chase called attention to the character of these institutions

¹ A writer in the *National Quarterly Review* for June, 1865, gives the following succinct sketch of the State-bank system. It seems to me to be of sufficient interest and importance to be printed at this place in this book :

“In 1790 there were but four banks in the Union, having an aggregate capital of \$1,950,000; in 1804 there were fifty-nine banks in operation, with an aggregate capital of \$39,500,000.

“It is believed that but a small part of the capital of the State banks was paid up. The United States Bank was established in 1791, with a capital of \$10,000,000, and its paid-up capital probably exceeded that of all the State banks together. It is known, also, that so lately as the year 1800 coin constituted the bulk of the currency, bank-notes being rarely seen south of the Potomac or north of the Alleghenies.

“In the year 1808 the estimated specie in the country exceeded the amount of bank-notes in circulation. The return made to the Treasury by the United States Bank in that year gave its specie at \$15,300,000, its circulating notes at \$4,787,000; and another return made in 1810 did not materially vary in these respects. But the policy of the New England banks for some time previous to 1808 was widely different. They commenced the expansion of their issues probably in 1803, and pushed it to the extreme limit of their credit, so that in 1808 and 1809 a grand explosion occurred, by which most of them were damaged and some of them totally destroyed.

“The abundance of specie existing before the year 1808 is accounted for by the long continuance of the wars in Europe between the maritime nations, which threw the carrying trade of the South American mines into our hands. In that year Napoleon invaded Spain; England became her ally and protector, and the long-interrupted direct trade between England and the Spanish colonies in America was resumed. At the same time our embargo law, followed by the act of non-intercourse, and finally by war with England, from June, 1812, till December, 1814, prevented the export of United States produce to foreign countries, and drained away the precious metals after the accidental supply had been cut off. The resulting scarcity of coin, and the increased demand for currency required by the exigencies of the war, were, as is well known, supplied by an excessive issue of bank-notes, which was followed by a suspension of specie payments by all the banks south of New England in September, 1814. The check of redemption removed, the expansion went on, and seems only to have been accelerated by the proclamation of peace in February, 1815. The bank issues, estimated at thirty millions in 1811, before the war, and at forty-seven millions about the time of the general suspension of specie payments, are put by Mr. Gallatin at seventy millions in 1816, and by Mr. Crawford, with probably a close approximation to the truth, at ninety-nine millions.

“An inflation so prodigious occurring in time of peace and the consequently diminished rapidity of business circulation were necessarily followed by a correspondingly heavy relapse. A population of not above nine millions, with a paper currency of eleven dollars *per capita* in their hands, or fully double the amount required by the condition of industry and trade, the whole mass resting upon a specie basis of

and the doubtfulness of their right—under the Constitution—to issue circulating notes. The whole of that circulation was a loan without interest from the people to the banks, costing the latter nothing but the expense of issue and redemption, and the interest

about twenty millions, or one dollar for the redemption of five, could not escape a revulsion alike extensive and disastrous. The consequence was the most appalling distress which the country had ever seen, and which even to this day is without a parallel. The root of the evil was in the attempt of the Government to carry on an expensive war by loans of bank-credits and bank-notes, thereby making irredeemable paper a national currency, assisting in its circulation and encouraging its expansion. A national currency, such as our *greenbacks* or the notes of the national banks, based upon United States bonds, rests upon the faith and resources of the nation; and, however much it may be temporarily depreciated, is yet redeemable. But a corporation currency, resting only upon the debts of bankrupt borrowers, is utterly baseless, and its total excess is simply worthless.

“The fluctuations in the amount of paper currency which led to and resulted from the great revulsion of this period, according to the estimates of Mr. Crawford, Secretary of the Treasury, in 1820, stood thus :

“ Bank-note circulation in 1811,	\$29,000,000
“ “ “ “ 1813,	\$62,000,000 to 70,000,000
“ “ “ “ 1815,	99,000,000 to 110,000,000
“ “ “ “ 1819,	45,000,000 to 53,000,000

“Taking the lowest figures in these estimates they would give a *per capita* circulation in 1811—before the war—of \$3.87; in 1813, before the suspension of specie payments, \$7.72; in 1815, at the close of the war, \$10.58; in 1819, immediately after the general bank crash, \$4.81. But it is well known that during the year 1816 the banks continued to issue abundantly, and that floods of unchartered currency besides were poured out in notes of all denominations, from six cents up to five and ten dollars. The bank-note reporters of the time give lists of notes in circulation by chartered and unchartered companies and individuals about equally numerous. After the 20th of February, 1817, Congress prohibited the receipt of inconvertible paper in payment of public dues. About the middle of 1818 the contraction began, and at the end of 1819 the banks had settled into what *Niles's Register* calls ‘a state of regularity;’ meaning that the survivors had reduced their circulation to such an extent that, for the purpose of remittance, their notes or drafts on the metropolitan banks were worth a fraction more than silver coin, which was itself very scarce, owing to the preparation then making by the Bank of England, and the imports of specie by Austria and Prussia, for the replacement of their paper currencies with specie. At this time lands in the interior and agricultural products were for sale at one-third the price they commanded when the unusual indebtedness of the people was made, and at half the prices readily obtained in 1808–’10.

“In the period 1820 to 1830 the increase of banks and of paper money was not in the aggregate considerable, but the conduct of many of these ungovernable institutions was such that in the decade several ruinous fluctuations occurred in different districts of the country. We have no statement of the condition of the banks and the amount of currency afloat during this term, but we know that the years 1826–’28

on the specie kept for the latter purpose. He suggested the sound policy of transferring the advantages of that loan, in part at least, from the banks representing only the interests of the stockholders, to the Government representing the aggregate in-

were marked by convulsions of the banks of New York, Georgia, South Carolina, North Carolina, and Rhode Island, with heavy failures among the manufacturers of New England, with wide-spread distress, insolvency, and litigation all over the country. All of which means not, perhaps, excessive issues of bank currency, but a general and disastrous disturbance of monetary affairs, which neither the State banks nor the United States Bank, then in full operation, with its capital of thirty-five millions and its credit worth still more, was able to remedy.

“Mr. Gallatin puts the circulation of 1830 at sixty-one millions, a *per capita* average of \$4.74, something too small, perhaps, for the demands of business; but the paper money of this date was helped by a considerable excess of imports over the exports of specie in the two preceding years, amounting to above eight and a half millions of dollars; the great increase of the home supply of manufactures, protected by the high tariff of 1828, and the reduction of the exports of specie to China and the East Indies by the use of bills drawn by the United States Bank on England for the accommodation of our merchants, which temporarily deferred the export of specie.

“But in the ensuing six years the banks went wild again. Catching the earliest hopes of reviving prosperity, they extended their issues from sixty-one millions in 1830 to one hundred and forty-nine millions in 1837. Their specie, in the mean time, increased but sixteen millions (from twenty-two to thirty-eight millions). The average circulation for this year of enormous expansion affords \$9.52 *per capita*, while that of Great Britain and Ireland in the same year stood at \$6.47. It stood at thirty-two cents per head above that of England and Wales, with their twofold annual products of industry at that date, and correspondingly larger requirements of currency. The consequence was a suspension of payments by all the banks, including the mammoth United States Bank, in May, 1837, as if by common consent. During the residue of the year specie bore a premium at Philadelphia of various rates up to twelve per cent., and the bank paper of the different States was at various and fluctuating rates of discount; in some instances as high as twenty per cent.—not in specie, but in the paper of the Philadelphia banks.

“Favored by an excess of imports of specie over exports in the two years ending September 30, 1838, amounting to nearly twenty millions, the banks of New York and New England resumed specie payments in May, 1838. The banks of Philadelphia made three resummptions and as many suspensions before February, 1841, and did not effectively resume until March, 1842. The notes of the banks to the south and west of New York were at various rates of discount—one, five, ten, fifteen, and even eighty per cent.; and specie at various rates of premium up to fourteen per cent., as measured in Philadelphia, which was at the time inconvertible. The reaction of this monetary crash is shown, as that of 1819, by the fact that the circulation, which amounted to one hundred and forty-nine millions in 1837, was reduced in 1843 to fifty-eight millions—an average *per capita* of the population of \$3.06 as against \$9.52 in 1837. This is fluctuation with a vengeance!

“The next general explosion of our paper-money system occurred nine years after the California gold-mines were fairly opened. From July 1, 1848, to July 1,

terests of the whole people. It was too clear to be disputed, at any rate, that under the constitutional power of Congress to lay taxes, to regulate commerce and, the value of the coin, it had ample authority to control the credit circulation. The time had

1857, California had furnished to the Mint and branch mints \$383,873,100, and the mines of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and New Mexico had yielded \$4,514,469, in gold. The silver of domestic production deposited at the Mint and branches amounted to \$2,630,055, making together a grand total of \$391,017,624. The total silver coinage amounted to \$33,621,148. What part of this sum was an actual addition to the silver in circulation we do not now stop to determine. According to the custom-house returns, the exports of coin and bullion in these nine years exceeded the imports \$271,400,133. Here we have some basis for an estimate of the increase of specie in the country in this period. The Secretary of the Treasury, in December, 1857, estimated it at one hundred and forty millions. He believed the amount in 1849 to be one hundred and twenty-nine millions, and in 1857 two hundred and sixty millions. The data given would afford this sum, if to the gold from our mines we add twenty millions of the total silver coinage as a probable addition to the circulation, and assume that the residue was but the recoinage of foreign silver money previously making part of our currency. This calculation, however, assumes that our stock of coins increases or decreases annually, as the amount imported and received from our own mines exceeds or falls short of the amount exported; and it further assumes that the gold and silver brought in by immigrants and others and not reported, and that entering overland from Mexico, would balance the amounts clandestinely exported, as well as the amount consumed in manufactures and the annual loss by abrasion.

“But if the increase had been double the estimated amount, the banks would very certainly have extended their issues and credits in proportion. Their reserve of specie had increased but seventeen millions, and they had added one hundred millions to the one hundred and fourteen and three-quarter millions of their circulating paper out in 1849, and expanded their loans and discounts from three hundred and thirty-two and a third millions to six hundred and eighty-four and a half millions. In September and October they suspended specie payments, and in about three months contracted their circulation from two hundred and fifteen to one hundred and fifty-five millions, and reduced their loans to five hundred and eighty-three millions; a reduction of the former of twenty-eight and a half per cent., which was followed by a general fall of prices during the twelve months ensuing, averaging twenty-five per cent. The solvent banks resumed specie payments early in 1858, after creating such stringency in the money market as so great a reduction of currency and bank credits must necessarily occasion. Among the facts which marked the revulsion and showed its extent was the diminished consumption of foreign merchandise. In the twelve months ending three months before the suspension, the foreign imports entered for consumption amounted to three hundred and thirty-seven millions; in the twelve months immediately succeeding, they fell off to one hundred and ninety-three millions—the average consumption *per capita* falling from \$11.81 in the former year to \$6.57 in the latter, a reduction of over forty-four per cent.

“Enough has been said to exhibit fully the fluctuations of our bank issues in amount, the cost of exchange between the principal business marts of the country,

arrived when, in his judgment, Congress should exercise its authority in this direction. To effect the object two plans were suggested. The first contemplated the gradual withdrawal from circulation of the notes of the banks, and the issue in their stead of United States notes—payable in cash on demand—in amounts sufficient for the useful ends of a representative currency. The second contemplated the preparation and delivery, to institutions and associations, of notes prepared under national direction and to be secured, as to prompt convertibility into coin, by the pledge of United States bonds and other needful regulations.

In commenting upon these plans, Mr. Chase said that the first was in part adopted when at its last session Congress authorized the issue of United States notes payable in coin, to the amount of fifty millions of dollars. This provision might be so extended as to reach the average circulation of the country, while a moderate tax on bank-notes—gradually augmented—would relieve the national from competition with local circulation. The substitution would be equivalent to a loan by the people to the Government without interest, except on the fund in coin to be kept for redemption, and the people would gain the advantage of a uniform currency and relief from a considerable burden in the form of interest on debt. These advantages

the frequent convulsions in mercantile affairs, and the mischief wrought by the rapid inflations and reductions of market prices, marking the whole history of our State banking system. It must not, however, be inferred from the exclusion of other agencies in this brief historical notice, that the banks are to be regarded as the sole or primal causes of our business catastrophes. It would be easy to show that, in the groups of years covered by our monetary convulsions, the varying amounts of foreign imports for domestic consumption have borne a determinate ratio to the bank circulation, increasing and decreasing together. Not in exact proportion, indeed, for in some years the bank circulation increased more than the imports, and in some, particularly at the times of the severest collapses, the bank circulation fell lower than the imports. But this variance is explained by the exigencies of the case, and an absolute dependence and reciprocity is well proved. For certain reasons, it is probable that the excessive imports were always at the bottom of the mischief, but the bank inflations invariably answered like an echo and gave the mischief its effect by enlarging the credit system and stimulating speculative expansion of the banks till they burst. It is for this fellowship in mischief with all speculative overtrading that they are here arraigned; and for this offense the array of facts has been given; for partners in crime are not the less culpable for being what lawyers call accessories after the fact, or merely secondary in point of time, but active in the conspiracy and equally effective in participation."

were no doubt important, and if a scheme could be devised by which such a circulation could be certainly and strictly confined within the real needs of the people, and kept constantly equivalent to cash by a prompt and certain conversion, it could hardly fail of legislative sanction.

But this plan was not without serious inconveniences and hazards. In times of pressure and danger the temptation to issue notes without adequate provision for redemption; the ever-present liability to be called on for redemption beyond means, however carefully provided and managed; the hazard of panics, precipitating demands for coin, concentrated on a few points and a single fund; the risk of a depreciated, depreciating and finally worthless paper money; the immeasurable evils of a dishonored public faith and national bankruptcy—all these were possible consequences of a system of Government circulation. In his judgment these probable disasters so far outweighed the probable benefits of the plan that he was constrained to forbear recommending its adoption.

He then considered the second of the suggested plans. Its principal features were: 1. A circulation of notes bearing a common impression and authenticated by a common authority; 2. The redemption of these notes by the associations and institutions to which they might be delivered; and 3. The security of that redemption by the pledge of United States stocks and an adequate provision of specie.

In support of this plan, Mr. Chase said that the people, in their ordinary business, would find in it the advantages of a uniformity in currency; uniformity in security; effectual safeguard—if effectual safeguard is possible—against depreciation; of protection from losses in discounts and exchanges; while in the operations of Government the people would find the further advantage of a large demand for Government securities, of increased facilities for obtaining the loans required to carry on the war, and some alleviation of the burdens on industry through a diminution in the rate of interest and a participation in the profit of circulation without risking the perils of a great money monopoly. Another advantage might reasonably be expected in the increased security of the Union, springing from the common interest in its preservation created by the distribu-

tion of its stocks to associations throughout the country as the basis of their circulation.

Mr. Chase expressed the opinion that if a credit circulation in any form were desirable, it would be so in the one described. The notes so issued and secured would, in his judgment, be the best currency the country had enjoyed; while their receivability for all Government dues—except customs—would make them, wherever payable, of equal value in every part of the Union. The large amount of specie in the country (Mr. Chase, basing his estimate upon that of the Director of the Mint dated October 10, 1861, said it was not less than two hundred and seventy-five millions of dollars, which was probably much beyond the actual sum)¹ would easily support payments of duties in coin, while those payments and the ordinary demands would aid in retaining the specie in the country as the solid basis both of circulation and loans.

The whole circulation of the country; except a limited amount of foreign coin, would, after the lapse of two or three years, bear the impress of the nation whether in coin or notes; while the amount of the latter, always easily ascertainable and of course always generally known, would not be likely to be increased beyond the real wants of business.

Mr. Chase had great confidence in this plan, because, as he said, it was recommended by experience. In New York, and in one or more of the other States, its essential parts had been tested and found useful and practicable. The probabilities of its success would not be diminished but increased by its adoption under national sanction and for the whole country.

There was another consideration which, in his judgment, was entitled to much weight, and that was, that the plan very nearly—if it did not altogether—avoided the evils of a great and sudden change in the currency by offering inducements to solvent existing institutions to withdraw their circulation, issued under State authority, and substitute that provided by the authority of the Union; and so, through the voluntary action of the existing institutions, aided by wise legislation, the great transition from a currency heterogeneous, unequal and unsafe, to one

¹ A subsequent estimate made by Mr. Chase, upon very carefully considered data, placed the coin in the country at \$210,000,000.

uniform, equal and safe might be speedily and almost imperceptibly accomplished.

Mr. Chase added that if he omitted to discuss the question of the constitutional power of Congress to put the proposed plan into operation, it was because no argument was necessary to establish the proposition that the power to regulate commerce and the value of the coin included the power to regulate the currency of the country, or the collateral proposition that the power to effect the end includes the power to adopt the necessary and expedient means. He concluded by expressing a hope that the plan, if adopted with such safeguards as the wisdom and experience of Congress should suggest, would impart such stability and value to the Government securities as that it would not be difficult to obtain the additional loans required for the service of the current and succeeding years at fair and reasonable rates, especially if the public credit were supported by sufficient and certain provision for prompt payment of interest and ultimate redemption of the principal.¹

These views of Mr. Chase, when first expressed, found but little favor and less support in either House of Congress. A majority of both the Senate and House Financial Committees were incredulous or hostile. Mr. Hooper, of Massachusetts, alone gave them public approval, and it is noticeable that they were as vigorously opposed by friends of the Administration as by its enemies; and the most that Mr. Hooper could succeed in doing at the time, was to obtain leave to bring in a bill authorizing a system of national banking and to procure an order for printing it.² It was not pressed, however, during the session.

¹ Report December 9, 1861.

² "Very few, when I submitted a plan for a national currency to Congress, were prepared to accept it as either desirable or practicable. A majority of both the House and Senate Financial Committees were incredulous or hostile. Only Mr. Hooper of Massachusetts—a gentleman who sound judgment and large knowledge of financial subjects, gave great and deserved weight to his opinions—encouraged me by open support. Out of Congress, Robert J. Walker—distinguished by his brilliant administration of the Treasury, and by his great ability—gave the plan the sanction of his approval. Encouraged by such judgments, I was not daunted by the general opposition."—MR. CHASE TO MR. TROWBRIDGE.

CHAPTER XXXII.

MR. CHASE RENEWS HIS RECOMMENDATION OF A NATIONAL BANKING SYSTEM, DECEMBER, 1862—DEBATE UPON THE BILL IN HOUSE AND SENATE—FINAL PASSAGE OF THE BILL, FEBRUARY 25, 1863—PRINCIPAL FEATURES OF THAT BILL—ORGANIZATION OF NATIONAL CURRENCY BUREAU—AMENDATORY ACT OF 1864—DISCUSSION IN CONGRESS—BANK OF COMMERCE—ABSTRACT OF THE AMENDATORY ACT—OPERATION OF THE ACT—TAXATION OF STATE BANKS—PRESENT CONDITION OF THE NATIONAL BANKS.

IN his second annual report, made December 4, 1862, Mr. Chase renewed his recommendations of a system of banking associations and enforced them with additional arguments. He repeated the conviction expressed in his first report that while Government notes were preferable to the issues of State institutions, a circulation furnished by Government and issued by banking associations organized under a general act of Congress, was preferable to either. It would unite more elements of soundness and utility. While a circulation furnished directly by the Government was recommended by two chief considerations—namely, 1. Facility of production in times of emergency, and 2. Cheapness—there were, on the other hand, four main and serious objections. These were: 1. Facility of excessive expansion when expenditure should exceed revenue; 2. Danger of lavish and corrupt expenditure stimulated by facility of expansion; 3. Danger of fraud in management and supervision; and 4. The impossibility of supplying it in sufficient amounts for the wants of the people when expenditures are reduced to

equality with the revenue or below it. He declared *the central idea of his proposed measure to be the establishment of one sound, uniform circulation, of equal value throughout the country, upon the foundation of national credit combined with private capital.* The associations were to be voluntary, but as a bounty to prompt volunteering into this department of the public service, Mr. Chase—in a preceding paragraph of the report from which we are quoting—had recommended a moderate tax on circulation of the State banks as the best means of reducing their issues, and as an incentive to the substitution of national bank-notes. Such a tax, he said, could involve no hardship. There could be no sound reason for exempting from taxation that species of property which cost the proprietor least and produced him most. He proposed no interference with the Independent Treasury, but it seemed clear that the contemplated associations would be the best and safest depositories of the public revenues. He estimated that the associations would absorb in a few years \$250,000,000 of Government bonds.

The proposed plan was recommended finally by the firm anchorage it would supply to the Union of the States. Every banking association whose bonds were deposited in the Treasury of the Union; every individual who held a dollar of the circulation secured by such deposits; every merchant, every manufacturer, every farmer, every mechanic, interested in transactions dependent for success on the credit of circulation, would feel as an injury every attempt to rend the national unity, with the permanence and stability of which all their interests are so closely and vitally connected. It was a public duty to extract good from evil whenever possible. And out of the public debt, never itself a good, this benefit might be extracted.¹

At the close of the second session of the Thirty-seventh Congress—as has been already observed—the measure so earnestly pressed by Mr. Chase was almost friendless. The banks were practically unanimous in their hostility to it, and it was viewed with keen suspicion by men of all shades of political opinions. The repression of the State bank issues and the substitution in their stead of the notes of associations organized under authority of the General Government, were features es-

¹ Report, December 4, 1862.

pecially obnoxious; they savored, as was imagined, not only of the United States Bank as a powerful money corporation, but also of its supposed dangerous political tendencies. But notwithstanding possible future perils, the prospects of the measure had materially grown in the interval between the close of the second and the opening of the third session of the Thirty-seventh Congress, December 1, 1862.

The bill authorizing the national banking associations was exhaustively debated in the Senate, and February 19, 1863, Mr. Collamer summed up the chief objections alleged against it. They were:

That it proposed to tax the State banks out of existence. That it substituted for the thirteen or fourteen hundred banks doing business in what were called the loyal States at least three thousand and perhaps six thousand institutions entirely independent of the power of visitation by those States. That it removed from all forms of State taxation all the capital employed in local banking corporations; thus interfering with the school funds of many of the States. That it made the Government responsible for the ultimate redemption of the circulation of the associations. That it put great political power into the hands of the Secretary of the Treasury. That it *hired* the banking associations to circulate three hundred millions of currency at a yearly expense of twelve millions of dollars in gold to the people, who were at last responsible for the circulation; in short, that the people of the country would derive no benefit from the operations of the bill. And that—after all—the profits derivable to the banks would be too small.

It was said by Mr. Sherman in reply to this that if one hundred millions of the circulation of the State banks was withdrawn, the Government would reap the advantage at any rate of a market for one hundred millions of its stocks. And the creation of a demand for one hundred millions would, in pursuance of well-known and recognized laws of trade, excite a demand for five hundred millions. He thought the political power of the Secretary would rather be weakened than strengthened by the operation of the proposed system. The powers conferred by the bill were more likely to make enemies than friends for the Secretary who exercised them.

Mr. Doolittle alleged that in his judgment the States, under the Constitution, had no right either to issue a paper circulation or incorporate a company to do so; and further, that gold and silver formed the sound constitutional currency. But the history of the country and decisions of the Supreme Court had gone the other way, with the practical effect of giving rise to fifteen hundred banks created by State authority, and the currency in use was the irredeemable paper of those banks. As a practical fact the war must be carried on by paper money, and the Government must take the issues into its own hands. But while creating and issuing paper money, it would not do to allow the channels of circulation to be flooded by the State institutions; by permitting them to do so the Government would destroy itself.

The vote in the Senate upon the bill was twenty-three for to twenty-one against, and in the House seventy-eight yeas to sixty-four nays. An analysis of these votes shows while but one Democratic Senator (Nesmith, of Oregon) voted for the bill, seven Republican Senators (Collamer, Cowan, Dixon, Foot, Grimes, King, and Trumbull) voted against it. In the House the Democrats voting for the bill were two; and the Republicans voting against it twenty-five. It became a law by the approval of the President February 25, 1863.¹

The act contained sixty-five sections. The first four related to the organization in the Treasury Department of an additional bureau, to be charged with the execution of the laws authorizing and regulating the issue of a national currency, the chief officer of which was to be denominated the Controller of the Currency.

The leading features of the act were these:

It required at least thirty per cent. of the capital stock of associations formed in pursuance of its provisions, to be paid in before beginning business, and the remainder in installments of ten per cent. of the whole capital subscribed at periods not farther apart than two months. The capital might be increased, but no increase to be valid until actually paid up. The liability of shareholders, for both circulation and deposits, extended not

¹ At the time of the passage of this act the whole circulation in the loyal States was \$167,000,000. The State securities held for this amount were \$40,000,000, leaving over \$120,000,000 inadequately provided for. In only nine of the States did the law require the circulation to be secured by State bonds.

only to the amount actually invested in the shares, but to an additional sum equal to their par value.

Preliminary to beginning business the association was required to transfer and deliver to the United States Treasurer interest-bearing bonds of the United States in sum not less than one-third of the capital stock paid in, and thereupon to be entitled to receive circulating notes of various denominations in blank—registered and countersigned, however—equal to ninety per cent. of the current value of the bonds, but not exceeding their par value if bearing interest at the rate of six per cent., or of equivalent United States bonds if bearing a less rate of interest; but the aggregate of notes delivered at no time to exceed the amount of capital stock actually paid in.

The whole amount of circulating notes authorized was \$300,000,000; one hundred and fifty millions to be apportioned according to representative population, and a like sum according to the then existing banking capital, resources, and business of the States, Territories, and District of Columbia.

In lieu of all other taxes upon the notes and the bonds pledged for their security, and to reimburse the expenses of preparing the circulating notes, a tax of two per cent. a year was levied upon the amount of the circulation of the association. On the other hand the notes were made receivable in payment of all dues to the United States except duties on imports, and payable in satisfaction of all demands against the United States except interest on the public debt. Post and other notes intended to circulate as money were prohibited.

If the association failed to redeem its notes on demand in lawful money of the United States, they might be protested, and after protest the association was suspended from further pursuing its business, except to receive moneys belonging to it and to deliver special deposits. If, however, it was legally restrained from paying its notes by order of court, no protest could be made. But in case of actual default, the Controller was required—within thirty days after notice of the failure—to declare the bonds pledged by the association to be forfeited. Its outstanding circulating notes were thereupon to be redeemed at the Treasury of the United States, and bonds of the association equal at current rates, not exceeding par, to the amount of the

notes redeemed, might be canceled, or sold at public auction in the city of New York, or at private sale under prescribed limitations. If any deficiency should exist relative to the sum of the notes redeemed and the bonds canceled or sold, the United States reserved a first and paramount lien upon all the assets of the association.

Whenever bonds of the description of those pledged for the security of the notes of the association sold in the New York Stock Exchange¹ for a period of four consecutive weeks at a less rate than that at which they were estimated when pledged, payment of interest upon them was to be suspended until the current market value of the bonds and the suspended interest added together, made the bonds equal to their value as estimated when pledged. Every three months the interest retained under this provision was to be invested in United States bonds in trust for the association; but when the bonds in the New York Stock Exchange rose again to the price at which they were estimated when pledged, and so remained for four consecutive weeks, the investment to be assigned to the association and the accruing interest paid to it.

Stockholders, either individually or collectively, were prohibited from being at any time liable to the association, either as principal debtors or sureties or both, to an amount greater than three-fifths of the capital stock actually paid in and remaining undiminished by losses or otherwise, nor could directors become so liable, except to such an amount and in such manner as might be prescribed in the by-laws. (Each director was required to own in his own right one per cent. of the capital where the whole capital did not exceed two hundred thousand dollars, and one-half of one per cent. if the capital was over two hundred thousand.) Shareholders were prohibited from transferring their shares so long as they were liable for any debt due and unpaid to the association, and dividends and profits due such shareholders could be applied by the association to the discharge of such liabilities.

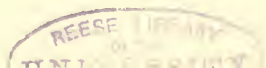
The association was prohibited making loans upon the security of its own capital stock.

¹ By the act of June 3, 1864, the value of such bonds was made to depend, not upon their price in the New York Stock Exchange, but in the general market.

The association was required to have on hand at all times in lawful money of the United States a sum equal at least to twenty-five per cent. of the aggregate of its outstanding circulation and deposits, and whenever the deposits and outstanding circulation should exceed this proportion for a period of twelve days, it was prohibited from increasing its liabilities by making new loans or discounts, otherwise than by discounting or purchasing bills of exchange payable at sight, or making any dividend of profits, until the required proportion between the lawful money reserve and the circulation and deposits was restored. Clearing-house certificates representing specie or lawful money specially deposited for the purposes of a clearing-house association were to be deemed lawful money. Balances due from associations in Boston, Providence, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis and New Orleans, to associations in other places, subject to be drawn for at sight and available to redeem their circulation and deposits, were also to be deemed lawful money to the extent of three-fifths of the lawful money reserve. With the concurrence of the Secretary of the Treasury the Controller of the Currency was authorized to appoint a receiver to wind up the business of any association which should fail, within thirty days after notice, to make good the lawful money reserve where deficient.

The association was prohibited from incurring debts or liabilities exceeding the capital stock actually paid in and undiminished by losses, except on account—1. Of its circulating notes; 2. Of money deposited or collected by it; 3. Of bills of exchange or drafts drawn against money actually on deposit to its credit or due to it; and, 4. Of liabilities to its stockholders for money paid in on capital stock, and dividends thereon and profits. The association was prohibited pledging or hypothecating directly or indirectly any of its circulating notes to procure money to be paid in on its capital stock, or to be used in its banking operations or otherwise; nor could there be withdrawn either in the form of dividends, loans to stockholders for a longer period than six months, or in any other manner, any portion of the capital. No dividends could be made where losses equaled undivided profits, and debts overdue six months were to be accounted bad.

Interest could be charged at the legal rate in the State where



the association was located, and willfully taking or reserving more than the legal rate worked a forfeiture of the debt; but to reserve the legal interest at the time of making the loan, "according to the usual rules of banking," was not to be deemed a violation of the act.

The liabilities of the association on any one account at any one time could not exceed one-third—exclusive of liabilities as acceptor one-fifth, and exclusive of liabilities on *bona-fide* bills of exchange payable out of the State, one-tenth of the capital stock actually paid in.

All transfers, assignments, and deposits, made by insolvent associations or in contemplation of an act of insolvency, for the benefit of shareholders or for the preference of creditors, were declared to be null and void. Nor could any association pay out or put into circulation the notes of any bank or banking association which should not be receivable at the time at par on deposit or in payment of debts due the association paying out or circulating them; nor could it circulate the notes of any association which at the time did not redeem its notes in lawful money of the United States.

A semi-annual report, under oath of the cashier, was required to be made to the Controller of the Currency. Without here going into the details required to be exhibited in this statement, it is enough to observe that it is thoroughly exhaustive of the affairs of the association and of the amounts and circumstances of its liabilities and resources.

The Secretary was authorized to make the associations depositories of public moneys (except receipts from customs).

Ample provision was made against evasions and violations of the act by associations, against counterfeiting the circulating notes and against their mutilation, and for examination into the affairs of the associations when such examination seemed to be required by the public interest.

And finally, provision was made for the conversion of State banks into national associations.

The privileges of the act were to continue for a period of twenty years from the time of its passage, though Congress reserved the important right of modifying or altogether repealing it.

The National Currency Bureau was organized so soon as was practicable, and Mr. Chase in his next report to Congress—December 10, 1863—ascribed to the operation of the act important and salutary effects. It materially aided in a prompt revival of the public credit, and in procuring funds for liquidating current demands against Government, and especially for paying the large arrears due to the army and navy. The number of associations organized up to that time was one hundred and thirty-four—chiefly in the West—with capitals aggregating \$16,081,200. Some embarrassment was experienced in the conversion of State banks; and to remedy this and other defects which a year's experience in the practical working of the act had developed, it was remodeled during the first session of the Thirty-eighth Congress. The object in remodeling was declared to be "to offer every facility to the State banks to organize under the law, to encourage banking upon sounder principles, to render it more secure for stockholders, and more beneficial to the people of the whole country."¹

Public sentiment in relation to the national banking system had undergone a marked change in the interval between the passage of the act of 1863 and the period at which the discussion of the act of 1864 began. It had so grown in the general favor, that the Republican party if not actually was substantially a unit in its support.

The debate upon the amendatory act was exhaustive and developed all the objections that could justly be alleged against the system. It was charged—

1. That it inflated the currency and raised prices. "The enormous expansion is seen and felt on all sides," said Mr. Brooks, of New York. "No fact showed more significantly the gigantic increase in the exchanges and currency than the reports of the New York Clearing-House. The average daily clearances for the ten years prior to the close of 1861 had been \$22,000,000, while at the date of his speaking they averaged \$115,000,000, and on one late day they had reached the enormous sum of \$146,000,000! The consequence was the revelry and intoxication of speculators, and a spectacle not exhibited on the earth since the days of John Law." He presented some statistics to

¹ Mr. Hooper, House of Representatives, March 23, 1864.

show the increase in prices. He alleged the average increase in thirteen articles of prime necessity (flour, oats, corn, coffee, gunpowder, iron, lead, pork, beef, butter, salt, soap, teas) to be, between December, 1860, and December, 1863, equal to an average rise of $63\frac{1}{2}$ per cent.¹

It could not be denied that there had been a large increase in the prices of almost all commodities, though it was not so great as was alleged by Mr. Brooks.

2. That it provided for an irredeemable currency. It was alleged that the war could have been carried on by the instrumentality of the State banks upon a hard-money basis.² To this it was answered, that it was the action of the State banks of the city of New York in suspending³ specie payments in December, 1861, that constrained the suspension of the banks throughout the country and of the United States Treasury. When the national currency system was first adopted it was opposed, as though it were a question which of two currencies, coin or paper, the Government would adopt. A coin circulation was not possible. The Government could only choose between two paper currencies: one furnished by the State banks, liable to be extended almost indefinitely by Government use of it and controlled by the banks entirely for their own profit; or one furnished by the Government under its own direction and control, secured by the pledged faith of the nation, and the profits of which should accrue to the benefit of the whole people of the country.⁴ In support of the charge that the State banks would have increased their issues indefinitely, was cited the example of twenty-five State institutions (taken from official reports) located in six different States: six in New York; one in New Jersey; thirteen in Pennsylvania; one in Delaware; one in Indiana; three in Ohio. The aggregate capital of these several banks amounted to \$1,932,968 and their circulation to five millions nine hundred and ninety-eight thousand and eighty-eight dollars! One of them—the Bellinger Bank, of New York—with a capital of

¹ Mr. James Brooks, House of Representatives, March 24, 1864.

² Pamphlet of James Gallatin, cited by Mr. Brooks.

³ According to Mr. Hooper, incited to that action by the urgent advice of Mr. Gallatin. In House of Representatives, April 6, 1864.

⁴ Mr. Hooper, House of Representatives, March 23, 1864.

\$10,000, circulated notes to the amount of \$76,280! It was owned by a single individual whose liability was no greater than the amount of capital actually invested.

3. It was objected that the act relieved the capital of the national banks from taxation by the State authorities. Mr. Kernan quoted from the report of the Superintendent of Banks of New York for 1863, an extract which ably and succinctly embodied the objection: "It cannot be deemed unjust," said the superintendent, "that the burdens of the State shall be imposed impartially on the property of the State. Banks, corporations and individuals, share alike in the protection of State laws and the advantages of local government. The equity which releases a large portion of the wealth of the State from local taxation and fixes the deficiency upon property less negotiable in its character—which exempts the bond of the capitalist only to assess it upon the dwelling of the mechanic or the land of the agriculturist—will not be readily admitted. Had Congress limited the immunities conferred upon the holders of United States stocks to exemption from taxation for all the purposes of the national Government, it would probably have served every desirable end. But when it goes further and assumes to remove the property of citizens from the jurisdiction of the State in which it is located, and exempts it from all burdens of a municipal character, it trenches upon ground of questionable utility, which may be productive of popular discontent, alike injurious to the Government and the institutions availing themselves of the immunities offered."

It was urged, in answer to this, that the banks were subjected to heavier burdens by the national Government than most other kinds of property; that the public faith was pledged that the bonds upon which their circulation was based should be free from State and local taxation; that under decisions of the Supreme Court banks chartered by the United States could not be taxed by the State authorities; that, were it otherwise, the States might tax the national banks out of existence. Moreover, that the Government left the banks no option but to hold Government securities as a portion of their capital, and to compel them to hold property which might be excessively taxed by the States would be fundamentally unjust.

The amendatory act was approved June 3, 1864. The more important modifications effected by it were these :

1. That no organization should be permitted with a capital of less than one hundred thousand dollars ; in cities containing over fifty thousand inhabitants capitals not to be less than two hundred thousand dollars. Paradoxically enough, however, it was enacted in the same section that in places containing populations of not more than six thousand, banks with capitals of not less than fifty thousand dollars might be authorized.

2. Shareholders in banks existing under the authority of State laws (and converted into national associations), having not less than five millions of capital actually paid in and a surplus of twenty per cent. on hand (this surplus to be in addition to that required by the act and to be kept undiminished), were made liable only to the amount invested in their shares. Should any deficiency occur in the required additional surplus of twenty per cent., the association was prohibited from paying any dividends until the deficiency was made good, and the Controller of the Currency might compel it to cease business. It was understood that this provision was intended to apply particularly to the Bank of Commerce in the city of New York. Concerning this bank some interesting statements were made. Its capital was ten millions of dollars, with a right to increase it ultimately to fifty millions. It was thought that with so large a capital this great corporation might prove a formidable enemy to the national associations.¹ It had been in existence twenty-six years, and its chartered privileges were to continue until 1889. It had over twenty-two hundred shareholders, living in twenty States and Territories of the United States, in Great Britain and the British Provinces, in France, in South America, in Greece, in Asia, and in Mexico. Of these shareholders more than seven hundred were women. Its investments in United States securities amounted to fourteen millions of dollars. Its cash items (including \$1,751,000 United States notes) reached the large sum of \$7,934,000 ; and its specie (including \$411,912 held for depositors) amounted to \$1,534,000. Its loans and discounts were two and a half millions (\$2,686,000).

¹ Remarks of Mr. Broomall, of Pennsylvania.

and the amount of its deposits nearly fifteen and a half millions (\$15,419,000).¹

3. At least fifty per cent. of the capital stock was to be paid in before beginning business, and the remainder was to be paid in installments of ten per cent. upon the whole capital at periods not further separated than one month each.

4. The whole bank circulation was limited to three hundred millions of dollars, but there was no restriction as to its distribution.

5. The total liability to the association on any one account could not exceed at any one time ten per cent. of the capital actually paid in, but the discount of *bona-fide* bills of exchange against actually-existing values and the discount of commercial paper actually owned by the party negotiating it were not to be considered as money borrowed.

6. Associations in the cities of St. Louis, Chicago, Louisville, Detroit, Milwaukee, New Orleans, Cincinnati, Cleveland, Pittsburg, Baltimore, Philadelphia, Boston, New York, Albany, Leavenworth, San Francisco, and Washington, were required to have on hand at all times, in lawful money, of the United States, an amount equal to at least twenty-five per cent. of the aggregate amount of their notes in circulation and deposits, and associations located elsewhere than in those cities fifteen per cent. in lawful money. Clearing-house certificates representing coin or lawful money specially deposited for Clearing-House purposes to be deemed lawful money in the possession of the association owning and holding such certificates, and three-fifths of the fifteen per cent. lawful money reserve required to be held by banks outside of the cities specifically named, might be in funds deposited in associations in those cities for the redemption of circulation. The associations in the several specified cities were each required to select an association in the city of New York at which to redeem its circulating notes at par. And every association organized elsewhere than in one of the specified cities was required to select an association in one of those cities at which it would redeem its circulating notes at par.

7. One-tenth of all the net profits was required to be carried

¹ This bank rendered important services to the Treasury Department during the rebellion; some of them of an extremely confidential character.

to the surplus fund of the association until such fund should amount to a sum equal to twenty per cent. of the capital. The association itself and the individual members were alike prohibited from withdrawing or permitting to be withdrawn—in the form of dividends or otherwise—*any* portion of the capital. And in addition to semi-annual and quarterly reports, the association was required to make to the Controller on the first Tuesday of each month a statement showing the average amount of loans and discounts, specie and other lawful money, deposits and circulation; and associations located elsewhere than in the cities named in the preceding paragraph were required to return the amount due them available for the redemption of their circulation. Moreover, a list of the shareholders with the number of shares held by each, and the shareholder's place of residence, was required to be kept in the office of the association, subject to the inspection of creditors and shareholders, and the officers authorized to assess the State taxes.

8. In lieu of all other taxes¹ the association was required

¹ By the 79th section of the Internal Revenue Act of July 13, 1866, national banks using a capital not exceeding fifty thousand dollars were subjected to the payment of a special tax of one hundred dollars, and for every additional thousand dollars of capital an additional tax of two dollars. By the 110th section of the same act a tax of one twenty-fourth of one per cent. per month was laid upon the average amount of deposits held by the associations; one twenty-fourth per cent. a month upon the capital beyond the amount invested in United States bonds; one-twelfth of one per cent. upon the average amount of circulation outstanding, including as circulation certified checks, and notes or other obligations intended to circulate as money; and one-sixth of one per cent. a month upon the average amount of circulation beyond ninety per cent. of the capital of the bank; and by the 120th section five per cent. upon all dividends either of scrip or money, and on all undistributed sums made or added during the year to their surplus or contingent funds. To prevent evasion by neglect or omission to make dividends or addition to surplus or contingent funds as often as once in six months, a return of profits is required in January and July, upon which a duty of five per cent. is laid. Bank-checks are subject to a stamp-duty of two cents; promissory notes and inland bills of exchange five cents upon each one hundred or fraction of one hundred dollars; letters of credit and foreign bills, if drawn in sets of three or more, two cents upon each one hundred or fraction of one hundred dollars; certificates of stock, twenty-five cents each; certificates of profits or interest in the bank, if for not less than ten nor more than fifty dollars, ten cents—exceeding fifty and not over one thousand dollars, twenty-five cents—for every additional one thousand or fraction of one thousand, twenty-five cents; certificates of deposit for sums not exceeding one hundred dollars, two cents—for sums exceeding one hundred dollars five cents; upon bills or memorandums of sales of stocks, gold, etc., for each one hundred or fractional part of

to pay to the United States Treasurer in January and July of each year a duty of one-half of one per centum each and every half-year from and after the 1st of January, 1864, upon the average amount of its notes in circulation; one-quarter of one per cent. each half-year upon the average amount of its deposits; and one-quarter of one per cent. upon the average of its capital stock beyond the amount invested in United States bonds. The shares of the association were to be subject to taxation by the State in which it was located and not elsewhere, but taxes imposed upon the shares were not to be greater than those assessed upon other moneyed capital in the hands of individual citizens of the State, nor exceed the rate paid by banks organized under the State laws.

9. Provision was made for the voluntary closing up of the business of the association; and the United States Treasurer was authorized to receive from such association lawful money to the amount of its circulating notes outstanding,¹ and to deliver up the securities pledged for their security, and thereupon to redeem the outstanding notes at the Treasury and to destroy them by burning.

10. The capitals of State banks converted into national associations were not to be less than those of associations organized directly under the act.

11. The privileges of the act were to continue to each association for a period of twenty years from the date of its organization.

An analysis of the votes upon the passage of this act shows in the Senate—for it thirty Republicans; against it two Republicans; and of the Democrats none voted for it. In the House the vote stood—for the bill seventy-eight Republicans; against it none, and the Democrats voted against it solidly.

one hundred dollars, one cent; receipts for money paid in excess of twenty dollars, two cents.

¹ Every "bank going into liquidation shall be required to deposit lawful money of the United States for its outstanding circulation within six months from the date of the vote to go into liquidation, whereupon the bonds pledged as security for such circulation shall be surrendered." Failing to do so the "Controller shall have power to sell the bonds pledged for the circulation of said bank at public auction in New York City," to provide for its redemption and cancellation and the necessary expenses of sale. Banks in liquidation for the purpose of consolidating with other banks are exempted from the operation of this act.

In his second annual report (dated November 25, 1864) the Controller of the Currency stated the number of associations organized under the act up to that time to be 584; of these 282 were organized since his first report of which 168 were conversions of State into national banks. The whole capital stock paid in was \$108,964,597.28; their aggregate circulation was \$65,864,650, for the security of which bonds of the United States to the amount of \$81,961,450 were held by the Treasurer of the United States. The Controller declared that the rapid conversion of State institutions was effected without derangement to the business of the country; and observed that though there were objections to all kinds of paper money (the experience of Americans having been that bank-notes, with few exceptions, were convertible into coin when coin was not wanted and were not convertible when coin was wanted), no form had been devised so little objectionable as that authorized by the national currency Act. And the Secretary of the Treasury (Mr. Fessenden) in his report for the same year, made the admission that though he was not among the first to approve the plan, time and observation of its effects had convinced him that if it was not without defects it was based upon sound principles.

Up to this time there had been no discriminating legislation against the State bank issues. Mr. Fessenden, the Secretary of the Treasury, and Mr. McCulloch, the Controller of the Currency, in the reports just cited, now joined in urging upon Congress legislation of that character. "It was quite apparent," said Mr. Fessenden, "that the good to be hoped from the system could not be fully realized so long as another system, at war with the great objects to be attained, should continue to exist unchecked and uncontrolled. While he would not recommend the adoption of unfriendly or severe measures, likely to embarrass the business of the country, . . . he was of the opinion that such discriminating legislation should be had as would induce the withdrawal of all other circulation than that issued under national authority, at the earliest practicable moment." Mr. McCulloch declared it "indispensable to the financial success of the Treasury that the currency of the country should be under the control of the Government. This

could not be the case so long as State institutions had the right to flood the country with their issues." He concluded, therefore, that "it could hardly be considered oppressive if Congress should prohibit the further issue of bank-notes not authorized by itself, and compel by taxation the withdrawal of those which had been already issued."

This important object was effected by the sixth section in the act approved March 3, 1865, amendatory of the Internal Revenue Act of June 30, 1864. This section provided "that every national banking association, State bank, or State banking association should pay a tax of ten per centum on the amount of the notes of any State bank or State banking association paid out by them after the first day of July, 1866."¹ In the Internal Revenue Act of July 13, 1866, this provision was reënacted (section 9) in somewhat more sweeping terms: "Every national banking association, State bank, or State banking association, shall pay a tax of ten per centum on the amount of notes of any person, State bank, or State banking association used for circulation, and paid out by them after the first day of August, 1866, and such tax shall be assessed and paid in such manner as shall be prescribed by the Commissioner of Internal Revenue."²

These acts were effective in compelling the retirement of the State bank circulation, and the Controller, in his report for 1865, declared that the national banking system had superseded all the State systems, and that the entire control of the currency of the country was in the hands of the Federal Government. He reported at the same time that there were in opera-

¹ By the seventh section of the act of March 3, 1863, "To provide ways and means for the support of the Government," a tax of one per cent. per annum had been imposed upon the circulation of "all banks, associations, corporations, and individuals" in certain stated proportions to their capital, and two per cent. per annum upon the excess. By the act of June 30, 1864, this tax of one per cent. was continued, except that it was made payable monthly in installments of one-twelfth of one per cent.

² The constitutionality of this tax upon the circulation of State bank notes having been brought into question, the Supreme Court of the United States, in *Veazie Bank against Fenno*, 8 Wallace, 533, declared that "Congress having undertaken, in the exercise of undisputed constitutional power, to provide a currency for the whole country, may constitutionally secure the benefit of it to the whole people by appropriate legislation, and to that end may restrain by suitable enactments the circulation of any notes not issued under its own authority;" and that this tax is warranted by the Constitution.

tion sixteen hundred and forty-seven national banks, with an aggregate capital of four hundred and eighteen millions of dollars, owned by two hundred thousand stockholders. Their total resources on the 1st day of October of that year were \$1,525,493,960, with liabilities for circulation and deposits amounting to \$1,024,274,386—leaving a surplus for capital and earnings of \$501,221,574. The increase in national banking capital paid in during the year ending October 1, 1866, was stated at \$21,515,557; the increase in amount of bonds deposited to secure circulation at \$56,247,750, and the increase in amount of circulation issued at \$101,824,698. While, however, the apparent circulation was increased by over one hundred millions, the actual increase did not much exceed fifty millions; the circulation retired by State banks converted into national associations having been fully fifty millions of dollars.

. . . . As a fitting close to this chapter, a table showing the condition of the national banks of the United States at the close of business on Friday, the 26th of December, 1873, is appended:

RESOURCES.	
Loans and discounts	\$852,620,661 35
Overdrafts	4,195,893 70
United States bonds to secure circulation	389,384,400 00
United States bonds to secure deposits	14,815,200 00
United States bonds on hand	8,630,850 00
Other stocks, bonds, and mortgages	24,358,125 06
Due from redeeming and reserve agents	73,032,046 87
Due from other national banks	40,404,757 97
Due from State banks and bankers	11,185,253 08
Real estate, furniture, and fixtures	35,556,746 48
Current expenses	8,678,170 39
Premiums paid	7,987,707 14
Checks and other cash items	12,321,972 80
Exchanges for Clearing-House	62,881,342 16
Bills of other national banks	21,371,456 00
Bills of State banks	31,723 00
Fractional currency	2,287,454 03
Specie	26,907,037 58
Legal-tender notes	104,922,506 00
United States certificates of deposit for legal-tender notes	24,010,00 00
Clearing-House loan certificates	3,797,000 00
Total	\$1,729,380,303 61

LIABILITIES.

Capital stock paid in	\$490,266,611 00
Surplus fund	120,967,767 91
Undivided profits	58,375,169 43
National bank-notes outstanding	341,320,256 00
State bank-notes outstanding	1,130,585 00
Dividends unpaid	1,269,474 74
Individual deposits	540,504,102 78
United States deposits	7,680,375 26
Deposits of the United States disbursing officers	4,705,593 36
Due to national banks	114,996,666 54
Due to State banks and bankers	36,598,076 29
Notes and bills rediscounted	3,811,487 89
Bills payable	3,826,137 41
Due to Clearing-House for loan certificates	3,928,000 00
Total	<u>\$1,729,380,303 61</u>

CHAPTER XXXIII.

THE MORRILL TARIFF—TARIFF AMENDMENTS—GENERAL REVISION OF THE TARIFF OF 1861—TARIFF RECEIPTS—INTERNAL REVENUE BUREAU CREATED—THE DIRECT TAX—INCOME FROM INTERNAL REVENUE—COMMERCE BETWEEN LOYAL AND INSURGENT STATES—EMBARRASSMENT OF THE SUBJECT—MR. CHASE'S VIEWS—PROCLAMATION OF BLOCKADE, AND SUSPENSION OF INTERNAL COMMERCE BY THE PRESIDENT—ACTS OF CONGRESS ON THE SUBJECT—POLICY OF MR. CHASE—"TRADE SHALL FOLLOW THE FLAG"—ADVANCE IN THE PRICE OF COTTON, AND ABUSES OCCASIONED BY EAGER DESIRE FOR TRAFFIC—NECESSITY OF THE INTERNAL COMMERCE—REGULATIONS FOR ITS GOVERNMENT—ORIGIN OF FREEDMEN'S BUREAU—MAGNITUDE OF THE INTERNAL COMMERCE SYSTEM—CORRUPTION AMONG THE OFFICERS—A PAINFUL INSTANCE OF THIS.

THE "Morrill tariff," as it is historically called, became a law by receiving the signature of President Buchanan on the 2d of March, 1861, and was to go into operation on the 1st day of April following. The tariff act in force at the date of Mr. Lincoln's first inauguration was that of March 3, 1857. The Morrill tariff was amended in important particulars, as we have seen in a former chapter, by the act of August 5, 1861, under which heavy duties were laid on teas, coffees, sugars and molasses, substantially as recommended by Mr. Chase; and this act, in its turn, was materially modified by that of the 24th of December, 1861, by which the duties on the specific articles named were further increased, as were also those upon some other articles. This latter act was also framed chiefly in accord-

ance with recommendations made by Mr. Chase. There was no general revision of the tariff, however, until June, 1862, when a considerable increase in the rates was laid upon the whole range of imported commodities, and an additional tonnage tax was levied upon both American and foreign vessels. An act modifying some of the provisions of this last-mentioned act, was approved by the President March 3, 1863. And by a joint resolution of the 29th of April,¹ 1864, the duties on all foreign goods—printing-paper for books and newspapers excepted—were increased fifty per cent. for sixty days; a measure fortunate for some importers and merchants, and quite as unfortunate for others. But the anxious solicitude of Congress that the educational improvement of the American people should not be impeded by this sort of “snap” legislation, is witnessed in the exemption of printing-paper from the operation of the resolution.

These were the several tariff measures acted upon by Congress during Mr. Chase’s services in the Treasury. On the 30th of June, 1864, however, the President approved an act for a further augmentation of the rates of duties; the primary object of this act being, as explained by Mr. Morrill, “to increase the revenue upon importations from abroad, and at the same time to shelter and nurse our domestic products, from which we

¹ This joint resolution came near being attended by some awkward circumstances. It took effect on the 29th of April, 1864, and, as its operation was limited to sixty days, it would cease to be effective of course on the 28th of June subsequent. It was supposed at the time of its passage that a tariff bill then in course of preparation in the Committee of Ways and Means would, within the specified sixty days, become a law. But it happened otherwise; the act of June 30, 1864, was to become operative July 1st; meantime, on the 29th and 30th of June, the import duties would be fifty per cent. less than on the 28th, and an average of about fifty per cent. less than they would be on the 1st of July. This curious condition of the tariff act was overlooked until near the close of the sitting of Congress, on the 28th of June, when the Secretary became aware of it. Accompanied by Assistant-Secretary Field, Mr. Chase went at once to the Capitol, and by interrupting the regular course of the proceedings, procured such action by Congress upon the joint resolution as extended its operation over to the 1st of July. Near midnight Mr. Lincoln approved the extension by attaching his signature to the renewed resolution, the operation of which was confined to two days!—a rather remarkable incident in our national legislation—and a few minutes later Mr. Field delivered the completed resolution into the hands of Mr. Seward, at his residence, thus placing it in the custody of the State Department and completing all the necessary legal preliminaries.

draw the largest part of our revenue, so that the aggregate amount shall not be diminished through the substitution of foreign articles for those which we have been accustomed to make at home."

The prospect of a civil war near at hand had occasioned a large falling off in the income from customs, even before Mr. Lincoln's inauguration. The actual presence of war operated still more calamitously upon the revenues from this source. The receipts for the first quarter of the fiscal year 1861—it ended on the 30th of September, 1860—were somewhat more than sixteen millions of dollars (\$16,119,831); during the second quarter, ending December 30, 1860—the presidential election intervening meantime—they were reduced to \$8,174,167; there was a slight increase during the third quarter, ending March 31, 1861, when they were \$9,772,574; and reached their lowest point during the fourth quarter, which ended June 30, 1861, when they were only \$5,515,552; making a total of \$39,582,124 for the whole year. Mr. Chase, in his report for December, 1861, basing his conclusions for the fiscal year 1862 upon the receipts of the first quarter ending September, 1861 (which were \$7,198,602), estimated that the whole receipts up to the 30th of June, 1862, would not exceed \$32,198,602. The actual receipts, however—in consequence of the renewed impetus given to commerce and production by the extensive demand for commodities created by the war—were \$49,056,397. For the fiscal year ending June 30, 1863, they were \$69,059,399, and for that ending on the 30th of June, 1864, they were \$102,316,152; a very great and important increase in the customs revenues.

Additional methods of permanent revenue were necessary; and accordingly the Internal Revenue Bureau was created by an act of Congress, approved by the President July 1, 1862. The germ of this bureau will be found in the act of August 5, 1861, "to provide increased revenue from imports to pay interest on the public debt, and for other purposes." It was in this act that provision was made for the levy of a direct tax of twenty millions, and the appointment of Federal officers for its assessment and collection. By the fifty-sixth section the President, upon the nomination of the Secretary of the

Treasury, was authorized to appoint an officer to be called the "Commissioner of Taxes," who was to be charged, under the direction of the Secretary, with the general superintendence of the officers and method of collecting the direct taxes. He was to have a salary of \$3,000 a year, and the Secretary was directed to assign to the Commissioner the necessary clerks, whose aggregate salaries were not to exceed \$6,000 a year. It does not appear, however, that a Commissioner of Taxes was ever appointed.

For the collection of the direct taxes in the insurrectionary districts, a special system was devised, under which a board of three tax commissioners was appointed in each one of the States in which rebellion was declared to exist by proclamation of the President. These commissioners were to enter upon their duties in the several States to which they were sent, whenever the commanding general of the forces of the United States, entering into any insurrectionary State or district, should, in any parish, county or district of the same, have established the national military authority. The commissioners were accordingly appointed in some districts; but most of them spent their time quarreling with each other, and in sending private letters to the Secretary extolling their own industry and usefulness, and complaining at the same time of the sloth and incapacity of their associates. The system was not a successful one.

The act establishing an Internal Revenue Bureau in the Treasury Department, authorized the President to appoint, not a Commissioner of Taxes, but a Commissioner of Internal Revenue, whose nomination was to be confirmed by the Senate. His salary was fixed at \$4,000 a year, and his duties were to be performed under the direction of the Secretary of the Treasury. He was to be furnished of course with clerks, in number large enough to transact the business of his office. For the purpose of "assessing, levying and collecting the duties or taxes prescribed by the act," the President was authorized to divide the States and Territories into convenient collection districts, and to nominate to the Senate an assessor and collector for each district. The duties of these officers are sufficiently indicated by their titles.

It was supposed that the taxes laid by the act would yield a

yearly revenue of about one hundred millions of dollars. They were laid chiefly upon spirits ; ale, beer and porter ; on licenses for carrying on certain trades and businesses ; on manufactures, and on manufactured articles and products ; on auction-sales ; on carriages, yachts, billiard-tables, and plate ; on slaughtered cattle ; on railroads, steamboats, and ferry-boats ; on railroad bonds ; on banks, trust-companies, savings institutions, and insurance companies ; on salaries and pay of officers and persons in the service of the United States, and passports ; on advertisements ; on incomes ; on legacies and distributive shares of personal property. It provided also for a comprehensive system of stamp duties.

The Bureau was promptly organized by the appointment of a commissioner, who entered upon the duties of his office July 17, 1862, and the appointment of the authorized subordinates. The receipts of the office, for the fiscal year ending June 30, 1863, were \$37,640,787.95 ; and in his report for that year, submitted November 30, 1863, the Commissioner of Internal Revenue—in a burst of patriotic enthusiasm—informed the Secretary of the Treasury that the “ tax laws had not only been endured, but on the whole, had been welcomed¹ by the people ! ” The receipts for the second fiscal year of the existence of the Bureau, ending on the 30th of June, 1864, were \$109,741,134.10. The income of the Government from both customs and internal revenues in the two years ending June 30, 1864, was \$318,756,474.04, or only about eight millions more than the receipts from internal revenue alone in the year 1866, when they reached a total of \$310,906,984.17.

The original internal revenue act was amended or modified by the subsequent acts of March 3, 1863, May 7 and June 30, 1864. By the act of May 7th, the duty on distilled spirits was fixed at sixty cents per gallon, in lieu of the former tax but in addition to license duties ; and by that of June 30th, the duty on distilled spirits was increased to \$1.50 per gallon after the passage of the act, and to two dollars per gallon after the 1st day of February, 1865. The duty on ale and beer was at the same time fixed at one dollar per gallon. These largely en-

¹ It is rather more likely that, in the spirit of Burns's song, they prayed, “ May the de'il dance away wi' the exciseman ! ”

hanced taxes were of doubtful policy, for, while they increased the revenue, they led to enormous frauds and an appalling aggregate of perjury and corruption.

In connection with the general subject of revenue, Mr. Chase thought it his duty, in his report made at the extraordinary session of Congress, in July, 1861, to invite the attention of that body to the condition of our foreign commerce, and especially to commerce between the States as affected by the rebellion. At the ports of several of the States, he said, the collection of duties on foreign goods had been obstructed and prevented during several months. This condition of affairs, and the admission of imported merchandise into those ports without payment of duties to the United States, had given opportunity for many frauds upon the revenue, and necessarily had occasioned serious harmful disturbance to the regular commerce of the country. It was the province of Congress to apply the proper remedies; and he suggested that these remedies might be found in closing the ports where the collection of duties was disturbed, or by providing for their collection on shipboard, or elsewhere beyond the reach of obstruction. Every independent nation, he observed, had a right to determine what ports within its territorial limits should be, and what ports should not be, open to foreign commerce; and nothing could be clearer, where one or more ports might be temporarily in possession of insurgents against the Government, than that suitable regulations might be prescribed by the proper authorities to guard the revenue against diminution by adequate provision for its collection elsewhere than within the port, or for depriving the port itself of its character as a port of entry or delivery until the insurrection was suppressed.

Great damage and inconvenience to the commerce between the States had arisen from the same general cause. To mitigate those evils and to prevent, as far as possible, the perversion of commerce between the States into an agency for the supply of the insurgents with means for maintaining and extending the insurrection, the Secretary said he had issued two circular orders to collectors, copies of which he submitted.

In framing those orders, he said he was necessarily much embarrassed by the absence of any laws regulating commerce

among the States, and by the necessity of conforming them to conditions of hostility created by the insurrection. These conditions, under some circumstances, would make all commerce illegal; while, under other circumstances, they would only make unlawful commerce carried on directly with insurgents. In order to remove embarrassment, legislation was required; and Mr. Chase recommended a suitable enactment giving to the President power to determine, by proclamation or other notification, within what limits an insurrection had obtained, for the time, controlling ascendancy, and should therefore be regarded as attended by the effects of civil war in the total suspension of commerce, and to establish by license such exceptions as he might deem expedient and practicable. Such an enactment should also provide penalties and forfeitures for attempts to carry on unlicensed commerce with insurgents or places declared to be in insurrection.

This question of commercial intercourse between citizens of the Federal and insurgent States, immediately upon the breaking out of hostilities, became one of extreme embarrassment to the Government, and, in the language of Mr. Chase, of "much and painful consideration." It was of special and great importance along the Ohio and Mississippi Rivers, and in West Virginia, Kentucky, and Missouri. Abundant supplies from the North found their way into the insurgent lines, and it speedily became apparent that the whole commerce in those districts would be carried on in the interest of rebellion. Whether utterly to prohibit trade, or allow it under restrictions, was anxiously debated. The character of the population greatly complicated the subject. Many were rebels, but many also were loyal, and to give protection and encouragement to those who adhered to the Union, was rightly thought to be a matter alike of political duty and of sound policy. At the same time, it was the sincere desire of the Administration to treat the insurgents with all possible forbearance; nor was the question free from aspects of constitutional obligation. Chief-Justice Taney afterward decided, in an opinion of great ability, that commerce between the States could not constitutionally be prohibited nor restricted by acts of Congress; and the abstract correctness of his judgment was not questioned. "I have little doubt," wrote

Mr. Chase to William P. Mellen, on the 29th of May, 1861, "that the exchange of provisions and supplies, except munitions of war and other articles usually prohibited, would be more useful than injurious. The difficulty, however, is this: The States controlled by insurrectionists—especially by insurrectionists exercising the powers of government—can hardly be regarded otherwise than as hostile communities, with which the United States are, for the time being, at actual war. The rules applicable to the relations of war must of necessity be applied. If war existed between this country and England, no trade whatever would be permitted. American property shipped to England, and English property shipped to America, would be liable to seizure. Constant experience teaches us that property shipped to the insurgent States is liable to seizure¹ and is constantly seized; and if the property of the citizens of those States, shipped into the United States, is not seized, it is simply because the Federal Government desires to treat them, so far as practicable, not as enemies but as citizens. I see no way in which safe intercourse can be established between citizens of the loyal States and those under insurgent control. The question is not one of revenue nor one of rights in a state of peace; but a question of supplies to enemies, and unhappily must be controlled by considerations belonging to a state of war. The best thing to be done, as it seems to me, is to establish the power of the Government, in coöperation with the people of Kentucky and Western Virginia, within those limits, and let commerce follow the flag. This policy opens Missouri, Kentucky, and Western Virginia to the trade, and will extend southward as rapidly and as far as the authority of the Federal Government is restored."

Already, on the 19th of April, 1861, the President had issued a proclamation declaring the ports of South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, under blockade, and on the 27th of the same month, by another proclamation, had laid a blockade upon the ports of North Carolina and Virginia also. It was in pursuance of the requirements of the blockade thus established that the Secretary issued the circular orders to collectors of customs referred to above. The first of these orders, dated the 2d of May, 1861, instructed the

¹ This was done by Confederate officers or agents.

seizure for confiscation of all arms, munitions of war, provisions, and other supplies to persons and parties in those States or districts in rebellion against the United States. But this order related only to shipments over internal water-courses and by sea. The second order, under date of June 12, 1861, was in its effects a modification of the first; the intention of the department being, as was stated, "to leave the owners of all property perfectly free to control it in such manner as they see fit, without interference or detention by the officers of the Federal Government, except for the purpose of preventing any use or disposal of such property for the aid and comfort of insurgents, or in commerce with States or places controlled by insurgents."

In accordance with the recommendations of his report, Congress made provision for the regulation of commercial intercourse between the loyal and insurgent States, upon land as well as by water, by promptly passing—on the 13th of July, 1861—a bill prepared and submitted by the Secretary. The fifth section of this act empowered the President, under the certain circumstances of insurrection specified in it, to issue his proclamation declaring the existence of such insurrection, and to designate the State or States in which it existed, "and thereupon, all commercial intercourse by and between the same and the citizens thereof, and the citizens of the rest of the United States, shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section by land or water shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States." But the President was at the same time authorized to license and permit commercial intercourse with any part of said State or section, the inhabitants of which were declared to be in a state of insurrection, in such articles and for such time and by such persons, as he, in his discretion, might think most conducive to the public interest; and the intercourse so licensed by the President was to be conducted and carried on only in pursuance of rules and regulations to be prescribed by the Secretary of the Treasury. The Secretary was authorized to appoint such officers, at places

where there were no officers of the customs, as might be needed to carry into effect the licenses and rules and regulations made in pursuance of the law.

But it was not thought advisable at once to establish any general rules and regulations for the restricted trade authorized by the act. In a few instances licenses were granted to convey particular articles into insurrectionary States, and to carry on a limited trade with parts of Eastern Virginia inhabited by loyal people; otherwise, so far as it was possible to do, the prohibition of the act was enforced to its full extent. But to avoid the suffering and practical inconveniences which attended upon a total suspension of commerce, the Secretary, with the approbation of the President, established regulations in accordance with which cotton, rice, and other articles of property collected in insurgent districts occupied by Union troops, were forwarded to New York and were there sold. The sales were made for account of the Government, and the proceeds paid into the national Treasury. The general rule in the judgment of the Secretary was, however, that "trade should follow the flag," and whenever the authority of the Union was fully restored in districts sufficiently extensive for the reestablishment of loyal government, so as to afford adequate guarantee against abuses in furnishing aid and comfort to rebellion, that the ports should be opened and all commerce be freely allowed.

In 1862 (act of May 20th), the powers of the Treasury Department, in respect of this internal trade, were still further enlarged, and the Secretary was empowered to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any goods, wares, or merchandise of whatever character, and whatever their ostensible destination, in all cases where there should be satisfactory reasons for believing that such articles were intended for any place in the possession or under the control of insurgents, or where there was imminent danger that such articles would fall into the possession or control of insurgents; and in cases where he thought it expedient to do so, he might require reasonable security that such articles should not be transported to any place under insurrectionary control, nor in any way used to give aid and comfort to insurgents; and

violation of the act was to work forfeiture of the articles transported.

Again, by the act of March 12, 1863, the powers and duties of the Secretary were still further augmented, but now with special reference to property captured and abandoned in the insurgent States. The Secretary was authorized to appoint a special agent or agents to "receive and collect all abandoned property in any State or Territory, or any portion of any State or Territory designated as in insurrection against the lawful Government of the United States;" and all property coming into any of the United States not declared to be in insurrection from within any of the States declared to be in insurrection, through or by any other person other than an agent of the Treasury duly appointed, or under a lawful clearance, was to be confiscated. And it was made the duty of every officer and private of the army, and officer and sailor of the navy, and every marine, who might take or receive any cotton, rice, sugar, or tobacco, from persons in the insurgent districts, to turn it over to the authorized agent of the Treasury; and suitable penalties were provided in cases of failure to fulfill the law.

Meantime, the rapid and extraordinary advance in the prices of cotton and tobacco especially, and of other Southern products, and the certainty of large gains made in the traffic in those articles, excited an eager cupidity, and a multitude of daring speculators engaged in the trade. Cotton (middling) sold in December, 1860, at ten cents a pound; in December, 1861, it had advanced to 28 cents; December, 1862, it sold at 68 cents; in December, 1863, it had risen to 84 cents; and in 1865 it had reached the extraordinary figure of 120 cents per pound! It is not an astonishing circumstance, therefore, that the prospect of sudden fortune made in cotton, attracted into that traffic thousands of bold and adventurous men. They infested the armies and corrupted the army officers. They penetrated through our own military lines into the enemy's country, and communicated information and furnished rebels with supplies. General Canby, writing from New Orleans in 1864, declared that there were ten thousand men within our lines who were stimulated into active opposition to the successful prosecution of the war, by the cotton-traffic. These men, he said, had a prospective hope of interest in every

bale in the rebel country; and as they knew that Federal military expeditions were followed by the capture or destruction of cotton, they sought to prevent them by giving to the insurgents information of every contemplated movement. He had not sent out a single expedition without finding agents of this kind in communication with the enemy, nor one in which he had not been foiled, to some extent, by their acts. The rebel armies both east and west of the Mississippi, during the preceding twelve months, had been largely supported by this unlawful traffic. He said that if it was carried on in the manner and to the extent claimed by those who controlled it, the inevitable result, in his judgment, must be to give strength and efficiency to the rebel army equivalent to an addition of fifty thousand men. He had captured a number of these agents, and had them in custody awaiting trial; but their punishment would be no compensation for the evil they had occasioned, and would not secure the country from future disasters from the same cause. General Grant, in a letter written to Mr. Chase on the 21st of July, 1863, from his headquarters at Vicksburg, said: "My experience in West Tennessee is that any trade whatever with the rebellious States is weakening us to at least 33 per cent. of our force. No matter what the restrictions thrown around trade, if any whatever is allowed, it will be made the means of supplying to the enemy what they want. Restrictions, if lived up to, make trade unprofitable, and hence none but dishonest men go into it. I venture to say that no honest man has made money in West Tennessee in the last year, while many fortunes have been made there during that time." The same complaints were made by other general officers of the army in the South and West and even on the Atlantic coast. It is probably no exaggerated estimate that from the beginning to the end of the war the surreptitious traffic thus carried on reached, at the least, an aggregate of two hundred millions of dollars. Of course the Treasury policy and administration were severely assailed as the cause of it. But whether, in the absence of any restrictions imposed by the civil authority and in the presence of an absolute freedom of commerce in those districts in the insurgent States reoccupied by the Federal troops, the abuses complained of would have been less, may well be doubted. On the

other hand, it was clearly the duty as well as the policy of the Government to revive trade as rapidly as the authority of the Union was reëstablished. Large populations dwelt in the recovered districts, and almost every means of subsistence was taken from them by the ravages of contending armies. To leave them without any appliances for procuring the necessaries of life was impossible; to allow unrestricted traffic was to invite those very abuses which the army authorities seemed unable to prevent, even with the aid of the civil police power, and was equally impossible. For a period the whole subject was almost exclusively under the military control, and with no better results than when it afterward was devolved exclusively upon Treasury agents. The jurisdiction of the Secretary at no time extended into or beyond the lines of the army. The whole difficulty seemed to have been, after all, a want of that severe and rigorous discipline within our military lines which alone makes an army entirely effective. General Butler hung Mumford for tearing down the Federal flag at New Orleans; at the worst a venial offence, committed in a fever of Southern patriotism; but no trafficker in cotton—whose motives were purely sordid, who betrayed his country for mere gain—seems to have met a similar and equally deserved punishment.

In pursuance of the act of 13th of July, 1861, the President issued a proclamation, in which the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (with certain small exceptions), were in a state of insurrection against the United States, and that all commercial intercourse between those States and their inhabitants, with the exceptions named, and the citizens of other States and other parts of States, was unlawful, and would continue unlawful until the insurrection should cease or was suppressed; and that all goods and chattels, wares and merchandise, coming from those States (with the exceptions named) into other parts of the United States, without the special license and permission of the President, through the Secretary of the Treasury, would be forfeited to the United States.

It was not, however, until the 4th of March, 1862, that the Secretary promulgated general regulations on the subject of

internal commerce. The regulations then made were few and brief, but were believed to be adequate to existing exigencies. During the summer of 1862, however, the requirements rapidly enlarged, and on the 28th of August of that year, further and more definite and important regulations were issued, and the number of officers for their enforcement was considerably increased. No goods or merchandise, whatever might be its ostensible destination, was to be transported to any place then under insurgent control, nor to any place on the south side of the Potomac River; nor to any place on the north side of the Potomac and south of the Washington and Annapolis Railroad; nor to any place on the eastern shore of the Chesapeake; nor to any place on the south side of the Ohio River, below Wheeling, except Louisville; nor to any place on the west side of the Mississippi River, below the mouth of the Des Moines, except St. Louis, without the permit of a duly authorized officer of the Treasury Department. All transportation of coin or bullion to any State or section declared to be in insurrection was absolutely prohibited, except for military purposes and under military orders, or under the special license of the Secretary of the Treasury. And no payment of gold or silver would be allowed to be made for cotton or merchandise within any insurgent State or section. And all cotton or merchandise purchased or paid for therein, directly or indirectly, in gold or silver, was declared forfeited to the United States. No clearance or permit whatsoever was to be granted for any shipment to any port, place, or section affected by the blockade, except for military purposes, and upon the certificate and request of either the War or Navy Department. All applications for permits to transport or trade in goods were to be in writing, stating the character of the merchandise, with the name of the consignee, and the route of transportation, and the number and description of the packages and the marks upon them. The applicant was to make oath to his statement, and also that it should not by any authority, or act or connivance of his, be so transported or used in any way as to give aid, comfort, information, or encouragement to insurgents. The Secretary of War and of the Navy issued orders instructing military and naval officers to render all necessary assistance to enforce these regulations.

Further regulations were from time to time promulgated, all having in view the same general object—that of regulating trade in districts and States recovered from the insurrectionists, and of preventing intercourse and traffic in supplies, with them. The most important and comprehensive of these were issued on the 11th of September, 1863. They were the result of long and most careful consideration and consultations between the President and the Secretary of the Treasury, and the Secretary of the Treasury and the Secretaries of the War and Navy Departments, and also between the Secretary of the Treasury and the ablest and most experienced of the agents long before appointed by him to superintend the internal commerce. They were not adopted without many misgivings: but the appetite for trade was eager and exacting, and the impatience of all restraint, however salutary or necessary, was very great. The judgments of the best informed, including the President, concurred in the conviction that it was necessary to grant licenses, under restrictions as rigid, however, as were possible to be imposed. The policy of the Treasury Department was explained in a letter of Mr. Chase to Ralph S. Hart, January 5, 1864: "I keep steadily in view these general principles—1. Absolute freedom of trade where there is no danger that supplies will be furnished to the rebels. 2. Restricted trade where there is such danger, either in portions of the loyal States bordering upon rebel States or in rebel States occupied by our military forces. 3. No intercourse at all between those in rebel lines and those within national lines. In carrying out the second principle here indicated, my intention is that the restrictions shall be stringent enough to prevent supplies to insurgents beyond our lines, and yet not so stringent as to prevent supplies to the population within our lines."

Under these last regulations the country was divided into five special agencies, and a supervising special agent was appointed over each, and under these were appointed "assistant special agents," "local special agents," and "agency aids." The first of these agencies was comprised in that portion of the United States west of the Alleghany Mountains, known as the Valley of the Mississippi, and extending southward so as to include so much of the States of Alabama, Mississippi, Arkansas, and

Louisiana, as might be occupied by the national forces operating from the north. The second comprised the State of Virginia and so much of the State of West Virginia as lay east of the Alleghany Mountains; and also to the north and east of the boundaries so described, from which trade was carried on with the States or parts of States declared to be in insurrection. The third agency comprised the State of North Carolina; the fourth the States of South Carolina, Georgia, and Florida; and the fifth the State of Texas, and so much of the States of Louisiana, Arkansas, Alabama, and Mississippi, as there was or might be within the lines of the national forces operating from the south. The regulations laid down for the government of trade under the supervision of these several agencies were most minute and comprehensive, and were thought to cover all the contingencies likely to arise. They provided also for the collection, custody and sale of abandoned and captured property, which was thus described: "Abandoned property is of two kinds: first, that which has been or may be deserted by the owners; and, second, that which has been or may be voluntarily abandoned by the owners to the civil or military authorities of the United States. Captured property is that which has been or may be seized or taken from hostile possession by the national, military, or naval forces." Provision was made, as well by the law as by the regulations of the Treasury, for the recovery by the owners of abandoned property, under certain restrictions touching loyalty, of the proceeds of its sale, deducting the costs and charges; but the authority to collect extended only to personal property—although, by an order of the Secretary of War, the care of abandoned plantations was in the summer of 1863 devolved upon the supervising agents of the Treasury—and included furniture, family pictures, equipage, clothing, and household effects and utensils, and articles even of a perishable nature. A part of the "property" which came under the supervision of the Treasury agents were slaves found upon abandoned plantations in South Carolina. Some of these were put to work upon lands in the neighborhood of Beaufort; a school was established for their instruction; most of this being done under the immediate direction of personal friends of Mr. Chase. The Secretary took a warm personal interest in this little colony of blacks; and it was this

small beginning which resulted afterward in the creation of the Freedmen's Bureau ; an establishment which grew to vast proportions—for a while beneficent in its operations, but at last degenerating into an abuse.

To these various regulations others were added from time to time, until the whole of them formed a code of laws adapted to the inter-State commerce in a period of war. With the suppression of the rebellion and the seizure of large quantities of cotton by the Federal officers, civil and military, belonging to private persons engaged in rebellion, as well as to the Confederate Government, modifications of the old regulations and some entirely new ones were made to meet the altered circumstances of the country.

This brief and imperfect sketch of the internal commercial intercourse system of the Treasury Department during the war will give to many readers new views of the magnitude of the operations conducted under the administration of Mr. Chase. The number of officers employed in the supervision of the internal commerce amounted to several hundreds, spread all over the insurgent States ; and the "revenue marine," a branch of the Treasury service, of no very great extent before the war, was considerably enlarged to assist in enforcing the regulations. The revenue-cutters, old and new, operated with especial and admitted efficiency along the Potomac River and upon the Atlantic coast. The income of the Government derived from fees collected by the agents in the transaction of the business of their several offices sufficed, according to a statement made by Secretary Fessenden in 1864, to pay the expenses of the establishment.

Some of the agents became corrupt, despite every effort to prevent corruption. No sure calculation could be made upon the integrity of any man. Established uprightness of character never lost its value, of course, but it was no certain guarantee against corrupt practices in the presence of powerful temptations. Some men went into the service of the Treasury, in this special employment, whose past lives had been irreproachable ; but they fell. Some, of not so good fame when they entered it, came out untarnished, having borne themselves purely in their offices. In a word, the times were out of joint.

Early in 1864 Mr. Chase appointed a gentleman whom he had long personally known to an agency on the Mississippi River. This gentleman was thoroughly well known in his community as a lawyer of excellent capacity, of strict probity, who had served in a judicial office of high grade as an upright judge. None doubted the fitness of the appointment, and none feared for his future. In the course of a few months it was found, however, that he had been honest because he had not been tempted; he was discovered to be a bribe-taker, who had received money almost immediately upon his entrance upon the duties of his place. Within the short period of but sixty or ninety days thereafter he had corruptly and illegally received pay to the amount of about seventeen thousand dollars. "I learn, with great pain and regret," says Secretary Chase, in a letter written on the 24th of May, 1864, suspending this officer while the charges against him were being investigated, "from the letters of Assistant Special Agent Heaton, who was directed by me to inquire into the truth of reports relating to the course of yourself and other agents of the Department on the Mississippi River, between Memphis and Natchez, and including those places, that you have been wrongfully connected with cotton transactions in your district, by the receipt of money for the performance of official duties and otherwise. You were selected for your position because of my personal confidence in your integrity and ability, and were made fully aware that, under no circumstances, would any officer of the department be allowed to derive the least emolument from any transaction over which he had any official control or influence. The pain I suffer from the delinquency of any officer appointed by me is augmented in your case by the disappointment of my personal confidence. I shall be glad, indeed, if the allegations affecting you, which now seem sufficiently sustained, can be disproved. In the mean time, I perform a simple public duty in suspending you from office and pay until further notice." I have been informed that —, shocked and overwhelmed by his disgraceful dismissal, died of shame and grief within three months afterward.

CHAPTER XXXIV.

RECOMMENDATIONS OF MR. CHASE IN RESPECT OF ECONOMY AND TAXATION—INCOME FROM TAXES DURING MR. BUCHANAN'S ADMINISTRATION—INTERNAL REVENUE AND TARIFF ACTS—INCOME FROM THOSE SOURCES—EXTRACTS FROM LETTERS OF MR. CHASE TO MR. FESSENDEN.

IN his public reports, in official communications to the Finance Committees of both House and Senate, in private letters, and in personal intercourse with members, Mr. Chase constantly and earnestly urged upon Congress two paramount duties—economy and taxation. But the immediate imposition of enormous and indiscriminate burdens upon a people whose internal trade and foreign commerce were alike paralyzed by the presence among them of civil war, did not commend itself to him as a wise and just policy. The destruction of property throughout the free States, consequent upon the election of Mr. Lincoln and the breaking out of hostilities, had been immense.¹ Thou-

¹ Many persons of large wealth, in apprehension of war, had, even before the breaking out of hostilities, transferred their property to foreign countries. The object is obvious enough: it was to escape not only the pressure of the war taxes, but also to preserve their opulence, should the result of the war prove unfavorable to the national cause. The taxable property transferred to Europe aggregated millions. One of the patriots who thus moved his estate out of harm's way, afterward addressed Mr. Chase a long letter, advising him to a terrific scheme of taxation, and, generally, how to manage the finances! This letter was lately printed in a New York evening newspaper, by way of criticism upon Mr. Chase's methods of administration. The grim loyalty of Artemus Ward vented itself in a proposition to send all his wife's relations to the war; and there were plenty of people whose loyalty—of a like kind—engaged itself in schemes for taxing the property of their neighbors. If all those who talked and wrote about taxation had been as prompt and honest to pay, the revenues of the Government would have been many millions larger than they were.

sands of Northern merchants, prosperous and opulent before, found themselves in the midst of ruined commerce and fortunes. Southern journals exultingly proclaimed that grass would grow in the streets of Northern cities; and it was indeed certain that a hundred thousand workmen were suddenly thrown out of productive employments; prices were depressed; the currency of the country was so disordered and unequal as to have no uniform value or credit. The coin circulation was limited; wholly insufficient for the public wants. The first duty of a Secretary of the Treasury, who was both a statesman and a financier, was therefore to reform the currency and give to the country a sound and uniform instrument of exchange; and, secondly, to give time and all practicable assistance to the recovery and reinvigoration of prostrated industries and commerce, not further to oppress them by ill-timed assessments. Mr. Chase, however, never lost sight of the fundamental truth that in "every sound system of finance adequate provision by taxation for the prompt discharge of all ordinary demands, for the punctual payment of the interest on loans, and for the creation of a gradually-increasing fund for the redemption of the principal of the public debt, is indispensable. Public credit can only be supported by public faith, and public faith can only be maintained by an economical, energetic, and prudent administration of public affairs, and by the prompt and punctual fulfillment of every public obligation." But in the same report from which these words are taken, Mr. Chase said that he foresaw the difficulties of the task before him—difficulties always considerable, even in time of peace, "but now augmented and multiplied beyond measure, by an insurrection which deranged commerce, accumulated expenditures, necessitated taxes, embarrassed industry, depreciated property, crippled enterprise, and frustrated progress." Nor must it be forgotten that at the beginning of the rebellion, scarcely any one looked forward to a long war; he who, believing that it would be either protracted or desperate, dared to express his belief, was suspected of sympathy with treason or of unsoundness of mind! Mr. Chase, like most of the public men of the period, had no approximate conception of the magnitude or duration of the conflict upon which the country had entered. Pre-

vious to the meeting of Congress in July, 1861, it was the confident belief of the Federal authorities that 300,000 men would be ample to destroy any force the Confederate States might be able to bring into the field; but in order to make the contest short and decisive the President thought it expedient to ask for 400,000 men, and Congress, in a fit of fervor, voted 500,000! When this was done, and in addition it was resolved to devote four hundred millions of money to military and naval purposes, there was a thrill of exultation throughout the North, and the work of the war was believed to be already half accomplished. These preparations were thought to be not only ample, but excessive; and how much effect they had in stimulating the Confederate authorities to larger efforts than they otherwise would have made, is now beyond mortal ken. Mr. Chase participated in the almost universal belief that they were at least sufficient, and relied upon the judgment of General Scott that with them the war might be ended in a single year. Under that conviction, and persuaded at the same time that it would be impolitic immediately to impose excessive burdens, he proposed to raise in the first year eighty millions by taxes. If the extreme prostration of the business interests of the country be borne in mind, and the important fact that the largest sum—exclusive of loans—ever collected from the people in any one year, and that a year of unusual apparent prosperity (1856), was but a fraction over seventy-four millions (\$74,056,699.24), it will be conceded that Mr. Chase recommended the highest safe limit. It is important to remember also, that the income of the Government from all the sources of permanent revenue, during the four fiscal years of Mr. Buchanan's Administration, was but a fraction over \$225,000,000. In 1857 it had been \$68,965,312; in 1858, \$46,655,365; in 1859, \$53,486,465; and in 1860 it was \$56,054,599. The income from the same sources during the fiscal year ending June 30, 1861—eight months of which were passed under the Administration of Mr. Buchanan and four under that of Mr. Lincoln—was but \$41,476,299. The income from loans and Treasury notes during the years 1858, 1859, 1860, and 1861, was \$114,686,900, of which \$41,895,300 was derived during the fiscal year ending June 30, 1861. The income from customs during the last quarter of 1861 was but

\$5,515,000! From this brief statement, it is apparent that if the Government had been dependent for support upon income from taxes, it would have been in imminent danger of a collapse even in a period of unhealthy peace.

During the months intervening between the extra session of Congress in July and the regular session beginning in December, 1861, the vision of the Government and of the people took in a wider range; and the vast field of the war began measurably to be seen and understood. Meantime there had been some improvement in trade and production, although the army had absorbed into its ranks three-quarters of a million of active business and professional men, artisans and laborers; and already there was extensive waste, and improvidence in both the military and civil administration. Mr. Chase earnestly urged economy. "The first great object of reflection and endeavor," he said in his report, submitted December 9th, "should be the reduction of expenditure within the narrowest possible limits. Retrenchment and reform are among the indispensable duties of the hour. Contracts for supplies, as well as for public work of all descriptions, should be subjected to strict supervision and the contractors to rigorous responsibility. All unnecessary offices should be abolished, and salaries and pay should be materially reduced. In these ways the burdens of the people, imposed by the war, may be sensibly lightened; and the saving thus effected will be worth more in beneficial effect and influence than the easiest acquisition of equal sums even without cost or liability to repayment." But whatever might be saved by retrenchment, large sums must still be provided for by taxation and loans. Mr. Chase said that in a former report he had stated the principles by which, as he conceived, the proportion of taxation and loans should be determined. Reflection had confirmed his opinion that adequate provision by taxation for ordinary expenditures, for prompt payment of interest on the public debt, existing and authorized, and for the gradual extinction of the principal, is indispensable to any sound system of finance. "The idea of perpetual debt is not of American nativity, and should not be naturalized. If, at any time, the exacting emergencies of war constrain to temporary departure from the principle of adequate taxation, the

first moments of returning tranquillity should be devoted to its reëstablishment in full supremacy over the financial administration of affairs." Existing circumstances were not propitious, however, to a wise and permanent adjustment of imposts to the various demands of revenue, commerce, and home industry. "The most sacred duty of the American people, at this moment," he said, "requires the consecration of all their energies and all their resources to the reëstablishment of the Union on the permanent foundations of justice and freedom; and while foreign nations look with indifferent or unfriendly eyes upon this work, sound policy would seem to suggest not the extension of foreign trade, but a more absolute reliance upon American labor, American skill, and American soil. Freedom of commerce is, indeed, a noble policy; but to be wise or noble, it must be the policy of concordant and fraternal nations."

In addition to some modifications of the duties already laid upon teas, coffees, and sugars—increasing them considerably—the Secretary proposed to raise twenty millions from direct taxes to be imposed upon the loyal States alone; and in addition to the tax of three per centum a year already levied upon incomes in excess of \$800 a year, which he estimated would produce ten millions, he proposed to lay such duties on stills and distilled liquors, on tobacco, on bank-notes, on carriages, on legacies, on paper evidences of debt and instruments for conveyance of property, and other like subjects of taxation, as would produce twenty millions. The aggregate to be derived from these several sources of internal taxation he estimated at fifty millions of dollars. He did not feel warranted in estimating the income for the year from customs and miscellaneous sources at more than forty millions; the total to be raised by taxation, direct and indirect, was therefore ninety millions; a large sum under the circumstances of the country. The internal revenue act of July 1, 1862, was the fruit of these recommendations; and by it the tax on incomes was increased to five per cent. upon all in excess of \$10,000 a year, and was continued at three per cent. upon all incomes below that sum and more than \$600 a year. His estimate of income from customs was, however, incorrect. There happened so rapid and extraordinary a revival in commerce that the receipts for the fiscal year 1862 aggregated \$49,056,397.62.

In his report of December 4, 1862, the Secretary recommended no further modifications in the tariff or internal revenue duties, and estimated the income to be derived from both for the fiscal year ending June 30, 1863, at \$220,000,000; \$70,000,000 from customs and \$150,000,000 from internal revenues. He thought the yearly expenditures for the peace establishment, pensions, and interest on the public debt, at and after that time would be \$105,000,000, if the public debt should not exceed his estimate of \$1,122,000,000.

If the war should continue through to the midsummer of 1864, the annual expenditures for the same objects (estimating the debt at \$1,750,000,000) would thereafter be \$165,000,000, leaving a surplus of \$55,000,000 a year, or more than three per cent. of the debt (and increasing in proportion as the principal was diminished) applicable to the purposes of a sinking fund. The actual income from internal and customs duties, and miscellaneous sources, for the year ending June 30, 1863, was, however, but \$111,396,766; and the public debt at the same date was \$1,119,772,138.63. The income for the fiscal year ending June 30, 1864, was—from internal revenue, \$109,741,134.10; from customs, \$102,316,152.99; from miscellaneous sources, \$30,291,701.86; from direct taxes, \$475,648.96; from public lands, \$588,333.29; making a total from all sources, exclusive of loans and Treasury notes, of \$243,412,971.20. The public debt on the 1st of July, 1864, was \$1,740,690,489.49. Of course no part of the income from any source could be applied in reduction of the debt in the presence of vast demands for the continuance of the war.

It was supposed that the joint resolution of the 29th of April, 1864, which added to the duties on imports fifty per cent., would have an immediate large effect in increasing the receipts from customs. The results did not realize expectations. The income from revenue for the year ending June 30, 1865, was but \$84,928,260. This was due largely to the extraordinary fluctuations in gold between the 1st of April, 1864, and the end of the fiscal year 1865; the price ranging, as we have seen in a former chapter, between 288 and 130. The internal receipts for the fiscal year 1865 were \$209,464,215.25. There was a very great increase in succeeding years, alike in the in-

come from customs and from internal revenue, as the following table will show :¹

Years.	From Customs.	From Internal Revenue.	From all Sources.
1866.....	\$179,046,651.58	\$309,226,813.42	\$519,949,564.38
1867.....	176,417,810.88	266,027,537.43	462,846,679.92
1868.....	164,464,599.56	191,087,589.41	376,434,453.82
1869.....	180,048,426.63	158,356,460.86	357,188,256.09
1870.....	194,538,374.44	184,899,756.49	395,959,833.87

It is important to remember that the acts under which these great yearly sums were derived to the Government, were passed during the administration of Mr. Chase, and that he was more or less constantly in consultation with the congressional committees having special charge of the tariff and internal revenue bills which afterward became laws, and gave them a cordial and effective support. There were various modifications of the acts after his resignation, but they did not materially increase, though at a later date they did materially decrease, the sums derived from internal revenue. In this, as in all other of his public acts, Mr. Chase shrank from no duty.² It is not likely that severer

¹ The totals here given include sums derived from miscellaneous sources, sales of public lands, and the like, which are omitted in the table.

² "The first duty of the republic to its soldiers and sailors," said Mr. Chase in a letter to Mr. Fessenden, on the 11th of January, 1864, "are prompt payments and sure supplies. Payments cannot be prompt nor supplies sure if appropriations exceed the probability of certain provision. The estimates heretofore submitted require from loans for the last seven months of the fiscal year 1864, \$352,226,539, or \$50,318,079 a month. If vigor, and decision, and earnestness in the work of suppressing the rebellion shall be attended with marked progress toward its consummation, these large sums and the additional sums required for bounties, can probably be obtained at reasonable rates. But the whole of these sums, as well as every other amount added to expenditure beyond estimates, *should* be raised by taxation. No uncertainty can be safely allowed to attend upon the question of prompt payment. Delay of payment and doubts as to its certainty chill the ardor of the best soldiers, create dissatisfaction in the minds of dealers with the Government, enhance prices of supplies, and invite deterioration of their quality. I trust, therefore, that the Committee on Finance will accompany any report that may be made on the resolutions referred to it with some resolutions pledging the faith of Congress to raise by taxation, beyond \$161,586,500 heretofore estimated as the proportion of this year's disbursements to be provided in this mode, every dollar which may be appropriated beyond the estimates submitted at the commencement of this session. All considerations of economy and prudence require this legislation. It will be impos-

taxation than was imposed would have been patiently borne ; nor that any judicious statesman would have imposed heavier duties. There was enough suffering among the laboring-classes as it was ; for it may be laid down as a safe rule, that he who has no commodity to sell except his labor, will, at the last, bear far the greater share of the public burdens.

sible much longer to raise large sums by loans unless large sums are also raised by taxation. In the report submitted by me to Congress at the beginning of the session I ventured to say, 'It is hardly too much, perhaps hardly enough, to say that every dollar raised for extraordinary expenditures or reduction of debt is worth two in the increased value of the national securities and increased facilities for the negotiation of indispensable loans.' Reflection and observation since have satisfied me that under our present circumstances the remark is an understatement of the truth." A few weeks later he again addressed Mr. Fessenden : "I have already frequently expressed to you my conviction that expenses and taxes should be brought into such relations that at least one-half the former may be defrayed from income derived from the latter."

CHAPTER XXXV.

LOAN ACTS OF CONGRESS—FRACTIONAL CURRENCY—THE “SEVENTH-THIRTY NATIONAL LOAN” OF 1861—THE “FIVE-TWENTIES”—PROBABLE RESULTS OF OFFERING THEM TO CAPITALISTS—NINETY-SEVEN TO NINETY-EIGHT CENTS FOR THE DOLLAR—DECLINES TO SUBMIT TO SUCH A LOSS—APPOINTS A GENERAL SUBSCRIPTION AGENT—BRILLIANT SUCCESS OF THE AGENCY—THE “TEN-FORTIES” FAIL—SOME FACTS ABOUT THE WAR—SUMMARY.

THE whole income of the Treasury from taxes, both customs and internal, during the administration of Mr. Chase, was but \$429,750,969.51; a small sum relatively to the enormous expenditures made in the prosecution of the war. Its main support was derived from loans; if Congress failed to tax, it was prodigal in the powers it conferred upon the Secretary to borrow money. The various acts by which authority was given him to negotiate loans may be thus summarized:

July 17, 1861. This act authorized the Secretary to borrow \$250,000,000, and to issue in exchange for borrowed money bonds of the United States irredeemable until after twenty years at a rate of interest not exceeding seven per cent. Or in lieu of such bonds, Treasury notes of not less than \$50 each, payable in three years with interest at 7-30 per cent.; or, secondly, Treasury notes of a less denomination than \$50 but not less than \$10, bearing no interest, but payable on demand in coin by the Assistant Treasurers at Philadelphia, New York, and Boston; or, thirdly, Treasury notes of still another class, to bear interest at 3-65 per annum payable in one year from date, and exchangeable

into Treasury notes of the first class at the option of the holder. The notes of the second class—afterward known as the “demand notes”—were limited in amount to \$50,000,000 and were intended to circulate as money. The Secretary was required to open books for subscription to the 7-30 notes in the principal cities and towns of the country.

August 5, 1861. This act was supplemental to that of July 17th, and authorized the Secretary to issue six per cent. bonds in sums not less than \$500, redeemable after twenty years. The aggregate of these twenty years' bonds was not to exceed the aggregate of the 7-30 three years' notes issued under authority of the act of July; the design being to fund the 7-30's into long bonds. And authority was at the same time conferred upon the Secretary to negotiate any portion of the loans authorized by the act of July by issuing six per cent. bonds so reduced as to make them equivalent to seven per cents.

February 25, 1862. The Secretary was authorized to emit \$150,000,000 of United States legal-tender notes, in denominations of \$5 and upward; which notes were to be received the same as coin, at par value, in payment of loans made by the Government; and for the purpose of funding Treasury notes and the floating debt of the United States, the Secretary was authorized to issue \$500,000,000 six per cent. coin-interest-bearing bonds, redeemable after five years at the pleasure of the Government and payable in twenty. These were the bonds afterward familiarly called the “five-twenties.”

March 1, 1862. The Secretary was authorized to issue “certificates of indebtedness” in satisfaction of audited and settled demands against the Government. No limit was placed upon the aggregate amount of these certificates; and by the act of March 17, 1862, the Secretary was authorized to issue such certificates in satisfaction of checks drawn by disbursing officers against sums standing to their credit upon the books of the Treasury.

July 11, 1862. Authorized a further emission of United States legal-tender notes, to the amount of \$150,000,000.

March 3, 1863. This act was commonly called the “Nine hundred million loan act,” and according to Mr. E. G. Spaulding¹ “conferred more discretionary powers upon the Secretary of

¹“History of the Legal Tender Paper Money of the Rebellion,” p. 167.

the Treasury than were ever before granted by law to a finance minister." It authorized, for the then current fiscal year, loans to the amount of three hundred millions of dollars; and for the fiscal year beginning July 1, 1863, and ending June 30, 1864, loans to an aggregate of six hundred millions—and to issue bonds redeemable after ten and payable forty years from date, to bear interest not exceeding six per cent.; both principal and interest payable in coin. But, in lieu of long bonds, he was authorized to issue not more than \$400,000,000 of Treasury notes, payable not later than three years from date, or earlier, "as might be found most beneficial to the public interests," to bear interest not exceeding six per cent. payable in lawful money. These notes might "be made a legal-tender to the same extent as United States notes, for their face value, excluding interest," if the Secretary should think advisable; and were to be exchangeable also for United States notes, in equal amounts, with interest added up to the date at which the last preceding interest payment became due. By the third section, an additional emission of \$150,000,000 United States legal-tender notes was authorized, "if required by the exigencies of the public service, for the payment of the army and navy and other creditors of the Government."

March 3, 1864. The Secretary was authorized, in lieu of so much of the loans authorized by the act of March 3, 1863, to make a loan of \$200,000,000 for the then current fiscal year, and to issue bonds redeemable after five and within forty years at the pleasure of the Government, principal and interest payable in coin, and to bear interest not exceeding six per cent. per annum; to be free from taxation by or under State authority.

June 30, 1864. Authorized a loan of \$400,000,000, and the issue of bonds redeemable after five and within thirty years, or if thought more expedient, payable at any period not farther distant than forty years from date, with interest at a rate not exceeding six per cent. payable in coin. But in place of an equal amount of these bonds, not exceeding \$200,000,000, the Secretary was authorized to issue Treasury notes in denominations of not less than \$10, redeemable at any time after three years at an interest not exceeding seven and three-tenths per cent., payable in lawful money at maturity or semi-annually, at the discretion of

the Secretary. Such of these notes as were made payable, principal and interest, at maturity, were at the same time made a legal tender to the same extent as United States notes at their face value, excluding interest. In the second section of this act a pledge was made that the total amount of the United States notes issued, or to be issued, should never exceed \$400,000,000, and such additional sum, not exceeding \$50,000,000, as might temporarily be required for the redemption of temporary loans; but no Treasury note bearing interest, issued under the authority of this act, was to be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money.

The foregoing comprised the several loan acts passed up to the 30th of June, 1864, the date at which Mr. Chase resigned the Treasury. Besides these, however, were the fractional currency acts. An immediate consequence of the suspension of specie payments by the banks and Government in December, 1861, was the astonishingly rapid disappearance of the coin circulation both large and small. Great inconvenience followed, and to supply the universal necessity for change, small notes and tokens were issued in such large quantities by individuals and corporations, and by cities and towns, as seriously to involve the credit even of the Government issues. Mr. Chase early observed this tendency, and urged the prompt action of Congress to avert the evil. Accordingly, by an act approved on the 17th of July, 1862, he was authorized to issue in exchange for legal-tender notes, "postage and other stamps of the United States," and after the 1st day of August then next following, such stamps were to be received in payment of all dues to the United States less than five dollars; and the same act prohibited the issue of any notes or tokens, or other obligations, by either persons or corporations, intended to circulate as money, under severe penalties of both fine and imprisonment. Experience showed, however, that the use of stamps was practically inconvenient, and Mr. Chase recommended to Congress that a fractional currency should be substituted. This was done accordingly by the act of March 3, 1863, which authorized an emission of fractional currency—not exceeding a total of \$50,000,000—exchangeable for United States notes in sums not less than three dollars, and re-

ceivable for any dues to the Government less than five dollars, except duties on imports. Authority was at the same time given to engrave and print this currency in the Treasury Department. Mr. Chase availed himself of the authority thus conferred with very little delay, and to great public advantage. On the 20th of June, 1864—ten days before his resignation—the outstanding fractional currency amounted to \$21,817,158.10. At the time this volume goes to press, the amount in circulation is about \$45,000,000.

How far Mr. Chase availed himself of the authorities conferred by the several loan-acts cited above, appears from the public debt statement made by him on the 30th of June, 1864, as follows :

There were outstanding at that date six per cent. twenty years' bonds issued under the acts of July 17th and August 5th, 1861, a total of \$80,643,600 ; of six per cent. "five-twenties" authorized February 25, 1862, \$510,780,500 ; of five per cent. "ten-forties" authorized March 3, 1863, \$73,337,750 ; of "seven-thirties" three years' Treasury notes authorized July 17, 1861, \$109,356,150. The interest on these was payable in coin. There were outstanding at the same date currency interest-bearing securities as follows : Six per cent. certificates of indebtedness authorized March 3, 1862, \$160,729,000 ; of five per cent. one-year notes authorized March 3, 1863, \$44,520,000 ; of five per cent. two years' notes authorized by the same act, \$108,951,450 ; and of six per cent. compound-interest-bearing Treasury notes, authorized March 3, 1863, \$15,000,000.

When Mr. Chase negotiated the first loan with the associated banks of New York, Boston, and Philadelphia, in July, 1861, of \$50,000,000 for three years' "seven-thirty" Treasury notes, one of his stipulations with the banks was, that he would open subscriptions throughout the country for the sale and distribution of the notes by agents acting under the direct supervision of the Treasury Department. It was intended, of course, that the proceeds of sales should be paid to the banks in reimbursement of their advances to the Government, in order to secure the prompt taking by them of a second loan of \$50,000,000. In fulfillment of this stipulation, and in addition to the Assistant Treasurers and other regular officers of the department, Mr.

Chase appointed one hundred and forty-eight agents, to receive subscriptions to the "seven-thirty" national loan, as it was called, and supplied them with the necessary printed forms and blanks to enable them promptly to transact their business with the Treasury. In addition to the expenses incurred in these preparations, and of the necessarily increased force of clerks employed in his own office, the Secretary paid to the subscription agents one-fifth of one per cent. on the first one hundred thousand dollars obtained by them respectively, and one-eighth of one per cent. upon all sums in excess; and allowed for advertising a stipulated sum, varying according to locality, but in no case exceeding one hundred and fifty dollars. These one hundred and forty-eight agents returned subscriptions amounting to an aggregate of \$24,678,866. The Assistant Treasurers and designated depositaries of the department sold a portion of the remainder of the loan, but a deficiency of some millions was made up by delivering seven-thirty notes directly to the banks for their own distribution. The practical inconveniences of a "popular loan" conducted under the supervision of the Treasury officers were found to be too great to warrant a continuance of the system; the accounts of the subscription agents were therefore closed; and when the second loan of \$50,000,000 was negotiated, the "seven-thirties" were paid to the banks, and the banks themselves supplied them to the people. But the sales were unsatisfactory, and when Mr. Chase applied to the associated banks for a third loan of \$50,000,000, they declined to make it upon the "seven-thirties." The acts authorizing a "national loan" (July 17 and August 5, 1861) had empowered the Secretary to negotiate six per cent. bonds with such a deduction from their face value as would make them the equivalent to seven per cent. bonds, redeemable after twenty years, disposed of at par. Mr. Chase was extremely reluctant to make use of this power; but the military and naval exigencies of the time were inexorable, and he submitted to what he could not avoid: \$50,000,000 in six per cent. bonds were equal to \$45,795,478.48 in seven per cent. bonds redeemable after twenty years, and the Secretary delivered to the banks fifty millions of six per cent. twenty years' bonds for \$45,795,478.48 in money.

These three loans, with the "demand-notes" issued under

authority of the act of July 17, 1861, and some means derived from temporary loans, carried the Government through to the end of February, 1862. The legal-tender Act of the 25th of that month, and of the 11th of July following, supplied the Treasury with \$300,000,000 immediately available; the temporary loans were large; certificates of indebtedness were paid to such public creditors as were willing to receive them; and there were more or less steady conversions into seven-thirties. Some small sales had been made of the bonds commonly known as the "five-twenties," authorized by the act of the 25th of February, 1862; although the whole sum outstanding on the 30th of September, 1862, was but a little over two and a half millions of dollars (\$2,539,000). Indeed, when this loan was authorized by Congress, many able and experienced financial men expressed their belief that it would be impossible to negotiate bonds redeemable after so short a period as five years and bearing an interest of only six per cent., and for a long time appearances seemed to verify this belief, for they were decidedly against the success of the loan.

Under the law every holder of United States notes had a right to convert them at his pleasure into the five-twenty bonds at par. "A privilege which can be used at any time," said Mr. Chase, "is often not used at all, and it soon became clear that voluntary conversions would supply only a small proportion of the large sums required for the disbursements of the war." The military disasters before Richmond and less important ones elsewhere, had most injuriously affected the financial condition. There were vast expenditures growing out of a large increase of the army authorized by Congress and directed by the President, which had made exhausting demands on all available resources. The actual payments from the Treasury, other than for principal of the public debt, during the fiscal quarter ending September 30, 1862, amounted to \$111,084,446; during the month of October they were \$49,243,846, and during the month of November so large a sum as \$59,847,077; while the accumulation of requisitions beyond resources amounted to \$48,354,700. Mr. Chase had sought to stimulate conversions of United States notes into five-twenties by authorizing the sub-treasurers, designated depositaries, and special agents to receive deposits of notes and

issue certificates entitling the depositors to bonds bearing interest from the date of deposit. Still, conversions lagged, and were altogether inadequate to the immense demands upon the Treasury. But the necessity remained that these demands should be met with the least possible delay, and the Secretary, with a view to prompt relief, endeavored to ascertain the best terms on which the bonds could be negotiated by sales. He caused careful inquiry to be made through Mr. Cisco, the Assistant Treasurer at New York, and other experienced gentlemen, and it was ascertained that negotiations could not be effected at higher rates than from ninety-seven to ninety-eight cents for a dollar, which would involve a loss on each hundred millions of the loan of from two to three millions.

The Secretary was unwilling to submit to this loss; and accordingly, in October, 1862, he determined to appoint a general subscription agent, with authority to appoint sub-agents throughout the country, for whom the general agent would be personally responsible, and in this way organize a direct appeal to the whole people. For this important and responsible post he selected Jay Cooke, of Philadelphia, and committed the whole work of supervision to that gentleman. It was agreed that the commissions of the general agent, for services and to cover disbursements in promoting the loan, should be one half of one per cent. on the first ten millions and three-eighths of one per cent. on subscriptions beyond that amount. Of these three-eighths the general agent bound himself to pay one-eighth to sub-agents, another eighth to traveling agents, and for advertising and the other expenses necessary to make the loan as widely and favorably known as possible. One-eighth was to be retained as compensation for his own labor and risk, and for expenses chargeable to his own proportion of the loan. His responsibility covered all the acts of his sub-agents until payment into the Treasury of all moneys subscribed, and delivery to subscribers of all bonds subscribed for. No liability and no duty, except that of furnishing the bonds, was assumed by the Government; while to insure the faithful performance of the duty of the general agent and the full satisfaction of all demands upon himself and his sub-agents, bonds were required and given in an aggregate sum of six hundred thousand dollars. But notwith-

standing the magnitude of the task imposed upon him, the general agent had no monopoly in the disposal of the loan. The Treasurer of the United States, the Assistant Treasurers, and the several designated depositaries, were also directed by the Secretary to use their best endeavors to obtain subscriptions, and were authorized to allow one-eighth, and in some cases one-fourth of one per cent. to purchasers for resale.

The general agent proceeded at once to organize a general system of agencies. But for a time the result was not encouraging. When, however, by the act of Congress of March 3, 1863, the absolute right to convert legal tenders was limited¹ to the 1st of July, 1863, and the system of sub-agencies had been thoroughly organized and extended throughout the country, subscriptions gradually increased, until at length, within a period of less than eighteen months, the whole loan was absorbed by the people, without disturbance to either commercial or industrial interests. Not only was the whole loan taken, but subscriptions were made on the day it was finally closed, for nearly eleven millions of dollars in excess of the amount authorized; which excess was afterward legalized by Congress, but for the procuring of which the general agent was allowed no compensation.

It is impossible, of course, here to exhibit in detail the whole circumstances of this loan. The number of sub-agents employed was about 2,500: the work of the agency extended into almost every county and town of the loyal States and among all classes of the population; its fruits were subscriptions for five-twenty bonds amounting in the aggregate to the sum of \$361,952,950, and with these subscriptions the Treasury was enabled to pay the army and navy, and the general creditors of the Government, with a degree of promptness which at least preserved its credit. But the benefit of the work was not limited by its direct results; for the interest in the loan, excited by the efforts of the general agent and his sub-agents, operated very powerfully upon subscriptions made with Assistant Treasurers and the designated depositaries. These subscriptions amounted

¹ That is, it was left by law in the discretion of the Secretary to limit the period of absolute right to convert to July 1, 1863, but Mr. Chase never made use of the power conferred upon him.

to an aggregate of \$148,823,500, of which \$92,178,300 were subscribed by purchasers for resale, and \$56,645,200 for direct investment. The whole compensation to the general agent and the sub-agents for services and expenses, was \$1,350,013.15, of which sum \$435,700.31 was paid to the general agent as compensation for responsibility, for services, and for expenses chargeable upon the one-eighth allowed to him. To the cost of the agencies, in order to ascertain the total expenses of the loan, must be added the commissions allowed to purchasers for resale by the Assistant Treasurers and other officers of the Government: these commissions amounted to \$122,190.39; making the entire cost of the whole loan \$1,472,203.54. This cost is a little less than three-tenths of one per cent., or eighteen days' interest, on the whole amount; which, it is believed, is less than the cost of any other great loan, American or English, ever negotiated either before or since. It was believed by Mr. Chase—upon the most trustworthy information at his command—that the best terms he could hope for, in the case of negotiating \$50,000,000 of the five-twenty loan with capitalists in the ordinary way, would be 97 to 98 cents for a dollar; and there was every reason to believe that upon the additional sums required to complete the loan, he would have been compelled to submit to much more disadvantageous rates. Had he negotiated \$50,000,000 at 97½ per cent., the cost of one-tenth of the loan would have been \$1,250,000, a sum nearly equal to the whole actual cost of the entire loan of \$510,776,450 upon the plan adopted by the Secretary. Had he attempted and succeeded in negotiating the whole of the loan with capitalists at an average discount of 2½ per cent., the whole cost would have been of course \$12,500,000.¹

Up to the first day of May, 1863, but sixty-four millions of the five-twenty loan had been sold; during the last nine months succeeding it was sold at an average rate of forty-eight and four-ninths millions per month; in the last month rising to fifty-three and seven-tenths millions.² Add to this aggregate other loans made by the Treasury in various forms during the same

¹ See letter of Mr. Chase to Speaker of the House of Representatives, April 6, 1864.

² The day before the loan closed the subscriptions were about four millions; on the last day, January 21, 1864, they were over sixteen millions! The number of subscribers, from beginning to end, was over 700,000.

period—amounting to about sixty-five millions—and the resources of the people diverted from the ordinary channels of business into the custody of the Government for about nine months averaged fifty-five and a half millions monthly.

But economy merely in the cost of placing the loan was not the only advantage attending upon the general agency system. Other and incidental benefits of an important kind grew out of it. The sub-agents were mostly responsible heads of banking firms or of chartered banking institutions, located in nearly all the populous towns in the Federal States, who practically loaned the use of all their banking facilities to the Government and to purchasers of the loan. If the Department had undertaken to distribute the bonds to subscribers, even after the subscriptions were obtained, a large and costly increase in clerical force would have been necessary; and even then official formalities and legal limitations of action would have presented insurmountable obstacles in the way of prompt and satisfactory distribution. A distant officer could only have sold bonds for legal-tender notes actually paid, and an adequate supply of legal tenders was not always to be obtained at the place of purchase. The general agent had that freedom from severe official restrictions which enabled him to accept bills of exchange and checks from sub-agents, and to place their proceeds in legal-tender notes with very little delay, at such points as were most convenient to the Government. The single control of the loan operations gave Mr. Cooke power freely to command the resources of all parts of the country, without the conflict and confusion likely to arise from want of unity and coöperation between officers located in different sections. A multitude of widely-separated and independent agencies might, and most probably would, have engendered antagonisms injurious if not fatal to the negotiation; and divided responsibility would certainly have increased the chances of laxity and irregularity, and of possible loss to the Government. As it was, no loss resulted, while the loan was placed with extraordinary celerity and economy. Summed up in a single sentence, the plan was a great and splendid success.

But of course there were sharp criticism and censure, and allegations of favoritism and even of corruption, by the partisan

journals, by many bankers, and by some of those "statesmen" who, in the terrible providences of God, are but too often permitted to get into the national councils. Influenced principally by the clamor of the time, but much also by considerations of economy, Mr. Chase now made an important change in the policy of his loan operations. By the act of March 3, 1863, he had been authorized to negotiate bonds "payable at the pleasure of the Government after such periods as should be fixed by the Secretary of the Treasury, not less than ten nor more than forty years from date," at a rate of interest not exceeding six per cent. Mr. Chase resolved to offer for popular investment bonds of the description authorized by this act, commonly called the "ten-forties;" but he made two important departures from the policy he had pursued in respect of the five-twenties; he reduced the rate of interest to five per cent., and trusted to the inadequate and cumbrous machinery of the department to distribute the loan to the people. He was not successful; between the close of the five-twenty negotiation, January 21, 1864, and the date of his resignation, June 30th following—a period of five months—the whole sum of ten-forties subscribed for was but \$73,337,750.¹ Naturally, most persons attributed the failure to the reduction in the rate of interest, and unquestionably it had a large effect in preventing subscriptions; but there were not wanting, in all the great cities and elsewhere, many experienced bankers and others who believed that if the Secretary had elected to use the same energetic agency which had been so efficient in placing the five-twenties, the negotiation of the ten-forties, even at the lesser rate of interest, might have been made a success equally rapid and brilliant.

But the failure of the "ten-forty" loan was only in part due to reduction in the rate of interest and the use of inadequate agencies for promoting its success. The popular depression touching military affairs, at the time that loan was offered, was wide-spread and profound; the political situation was critical and uncertain; industrial activity was checked; speculation was rife; prices were high and fluctuating, which was largely due to

¹ According to Mr. E. G. Spaulding ("History of the Legal Tender Paper Money of the Rebellion," p. 190), these bonds were taken chiefly by bankers, because they could be used in the organization of national banks.

the unrestrained and excessive issues of the State banks (in May, 1864, those issues were, as nearly as the Secretary was able to estimate, about \$180,000,000); the premium on gold was steadily advancing; and the people were restless and discontented. But the principal source of financial disorder and of public discontent was, however, in the military administration. It required no prophetic eye clearly to perceive this. What had been wrought in the way of military success was far from commensurate with the means employed, and after three years of prodigious effort the pressure upon the resources of the country was severer than at any former time. More than a million of men—probably 1,100,000—were then under pay, and not half of them were within striking distance of the enemy. Where was the other half? A large portion could be accounted for, of course, but of the whereabouts of another large portion, nobody knew. Instead of resolutely mustering absentees into the ranks, the war-office was constantly recruiting new troops. This led to a costly and vicious system of bounties, bounty-jumping, perjury, corruption, and desertion. The general lack of economy and discipline was deplorable. Even at the close of the war, the actual fighting armies of the republic were but 262,000 strong!¹ 800,000 men were in the rear! 200,000 of these were sick, wounded, and prisoners; nearly 600,000 were engaged in guarding conquered territory, keeping open lines of communication, absent upon fictitious employments, and at home! In December, 1864, Mr. Cameron stated the strength of the army at 700,000 men. Within a year—by December, 1862—the number had been increased to an aggregate of probably not less than 1,200,000. In this estimate are included all the men under pay at that time, whether enlisted for three years or for shorter periods of service. From the last-named date to the taking of Richmond, the forces were steadily maintained at an aggregate of nearly 1,100,000 men. Within about fifteen months after that event, Secretary Stanton mustered out 1,034,000, and retained 60,000 in the ser-

¹ Thus: Under Grant at Richmond, 80,000; Sherman at Raleigh, 65,000; Schofield in North Carolina, 15,000; Canby at Mobile and in the Southwest, 30,000; Wilson's cavalry in Georgia, 12,000; Stoneman in East Tennessee, 5,000; Thomas in Kentucky and East Tennessee, 40,000; west of the Mississippi, in Missouri and Arkansas, 15,000—total, 262,000. (See Draper's "History of the American Civil War," vol. ii., pp. 199, 200.)

vice. Making all just deductions for the inevitable casualties of war, prisoners, absent from sickness and upon necessary business of the armies, and for guarding conquered territory and keeping open lines of communication, and it seems a reasonable conclusion that out of 1,100,000 troops, at least 600,000¹ ought to have been in the front, ready for fighting service. But there never was a time when, with even thirty days' preparation, though over a million of names were borne upon the army-rolls, 500,000 could have been made ready for battle. The army strength was of course exclusive of the naval arm, and this, at the end of the war, comprised about 670 vessels, carrying 4,600 guns, and employing over 50,000 men.

That these enormous forces were subsisted with as little embarrassment and disorder to the finances as actually happened, may well excite our special wonder. Much less might have happened but for that defect in our political arrangements, which—without one single compensating advantage in the way of increased energy, efficiency, or economy—makes the war and navy administrations independent of the head of the Treasury.

The large falling off in the receipts from the sale of long

¹ It is worth while to contrast this American method of making war with the German method. Within fifty days after the beginning of hostilities between France and Germany in July, 1870, the Government of the latter country had placed 850,000 combatants upon French soil; had destroyed the French army and the French Empire, and lost in killed and wounded 200,000 men. The surrender at Sedan took place on the 4th of September. On the 6th of September this was the disposition of the German armies: 240,000 men were marching upon Paris, and the cavalry of their advanced guard were already scouring the country within a few days' march of the capital. A second army of the same strength was on the Moselle, and kept the strongest fortress of France and her largest body of troops closely surrounded; 100,000 German soldiers held the captured frontier country, and were gradually inclosing all the fortified places between the Rhine and Paris; 160,000 men of the Landwehr were on the march from Germany and constantly arriving on the theatre of war; and lastly, over 200,000 troops stood in readiness in Germany to replace casualties. On the 19th of September, the German armies in active operation were again 800,000 strong, and Paris was encircled by one-third of them! All this was accomplished by organization and discipline in less than seventy days! But few soldiers, of any rank, were absent; all who were, were absent from absolute necessity upon business of the war, or by reason of wounds or sickness, and some few as the reward of superior bravery. But *none* were granted leave as mere matter of favor. This, however, was the crying evil in our armies during the rebellion.

bonds, and the continued undiminished demands of the war, made it necessary for Mr. Chase to resort to the other authorities conferred upon him by Congress. He somewhat increased the outstanding aggregate of legal-tender notes; he made a large use of one and two years' five per cent. legal-tender Treasury notes, and emitted \$17,250,000 three years' six per cent. compound-interest-bearing legal-tender Treasury notes. He sold also, under the loan act of March 3, 1863, \$42,672,000 six per cent. bonds payable after June 30, 1881, at an average premium of 4.13 per cent. Most of these several descriptions of securities were issued between the 1st of January and the 30th of June, 1864. They carried the Government successfully through to the latter date, being the end of the then current fiscal year, and the last day of Mr. Chase's service as head of the Treasury. The use of the five and six per cent. Treasury notes (of which he had issued altogether \$211,000,000) had the effect of a large inflation, but the demands of the war were inexorable, and the failure of the "ten-forties" made a temporary resort to them unavoidable. He had begun retiring them, however, some time before his resignation, and expected to continue their withdrawal at the rate of about \$10,000,000 a month; so that, with the aid of such legislation as he expected from Congress, and activity and energy in the prosecution of the war, he would speedily have restored the finances to order and soundness.

NOTE TO CHAPTER XXXV.

The following tables exhibit a summary of the loan operations of the Treasury during the three fiscal years of Mr. Chase's service as its head, together with a statement of the public debt on the 30th of June, 1864 :

Receipts for the Fiscal Year ending July 30, 1862.

[FROM LOANS:]

For three years' seven-thirty bonds	\$122,037,585 34
For five-twenty years' six per cent. bonds	13,990,600 00
For Oregon War bonds	1,000,700 00
For twenty years' bonds, six per cent. at par for \$50,000,000 7 per cents	46,303,129 17
For two years' Treasury notes, under act of June 22, 1860, and March 2, 1861	14,019,034 66

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For sixty days' Treasury notes, under act of March 2, 1861	12,896,350 00
For Treasury notes under acts of February 8 and March 2, 1861	3,500 00
Under loan act of February 8, 1861	55,257 50
For United States notes under the acts of July 17 and August 5, 1861, and February 25, 1862	158,650,000 00
From temporary loan act of February 25, 1862.	66,479,324 10
From certificates of indebtedness, acts of March 1 and 17, 1862	49,881,979 73
From temporary loan, in anticipation of popular subscription	44,375,000 00
Total	\$529,692,460 50
But from this total should be deducted repayments on account of matured public debt, ¹	96,096,922 09
Actual receipts, exclusive of repayments	\$423,595,538 41

Receipts for the Fiscal Year ending June 30, 1863.

[FROM LOANS:]

For three years' seven-thirty bonds	\$17,263,450 00
For five-twenty years' six per cent. bonds	175,037,259 44
For two years' Treasury notes under act of March 2, 1861,	1,622 00
For United States notes under act of February 25, 1862;	291,260,000 00
For United States stock, Washington and Oregon War debt	145,050 00
From temporary loan, under act of February 25, 1862	115,226,762 21
From certificates of indebtedness, under acts of March 1 and 17, 1862	157,479,261 92
For twenty years' six per cent. bonds, under act of July 17, 1861	76,500 00
From United States fractional currency	20,192,456 00
Total	\$776,682,361 57
But from this total sum should be deducted repayments on account of public debt ²	181,086,635 07
Actual receipts, exclusive of repayments	\$595,595,726 50

¹ These repayments were on account of the following items: Old funded debt, \$3.06; redemption of purloined Treasury notes, act of April 10, 1846, \$51.50; redemption of Treasury notes under acts prior to July 22, 1846, \$50; redemption of Treasury notes under acts of December, 1857, December, 1860, and March 2, 1861, \$43,110,000; repayment of temporary loan from banks in anticipation of popular subscription, \$44,375,000; repayments on account of temporary loans under the acts of February 25 and March 17, 1862, \$8,553,207.53; United States notes retired by substitution, \$58,610—aggregate, \$96,096,922.09.

² The repayments for the fiscal year 1863 are thus stated: For redemption of Treasury notes under act prior to July 22, 1846, \$50; for redemption of Treasury notes under act of December 23, 1857, December 16, 1860, and March 2, 1861, \$2,211,650; repayments on account of temporary loan, under act of February 25,

Receipts for the Fiscal Year ending June 30, 1864.

[FROM LOANS:]	
From fractional currency	\$8,169,721 25
From six per cent. twenty years' bonds, under act of July 17, 1861	30,565,875 45
From five-twenty years' six per cent. bonds, act of February 25, 1862	321,551,283 81
From United States notes, act of February 25, 1862	86,420,870 00
From temporary loans, acts of February 25 and March 17, 1862	169,218,044 81
From certificates of indebtedness, acts of March 1 and 17, 1862	169,179,000 00
From six per cent. bonds of 1881, act of March 3, 1863	42,141,771 05
From ten-forty years' five per cent. bonds under act of March 3, 1863	73,337,600 00
From one year five per cent. legal-tender Treasury notes, act of March 3, 1863	44,520,000 00
From two years' five per cent. legal-tender Treasury notes, act of March 3, 1863	166,480,000 00
From three years' six per cent. compound-interest legal-tender Treasury notes, act of March 3, 1863	17,250,000 00
Total	\$1,128,834,245 97
But from this must be deducted on account of reimbursements	432,822,014 03
Actual receipts, exclusive of repayments ¹	\$696,012,231 94

and March 17, 1862, \$67,516,993.48; redemption of United States stock, loan of 1842, \$2,580,743.36; redemption of 7-30 coupon bonds, under act of July 17, 1861, \$71,500; redemption of United States stock, Washington and Oregon War debt, \$69,550; redemption of United States (demand) notes under act of July 17, 1861, \$56,177,390; redemption of United States notes under act of February 25, 1862, \$2,099,000; redemption of certificates of indebtedness under acts of March 1 and 17, 1862, \$50,359,758.23—aggregate, \$181,086,635.07.

¹ The repayments for the fiscal year 1864 are thus stated: For redemption of loan of 1842, \$105,812.30; for redemption of Washington and Oregon War debt, \$5,300; for redemption of Texas indemnity stock, \$992,000; for redemption of Treasury notes issued under acts prior to December 23, 1857, \$50; for redemption of Treasury notes issued under act of December 23, 1857, \$2,000; for payment of Treasury notes issued under act of March 2, 1861, \$1,863,400; for redemption of postage and other stamps, under act of July 17, 1862, \$5,024,900; for redemption of United States notes, under act of July 17, 1861, \$2,892,427.50; for redemption of seven-thirty coupon bonds, under act of July 17, 1861, \$687,500; for redemption of United States notes under act of February 25, 1862, \$42,561,048.54; for reimbursement of temporary loans, \$197,299,734.04; for redemption of certificates of indebtedness, \$165,080,241.65; for redemption of fractional currency, \$442,400; for redemption of two years' five per cent. Treasury notes, \$13,615,200; for redemption of three years' six per cent. compound-interest-bearing legal-tender Treasury notes, \$2,250,000—aggregate, \$432,822,014.03.

From these several statements it will be seen that, in the fiscal years 1862, 1863, and 1864, the receipts from loans in all forms were, exclusive of repayments, \$1,715,103,496.85. The outstanding obligations of the Treasury on the 30th of June, 1864, were thus officially stated by Mr. Secretary Fessenden in his report submitted to Congress December 6, 1864 :

Loan of 1842	\$196,808 45
Loan of 1847	9,415,250 00
Loan of 1848	8,908,341 80
Texas indemnity	2,149,000 00
Old funded debt	114,115 48
Treasury notes (old)	113,411 64
Loan of 1858	20,000,000 00
Loan of 1860	7,022,000 00
One year Treasury notes (old)	600 00
Loan of February 8, 1861	18,415,000 00
Two years' and sixty days' Treasury notes	164,500 00
Oregon War debt	1,016,000 00
Twenty years' six per cents.	80,643,600 00
Seven-thirty Treasury notes	109,356,150 00
Demand notes	780,999 25
" Five-twenties "	510,780,500 00
United States legal-tender notes	431,178,670 84
Temporary loan	72,330,191 44
Loan of 1863	42,672,273 34
One and two years' Treasury notes	153,471,450 00
Three years' compound-interest notes	15,000,000 00
" Ten-forties "	73,337,750 00
Certificates of indebtedness	160,729,000 00
Postal currency	15,167,556 00
Fractional currency	7,727,321 25
Total public debt	\$1,740,690,489 49

The whole income of the Treasury during Mr. Chase's administration (including the last quarter of the fiscal year ending June 30, 1861, which from loans was \$17,585,534.39; from miscellaneous sources, \$267,212.67; and from customs, \$5,515,552.16) from loans and taxes of all kinds and miscellaneous sources, exclusive of repayments, was \$2,144,854,466.36. He served as Secretary 1,210 days, so that the average daily receipts, from March 7, 1861, to June 30, 1864, were \$1,772,606.99 $\frac{1}{2}$.

CHAPTER XXXVI.

ADVANCE IN THE PREMIUM ON GOLD DURING 1862—EXTRAORDINARY FLUCTUATIONS IN 1863 AND 1864—EFFORTS TO CONTROL THE PREMIUMS BY TREASURY SALES—THEIR FAILURE—THE “GOLD BILL” OF JUNE 17, 1864—ITS DISASTROUS EFFECTS—FEVER IN THE GOLD MARKET—MR. CHASE’S RESIGNATION—THE HIGHEST FIGURE OF THE WAR, 185 PER CENT., JULY 11TH—REPEAL OF THE GOLD BILL—GOVERNMENT SALES OF FOREIGN EXCHANGE AND GOLD CERTIFICATES—FAILURE OF ALL THESE MEASURES—TABLE SHOWING AVERAGE PREMIUM ON GOLD FOR FIVE YEARS.

MEANTIME, immediately after the suspension of specie payments, December 30, 1861, coin began to command a premium; on Monday, January 13, 1862, it was already at 3 per cent. It steadily advanced, with some comparatively slight fluctuations, until on the last day of the year it stood at 34 per cent. The fluctuations during 1863 and '64 were extraordinary. On the 1st of January, 1863, the premium stood at $33\frac{7}{8}$; at 50 on the 24th; 60 on the 31st; on the 12th of February, $54\frac{1}{2}$; and on the 28th, $72\frac{1}{2}$. It now began a steady decline, and on the 28th of March its highest point was $43\frac{1}{8}$; on the 28th of July its lowest was $23\frac{1}{4}$; and on the 28th of August it was $22\frac{1}{8}$, the lowest figure for 1863. From this point the price again advanced, with comparative steadiness, to the end of the year. It was no unfrequent occurrence for the price to vary two and even five per cent. on the same day, as, for example: January 13th the lowest price was 42 and the highest 44; on the 30th it alternated between 53 and $58\frac{1}{4}$; on March 24th between $45\frac{1}{2}$ and 53; and on the next day between $39\frac{1}{2}$ and $41\frac{3}{4}$. On the 3d of

March the highest price was $71\frac{3}{4}$; on the 4th, 68; on the 5th, 58; on the 6th, 54; and on the same day the lowest point was 50; on the 7th the lowest was $54\frac{3}{4}$ and the highest $55\frac{1}{2}$; and on the 10th the highest price was 63. These were the most violent fluctuations of the year. On the 31st of December the premium was at 52 per cent.

During January, February, and March, 1864, the premium steadily advanced from 52 on the 1st of the former month to $69\frac{1}{2}$ on the 26th of the latter. April 12th it was 75; and between the 12th and the 26th it ran up to 84. The lowest point in May was 68 on the 10th, and $86\frac{1}{4}$ on the 27th.

These remarkable fluctuations, coupled with the steadily-advancing premiums, reacted upon the prices of commodities generally, and so seriously embarrassed the course of business as to produce a general alarm. Manufacturers, merchants, bankers, artisans, and daily laborers; in a word, every class in the community, from the richest to the poorest, was more or less affected by the constant advance and the daily fluctuations in the price of gold.

To prevent these two most serious evils became an object of paramount importance. Three plans were tried, and three plans failed of any thing further than merely temporary effects:

1. As a consequence of the policy which required duties on imports to be paid in coin, there was a large accumulation of coin in the Treasury. It was supposed that, if the Government were to enter upon the market as a "bear," its ability to deliver "cash" gold in large sums would operate to reduce the premium. Accordingly, in March, 1864, the Secretary was authorized to sell surplus gold.

On the 12th of April succeeding the passage of this act, gold was at 75 per cent. premium.

When the announcement was made that the premium had at last reached 75 per cent., and was likely still further to advance, the effect was almost like the loss of a battle. There seemed to have been a sort of involuntary concession on the part of the public mind that 75 per cent. was the limit; that under that figure the danger was not imminent, but that beyond it financial disaster and destruction were to be apprehended. There was a genuine fear, therefore, when that figure was reached, that vast

evils were impending. The flimsiest of the Washington politicians, and the solidest of the business men of New York and other commercial cities, participated equally in this apprehension. As the strongest men instinctively turn to the Government for relief in periods of mere physical danger even, with an almost common impulse an appeal was now made to the Treasury. The Secretary was earnestly invoked to bring the power of the Department to bear upon what was called "the gold conspiracy." It was believed that the "cash gold" of the Government might easily destroy the power of what a notable character afterward, with aptly-chosen phrase, described as "phantom gold." But a phantom is all the more formidable for the simple reason that it is a phantom; it was so in this case; and the gold-ghost would not down even at the bidding of so potent an agency as the Treasury.

Telegrams came in from all quarters, urging Mr. Chase to some action equal to the exigency. Robert J. Walker, an ex-Secretary of the Treasury, and distinguished for great financial ability—said, indeed, to be a master of the science of political economy—urged that Mr. Chase avail himself of the authority to sell gold. Mr. Chase said he did not doubt that temporary effects might be produced by such operations, and was willing to try the experiment, but added that permanent effects were not to be expected except by a reduction in the volume of the currency and by military successes. He, however, went to New York on the night of the 13th, and arrived in that city on the morning of the 14th. Some of the more daring of the gold operators, being informed of his presence, tried the experiment of intimidation; they ran the price, on the street, to 88 or 89; this was but a flash of triumph, however, which ended in disaster. In the course of five days the Secretary sold, under the general direction of Assistant-Treasurer Cisco, about eleven millions in gold; and, from the street rate of 89 on the 14th, reduced the premium to 65½ on the 19th, although there were constant fluctuations during the whole period. The effect of these Government "bearing" operations, on a large scale, was sufficiently convincing that even the great power of the Treasury was unequal to the task of controlling the market.¹ "The

¹ It must not be inferred that this was the only instance in which Government

sales which have been made here yesterday and to-day," said Mr. Chase, in a letter written to President Lincoln on the 15th of April (while the Secretary was still in New York), "*seem to have reduced the price, but the reduction is only temporary, unless most decisive measures for reducing the amount of circulation and arresting the rapid increase of debt, be adopted.*"

No sooner was the pressure of the Treasury removed from the market, than the premium again advanced. On the 26th of April, its highest was 84; on the 15th of May, a month later, it was 85; on the 31st, 90; and on the 10th of June, 99.

2. On the 12th of April, 1864, Mr. Chase sent to the Finance Committee of the Senate a bill, the purpose of which was, as stated by Senator Sherman, to prevent gambling in gold. It prohibited "time-sales," as they were technically called; that is, sales of coin to be delivered at a future time; and it prohibited also sales of gold by any broker or banker, at any other than his regular place of business. The penalty for violation of this act—which was declared to be a misdemeanor—was fine or imprisonment; by fine not less than \$1,000 nor more than \$10,000; and imprisonment not less than three months nor more than one year, or both, at the discretion of the court! The bill was the result of protracted consultation between Mr. Chase and experienced financial gentlemen, and members of Congress, who agreed, generally, that if it did no good, it was not likely to do much harm; in which opinion there was, however, as experience proved, a serious mistake. Mr. Chase emphatically said he was no admirer of this sort of legislation, and was by no means sanguine of its good results.

There was a good deal of debate in the Senate upon this bill, but not much in the House; in the course of which, however, all the history and argument bearing upon this particular phase of the financial situation were exhausted. It seemed to be pretty well understood that, although the measure was to be adopted, it was with no sanguine expectation of its successful operation, but rather with a good deal of foreboding and apprehension of evil. It passed the Senate on the 16th of April, but was not

coin was sold by the Secretary's order with a view to affect the price; it was, however, by far the largest and most important operation of its kind made under Mr. Chase's administration, and for this reason I have been particular in describing it.

acted upon by the House until June, and was passed in that body on the 14th of the month. It was approved by the President on the 17th, and went at once into operation.

Its effects were immediate and disastrous. Even before it was enacted into a law, but when it became apparent that it would pass the House and receive the sanction of the President, its disturbing effect upon the price of gold was conspicuous. It was not, however, until the 21st of June, when the act was authoritatively notified to the Stock Exchange and gold ceased to be called, that fully developed its evil qualities.

Gold closed on the afternoon of June 20th at 98½. On the 21st it opened at 100, and sold up to 108 per cent. premium; on the 22d it went to 130; then fell to 120, and closed at 110 @ 113. On the 24th it sold at about the same figures; brokers buying at 110 and selling at 116. On the 25th it was much steadier, fluctuating between 112 and 115. On the 27th, there was feverish excitement; the rate was 118, and the premium fluctuated at all figures between that and 138; closing at 133 @ 135. On the 28th it was moderately steady, the highest price being 138. On the 29th it was extremely irregular, selling from 138 up to 150, and the street was full of rumors touching military and Treasury operations, and closed at 143. On the 30th it fluctuated between 145 and 150. On the 1st of July, announcement was made that Mr. Chase had resigned; the effect was immense. The premium advanced to 180; 170 and 175 per cent. were paid for large sums. At noon it was stated that Mr. Fessenden had been appointed Secretary, and the premium fell to 155, and at 3 P. M. to 125. July 2d it varied between 125 and 140, and closed at 137. The disastrous operation of the act had by this time impressed Congress with the necessity of its prompt repeal; and it was repealed accordingly on the 6th—but too late; its substantial effects remained. On that day the premium ruled between 147 and 150; and on the 7th it opened at 154, and closed at 173; on the 8th it fluctuated between 166 and 176½, closing at the former figures. On the 10th it varied between 160 and 170; on the 11th it opened at 185! sold down to 180, then up again to 185; and closed at 180½. This was the highest figure of the war. On the 12th the opening rate was 182, and fell steadily, closing in the afternoon at 172 @ 173. On

the 13th it ranged between 168 and 175; on the 14th it opened at 168 and fell to 157; on the 15th it fell from 156 to 144, closing at 150½; and the *Tribune* announced that the back of the gold-conspiracy was broken. Nevertheless, there was an advance the next day, when the premium fluctuated between 148½ and 161¼. It was not till near the close of September that it again fell to 100. On the 27th of that month its lowest point was 92½, and its highest 95; on the 12th of October it advanced to 104¾; on the 9th of November to 160, and closed on the 31st of December at 127.

Of course, the whole stock-market was strongly affected, and the prices of securities of every description, including governments, were more or less seriously and permanently disturbed. Indeed, the calamitous effects of the act were manifest in the prices of all commodities, and were felt throughout the whole fabric of our social, commercial, and industrial system. Its failure was complete, and is another of the numerous illustrations afforded by history that to support the credit of paper-money by artificial methods is a vain if not a dangerous policy.

3. The Treasury Department sold some millions of exchange upon London; for a time privately through the agency of the Bank of Commerce, and also publicly through Mr. Cisco. On the 8th of July, 1864, Mr. Cisco sold exchange at 198 per cent. premium. In addition to sales of exchange, the Department, in order to protect importers from the fluctuations of the gold-market, and at the same time measurably to repress the advance in price, supplied gold certificates upon deposits of legal-tender notes, in the sub-Treasury, at one-quarter of one per cent. less than the current rate for coin. These certificates were receivable in payment of duties upon imports. They were issued directly to the importer making the deposit, and were unassignable. But even this plan of thwarting the gold speculation (which was adopted by Mr. Chase upon the suggestion and recommendation of the New York Chamber of Commerce), simple and practicable as it seemed, and for which a great triumph was predicted, was soon found to be attended with practical inconveniences of so serious a kind, that after a few weeks of trial it was abandoned. Despite every precaution, the certificates became subjects of speculation.

. . . . The following table, taken from the *Bankers' Magazine* for April, 1867 (cited by Amasa Walker at page 476 of his book on "The Science of Wealth"), is valuable as showing the monthly range of the premium on gold from January, 1862, to December, 1865 :

MONTHS.	1862.	1863.	1864.	1865.	1866.
January.....	Par @ 5	34 @ 60½	51½ @ 60	97½ @ 134½	36½ @ 44½
February.....	2½ @ 4½	53 @ 72½	57½ @ 61	96½ @ 116½	35½ @ 41½
March.....	1½ @ 2½	39 @ 71½	59 @ 69½	45½ @ 101	25 @ 36½
April.....	1½ @ 2½	46 @ 59	66½ @ 87	44 @ 60	25 @ 29½
May.....	2½ @ 4½	43½ @ 55	68 @ 90	25½ @ 47½	25½ @ 41½
June.....	3½ @ 9½	40½ @ 48½	89 @ 151	85½ @ 47½	37½ @ 67½
July.....	9 @ 20½	28½ @ 45	122 @ 185	83 @ 46½	45½ @ 55½
August.....	12½ @ 16½	22½ @ 29½	131½ @ 162	40½ @ 45½	46½ @ 52½
September.....	16½ @ 24	27 @ 43½	85 @ 155	42½ @ 45	44 @ 46½
October.....	22 @ 37	40½ @ 56½	89 @ 129	44 @ 49	45½ @ 54½
November.....	29 @ 33½	43 @ 54	109 @ 160	45½ @ 48½	37½ @ 48½
December.....	30 @ 34	47 @ 52½	111 @ 144	44½ @ 46½	31½ @ 41½
Average.....	13½	46½	103½	53	41½

Average for five years, 52½ per cent.

CHAPTER XXXVII.

LETTERS AND EXTRACTS FROM LETTERS OF MR. CHASE WRITTEN
DURING THE YEAR 1862.

To Peter Zinn, Esq., Columbus, Ohio.

“WASHINGTON, *January 16, 1862.*”

“ I AM not a candidate for the Senate, in the place of Mr. Wade. I took the post I now hold in obedience to the wishes of the President and the judgment of respected political friends. It was against my own inclinations, but having yielded these then, I have no wish now except to do my whole duty to the best of my ability in the position assigned me, until the wishes and judgment which governed me in taking it, shall indicate to me another sphere of duty or allow me to retire to private life. . . . Accept my thanks for your old friendship and support, and for your generous appreciation of my endeavors to serve our country in the place I now occupy. I have found favor beyond my hope and beyond my desert. My chief, if not my single, title to it is sincerity and zeal in the service

“You know already that Mr. Stanton is to be Secretary of War in place of Mr. Cameron. I expect much from his ability, energy, and indefatigable labor, though I part from Cameron with regret.

“ I see much I wish was otherwise—much that I think could be mended; but I try to make the best of things and not the worst. McClellan is now almost well, and I look for early movements and great success. . . . ”

To Elliott C. Cowdin, Esq., Chairman, etc., New York.

“WASHINGTON, *February 20, 1862.*”

“SIR: Most gladly would I unite with the citizens of New York in celebrating the anniversary of the birthday of Washington could I leave, even for such a purpose, my post of duty at this time; but I must remain here.

“The celebration which you propose, and similar celebrations spontaneously springing from the same impulse all over the country, justify the

hope that the memory of Washington, ever living in the hearts of his countrymen, will lend an appropriate inspiration to all our endeavors to restore the Union which he contributed so much to establish. We need that inspiration. We need, for the trials of these days, his firmness, his patience, his disinterestedness, his true courage, his lofty sense of justice, his enlightened zeal for impartial freedom. These are the virtues, which exercised in such degree as men are capable of, will not only restore the Union, but will reestablish it in more than its pristine vigor, compactness, and beneficence."

To Henry C. Cary, Esq., Philadelphia.

WASHINGTON, March 16, 1862.

". . . . Accept my thanks for the opportunity of reading Mr. (John Stuart) Mill's article, which I return.

"He does not exaggerate the great evil from which the action of the American Government delivered the world in the settlement of the Trent affair. But it is hard to accept his view that the English Government could have done no otherwise than as it did. I am quite certain that, had positions been reversed, our Government would have acted very differently. Doubtless we should have asked explanations, but I mistake the case if we would have made any threats.

"It is by no means certain, either, that had a war taken place between ourselves and the English, the issue would have been the establishment of the Southern Confederacy as a great slaveholding and slavery-extending power. This Government always had a talismanic veto on that result in the simple word 'Emancipation.' The crime of England's aid for such an establishment would indeed have been flagrant, but it would have had another issue and a fearful recoil.

"But these deductions from the general merit of the article are slight. As a whole it is admirable. Its tone is noble; its style eloquent; its reasoning exact and forcible; its sentiments elevated and manly. Altogether it is the best appreciation of the situation I have seen, if I except De Gasparin's book, 'Un Grand Peuple, que se relève,' which to correct insight joins wonderful foresight."

To William P. Mellen, Esq., Cincinnati.

WASHINGTON, March 26, 1862.

". . . . I am not fond of political metaphysics. The article in the *Evening Post*, which you send me, suits me well enough. While I think that the Government, in suppression of the rebellion, and in view of the destruction by suicide of the rebel State governments with the actual or strongly-implied consent of a majority of their citizens, may regard those States as having so far forfeited their rights that they may justly be treated as Territories, I have never proposed to make this opinion the basis of political measures. I much prefer to regard each State as still existing intact, and to be subject to no change of boundaries except such as may be freely

consented to by its people. I want to keep all the stars, and all the stripes; and to keep all the States with their old names and ensigns. South Carolina should be South Carolina still; but reformed, I hope. I would preserve, not destroy, and I prefer civil provisional government, authorized by Congress, to military government instituted by the President."

To General Irwin McDowell.

"WASHINGTON, *March 23, 1862.*

". . . . Inclosed you will find an article from the Cincinnati *Commercial*, which I hope you will read with care.

"It grieves me to see the confidence of the country, which was revived by the late movement of the Army of the Potomac, already relapsing into distrust. Let me beg you to do all that is possible to inspire vigor and energy. Permit me also to suggest the expediency of having no more reviews. The country is in no mood to hear of any thing, however useful and desirable in itself, which savors of show rather than action. Think how much is to be done, and how near the midsummer is!

"If you cannot inspire activity, and even dash, into the army, you ought to seek some other command, unless *certain* that the outcome will prove the delay to be Fabian, and only a means to surer and larger success. . . ."

To Colonel — — —.

"WASHINGTON, *April 1, 1862.*

". . . . You are mistaken about the potentiality of 'a word from me' in the matter of brigadier-making with the President and Secretary of War. I have, however, referred your letter to the latter, with my indorsement.

"I cannot approve the haste and inconsideration with which brigadiers and other high officers are made. The consequences are all evil—evil morally, evil financially, and evil politically."

To Bradford R. Wood, Esq., Copenhagen, Denmark.

"WASHINGTON, *April 2, 1862.*

". . . . I quite agree with your views of our duties both in the prosecution of the war, and in relation to slavery. It was my opinion from the first that we should strike the insurgents as hard and as fast as possible. I remember—how well!—going to General Scott in May, nearly two weeks before Virginia voted on secession, and urging him to seize upon Manassas and Alexandria. At that time the rebels had no force of any strength or importance at either point, and only a few hundred men at Harper's Ferry. I urged that Manassas, commanding the two railroads, was of great strategic importance; that with Manassas in our possession the rebels would be obliged to fall back from Harper's Ferry and Winchester, which would leave the Valley of the Shenandoah and a

large space on the Potomac clear of them, and give us the command of the Baltimore and Ohio Railroad to Wheeling. With this support, I further insisted that Virginia might be carried against secession by the popular vote, and that in this way the whole State might be saved. General Scott was a good deal impressed by these views, but his military prudence decided him against the measures I proposed. The opportunity passed by; Manassas was occupied by the rebels, and you know the history.

"There have been other occasions in the course of the struggle in which it seemed to me that a different course from that actually adopted would have been better. This is especially true in relation to slavery. It has seemed to me from the early days of the conflict that it was bad policy as well as bad principle to give any support to the institution. I was quite willing to let the loyal States do with it what they would, just as if we were at peace; but I have not been able to see the expediency or propriety of upholding the institution, directly or indirectly, in the rebel States. My idea was—not to declare emancipation—but simply to treat the population just as we found it, loyal or disloyal; and the black loyalist better than a white rebel, and the same as a white loyalist. And I could see no valid objection to enlisting acclimated blacks, loyal and willing to serve, any more than enlisting white ones. But I have not been able to make our friends in the administration see as I have seen; and I certainly do not claim to be more wise than they. When, therefore, I am overruled, I have quietly submitted, doing all I could to carry forward the cause and the work, if not in my preferred way, yet in the best way possible for me. . . . Can you send me any good books—either in French or English—showing systems of revenue and taxation in Denmark?"

Early in May, 1862, the President, Mr. Chase, and Mr. Stanton, the Secretary of War, went together to fortress Monroe on the revenue-steamer Miami. The following letters to his daughter Janet give a graphic account of the important events which happened during their stay:

"REVENUE STEAMER MIAMI, OFF FORTRESS MONROE, *May 7, 1862.*

". . . . I write you from the cabin of the revenue steamer Miami, just outside two steam-transporters loaded with troops, embarked for a proposed attack on Norfolk.

"We came here night before last, having left Washington on Monday evening just before dusk. Our party consisted of the President, Mr. Stanton, General Viele—who had just returned from Port Royal, where he commanded a brigade—and myself of course. Our staunch little Miami bore us rapidly and pleasantly down the river, till we were some ten or fifteen miles below Alexandria, when the night, which had come on with a drizzling rain, became so thick and dark that the pilot found himself unable to discern the right course. We were therefore obliged to cast an-

chor and wait for a clearer sky. By three o'clock on Tuesday morning we were again on our way. We passed Aquia about daybreak, and at noon found ourselves tossing upon the waters of the Chesapeake. It would have amused you to see us at our luncheon. The President gave it up almost as soon as he began, and, declaring himself too uncomfortable to eat, stretched himself at length upon the locker. The rest of us persisted in eating, but the plates slipped this way and that, the glasses tumbled over, and rolled about, and the whole table seemed as topsy-turvy as if some spiritist were operating upon it. But we got through at last, and the Secretary of War followed the example of the President, while General Viele and I went on deck and chatted. The steamer had now all sails set, and with the help of wind and steam was moving handsomely onward at the rate of about twelve knots an hour. But soon the night began to fall; the wind died away; from some cause the fires in the furnaces burned low, and our progress was too sluggish for our eager wishes. Just then, as if to fret us the more, the *Metamora*, coming from Cherrystone with the dispatches, shot across our track on her way to the Fortress, and keeping straight through a shoal which our depth compelled us to go around, was soon out of sight. We kept steadily on, and between eight and nine o'clock reached our destination. Mr. Stanton at once sent a message to General Wool, notifying him of our arrival; and soon the general, with some members of his staff, came on board. It was now near ten o'clock. After a short conference it was determined that the President, Mr. Stanton, General Wool and myself, with General Viele, should visit Commodore Goldsborough and talk with him about the condition of things and of the things to be done. As it was not easy to get alongside the *Minnesota* in the night, on the revenue steamer, we took a tug, and soon were within hailing distance. 'Ship ahoy! flag-ship ahoy!' cried our tug-captain. But either his voice was naturally feeble, or in the presence of so many dignitaries he was a little abashed, for his hail was not at all sonorous, and brought no response. General Viele then took up the hail—'Flag-ship ahoy!' 'What do you want?' came back over the water. 'General Wool wishes to go on board,' was the reply. 'Come round on the port side,' said the voice from the ship, and round on the port side we went, and there were the narrow steps up the lofty side, and the guiding-ropes on either hand, hardly visible in the darkness. It seemed to me very high to the deck, and the ascent a little fearful. Etiquette required the President to go first, and he went. Etiquette required the Secretary of the Treasury to follow, and he followed. We got up safely, of course, and when up, it did not seem so much of a 'getting up-stairs' after all.—But I must not stop to describe the *Minnesota*, though the noble ship is well worth description; or to tell you more of the commodore's greeting, except that it was characteristically cordial, and that even in the press of business, he did not forget to inquire cordially for you and Katie. Nor shall I tell you of the conference, except that

it related to military and naval movements in connection with the dreaded Merrimac.

“It was late before we got back to the Miami, where we parted from General Wool and his officers under a promise to breakfast at headquarters the next morning. It did not then take long to get to bed and asleep.

“The next morning—yesterday—we of the Miami were up pretty early: for somehow it is not easy to sleep late on shipboard; and as our breakfast was to be at nine, Mr. Stanton proposed we should visit the Vanderbilt before going. The boat of the Miami was accordingly lowered, and we put off to the great ship. She was all ready for her encounter with the Merrimac—enormously strengthened about the bow with heavy timbers, so as to be little else for many feet, say fifty from her prow, than a mass of solid timber, plated outside with iron. We stood a moment on her wheel-house, and looked down through the immense diameter of her wheels, the frame of which seemed slight, but it was in fact of the strongest wrought-iron bars and carefully adjusted to secure the greatest strength. The weight of one wheel was one hundred tons, and the diameter through which we looked was forty-two feet. From the Vanderbilt we sailed round the Monitor and the Stevens, and then back to the dock. But I must omit from this letter an account of our breakfast; of our visit to the Monitor and the Stevens, and to the Rip-Raps; of Commodore Goldsborough’s coming, and the discussion which followed; of the appearance of the Merrimac, and of her disappearance; of the review, and the visit to ruined Hampton; of our dinner and the discussions after dinner; of the determination that Commodore Goldsborough should send the Galena and two gunboats up the river; of the President and Mr. Stanton staying with General Wool, while I and General Viele returned to our steamer; of how it was determined to attempt the reduction of the batteries at Sewall’s Point next morning; how we, that is, the President, Mr. Stanton, and myself, went to the Rip-Raps; how the fleet moved to the attack; how the roar of the first cannon broke upon a Sabbath silence; how the great guns of the Rip-Raps joined in the fray, throwing enormous shot and shell more than three miles at a discharge; how the Merrimac came down and out; how the Monitor moved up, and quietly waited for her; how the big wooden ships got out of the way, that the Minnesota and the Vanderbilt might have a fair sweep at her, to run her down; how she would not come where they could go; how pluckily the little Stevens stood up; how the Merrimac finally retreated to a point where the Monitor alone could follow her; of our return to the shore, and of preparation for the embarkation of the troops—all this, and much more, I must leave untold this morning; for since I wrote the first half and more of this letter, a night is past, and the sun of the 8th of May has risen splendidly over Fortress Monroe.”

“FORTRESS MONROE, VIRGINIA, May 8, 1862.

“ . . . My letter to you this morning closed abruptly with a mere synopsis of events. I will now give you a little better idea what took place yesterday. But, first, a word about the review of the day before. The appearance of the Merrimac and the possibility of a conflict with her, had led to a revocation of the order which had been given for one. But her retirement induced General Wool to propose that we should ride out to camp and see what was to be seen. The President and I went on horseback, while Mr. Stanton and his Assistant-Secretary, Mr. Tucker, went in a carriage, and we started; General Wool and his staff forming a most brilliant feature of our *cortége*. We rode through the camp (about two miles from the Fortress), General Wool giving orders as we passed along to form the regiments, and make ready. We passed on to the village of Hampton, which was burned last summer by order of the insurgent General Magruder. I never saw such a ruin—bare, blackened, and crumbling walls, on every side; the court-house, about two hundred years old, but of remarkable beauty for that time; the old church, amid the graves of generations, a gem of a building—built of brick brought from England in the good old time—where generation after generation of Virginians had been baptized, confirmed, married, admitted to the communion, and dismissed with tears and benedictions to their last repose; old habitations, some of the upper and some of the humbler classes, all were involved in one act of indiscriminate destruction. The burning was an act of sheer vandalism.

“ We returned from Hampton, feeling saddened. As we crossed the bridge beyond which the rebels had not come, the contrast was very striking. On this side, the residence of John Tyler, a leader in the rebellion, and others hardly less conspicuous, were standing unharmed by the soldiers of the Union: on *that* side, public and private edifices were involved in remorseless devastation by a general of rebellion.

“ When we arrived at the camp, we found the troops as well prepared as the suddenness of the order admitted. Word was given to march in review, and on they came: first, the cavalry regiments, well mounted and well equipped; then regiment after regiment of infantry, looking handsomely also. It was inspiring to see them marching by, so orderly and so strong. When they had passed we rode on, but already one regiment was drawn up in line, and the colonel and his troops were made glad by the President, who rode along their line alone, uncovered, and inspiring a great enthusiasm. It is delightful, by-the-way, to observe everywhere the warm affection felt and expressed for the President.

“ After the review, we returned to headquarters, where a consultation took place, which resulted in an order from the President to Flag-officer Goldsborough to send the Galena and two gunboats up the James River toward Richmond. Captain Rogers, who behaved so gallantly at Port Royal, commanded the Galena, and I have seldom seen a man more gratified by a commission to do something. He grasped my hand, and thanked

me warmly for my support of his views. So closed day before yesterday, when General Viele and myself went on board the *Miami* to our sleep.

"Yesterday morning we came ashore early, having been brought down by a tug. Commodore Goldsborough came at the same time on a summons from the President, and it was then determined that an attack should be made on the batteries on Sewell's Point. After the order had been given, the President, Mr. Stanton and myself, went over to the Rip-Raps in a tug to observe its execution. It was not a great while before the ships were in motion. The *Seminole* took the lead, followed by the *San Jacinto* and the *Dakota*, and finally the *Susquehanna*, whose captain, Lardner, was the commanding officer of the vessels engaged. With these ships were the *Monitor*, and the little gunboat *Stevens*—which Commodore Stevens presented to the Treasury Department, and which I christened the *Stevens* in honor of the giver. Her name before being made into a gunboat was the *Naugatuck*, and she is sometimes even now mistakenly called by that name. By-and-by the *Seminole* reached her position, and a belch of smoke, followed in a few seconds by a report like distant thunder, announced the beginning of the canonnade. Then came the guns from the Rip-Raps, where we were; and soon the *Monitor* and the *Stevens* joined. In a short time the small battery on the extreme point was silenced; and the attack was directed against a battery inside the point, and a half-mile or a mile nearer Norfolk. While this was going on, a smoke curled up over the woods on Sewell's Point, five or six miles from its termination, and each man said to his neighbor, 'There comes the *Merrimac*;' and, sure enough, the *Merrimac* was coming. Before she made her appearance, we had left the Rip-Raps and had reached the landing on our way to headquarters, and just as we were going ashore, the monster came slowly out from behind the Point, and all the big wooden vessels began to haul off. The *Monitor* and the *Stevens*, however, held their ground. The *Merrimac* still came on slowly, and in a little while there was a clear space of water between her and the *Monitor*. Then the great rebel terror paused; then turned back, and having finally obtained what she probably considered a safe position, became stationary. This was the end of the battle. Its results were, on our side, nothing and nobody hurt, with a certainty that the battery at the extreme of the Point was rendered useless, and that the battery inside was much less strong and much less strongly manned than had been supposed. The results on the rebel side we cannot tell, but only know that their barracks were burned by our shells. Another certainty is, that the *Merrimac* does not want to fight, and won't fight if she can help it, except with more advantages than she is likely to have in her favor. This has been a very interesting day, but I must not write more."

"ON BOARD STEAMER *BALTIMORE*, *May 11, 1862.*

". . . . I closed my last letter to you with a brief account of the bombardment. That was thought to have shown the inutility of an at-

tempt to land at Sewell's Point while the Merrimac lay watching it, and it at once became a question what should be done? Three plans only seemed feasible: 1. To send all the troops that could be spared around to Burnside, and let him come in upon Norfolk from the south; 2. To send them up the James River to aid General McClellan; or, 3. To seek another landing-place out of reach of the Merrimac. In this state of things, I offered to take the Miami—if a tug of less draught and capable, therefore, of putting in nearer shore, could accompany me—and make an examination, in company with an officer, of the coast east of the Point. Colonel Cram offered to go, and finally General Wool said he would accompany us also. We started accordingly, and having arrived opposite a point which I mark 'A' on the poor draught I send you—don't laugh at it—sent a boat's crew ashore to find the depth of water. We had already approached within five hundred yards in the Miami, and the tug had approached within perhaps a hundred yards of the shore. The boats went very near land, and then, somewhat to my surprise, pulled away. When they returned to the boat the mystery was explained. They had seen an enemy's picket, and a soldier standing up beckoning his companions to lie close, and they had inferred an ambush and pulled off to avoid being fired at. When Colonel Cram and the officer of the boat came on board, they could still see the picket on horseback, and pointed his position out to me; but I being near-sighted could not see. It was plain enough that there was no use in landing men to be fired upon and overcome by a superior force, and so the order was given to get under way to return to Fortress Monroe. We had, however, accomplished our main purpose, having found the water sufficiently deep to admit of a landing without any very serious difficulty. But just as we were going away, a white flag was seen waving over the sand-bank on shore, and the general ordered it to be answered at once, which was done by fastening a *bed-sheet* to the flag-line and running it up. Thereupon several colored people appeared on shore—all women and children. Fearing that the flag and the appearance of these colored persons might be a cover intended to get our people within reach of rifle-shot, I directed two boats to go ashore, with full crews well armed. They went, and pretty soon I saw Colonel Cram talking with the people on shore, while some of the men were walking about the beach. Presently one boat pulled off toward the ship; and when she had come quite near, I observed the colored people going up the sand-bank, and Colonel Cram preparing to return with the other boat. It occurred to me that these poor persons might have desired to go to Fortress Monroe, and had been refused. So I determined to go ashore myself, and jumping into the returned boat, was quickly on the beach. The colonel reported his examination entirely satisfactory, and I found that none of the colored people (one of whom turned out, however, to be a white woman living near by) wanted to leave; and we returned to the ship. These colored women and children, and the one white one, were the soldiers—except, perhaps, the picket on horseback—

who had alarmed our folks. But we had made an important discovery: a good and convenient landing-place, some five or six miles distant from Fortress Monroe, capable of receiving any number of troops, and communicating with Norfolk by quite passable roads; at a distance, by one route, of eight or nine, and by another, of twelve or thirteen miles. When I got back to the Fortress, I found the President had been listening to a pilot and studying a chart, and had become impressed with a conviction that there was a nearer landing, and wished to go and see it at once. So we started again, and soon reached the shore; taking with us a large boat and some twenty armed soldiers from the Rip-Raps. The President and Mr. Stanton were on the tug and I on the Miami. The tug was of course nearest the shore, and as soon as she found the water too shoal for her to go farther safely, the Rip-Raps boat was manned. Meantime I had the Miami prepared for action, her long-range gun trained on shore, with her other pieces ready for support, and directed the captain to land with both boats and all the men they could take fully armed. Before this could be done, however, several horsemen who seemed to be soldiers of the enemy, appeared on the beach. I sent to the President to ask if we should fire on them, and he replied negatively. We had again found a good landing, which, at the time, I supposed to be between two and three miles nearer Fortress Monroe than the one first found, but it turned out to be only about one-half or three-quarters of a mile nearer.

“Returning to the Fortress, it was determined that an advance should be immediately made upon Norfolk from one of these landings. General Wool preferred the one he had visited, and it was selected. It was now night, but the preparations for the work proceeded with great activity. Four regiments were sent off, and others were ordered to follow. Colonel Cram went down to make a bridge of boats to the landing; and General Wool asked me to accompany him the next morning. Meantime, I placed the Miami at the command of Colonel Cram, to accompany the transports and protect the debarkation.

“Next morning (yesterday) I was up early. We breakfasted at six o'clock, and got away as promptly as possible. When we reached the place selected for the landing, we found that a considerable body of troops had already gone forward. I then took the tug and went along the shore to the point where the President's boat had attempted to land the evening before, and found it only about three-quarters of a mile distant. I then returned to the Miami, and found that the general had gone ashore. I followed, and on the shore met General Viele. He asked me if I would like a horse. I said that I would, and he directed one to be brought to me, and I was soon mounted. I then proposed to ride up to the place where the pickets had been seen the night before. General Viele agreed, and we were not long in getting up as far as I had been with the tug, and even some distance beyond. We found a shed where a picket had staid the night before, and found fresh horse-tracks in many places, showing

plainly that the enemy had withdrawn but a few hours previously. Returning, I made report to General Wool. Meantime, Mr. Stanton had come, and he asked me to go on with the expedition, which I finally determined to do. I accordingly asked General Wool for a squad of dragoons, and for permission to ride on with General Viele ahead of him, following the advance which had already been gone some three or four hours. He acceded to both requests, and we went on; that is, General Viele, myself, and a half-dozen dragoons. After about five miles we came up with the rear of the advance, and soon heard artillery-firing in the front. Then, as we continued on, we heard that the bridge which we expected to cross was burned, and that Generals Mansfield and Weber were returning. About half or three-quarters from the burning bridge we met them, and, of course, turned back ourselves. Returning in this way, we met General Wool, who determined to leave a guard on this route and take another to Norfolk. There was now a good deal of confusion, to remedy which, and to provide for contingencies, General Wool—to whom I now attached myself as a sort of volunteer aid—sent General Mansfield to Newport News to bring forward his brigade, and then divided his own troops into two brigades; assigning General Viele to the command of one and General Weber to the command of the other. Affairs now went much better. The cavalry, under Major Dodge, were in the advance; General Wool and his staff next; then a body of sharp-shooter skirmishers; then the main body of Viele's brigade; then Weber's. We stopped everybody from whom we could obtain information, and it was not long before we were informed, by one of the persons we thus stopped, that he had just come through the intended camp where we expected the rebels would fight, if anywhere; and that it had just been evacuated and the barracks fired. This agreeable news was confirmed by the arrival of one of Major Dodge's dragoons, who told us that the cavalry were already in the enemy's abandoned camp. We soon ourselves arrived within the work—a very strong one—defended by many heavy guns, of which twenty-one still remained in position. The troops, as they came on through the entrance, gave cheer after cheer, and were immediately formed into line for the march to Norfolk, now but two miles distant. General Wool now invited General Viele, General Weber, and Major Dodge, to ride with us in front; and so we proceeded till we met a deputation of the city authorities, who formally surrendered the city. We—General Wool and myself—entered a carriage with two of the deputation, and General Viele another carriage with others of the deputation, and we drove into the town and to the City Hall, where the general completed his arrangements for taking possession of the city. These being completed, and General Viele being left in charge as military governor, General Wool and myself set out on our return to Ocean View, the name of our landing-place, in the carriage which had brought us to the City Hall; which carriage, by-the-way, was that used by the rebel General Huger, and he had perhaps been riding in it that very morning.

It was sundown when we left Norfolk; about ten when we reached Ocean View, and near twelve when we reached Fortress Monroe. The President had been greatly alarmed for our safety by the report of General Mansfield, as he went by Newport News; and you can imagine his delight when we told him Norfolk was ours. Mr. Stanton soon came into the President's room, and was equally delighted. He fairly hugged General Wool. For my part, I was very tired and was glad to get to bed.

"This morning, as the President had determined to return to Washington at seven o'clock, I arose at six, and just before seven went into the parlor, where I found Flag-officer Goldsborough, who astonished and gratified us all by telling us that the rebels had set fire to the Merrimac, and had blown her up. It was then determined that, before leaving, we would go up in the steamer Baltimore—which was to convey us to Washington—to the point where the suicide had been performed, and above the obstructions in the channel if possible, so as to be sure of the access to Norfolk by water, which had been intercepted by the exploded ship. This was done, but it took us longer than we supposed it would. We went up to the wharves of Norfolk, where, in the Elizabeth River, were already lying the Monitor, the Stevens, the Susquehanna, and one or two other vessels. General Wool and Commodore Goldsborough had come up with us on the Baltimore, and as soon as they were transferred to the Susquehanna, our prow was turned down-stream, and touching for a moment at the Fortress, we kept on our way toward Washington, where we hope to arrive before breakfast-time to-morrow.

"So ended a brilliant week's campaign by the President; for I think it quite certain that if he had not gone down, Norfolk would still have been in the possession of the enemy, and the Merrimac as grim and defiant, and as much a terror as ever. The whole coast is now virtually ours, for there is no port which the Monitor and the Stevens cannot take.

"It was both sad and pleasant to see the Union flag waving once more over Norfolk and the shipping in the harbor, and to think of the destruction accomplished there but a little more than a year ago.

"I went to Norfolk yesterday by land with the army; this morning by water with the navy. My campaign, too, is over. Good-by.

"Send these letters to sister."

To Mr. Stanton, the Secretary of War.

WASHINGTON, May 30, 1862.

". . . . The President did not give me a chance to express my views, in reply to your inquiry if 'I could not be convinced.' Otherwise I should have said something more.

"I am your friend and anxious well-wisher, because you are your country's friend and well-wisher, and more, her hard-worker.

"It is not difficult for me to yield opinions, except when they seem to me impregnable in reason and fact. I only ask you to look calmly at

the probable consequences before you issue a new call for three months' men.

"Reflect that the law expressly limits the acceptance of volunteers to those serving not less than *six* months, and does not authorize the calling out of militia under existing circumstances (Acts of 1861, p. 268). The emergency must be real and imminent which will warrant a call without law, and Congress in session.

"Consider the time required to get them; their comparative uselessness when got; the certainty of arresting enlistments for the war while the short call is being filled; the increase of difficulty in obtaining such enlistments when the call has been filled; the numbers already in the field; the importance of supplying the losses in the existing three-years army by recruits of like terms of service. But enough. I am perhaps wrong in pressing this matter. It is easy to overrule me. . . .

To Major-General Butler, at New Orleans.

WASHINGTON, June 24, 1862.

". . . . I am sorry to see that you thought it necessary to punish thieves with death. It is a dreadful penalty for such offenses, and you would not, I am sure, sanction its infliction if the circumstances did not demand it.

"It is quite plain you do not find it so easy to deal with the contraband question as at Fortress Monroe. Of course, until the Government shall adopt a settled policy, the commanding generals will be greatly embarrassed by it. In my judgment, it is indispensable to fix upon some principle of action and abide by it. Until long after the fall of Sumter, I clung to my old ideas of non-interference with slavery within State limits by the Federal Government. It was my hope and belief that the rebellion might be suppressed, and slavery left to the free disposition of the States within which the institution existed. By them, I thought it certain that the removal of the institution would be gradually effected without shock or disturbance or injury, but peaceably and beneficially. But the war has been protracted far beyond my anticipations, and with the postponement of decisive results came increased bitterness and intensified alienation of nearly the entire white population of the slave States. With this state of facts came the conviction to my mind that the restoration of the old Union with slavery untouched except by the mere weakening effects of the war, was impossible. Looking attentively at the new state of things, I became satisfied that a great majority of the people of the United States had made up their minds that the constitutional supremacy of the national Government should be vindicated, and the territorial integrity of the country maintained, come or go what might. I became satisfied also that to secure the accomplishment of these great objects, slavery must go. That the Government of the United States, under the war power might destroy slavery I never doubted. I only doubted the expediency

of its exercise. When I saw that to abstain from military interference with slavery was simply to contribute the whole moral and physical power of the Government to the continued subjugation of nearly four million loyal people, that doubt was gone. In my judgment, the military order of General Hunter should have been sustained. The President, who is as sound in head as he is excellent in heart, thought otherwise; and I, as in duty bound, submit my judgment to his. The language of the President's proclamation clearly shows that his mind is not finally decided. It points to a contingency in which he may recognize the clear necessity. My conviction is, that that contingency will soon arise, if misfortunes so great do not occur as to overturn all anticipations. . . ."

To the Hon. Pierre Soulé, in Fort Lafayette.

WASHINGTON, July 5, 1862.

" . . . The memories of the happier days, when we were associated in the Senate of the United States, are yet fresh in my mind, and prompt every wish to serve you in any mode, not incompatible with my public duties, which you can desire.

"I have called the attention of the President and of the Secretary of War to the letter which you addressed to me under date of the 27th of June, and regret the necessity of informing you that they decline entering into any explanations or making any further order in your case at present.

"Would to God that you and the thousands of others 'who had no share or agency in bringing forth this revolution,' had not thought it your duty to acquiesce in the action of the majority or minority (be it which it may) by which the official organization of the State was placed in armed opposition to the constitutional authority of the Government of the whole country! Had this not been, the bright old days would already have been brighter new days."

To Major-General Butler, at New Orleans.

WASHINGTON, July 31, 1862.

" . . . I have not seen the instructions, if any have been prepared, which General Shepley is to take back with him to New Orleans; nor has it so happened that I have talked with either the President or Mr. Stanton on the subject of such instructions. All I know of the President's views is, intimations I have heard from him, that it may possibly become necessary, in order to keep the river open below Memphis, to turn the heavy black population of its banks into defenders.

"You will see from what I have written that in what I have to say on the important topic touched in your letter by way of reply to mine of June 24th, I shall express only my own opinions; opinions, however, to which I am just as sure the masses will and the politicians must come, as I am sure that both politicians and masses have come to opinions expressed by me when they found few concurrents.

“I begin with the proposition that we must either abandon the attempt to retain the Gulf States, or that we must give freedom to every slave within their limits. We cannot maintain the contest with the disadvantages of unacclimated troops and distant supplies against an enemy able to bring one-half the population under arms, with the other half held to labor, at no cost except that of bare subsistence, for the armed moiety. Still less can we maintain the contest if all we do must necessarily enrage and alienate the military half, while we do nothing to conciliate, but very much to disaffect, the laboring half.

“I have not time to argue this out, or even to qualify as might be necessary to avoid captious objection, the generality of my statement. Of its substantial accuracy I am certain.

“As to the border States, even including Arkansas, a different rule may be adopted. In these States the President’s plan of compensated emancipation may be adequate to a solution of the slavery question; though I confess my apprehensions that the slaveholders of these States will delay acceptance of the proposition until it will become impossible to induce Congress to vote the compensation. Should compensated emancipation fail in those States, emancipation will not be the less a necessity; and prompt emancipation, as a military measure in the Gulf States, will facilitate it by affording a convenient and easy outlet for the freedmen.

“It will not escape your acute observation that military emancipation in the Gulf States will settle, or largely contribute to settle, the negro question in the Free States. I am not myself afraid of the negroes. I have not the slightest objection to their contributing their industry to the prosperity of the State of which I am a citizen, or to their being protected in their rights to life, liberty, and the pursuit of happiness, by the same laws which protect me. But I know that many honest men really think that they are not to be permitted to reside permanently in the Northern States, and I believe myself that, if left free to choose, most of them would prefer warmer climes to ours. Let the South be opened to negro emigration by emancipation along the Gulf, and it seems pretty certain that the blacks of the North will go southward, and leave behind them no question to quarrel over, so far as we are concerned.

“This rough statement sufficiently presents my general view.

“Now for its practical application in Louisiana. Of course if some prudential consideration did not forbid, I should at once, if I were in your place, notify the slaveholders of Louisiana that henceforth they must be content to pay their laborers wages. This measure would settle it in the minds of the working-population of the State that the Union general is their friend; would be apt to secure him a good deal of devotion among them; and when he wanted faithful guides or scouts, he could find them. It is quite true that such an order could not be enforced by military power beyond military lines; but it would enforce itself by degrees a good way beyond them, and would make the extension of military lines comparatively quite easy.

“It may be said that such an order would be annulled. I think not. It is plain enough to see that the annulling of Hunter’s order was a mistake. It will not be repeated.

“Do the acts of Congress leave, indeed, much room for choice, if those acts are to be faithfully obeyed? The act of last year declared the slaves of all persons, if employed in aid of the rebellion, free. The acts of this last session declare free the slaves of all persons who themselves engage in rebellion, or aid and abet it; prohibit the return of fugitives by military commanders; and authorize the employment of slaves in the service of the Union either as laborers or in arms, or both, at the discretion of the President. How these acts can be executed and slavery maintained, especially where slaves are numerous, I am at a loss to conceive.

“I think the President feels this difficulty. . . . Hence, the other day, when some conversation occurred about General Hunter, he was very far from expressing the same dissatisfaction with General Hunter’s course that he would have done five or six weeks ago.

“The truth is, there has been a great change in the public mind within a few weeks. The people are resolved not to give up the struggle for territorial integrity. They mean to keep every inch of American soil in the United States. Whatever stands in the way of this determination must get out of the way. If State organizations, they must fall; if negro slavery, it must be abolished.

“Now it seems to me that it is just as well to make the shortest possible work of this as the longest possible. Negro slavery should first fall where it has done most mischief, and where its extinction will do most good in weakening rebellion and incidentally otherwise in the extreme South. . . .

“You must determine, in the exercise of your own good judgment, what prudence will permit; but so far as prudence allows, you may certainly well go. . . .”

To Major-General John Pope, Army of Virginia.

“WASHINGTON, August 1, 1862.

“. . . . I am not quite certain that it is best to exact an oath of allegiance as a condition of permission to remain within our lines. It is so easily taken and broken; and besides it seems hardly fair to demand it when we are not sure of being able to afford the corresponding protection. Would it not suffice to exact absolute acquiescence in the Union occupation, and punish severely and summarily all correspondence with rebels and expressions of hostility to the Government?

“Allow me to express a hope that you will deal generously and kindly with the blacks, who are almost all loyal. They have rendered great services in many cases, and have then been given up to slavery. This is too bad. If I were in the field, I would let every man understand that no man loyal to the Union can be a slave. We must come to this. The public sentiment of the world, common-sense, and common justice, demand

it. The sooner we respect the demand, the better for us and for our cause.

To Robert Dale Owen, Esq.

“ WASHINGTON, September 20, 1862.

“. . . Your note, with your admirable letter on emancipation addressed to me, came duly. My own judgment, as I said to you in conversation, has inclined to emancipation by military orders, founded on military exigencies, and made by the commanding general of the two great Southern departments, rather than general emancipation by proclamation of the President. Convinced, however, as I am, of the indispensable necessity of the thing, I am comparatively indifferent as to the mode, and am entirely ready to stand by you in support of yours.

“ Yesterday your letter to the President came, and I lost no time, after submitting it to the perusal of Mr. Stanton, in placing it in the hands of the President. I have not seen him since.

“ It cannot fail to impress him powerfully. God grant that it may impel him to action! You will hardly ever accomplish a greater work than this letter. It seems to me impossible to exceed the force and energy with which you have urged the sublimest of duties. The letter thrilled me like a bugle-call; and when published, as it should be, I hope it may prove a trumpet of resurrection to our people.

“ The rebels are driven out of Maryland, but they have taken out with them all their artillery, trains, and spoils. Still, it is much that their audacious designs on Maryland, Pennsylvania, and Washington, are defeated. Oh, that the President and those who control military movements, may see the necessity of following up vigorously and indefatigably the success now achieved, by blow on blow till the rebellion is finally crushed!”

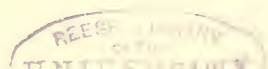
To Senator John Sherman, of Ohio.

“ WASHINGTON, September 20, 1862.

“. . . The future does not look promising to me, though it may be brighter than it seems likely to be.

“ Since General Halleck has been here the conduct of the war has been abandoned to him by the President almost absolutely. We who are called members of the cabinet, but are in reality only separate heads of departments, meeting now and then for talk on whatever happens to come uppermost—not for grave consultation on matters concerning the salvation of the country—we have as little to do with it as if we were heads of factories supplying shoes or clothing. No regular and systematic reports of what is done are made, I believe, even to the President; certainly none are made to the cabinet.

“ Of course, we may hope the best; that privilege always remains. It is painful, however, to hear complaints of remissness, delays, discords, dangers, and feel that there must be ground for such complaints, and know at the same time that one has no power to remedy the evils complained of



and yet be thought to have. I saw the Neil House on fire, and felt sick at heart to think I could do nothing to arrest the progress of the conflagration. Comparing great things to small, I experience similar feelings now. The difference is, that no one thought me responsible for the administration of the fire department of Columbus.

“ Well, the rebel army is withdrawn from Maryland, and that is something, but far less than we anticipated. We hoped it would not be permitted to withdraw except in flight and utter demoralization. It is in fact, however, to-day relatively stronger than our own. It has lost less; it has taken more prisoners; more guns; more supplies of every sort. Still I hope we shall reduce the disparity from day to day, and soon shift the balance and complete the work. Let us hope in Providence. . . .”

To Elihu Burritt.

“ WASHINGTON, October 6, 1862.

“ Among my most cherished recollections are those connected with the organization and action of the Liberty party. I have never changed the opinion I once took occasion to express in the Senate, that a body of more earnest, patriotic, and intelligent men were never associated in political action. Many of those who participated in its work have passed from earth. I remember them affectionately, and have deeply regretted that they could not live to witness the ascendancy of the principles for which they labored so disinterestedly. I rejoice in numbering among those who survive many of my most valued friends.

“ Your own services in the great cause of freedom and humanity have always been cordially recognized and appreciated by me. It was with real pleasure, therefore, that I received your note of the 2d instant; and I have read attentively the paper you inclosed. While there are many things in your plan, and especially the feature of a North American Zollverein, which seem to me to deserve attentive consideration with a view to practical results, I have not been able to see any ground for thinking that the existing struggle can be terminated by any arrangement recognizing a Southern Confederacy formed out of the United States.

“ It is true that, prior to the attack upon Fort Sumter, I shared a quite general opinion that, if the other States could be retained peaceably in the Union, it would be better to allow the seven States which had formed the so-called Confederate Government to try the experiment of a separate existence, rather than incur the evils of a bloody war and a vast debt. The attack on Sumter made such an arrangement impossible, and left nothing practicable except the assertion of the rightful supremacy of the national Government over all parts of the Union. The work of re-establishing that supremacy has been unnecessarily protracted. It may perhaps be not unreasonably thought that errors in counsel, and irresolution and ill-success in military action, are ascribable to an overruling Providence, which has determined that this war shall be not only our

punishment for having so long shared in the guilt of slavery, but the occasion also of breaking the bonds of the slave.

“The proclamation of the President has determined that if the rebellion continues, slavery shall cease, so far as the authority of the United States is concerned, on the 1st of January next. This great act of justice having been thus performed may we not hope that with vigor and energy we may see the rebellion suppressed before the close of another spring? I, at least, think the hope not ill-founded. I am confident that nothing is needed to insure the result, except the vigorous use of the necessary means, which we have in abundance; and, what is indispensable to all success, the favor of God.”

To General N. B. Buford, in the Army.

“WASHINGTON, October 11, 1862.

“. . . I was glad to-day to receive your letter of the 1st instant. I have long been of opinion that a much more comprehensive policy, both in military and civil administration, was necessary to the speedy and thorough reëstablishment of the constitutional authority of the Federal Government throughout the country. Your view of the necessity of a civil government in rebel States, under the auspices of the United States, I have also felt; and I have endeavored to impress it upon the Administration and upon Congress, though with less success than I wished. At first, the President and nearly the whole cabinet were favorable to it; but the strenuous objections of one or two made the President, who dislikes controversy, abandon it.

“In Congress, a plan for a civil government was reported from the Judiciary Committee in the Senate, but no action was taken upon it in consequence of apprehensions of conservative Senators that it might somehow affect slavery. The plan to which I refer proposed, simply, the appointment of a Governor and three judges; the first constituting the executive, the three judges the judiciary, and all together constituting the Legislature, for any district occupied by our troops—the district to be extended with the occupation until it should embrace an entire State. The advantages of this plan seem to me to be obvious. It would interfere with no local administration, beyond insisting on loyalty; it would afford a head, in place of the State organization, acting directly on the people in the ordinary form of legislative, judicial, and executive administration; and it could give way, without any great disturbance or inconvenience, upon the reëstablishment of the State government. With an able Governor, and three judicious men as judges, the plan could have been put into operation, for example, in the portion of Mississippi occupied by you, and the people would hardly have been conscious of the change from their regular State government, unless county and municipal organizations should persist in disloyalty, and the loyal men should be too few to replace them by new elections.

"In place of this, we have an unsystematic system of military governors, who cannot possibly act in any other capacity than executive, without shocking the fixed notions of our people.

"Perhaps we shall come to something like this, but we move exceedingly slow. All great bodies do, it is said; and therefore we must be great.

"As to slavery, you know my ideas. It was my most ardent wish and hope that after the establishment of the principle that slavery could not be extended, or maintained, under Federal jurisdiction by Federal authority, it might be left within the States to the absolute disposition of the States themselves. When the insurrection first broke out, I thought that it might be speedily suppressed by the active use of the necessary means, and that without affecting the institution of slavery otherwise than morally. The progress of the war has been, perhaps providentially, such that it has become impossible, and has now, in my judgment, been long impossible, to suppress the rebellion without suppressing the institution which gives it life. I would prefer to have had this necessity recognized by military authorities, acting through military orders according to military exigencies. I was, therefore, in favor of General Hunter's order, and of supporting General Butler in the exercise of a similar discretion. Such orders would have settled the question without noise, and probably without much excitement.

"As the President did not concur in this judgment, I was willing, and indeed very glad, to accept the proclamation as the next best mode of dealing with the subject.

"I do hope we shall now have more energy and activity in the prosecution of the war. Our news from the Army of the Mississippi is very encouraging; and as it appears that the rebels are being driven out of Kentucky, I hope that soon the national lines will be farther advanced southward than ever; that, at the same time, vigorous operations on the coast will reduce every fortification on the coast, from Norfolk round to Brownsville. It is something of a danger, though I trust but temporary, that Stuart's cavalry are this morning in possession of Chambersburg. But it is disgraceful. . . ."

To Joseph Medill, Esq., Chicago.

WASHINGTON, December 18, 1862.

". . . . It is a strange thing for me to write explanations or vindications of any recommendations of mine. I prefer they shall stand or fall upon the judgments of those to whom they are presented. But I regard the enactment of a law for the organization of banking associations as so indispensably important, in our present circumstances, that I depart from my usage.

"I have seen the *Chicago Tribune*, in which, with great personal kindness and consideration, you dissent from my proposition. Your dissent, as I understand, is placed mainly on the ground that we ought to get rid of banks altogether, and come to gold currency.

"I do not propose to discuss these objections. My time does not permit. I only wish to say that I have looked on all sides of the subject with all the care I could use, and I am fully satisfied that we *cannot get rid of* banks and their circulating notes. Try as we may, they will be sanctioned in some States and at different times in all States. What I seek is to deal with what must be in such a way as to get from it the greatest possible good.

"The choice is between, say, fifteen hundred banks, organized under many and various laws, and as many banking associations as can and will furnish the required security, organized under one and the same law.

"My conviction is clear that the people of the West will save in discounts, exchange, losses by counterfeits, and all the variety of 'shaves,' in case the plan proposed be adopted, nearly one-half as much as the interest on the national debt can probably amount to.

"You seem to think that the plan proposes inconvertible paper money; whereas its very object is to avoid a deluge of that sort of stuff. Not only is the circulation of the association to be secured by the bonds deposited with the Treasurer, but it is to be payable in coin as soon as the Government is ready to pay coin for its own issues, which must be at the earliest possible day. . . .

"The example of Illinois, or any other State, which has allowed other bonds than its own and those of the United States to be pledged, is not analogous. The bonds of the United States, pledged for a national circulation, are like New York bonds pledged for a New York circulation. . . .

"My wish is for the country. I know the imminence of its peril."

CHAPTER XXXVIII.

LETTERS AND EXTRACTS FROM LETTERS WRITTEN IN 1863.

To Charles A. Heckscker, Esq., New York.

“ WASHINGTON, *January 22, 1863.*”

“ . . . I fear greatly that Congress will not find time or have the inclination to pass an increased tax-bill. The report of the Commissioner of Internal Revenue satisfies me that the income from that source cannot fall short of \$150,000,000 a year, while the revenues from customs cannot be estimated at less than \$60,000,000. The lowest possible point is \$50,000,000, and the highest probable point is \$75,000,000. Our income from taxation, therefore, in various forms, will range from \$200,000,000 to \$225,000,000. Our whole debt is at the present moment, in round numbers, \$770,000,000; to which may be added, for floating debt, in all forms, \$60,000,000. My impression is that the amount will not be found to be so large, but I have no means of forming an entirely accurate judgment.

“ I have no reason to change the estimates submitted by me to Congress, or to believe that our aggregate debt on the 1st of July, 1864, can be carried beyond \$1,750,000,000. With a good national free-banking law, I think the interest on this amount can be kept down to five per cent.; it ought to be reduced even below that. Call it five per cent., and the interest will be \$87,500,000. Add to this sum for ordinary expenditures, \$70,000,000; or, allowing for extravagance, say \$80,000,000, the aggregate is \$167,500,000, leaving from \$32,500,000 to \$57,500,000 for a sinking fund. Surely with a pledge of the whole customs for interest and reduction of the principal, and with this large taxation, if any bonds on earth can be made secure by taxation, ours are already made secure.

“ My own conviction is, that the greatest detriment to the public credit now arises from the divorce of the Government from the ordinary currency of the country. If that currency were brought under regulation of the Government by the bill which I propose, and so made the medium in which all duties, taxes, and other dues, could be paid in ordinary times, while the banking associations would furnish safe depositories of public

moneys—made safe, if you please, by adequate securities as under the French system—I have no doubt that the bonds would be so strengthened that loans would be comparatively easy, and the great evils of an excessively redundant currency would be averted.

“But, as in relation to the war last year, I urged measures which, in my judgment, would have terminated it ere this time at less than two-thirds the cost incurred, my counsels were substantially disregarded; so now there is reason to fear that the safe ways in finance are only to be learned by the hard teachings of bitter experience. . . .”

To William Pitt Fessenden, United States Senate.

“WASHINGTON, January 27, 1863.

“. . . . I called to see you this morning, but you had just left your room.

“My solicitude in respect to our finances is very great.

“Last session, against my most earnest remonstrances, Congress insisted on the conversion clause. It operated as I had represented it would. It made negotiations impossible except below par, and at increasingly disadvantageous rates. Had I resorted to such negotiations and thus nullified the conversion clause, what reproaches should I not have incurred for the Administration, for the men who support it, and for myself!

“In my first report (July, 1861), I suggested a tax on bank-notes as well as other internal taxes, but at that session no internal duties at all were imposed. We all hoped that the increased customs duties and the direct tax might suffice.

“In my second report—just before the suspension—I proposed a national banking system and a tax on circulation, both for the banks organized under it and the local banks. It is my well-considered judgment that, had these views been adopted at the last session, together with the measures I urged in respect to loans, there would have been comparatively little financial embarrassment at this time.

“But Congress thought otherwise. The system of conversion was adopted, and the Banking Association Bill was only ordered to be printed for public information and consideration.

“At this session I have repeated my former recommendations; and in addition as a temporary measure I sent to both the Financial Committees the bill which actually passed the Senate.

“Instead of this bill, which would have enabled me to avert the increase of United States notes, to some extent at least, Congress passed a joint resolution looking only to the acceleration of that increase, and now the House has adopted a measure which still looks in the same direction.

“I do not propose to argue any thing in this letter. Indeed, the rapid advance of gold speaks all that can be said. But I do wish to keep in your most kind consideration the indispensable importance of adequate measures for the crisis.

“You have the brain of a statesman and the heart of a patriot. Never was greater need of both.”

To William P. Mellen, Cincinnati.

“WASHINGTON, January 27, 1863.

“ . . . The newspapers cannot be relied upon for correct information of what transpires here. Their correspondents gather their information from street talk and conversations with members and, occasionally, with heads or employés of departments, and, in the multitude of conflicting statements and opinions, rarely hit the precise truth.

“ The bill of the committee, which has passed the House, does not express my views, though in some respects it is much better than the act of last session; and so much was conceded to me by the committee, that I did not think it wise to oppose its passage through the House, though I should have been glad to have had it amended in several particulars :

“ 1. I desired that interest on all temporary loans should be paid in United States notes.

“ 2. I preferred that the Treasury notes bearing interest should be made a legal tender for their face value, excluding interest, instead of being made convertible into United States notes.

“ 3. I did not see the necessity of increasing the issue of United States notes.

“ 4. I thought the tax on bank-note circulation should be a uniform rate of two per cent. per annum, payable semi-annually, instead of the graduated scale preferred by the committee.

“ 5. I wished that the section authorizing deposits in State banks and checks upon them, that is to say, the virtual restoration of the pet-bank system, should be stricken out altogether.

“ The majority of the committee is yet averse to the uniform Currency and Banking Bill; but I still hope to get a majority in its favor; but it is precisely on this point that all efforts should be concentrated. If this bill can be passed into law, it is comparatively unimportant what other measures prevail. So it is if the bill does not become a law. With it, success is possible and probable. Without it failure is probable if not certain. . . .”

To Horace Greeley, New York.

“WASHINGTON, January 23, 1863.

“ . . . Why don't you—who can so well point out the path which others ought to walk—do your part toward the great and indispensable work of establishing a uniform national currency? A breaking up of the cabinet would hardly, I fear, in these last days of the session, promote the success of the legislative measures without which the President can hardly expect to carry on the war or any thing else, very successfully, in face of the opposition he is likely to encounter. Let us get the measures necessary to the success of *any* Republican Administration adopted, and *then* let the cabinet be reconstituted if you will. For one, I am quite willing to be *reconstituted*. I have neither love nor hate for the position I occupy, and have two great regrets connected with it: one, that I ever

took it; the other, that, having resigned it, I yielded to the counsels of those who said I must resume it.

"But this is apart from the great question—which is *not* second to any connected with the war itself at this time. What financial measure can take us back to the firm ground from which the legislation of last session freed us? . . . The main point is the banking bill. A circulation issued directly by the Government cannot be made a good currency. The difficulty is partly in the *nature of the thing* and partly in the *nature of men*. The total difficulty is unsurmountable, and so says all experience.

"The only way which has had trial enough to warrant reasonable expectations of success is through banking institutions. Local banks were tried in the War of 1812, and failed disastrously, and they will fail just as disastrously now. A Bank of the United States has been twice tried, and nobody is bold enough to propose a third trial. There seems to remain only a national free-banking system. A State free-banking system has been tried in New York for three millions of people, with the best results on State credit and individual well-being. What is so good for three millions of people must be good for thirty millions or thirty-three millions. . . ."

To George Opdyke, George Griswold, and others, New York.

WASHINGTON, April 8, 1863.

" . . . Imperative demands on my time compel me to deny myself the gratification of attending the meeting to which you have invited me.

"You will meet to send words of cheer to our brave soldiers in the field; to declare the inviolability of the national territory and the supremacy of the national Constitution and laws; and to strengthen the hands and nerve the heart of the President for the great work to which God and the people have called him. For what nobler purposes can American citizens now assemble?

"It is my fixed faith that God does not mean that this American Republic shall perish. We are tried as by fire, but our country will live. Notwithstanding all the violence of rebels, and their sympathizers on this or the other side of the Atlantic, our country will live. And while our country lives, slavery, the chief source and cause and agent of all our ills, will die. The friends of the Union in the South, before rebellion, predicted the destruction of slavery as a consequence of secession, if that madness should prevail. Nothing, in my judgment, is more certain than the fulfillment of these predictions. Safe in the States, before rebellion, from all Federal interference, slavery has come out from its shelter under the State constitutions and laws, to assail the national life. It will surely die, pierced by its own fangs and stings.

"What matter now how it dies, whether as a consequence or as an object of the war? To me it seems that Providence indicates clearly enough how the end of slavery must come. It comes in rebel States by military

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order, decree or proclamation, not to be disregarded or set aside in any event as a nullity, but maintained and executed with perfect good faith to all the enfranchised ; and it will come in loyal slave States by the unconstrained action of the people and their Legislatures, aided freely and generously by their brethren of the free States. I may be mistaken in this, but if I am, another and a better way may be revealed.

“Meantime, it seems to me very necessary to say distinctly what many shrink from saying. The American blacks must be called into this conflict, not as cattle, not even as contrabands, but as men. In the free States and in the rebel States, by the proclamation they are free men. The Attorney-General, in an opinion which defies refutation, has pronounced these freemen citizens of the United States. Let, then, the example of Andrew Jackson, who did not hesitate to oppose colored regiments to British invasion, be fearlessly followed. Let these blacks—acclimated, familiar with the country, capable of great endurance—receive suitable military organization and do their part. We need their good-will, and must make them our friends by showing ourselves to be their friends. We must have them for guides, for scouts, for all military service in camps or field, for which they are qualified. Thus employed, from a burden they will become a support, and the hazards, privations, and labors of white soldiers will be proportionally diminished.

“Above all, gentlemen, let no doubt rest on our resolution to sustain with all our hearts and with all our means the soldiers now in arms for the republic. Let their ranks be filled up ; let their supplies be sufficient and regular ; let their pay be sure. Let nothing be wanting to them which can insure activity and efficiency. Let each brave officer and man realize that his country’s love attends him, and, inspired by this thought, let him dare and do all that is possible to be dared and done.

“So, with the blessing of God, we will make a glorious future sure. I see it rising before me, how beautiful and how grand ! There is no time to speak of it now ; but from all quarters of the land comes the voice of the sovereign people rebuking faction, denouncing treason, and proclaiming the indivisible unity of the republic, and in this Heaven-inspired union of the people for the sake of the Union is the sure promise of that splendid hereafter.”

To the President.

“PHILADELPHIA, April 22, 1863.

“ . . . My purpose in visiting Philadelphia and New York at this time is to ascertain if a loan, say of fifty millions, to pay off all arrears, cannot now be obtained. The only difficulty I find in the way springs from the painful uncertainty generally prevalent as to the future of the war. Notwithstanding this, however, I hope to succeed ; and I am greatly cheered by the resolved determination which appears to animate all our friends. This is a sentiment which can be easily turned into triumphant gladness by the achievement of some important successes, and above all

by the development of some settled and promising plan for the successful termination of the contest. I have, since I came here, heard a good deal of the facility of communication with the rebels by their friends in loyal States. A lady stated to me the other day—Sunday—that she wrote about the last of March to some friends in South Carolina, announcing the death of a relative, and that she had just received a reply. The time for going and returning was only a little more than three weeks. A regular mail goes to Nassau under our postal arrangements with Great Britain, and letters to the interior of the Confederacy are then forwarded by the blockade-runners. A large portion of these mails from Nassau get safely through. In fact, it is not difficult to imagine an arrangement by which nearly all might be safely landed at unfrequented spots. I do not know that there is any remedy for this, but if possible one should be found. . . .”

To Benjamin F. Flanders, New Orleans.

“WASHINGTON, May 23, 1863.

“ . . . What the country may think proper to do with me is of far less consequence than what it is my duty to do for my country. It does not so much matter that my services be recognized as that they be faithfully performed. Of course, I have very little inclination for any political arrangement which has reference to my personal future, but prefer to leave that to the disposition of events and the will of the people, being quite as willing to resume the post of private citizen as to continue in my present, or be transferred to any other public position. . . .”

To the Right Rev. Carlton Chase, Claremont, N. H.

“WASHINGTON, May 25, 1863.

“ . . . Accept my thanks for your very kind letter.

“ When I entered upon the duties of this Department it was with great self-distrust and with great reluctance; and only in deference to the judgments of many persons of great worth and intelligence as well as of high position, who insisted that I was not at liberty to decline the post assigned me by the President.

“ Under an almost oppressive sense of responsibility, and not unmindful, I trust, that the builder labors in vain except the Lord build, I assumed, therefore, the direction of the financial concerns of this great nation.

“ In all that I have done I can say with, I think, a good conscience, that I have sought only to know what was right, and to do it, without fear, and yet without vain confidence.

“ That success has thus far attended my labors is due partly to the constant support of many strong and good men, who gave me their confidence early and have not yet withdrawn it; partly to the zealous coöperation of able and faithful officers and agents; partly to the ardent patriotism of the noblest people that ever dwelt in any land; and altogether

to the mercy and goodness of God who planted this nation, and does not mean, as I verily believe, to suffer that which he has planted to be plucked up and destroyed.

"I am glad of your approval. It cheers and invigorates me. It is my hope that you will not hereafter find cause to reverse your judgment. That you may not, will be my continual endeavor."

To Jay Cooke, Esq., Philadelphia.

WASHINGTON, June 2, 1863.

". . . . You informed me two or three weeks ago that you had purchased 300 shares of Philadelphia and Erie Railroad stock for me. At that time I was expecting means of payment from the sale of a farm in Ohio, and would have been glad to hold the stock for income. The sale, however, has not yet been effected, and I have, therefore, not been able to make payment.

"This morning I have yours of yesterday, notifying me that you have sold the stock at an advance which gives a profit of \$4,200 on the transaction, and you inclose me a check for that amount.

"As I had not paid for the stock, and did not contemplate purchasing with any view to resale, I cannot regard the profit as mine, and therefore return the check for \$4,200. It is herewith inclosed.

"I am much obliged to you for your willingness to regard the money paid for the stock as a temporary loan from you to me. But I cannot accept the favor.

"When Congress, at the last session, saw fit to clothe me with very large powers over currency and financial movements, I determined to avoid every act which could give occasion to any suspicion that I would use the powers conferred on me to affect markets unnecessarily, or at all, with reference to the private advantage of anybody. To carry out this determination faithfully, I must decline to receive any advantage from purchases or sales made with views to profits expected from the rise or fall of market prices.

"For these reasons I must decline to receive the check. For, in order to be able to render the most efficient service to our country, it is essential for me to *be* right as well as to *seem* right, and to *seem* right as well as to *be* right."

To Henry W. Hoffman, Esq., Baltimore.

WASHINGTON, June 15, 1863.

". . . . When you were here a few days ago, conversing with me on the general subject of the course likely to be adopted by the Union men of Maryland, I ventured to express some ideas which you requested me to put in writing. I do so with pleasure; I wish, however, to have it distinctly understood that I disclaim every pretense of right to interfere at all with the action of our Union friends; and I shall not be disap-

pointed if, in the exercise of their better judgment, they pay very little heed to any opinions of mine. My ideas are, then, briefly these:

"1. That the broader the platform, provided it contains the essentials of political faith and action, the better.

"2. That in all matters of State policy the platform should be adapted, as closely as possible, to the true interests of the masses of the people.

"3. That whatever platform may be adopted should contain a distinct declaration in favor of emancipation as the true policy of the State; leaving, if thought expedient, the question of immediate or gradual, compensated or uncompensated, for future consideration.

"4. The platform should also contain a declaration that the Union men of Maryland are unconditionally such, and in favor of the most vigorous measures for the suppression of the rebellion and the restoration of the national authority throughout the republic.

"5. The platform should declare also, in the most explicit terms, that there is no such thing in times of rebellion as supporting the national Government without supporting the administration of the national Government; that the administration of the national Government is confided by the Constitution, to the President, assisted in their several spheres of duty by the administrative departments; and that, therefore, while the freedom of speech and the press should not be arbitrarily infringed, the measures of the President and the general policy of his administration should, under the present trying circumstances of the country, be sustained by all true patriots in a spirit of generous confidence, and not thwarted by captious criticism or factious opposition.

"It seems to me that upon a platform embodying these points, all true friends of the Union and of the national Government may stand together in cordial coöperation."

To Colonel R. C. Parsons, Cleveland, Ohio.

WASHINGTON, June 15, 1863.

". . . . If Vallandigham violated any law, he should have been arrested, tried, and convicted. To arrest, try, and attempt to convict him now, seems very much like a confession that the Burnside court had no jurisdiction; if the charge be based upon the acts which were proved before that court.

"I have never myself been much afraid of words; and when men (Vallandigham among them) have sought to cripple the financial administration by misrepresentation and vilification, I have preferred to reply by augmented efforts in the service of the country rather than by arrest and imprisonment.

"You will infer from this, and not unnaturally, that I am no great admirer of Order No. 38.

"Not that I am averse to arrests for sufficient cause and in the proper time and place. It would have been very well to arrest Lee and Johnson,

and others, instead of allowing them to resign to enter the rebel service. It was very well to arrest the incipient traitors in Maryland, who were plotting the consummation of treason by open rebellion. But I think the exercise of such power ought to be reserved for grave and clear occasions.

"But what is the use of writing this? All I can say will change nothing. . . ."

To Hon. William H. Seward, Secretary of State.

WASHINGTON, July 25, 1863.

". . . . I return Mr. B.'s letter. I am against such a proclamation as he proposes. While all wise men would approve of lenity to rebellious citizens who return to duty, all just men would condemn the reënslavement of freedmen, in violation of the faith plighted by the President on the 1st day of January last."

To John Weiss, of Boston.

WASHINGTON, August 21, 1863.

". . . . Every thing looks well for us now except that the war moves too slow and costs too much. All eyes are now turned toward Charleston, where we look for one of the severest, if not the severest contest known to history. Of course we hope for the best results; and, unless present indications prove deceitful, the overthrow of the military power of the rebellion cannot be very far distant. Then will come—and indeed they are already in sight—the dangers of reconstruction. We shall need all the courage, constancy, and wisdom in council then, that have ever been needed in the field, to prevent the success of slavery upon the transferred field of battle. However, in this, too, I am hopeful and confident; and believe that we shall come out of the contest a democracy indeed, and thus the strongest nation in the world."

To E. F. Beales, Esq.

WASHINGTON, September 5, 1863.

". . . . Yours of the 5th of August has just reached me. I appreciate, as you do, the importance of the acquisitions you suggest. I fear that the Juarez Government is now too entirely broken to warrant negotiations with it, but I will confer with the President and the Secretary of State on the subject.

"What a pity it is that we neglected our opportunities when the States of Central America were so ready to identify their fortunes with those of the American Union! What a pity it is, also, that when General Scott took Mexico, he did not remain there and establish a protectorate! The timid counsels of Whig leaders and the fears of the slaveholding oligarchy suppressed a policy which would have prevented all our present troubles, so far as French domination in Mexico is concerned."

To Andrew Johnson, *Military Governor of Tennessee.*

“WASHINGTON, September 12, 1863.

“ . . . Let me congratulate you that rebellion is driven from East Tennessee, your home.

“ The President read me yesterday the letter he addressed to you, touching reorganization. It is a noble letter, and I hope all its aims will find a cordial response in you.

“ God offers men opportunities: those who wisely use them are great. To you is now offered an opportunity to establish the renovated institutions of Tennessee, on the basis of free labor. God grant that you may take it boldly. Prompt courage in the matter is indeed the highest wisdom. Difficulties vanish before stout will.

“ A few months, a very few months, will decide the position of Tennessee. Let her not act so as to leave the festering sore to break out anew.”

To Murat Halstead, *Cincinnati.*

“WASHINGTON, September 21, 1863.

“ . . . I am not responsible for the management of the war, and have no voice in it, except that I am not forbidden to make suggestions, and do so now and then, when I cannot help it.

“ You are wrong in blaming Stanton as you do. You ought to allow for the great difficulties of his position, and remember that it is much easier to criticise than to act so as to avoid even just criticism. Nor should you forget that a war managed by a President, a commanding-general, and a Secretary, cannot, especially where the great differences of temperament, wishes, and intellectual characteristics, are taken into the account, reasonably be expected to be conducted in the best possible manner. This condition can only be remedied by the President himself. Don't be too impatient.”

To Rev. Joshua Leavitt, *New York.*

“WASHINGTON, October 7, 1863.

“ . . . Receive my warm thanks for your kind, generous, warm-hearted, old-time letter.

“ And do not mistake me. If I know my own heart, a judicial would be more agreeable to my personal feelings than *any* political position. So I have felt for years, but Providence has kept me hitherto in political positions, and I now think I have done more good in them than I could have effected on the bench. And so I think also concerning the future. Perhaps I am over-confident; but I really feel as if, with God's blessing, I *could* administer the Government of this country so as to secure and *imperdibilize* (there's a new word for you) our institutions: and create a party, fundamentally and thoroughly democratic, which would guarantee a succession of successful administrations. I may be over-confident, I say; and I shall take it as a sign that I am, if the people do not call for me, and shall be content.

"God does not need any of us, and I know very well that his world and work will go on all the same whether I live or die, just as he pleases to order. He is working now, and oh, how sublimely! I tremble when I think how little people or administration yet realize the dread significance of passing events. In the midst of such great things I dare not *ask* any thing except to work in my place, whatever that place may be. I assert no claim; I recognize only obligation. Neither friends nor country owe me any thing: I owe to them all that I can do for both. And there I leave the matter. I know that many good and true men desire that my services may be required in the highest sphere of administration, and perhaps there is enough of popular confidence in me to warrant their belief that their desires might be realized without extraordinary exertions. But I certainly shall not complain if those exertions are not put forth: I shall have no right to complain; *no* right, and I hope *less* inclination. . . ."

To Horace Greeley.

WASHINGTON, October 9, 1863.

". . . . It was my duty to reply promptly to your last letters. My only plea in mitigation of censure is the constant pressure of perplexing duties, which, as Mr. Wirt used to say, 'put me out of time for decent correspondence.' I am still out of time, but I must not longer omit this duty.

"Be assured that I appreciate fully the patriotic spirit in which your letter was written. No man has a right to ask a moment's consideration when public interests require that it should be withheld; and I think I can truly say that I have never hesitated to give way to others, and even to put others forward when I might have taken myself the place of prominence, when the good of the cause of freedom and just government seemed to require it. I hope I love our country, and the cause of human progress, so intimately connected with the fate of our country, too well to allow any personal wishes or aspirations—from which I do not claim to be more free than other men—to interfere with my duty to her or it.

"I am proud of your approval and your preference. It is a great reward for the little I have done to have it. No man has so powerfully promoted the increase of just sentiments concerning political rights and duties as you have done, through speech and press. Postage reform, the homestead, liberality toward immigrants, freedom of the Territories, constitutional emancipation, and all kindred movements, have found in you a constant advocate, animated by genuine principle, and therefore steadfast amid the changing currents of expediency. The immense audiences which have heard your voice through the *Tribune* have been constantly inspired by generous and progressive sentiments. Because of this, I greatly value your approval and that confidence which induces you to express a preference for me as the next Union candidate for the chief magistracy. Should circumstances justify your final action in accordance with this preference, and

should it be my lot (which does not now seem probable enough to affect me much) to be called to that responsible position, I shall take to it whatever capacity God has given me, and just the same spirit and industry which I have brought to other public duties. Should the choice fall on another, I shall retire to private life equally content to devote myself to its less conspicuous but not less healthful duties.

“Your suggestions in a preceding letter were promptly attended to. Indeed, I had before repeatedly urged on the President and Mr. Stanton substantially the same views; and you will have observed a gradual progress toward their complete adoption. Mr. Stanton is thoroughly in earnest; Mr. Lincoln, with sentiments which divide him between the border-State and the progressive policy, advances slowly but advances steadily. On the whole, when we think of the short time and immense distance in respect of personal freedom, between the 1st of March, 1861, and the 1st of October, 1863, we cannot be dissatisfied with results. . . .”

To R. B. Warden, of Ohio.

“WASHINGTON, October 23, 1863.

“ . . . Yours of the 20th is received, and touches me deeply. The loss of your noble son moves my profoundest sympathies; and it is fit that just such a monument as your book will make for him, should be constructed by your hand. Is it the will of God that the precious blood poured out in this terrible struggle shall nourish the vine he planted in America to a fresher and nobler growth? I reverently hope so. The effects of the fiery trial to your mind and many others of like reach and culture confirm the hope. It is a real gratification to be assured that any words of mine contributed to your present convictions.

“I never was an abolitionist of that school which taught that there could never be a human duty superior to that of the instant and unconditional abolition of slavery. He who sees the tower in the quarry and the oak in the acorn, requires no imposed task from his creatures. But, for more than half my life, I have been an abolitionist of that other school which believed slaveholding wrong, and that all responsible for the wrong should do what was possible for them, in their respective spheres, for its redress.”

To His Excellency, M. Mercier, Minister of France.

“WASHINGTON, December 27, 1863.

“ . . . In compliance with my promise of yesterday I send you copies of my last two reports to Congress, in each of which I invite the attention of our national Legislature to the commercial importance of an international decimal coinage.

“It is among the glories of France that her science and legislation first embodied in national sanctions the great idea of decimal weights, measures, and coins, expressed according to uniform rules. She has now the

satisfaction of seeing other nations following her wise example, and contributing to the extension, for the benefit of mankind, of the system originated by her wisdom and courage—for courage as well as wisdom was required for the reform.

“In my report of 1862, I suggested the expediency of conforming the American half-eagle to the British sovereign. More reflection has inclined me to the opinion that the desired uniformity of coinage may be better obtained by equalizing the American gold dollar with the five-franc piece of France.

“In our conversation yesterday, you were kind enough to say that, during your proposed visit to France, you would give some thought to this interesting subject.

“All friends of the progress of nations will be grateful if through the action of the Imperial Government and that of the United States, something may be done, effectually, toward giving to the commerce of the world common measures and expressions of value.”¹

To Major-General Q. A. Gillmore, near Charleston.

“WASHINGTON, December 29, 1863.

“. . . Ever since our disasters before Richmond, in 1862, it has seemed to me that instead of fighting our way southward through Virginia, our immediate efforts in the interior should be confined to the repossession of East Tennessee and of the Mississippi River, and that all other operations should be conducted from the coast, supplied by sea transportation, and directed to the reoccupation and reorganization on the free-labor and free-suffrage basis of State after State, from the Gulf northward as rapidly as possible. With East Tennessee and the Mississippi in our possession, it seemed to me that powerful aid could be contributed to these operations, and that they could not fail to be successful.

“It is of great importance to press the war to the earliest possible termination; and the reestablishment of loyal State governments under free State constitutions, will do much to afford rallying-points for all the loyalty of the South of whatever physical complexion, and to discourage exceedingly the hope of restoring the rebel sway. It will mark the two civilizations—or rather the civilization of freedom and the barbarism of slavery—by distinctly recognizable limits. When the former has been once fairly established, I have no fear of the latter.

“Besides my desire for the secure and permanent reestablishment of Union at the earliest possible time, I feel a special anxiety for prompt and

¹ In a letter of even date with this to M. Mercier, Mr. Chase in a note to his old friend Colonel John F. Morse, then at New Orleans, said: “I do not wonder at your surprise in finding yourself at an antislavery meeting in New Orleans. Who would have predicted the possibility of such a thing when you introduced into the Ohio Legislature the bill I prepared to repeal odious discriminations against black people fourteen years ago?”

efficient action arising from my responsibilities as head of the Treasury Department. Thus far my administration has been successful beyond my hopes, but I can see clearly that we can go no further without heavy taxation; and he has read history to little purpose who does not know that heavy taxes will excite discontent; and that the possibility of crippled finances and deranged payments and greater evils is not so remote as one could wish. We *must* put forth all our strength if we want to come out of the struggle with success, and with honor and unsullied credit. . . .”

CHAPTER XXXIX.

LETTERS AND EXTRACTS OF LETTERS WRITTEN BETWEEN JANUARY
1, 1864, AND JUNE 30, 1864.

To S. F. Carey, Cincinnati, Ohio.

“WASHINGTON, January 5, 1864.

“ . . . **T**HE law giving a share of seizures to informers is very old.”

“It is difficult to say whether any officer should be stimulated to extra diligence by the prospect of contingent rewards. In many cases compensations are paid by percentages, and no government has yet found itself able to get along without allowing such compensation in some cases. So, too, our naval officers and seamen are stimulated to activity by the large share in prizes captured by them. Salvage is warranted on the same principle. Merchants and lawyers, too, are often paid by commission.

“Certainly it would be best if we could have a system of fair compensation by salaries, and then the complete devotion by the officer of all his time and labor and skill to the public service. The true idea of public official duty requires this; at least during all the time required for official labors. I have myself practised upon this principle, and I require all the officers of the Department, except those who have contingent compensation fixed by law, to act upon it also. . . .”

To Rev. Dr. Joshua Leavitt, New York.

“WASHINGTON, January 24, 1864.

“Some time ago I received a letter from you about the publication of your article on the Monroe doctrine. My impression is that I did not reply; my intention to do so being frustrated by demands on my time and attention which pushed it out of my thoughts for the time. Recently my recollection was revived by receiving a copy of the pamphlet; and I now wish to say that if in consequence of my remissness you have been personally put to any inconvenience, I want the privilege of reimbursing it to you. I am not a rich man, and I am glad to be able to say that I have become poorer instead of richer by reason of public employments; still, I can

perhaps better afford to pay such a contribution to a public object than most editors of religious newspapers.

"In the main I concur in your views; wholly in their principle and spirit. I believe that the statesmen whose views were represented by Mr. Monroe's message—including Mr. Monroe himself—intended to be understood in the plain sense of the language employed; meant that any attempt to force the European system upon America would be dangerous to our safety, and that any interference with any American government by European powers for the purpose of oppressing it or forcibly controlling its destiny would be regarded as an unfriendly manifestation. In this sense the declaration was understood and accepted by the American people, and became a cardinal principle of American policy. After all, however, it is not so important to inquire into the history as into the soundness of the doctrine and the propriety of insisting on its application to recent events in San Domingo and Mexico.

"It certainly would have suited my temper and taste much better to do so; and yet I cannot blame Mr. Seward for not having done so. He never renounced it; he only forebore to insist on it, when to insist would only have been counted a menace and would have precipitated recognition of the rebel Confederacy—and that recognition would have been followed by war. . . .

"But I have written more than I intended. Have you seen Baptist Noel's book on our American rebellion? He errs sadly in his account of parties as connected with slavery. Can't you write an article like that on the Monroe doctrine, giving the true view of political action as influenced successively by the Liberty party and the Independent Democracy—or, as our Whig friends preferred to call it—the 'Free-Soil party?' Who could do this so well as you?"

To Gerrit Smith, Peterboro, New York.

WASHINGTON, March 2, 1864.

". . . . I have just read your letter to your neighbors, and take a moment—not to reply to it—but to express my gratification to be remembered by you, whom I so greatly honor.

"Your letter does not command my assent in all things, but in most it does. I heartily agree that all our energies and all our efforts and all our thoughts ought to be enlisted in the work of suppressing the rebellion.

"It is by no act of mine that my name has been brought into discussion in connection with the succession. If I could have my way, I would not have it uttered by a living soul in that connection—nor any other name—until it would be absolutely necessary in order to make a choice.

"I do not agree with you that slavery should not be discussed. There are powerful influences at work to bring back the insurgent States with slavery. This *must* be resisted. An amendment of the Constitution prohibiting slavery would be an era in the world's history. Reconstitute the

States by the voluntary action of their several populations, and with constitutions prohibiting slavery, and then crown the work by a national prohibition. How grand *that* would be!

"The amnesty proclamation seems to fail. I don't like the qualification in the oath required; nor the limitation of the right of suffrage to those who take the oath, and *are otherwise qualified* according to the State laws in force before rebellion. I fear these are fatal concessions. Why should not *all* soldiers who fight for their country vote in it? Why should not the intelligent colored man of Louisiana have a voice as a free citizen in restoring and maintaining loyal ascendancy? . . ."

To William E. Dodge, New York City.

WASHINGTON, March 31, 1864.

". . . . I thank you for transmitting to me a copy of the resolutions of the Chamber of Commerce, adopted on the 17th instant.

"The merchants of New York may rest assured that I shall most gladly do whatever for me is possible for the security and prosperity of business.

"But it must be borne in mind that nothing short of a return to specie payments can secure stability in the value of currency. Even specie payments, it is well known, do not fully accomplish that object. The value of money, as well as of all other subjects, fluctuates in obedience to great laws, the operations of which cannot always be foreseen or provided for.

"Our present difficulties arise mainly from excessive expenditure without adequate taxation. They arise in almost an equal degree from the presence in the channels of circulation of an element—I mean the notes of State banks—which cannot be regulated or even understood by the national authorities.

"If these two causes of disturbance be removed by the action of Congress, and we have what I greatly hope, vigor and success in the war, I see no reason why resumption of specie payments need be very long deferred.

"I have no control over the volume of expenditure or over the amount of taxation, or over the volume of circulation as affected by the issues of State banks, or over the conduct of the war. I feel myself like one undertaking to navigate a ship without a chart among forces of winds and currents which he cannot measure or manage. I can only do my best, hoping the best, and trusting Him with whom are the issues of all events."

To Joshua Leavitt, D. D., New York.

WASHINGTON, March 31, 1864.

". . . . If the 'judicious and patriotic' men of business to whom you refer will devote their energies to induce Congress to tax the local bank circulation out of existence, they will be much better employed than in

suggesting large sacrifices of Government securities in order to create vacuums to be filled by the expansion of that circulation. We need economy, energy in the war, taxation to one-half the amount of our expenditure, and an exclusive national currency. Give me these things, and I will undertake to resume specie payments in six months, and I will maintain them through the war. . . .”

To Thaddeus Stevens, House of Representatives.

“WASHINGTON, April 11, 1864.

“. . . . The circulation of corporation notes as money under dissimilar laws of different States contributes largely to the depreciation of the national currency, and constitutes at this moment a most serious danger to the national finances.

“The laws making United States notes a legal tender in payment of debts did not except debts evidenced by these notes; and therefore operated as a virtual repeal of the State laws by which the corporations issuing them were required to redeem them in coin. Availing themselves of this legislation, these corporations have made the United States notes the basis of their issues, and inasmuch as these notes themselves cannot at present be exchanged for coin, redemption has become merely nominal. No reduction in the volume of national issues, under these circumstances, can work material benefit to the circulation, for every such reduction merely makes room for fresh corporation issues, which are not always or even generally restricted to the amount of United States notes withdrawn. Thus the issues of the State corporations create a constantly-increasing excess in the volume of currency as compared with the requirements of actual transactions; and this excess works progressive depreciation.

“To arrest this depreciation is an absolute necessity, and to effect this object I see no better or more certain means than judicious measures for the exclusion from circulation of all notes intended to circulate as money, and not authorized by national legislation.

“There can be no hardship in such measures, for all corporations now authorized to issue notes under State laws can be changed by proper proceedings into national banking associations. The only effect will be to bring all circulation under national control and prevent increase without the sanction of Congress. And not only is there no hardship, but the security which will be given by a uniform currency to all transactions of business will be a positive advantage to all institutions of discount. Even if there be in some cases a degree of hardship, it is only that which should be, and by patriotic and loyal institutions will be, cheerfully borne as a sacrifice to the public safety and welfare.

“To the convenience of the people in the payment of internal taxes; to the negotiation of loans, and to the faithful discharge of national obligations to the army, the navy, and the public creditors of every class, one currency and that a national currency, is indispensable.

"The time seems to have come when Congress, under the Constitution, should provide such a currency, and make it the exclusive circulation of the country, by asserting and maintaining the doctrine that the currency belongs to the nation, and that the emission of notes for circulation as money by private, municipal or State authority is as indefensible as the emission of coin by the same authority, and as subject to restriction and prohibition by Congress under the Constitution. . . ."

To the President.

J. W. Warden
"WASHINGTON, April 14, 1864.

" Two measures are of great importance: the exclusion from circulation of all credit circulation not authorized by Congress, and increased taxation. If Congress will make the national banking system safe and at the same time acceptable, and enact a tax law which will yield, with duties on imports, four hundred millions of revenue—or half at least of the expenditure—there will be no need to fear financial disasters, unless we shall have unexpected military disasters.

"I have taken the liberty heretofore, and perhaps too pertinaciously, to urge all possible economy compatible with efficiency; but I hope that the importance of it will be thought a sufficient justification.

"I am glad to understand that the military work of suppressing the rebellion is now to be prosecuted with system and vigor. With system and vigor and economy in the conduct of the war, and with the financial measures I have indicated, we may confidently expect, through the Divine favor, an early and successful termination of the struggle, and the restoration of peace with an unbroken Union of free States. . . ."

To S. De Witt Bloodgood, New York.

"WASHINGTON, May 9, 1864.

" Our financial future, as I see it, is clouded only by military and legislative uncertainties. If Congress will give me the laws I need for the support of the public credit, such as the amended banking law, a rightly framed loan bill and a good tax bill, and if the President will insure me proper administrative support by economizing expenditures and the effective application of actual disbursements, I can resume specie payments and can maintain them when resumed. Doubtless it would be unwise to resume so suddenly, but it certainly would be well to have the power to do so, and it would be well to use the power in a gradual and not distant resumption.

"My whole plan has been that of a bullionist and not that of a mere paper-money man. I have been obliged by necessity to substitute paper for specie for a time, but I never have lost sight of the necessity of resumption; nor, to use a military phrase, have I ever suffered my communications with my base of operations to be broken.

"The great error which my opponents have committed is, in my judg-

ment, their endeavor to maintain a system of State banking unsuited to the wants of a great nation obliged to incur a large debt. The national banking system is a necessary, and indeed an inevitable step in our financial progress to a more perfect political Union. Had such a system existed, or rather had such a system been possible, at the beginning of the war, specie payments need never have been stopped.

“But I must not enlarge. Before closing, however, let me say that I have no intention of offering a more advantageous loan to investors than the ten-forties. I have sometimes thought of offering to the whole people for a time their choice of 10-40, 5-20, or '81 bonds, with an abatement from the market rate which would give a slight advantage over subscriptions at par or purchase in an ordinary market. It has occurred to me that such an offer at one-quarter or one-half, or even one per cent. below the true price (considering the ten-forties as par), and continued open, say for fifteen, twenty, or even thirty days, would bring very large subscriptions. I have also thought of a legal tender, bearing interest at six per cent. compounded every six months, and payable with the whole interest three years from date; or of a seven-thirty note with interest payable in lawful money and without the character of a legal tender.”

To Richard Smith, Cincinnati.

“WASHINGTON, May 27, 1864.

“The expenses of the Government average \$2,500,000; they often exceed that amount.—\$2,500,000 a day is, in round numbers, \$66,000,000 a month. There are two ways to provide this sum: one is by borrowing, the other is by issuing legal-tender notes in some form. Suppose I advertise for a loan of sixty-five millions to pay the expenses of one month at six per cent., at what rate would the bonds be taken? The six per cent. bonds of 1881 sold yesterday at 114. The real value, accrued interest deducted, is between 112 and 112½. Now, suppose sixty-five millions put on the market, what price could be obtained? Possibly 110. Suppose another sixty-five millions put on the market next month: what price then? Doubtful if par. It is easy to see that to obtain money by loans in this way, however it might suit the ideas of some people, who suppose that the capacity of absorbing loans is infinite, would hardly work in practice.

“All that can be done with loans in any form is to absorb what naturally seeks investment in this description of securities; and if this capacity of absorption be crowded, the effect of the glut will be found in a rapid diminution in the price of bonds until they become entirely unavailable.

“How idle it is, then, to clamor about raising money exclusively by loans!—about selling the bonds for what they will bring, and all that! Under existing circumstances, the best that can possibly be done is, to get all that can be got by loans without greatly damaging those already in the market, and to meet the remainder of expenses by legal tenders so made as to inflate the circulation as little as possible. It was no choice of

mine to issue the 5 per cent. legal tenders; it was a necessity created by the inadequacy of revenues as compared with expenditures, and by the impossibility of making loans at any rate of interest.

"It is a great mistake, however, to think that the currency is inflated by the amount of those issues. About two hundred millions of notes were issued. The issue no doubt inflated the currency, but the issue of forty or fifty millions of non-paying legal tenders would have inflated it equally. The truth is that the currency was surcharged when the issue began, and the true remedy was taxation enough to pay so large a proportion of expenses that the residue could have been provided for by loans. And the real remedy for present evils is, greater taxation, diminished expenditure, and preparation for a return to specie payments.

" What I say is, that the national Government has been obliged to issue legal-tender notes, and that I do not see any necessity for the issue of paper money by the State banks. The two circulations together make the inflation. Which can be withdrawn with the greatest advantage to the Government? This is the present question: not what causes the inflation. I know of no just claim which the State banks have to make money for the country. I know that it is a necessity for the nation to have the control of the circulation of the nation. I think, then, that the State bank currency should be withdrawn, and that no currency should be allowed except the national currency. So far as this consists of legal tenders, their issue and circulation are a direct gain to the country, and if not issued in excess the benefit would be unmixcd. So far as it consists of notes of national banks, it is recommended by the indispensable necessity of such institutions to make a uniform national currency permanent; by the benefits derived from the support afforded by them to the credit of Government bonds, and by the convenience and utility of those institutions to the Government in other important respects.

" I hope that, if I cannot altogether prevent inflation, I do all that is possible under existing circumstances. I hope that the legislation of Congress at this session, though long delayed, and the victories of our armies, though eager expectation remains still unsatisfied, will soon enable us to pay more as we go, and make it possible to do so by reducing and systematizing expenditures."

To Miss Mary A. Snyder, Miss Eliza S. Duffield, and other Ladies of Philadelphia.

WASHINGTON, June 17, 1864.

" I am greatly obliged by your present and by the kind note which accompanied it. The picture was intended to remind me of my work in the establishment of the national banking system. If the results of that system are such as I hope, I shall be satisfied. I have sought to give a national currency to the country, so sound that no laboring man shall be cheated of his wages by bank insolvency, and so uniform that a traveler may pay his bills without exchange of money from one end of

the land to the other. I have sought, also, while securing such a currency, to establish such foundations of national credit in the security, value, and diffusion of national bonds, that we may be able to meet hereafter with energy and promptitude any dangers arising from abroad, while disunion will be impossible at home. Time must try my work and test its utility or inutility; I claim only to have sought the best ways of service to our country. . . .”

To William Cullen Bryant, New York. ✓

“WASHINGTON, June 30, 1864.

“ Your good opinion has always been one of my chief treasures, because it is the honest opinion of a candid and just observer. I have never expected it to extend to all the measures the exigencies of the country have compelled me to adopt; and yet, looking back, I can see now no measure which my judgment condemns except that required by the New York banks, the issue of legal-tender coupons. My grand objects have been, first, to provide for the vast demands of the war, and second, the substitution of a national bank-note currency for State bank-note currency, and through the last resumption of specie payments, and so permanence and strength in the financial order. I think if we could compare notes, very little difference would be found between our opinions. ✓

But it is of little importance to the country now what my financial views may be. A sense of duty to myself and to the country—imperative you will think, I hope, it must have been—constrained me yesterday to tender my resignation to the President, and it has been accepted to-day. So I am no longer Secretary. If I feel some regret that I cannot carry out my ideas to consummation, it is compensated by the sense of relief from crushing responsibilities.

“With this act terminates, I trust, my whole connection with official life. There has never been any thing for me but opportunity for work; and I gladly surrender all claims upon it to those who may prize it more. . . .”

TO 412

CHAPTER XL.

SUMMARY—MR. CHASE'S FINANCIAL OBJECTS—TO OBTAIN SUPPLIES—TO PROVIDE A PERMANENT CURRENCY—TO PROVIDE A FUNDING SYSTEM AND SECURE CONTROLLABILITY OF THE PUBLIC DEBT—OBJECTIONS TO LONG BONDS—TO SECURE EARLY RESUMPTION—GENERAL EFFECTS OF HIS MEASURES—LETTERS TO COLONEL VAN BUREN AND SECRETARY FESSENDEN.

IN all his financial measures, Mr. Chase kept steadily in view three great objects:

1. To establish satisfactory relations between the public credit and the productive industry of the country; in other words, to obtain supplies for the army and the navy. The suspension of the banks put an end to the first and most obvious resort—loans of gold—and made new methods indispensable. It was then that the Secretary resorted to legal-tender notes, made them the currency of the country, and borrowed them as cash. The patriotism of the people came to the aid of the labors of the Treasury and the legislation of Congress; and the first great object was made secure.

2. To provide against disastrous financial results on the return of peace. In Mr. Chase's judgment, this could most safely be accomplished by the establishment of a national currency, as was done by the acts of Congress authorizing national banking associations. At the beginning of the war, there were about 1,500 State banks in existence, and their proprietors and officers sought to make the paper of these institutions the currency of the country. The Secretary was inflexible against this, and confined his

loans to "greenbacks," but he did not wish to drive out the State bank circulation, nor did he think it exactly honest to do so, without giving them a just equivalent, and so neutralize their opposition to a national currency, and as far as possible make them allies instead of enemies. And though there was a good deal of antagonism between the Secretary and some of the more prominent representatives of the State bank system, and Mr. Chase was resolute in his purpose to suppress their circulating notes, if he could, he did not fail to admit that they had rendered great and important services. The national banks were certain, however, in many ways, to be inestimably more useful than the State banks, as well during the war as in time of peace. Besides which, Mr. Chase believed not only in the constitutional right of the Federal Government to control the circulation, but he believed it to be the *duty* of the Government to do so. And it was in the spirit of this belief that he wrote to Mrs. Sprague, December 14, 1869: "I read an opinion yesterday which cost me no little labor; and I was glad to have the privilege of reading it; for I think it of great importance to all the business interests of the country, and especially to men and women who depend on their daily labor for daily livelihood. It simply affirms the power of Congress to furnish the money circulation of the country, whether in coin or credit, and restrain the issue of currency by State banks and individuals, without authority of national law."¹

3. The third division of labor was to provide a funding system. It was necessary, and unavoidable, during the rebellion, that every means of credit should be used. The Secretary borrowed in every way that he could at reasonable rates, and hence the adoption of different forms of public obligations: temporary loans, certificates of indebtedness, 7-30 notes, compound-interest notes, Treasury notes payable after one and two years, etc.; it being found by experience that the form which suited one holder did not suit another, while inordinate demands for the army and navy made it necessary that every dollar should be had which could be raised under any form.

But it was necessary also to have *funding loans* into which all these temporary loans could be ultimately merged. To this

¹ This was in the case of the *Veazie Bank against Fenno*. 8 Wallace, 538.

end Mr. Chase established the 5-20 and the 10-40 loans. He believed that with the prestige of the 5-20 loan, and certain that a 10-40 five per cent. bond was intrinsically worth par, all the sums needed for the war could be obtained by the sale of 10-40's and by temporary loans. It was into 10-40's that Mr. Chase intended—had he remained at the head of the Treasury—ultimately to consolidate the national debt. He believed this could be done on the return of peace, and he did not change his opinion upon this subject when peace was restored to the country, and a different policy was adopted. The advantages of a form of loan, where the option of payment or continuance, after short terms, is with the Government, are obvious. The experience of the Treasury confirms what is thus said to be obvious. In President Pierce's time, there were outstanding six principal descriptions of debt; that is to say, the loans of 1842, 1843, 1846, 1847, 1848, and the Texas indemnity, payable respectively after 1862, 1853, 1856, 1868, and 1865; two of them being payable, therefore, during President Pierce's term, and the others in five, eight, and eleven years from the end of it. The Government, having the means, desired to anticipate payment of these loans, and did anticipate payment of more than half the whole amount. It paid \$48,060,787.37 at premiums amounting to \$4,609,882.31. The Texas indemnity was a five per cent. loan maturing after 1865. Of course it had the longest time to run. The books of the Treasury Department will show what premiums were paid; but it is worth noticing that Congress in 1854 authorized the payment of \$2,000,000 mainly for the privilege of anticipating the payment of \$5,000,000 of this same indemnity.

✓ For the plan of long loans Mr. Chase had a great aversion. "It subverts the principle," he said in a letter to Jay Cooke, May 11, 1866, "upon which I arranged the whole system of loans. It was one of my leading purposes to introduce into our financial methods the principle of controllability. I could never consent that the people should be subjected to the money-lenders, but insist that the money-lenders should rather be subjected to the people. Capital always takes care of itself. It organizes itself easily, and acts with energy. Labor does not easily organize itself, nor can it act with energy, nor take care

of itself so efficiently. The reason is plain—capital is the property of the few and labor of the many. Now, to insure the right of the people to make the best possible arrangement of their debt, I introduced the principle of redeemability after short periods, and payability at fixed but remoter dates. Thus the 5-20 loan was made *redeemable* at any time after five years and *payable* twenty years after date: that is to say, the people have a right to pay off that loan at any time during the fifteen years between the end of five and the end of twenty years. . . . So, too, the 10-40 loan at five per cent. was made redeemable after ten and payable after forty years. My purpose was, to enable the Government to negotiate cheaper loans—at four to five per cent.—in the intervals during which the right of redemption was in its hands. This arrangement was manifestly in the interest of the people, and was not for the benefit of any particular class. And I do not doubt that a wise administration of affairs will produce such a state of prosperity that the interest upon our debt can be reduced, in the course of ten or fifteen years, to the cheapest rate paid by any nation. Why not?"¹

It was Mr. Chase's conviction that his measures tended to facilitate an easy and prompt resumption of specie payments at the close of the war, and had he remained in the Treasury he would certainly have attempted to resume within a few months after Lee's surrender. It was his belief that this was practicable and safe at any time within a year after that event, and that it might have been effected then with far less embarrassment and danger than at a future time. In his judgment, every year's delay added to the importance of the subject, since greater difficulties were certain to arise as the period of inconvertibility was

¹ Not only was it Mr. Chase's policy to keep the public debt within easy control of the Government so far as regarded the right of redemption, but he felt that there was no just reason why property in interest-paying securities of the Government should not be subject to national taxation. "It is neither morally right nor politically safe," he wrote to Mr. Greeley in May, 1866, "to exempt bonds more than other property from contribution to the national burdens. Exemption from State taxation is necessary to preserve the national power to borrow money, from invasion, crippling, and possible destruction; but national taxation is the exercise of the nation's own discretion, and will always be so exercised as not to injure the nation's means of defense and security. Exemption of this species of property from national taxation will certainly invite assault from political opponents, and is as dangerous as it is inexpedient."

prolonged. "The way to resumption," he said, in a letter to Mr. Greeley, May 17, 1866, "is to resume." What his plan would have been he has not put upon record, further than to say that it would have been by diffusion of the gold supply rather than by contraction of the circulation.

. . . . The science of finance can hardly be regarded as a fixed science, since upon no other subject do men more widely differ. Lord Macaulay said of Pitt's sinking fund that it was a "juggle:" that Pitt "first persuaded himself and then the whole nation, including his opponents, that a new sinking fund which, so far as it differed from former sinking funds differed for the worse, would, by virtue of some mysterious power of propagation belonging to money, put into the pocket of the public creditor great sums not taken out of the pocket of the taxpayer. The country hailed . . . with delight and boundless confidence, a remedy which was no remedy. The minister was almost universally extolled as the greatest of financiers." (Lord Macaulay's Essays, "William Pitt.") "These dangers," said Sir Archibald Alison—that is, the dangers to the public prosperity likely to result from the pressure of the British national debt—"took strong possession of the mind of Mr. Pitt, but instead of sinking in despair under the difficulties of the subject, he applied the energies of his understanding with the greater vigor to overcome them. Nor was it long before he perceived by what means this great object could with ease and certainty be effected. . . . Mr. Pitt, with the instinctive sagacity of genius. . . . established a machine by which the vast debt of England might, without difficulty, be discharged." (*See* Alison, "History of Europe, First Series, Chapter XLI.") Both these distinguished historians describe the same financial measure.

Differences of opinion as wide as these have existed, and do still exist, touching many of Mr. Chase's measures. He was not the author of the legal-tender system, and acquiesced in it rather than approved it; but he was the author of the national banking system, and though it cannot be denied that it is obnoxious to some serious and important objections, it is certain, on the other hand, that it is incomparably the safest and soundest banking system the country has ever known. The benefits of it are familiar to every citizen, and it seems solidly intrenched in our

business habits and systems, and is free from probability that it will ever become a political instrument in the hands of any Administration. No better loan system than that adopted by Mr. Chase could have been devised. Under it the public loans were absorbed to a surprising extent, with great steadiness, and at rates the most economical. Had he yielded to the clamor of "free-trade in bonds" and sold them for "what they would bring in open market," the public debt would have been largely enhanced, though bankers and brokers would doubtless have made more money than they did. The country was in the midst of a war of extraordinary magnitude and destructiveness, but, under the general operation of Mr. Chase's measures, its prosperity was astonishing. At the beginning of the war the general wealth was estimated at \$16,000,000,000; in 1870 it was estimated, upon careful computation, at \$25,000,000,000. This was an immense accumulation in the progress of a single decade, and shows an unparalleled increase in productive energy despite the pressure and waste of the war. But of course a large part of it was due to the stimulus given by Government demand to the inventive faculty of the country. It has been shown that, notwithstanding the withdrawal of 30,000 agricultural laborers of Iowa from their home pursuits into the army, their places were more than filled by improved agricultural machinery and its immensely extended use.¹ Mr. Chase, after a careful investigation into a particular branch of industry (the boot and shoe manufacture), found that by the introduction of machinery the capacity of the country for the production of boots and shoes was much greater in 1864 than it was in 1860. Nevertheless, the substitution of a Government currency of uniform value and admitted credit made the rewards of labor and invention sure and adequate, and furnished a sound basis for the enlarged production.

The enhancement in prices which happened during the last six months of Mr. Chase's administration is not fairly chargeable to the financial management, but rather to the prolongation of the war and the want of success in conducting it, and loss of confidence in the ultimate reëstablishment of the national au-

¹ So stated by David A. Wells, the distinguished economist, in one of his reports as Special Commissioner of the Revenue.

thority. The proof is, the rapid appreciation of the national currency immediately upon the crushing out of the rebellion. Gold, from a premium of 128 per cent. on the 1st of January, 1865, sunk to 40 per cent. on the 1st of July subsequent, without any material reduction in the aggregate sum of the circulation.

. . . . The period of severest embarrassment experienced by the country during Mr. Chase's administration was in the interval between January 1, 1864, and the 30th of June of the same year. Mr. Chase, in a letter to Colonel John D. Van Buren, of New York, April 17, 1865, explains the causes of that embarrassment, so far as they were due to his own measures, and in a letter to Mr. Secretary Fessenden, August 27, 1864, describes the remedies he should have adopted had he remained at the head of the Treasury:

To Colonel Van Buren.

" That paper, to be a useful currency, must be normally equivalent to coin by being made its actual representative, I have never doubted. An emergency may justify, and, at the time when the legal-tender act was passed, did, in my judgment, actually justify the substitution of legal-tender notes for coin.

" I never contemplated, however, an issue of such notes beyond the amount which should be actually needed for the purposes of exchange, were the currency composed of coin and its equivalent. Nor has the amount of notes which can be properly regarded as currency, ever exceeded that limit. The largest amount ever issued was in round numbers four hundred and fifty millions, of which fifty millions were issued gradually in redemption of temporary deposits, and immediately put in course of reduction. Of the whole amount, from ten to thirty millions—say an average of fifteen millions—was constantly in the Treasury.

" The extreme exigencies created by the vast expenditures of the war, and the indisposition of Congress to impose the necessary taxes, raised a clamor for increased issues. This I resisted, and made every effort in my power to raise the sums needed by loans. The embarrassments thrown in my way by unscrupulous opposition within and without the organization which supported the President, hindered the success of these efforts and made them less fruitful than I hoped. I was compelled to use some expedients for payment of the army and the navy, or see the defeat of all our efforts to save the integrity of the country. I adopted a middle course between the issue of more currency, properly so called—that is, notes not bearing interest, receivable for debts and made legal tender in payment—and the ordinary exchange of bonds for money by loans.

" I issued notes bearing interest and made legal tender only for their

face amount. I was aware, of course, that these notes would to some extent be used as currency; at first to a very great extent, but less and less as the interest should accumulate. The first issues bore an interest of five per cent., and on a portion of them the interest was represented by coupons payable every six months. The coupon notes were issued in compliance with the wishes of the New York banks, a compliance which I had reason to regret. It was evident, indeed, that the periodical payments of interest would periodically make the notes simple legal tender, and so increase from time to time the volume of currency, and expose the Government and the business community to the evil of recurring inflation and contraction. To prevent this evil which was magnified by interested parties, but which was a real evil, I withdrew from the holders, by means of loans, a large amount—say sixty or seventy millions—before the maturity of the first coupons. The remedy was effectual. There was no expansion, but a contraction at the time the expansion was expected.

“At this time, believing the rate of five per cent. too low to secure the withdrawal of the notes from circulation as rapidly as was desirable, and confirmed in my conviction of the impolicy of issuing legal-tender notes with interest payable periodically, I determined on the issue of compound-interest notes; that is, notes made legal tender for their face, but bearing interest at six per cent. compounded semi-annually for three years, and payable only at the expiration of three years. These notes I intended to substitute for the five per cent. legal-tender notes, but I had no idea of increasing the volume already issued; on the contrary, it was my purpose and expectation, if I could obtain the necessary legislation from Congress, to diminish it gradually until payments in specie could be safely resumed. With a uniform national currency I believed, and yet believe, that resumption could be effected with less embarrassment than has heretofore attended upon such a condition of our own or any other country.

“It was at this time that the differences between myself and the President led to my resignation.

“After that the exigencies which had induced me to resort to interest-bearing legal tenders, induced my successor to issue the compound notes and to increase the certificates beyond the limits of my own intention. But there was still no increase of the legal tenders properly so called. The amount of them in the Treasury and out of the Treasury in circulation, when I left the Department, was about \$430,000,000. On the 31st of March, 1865, it was \$433,160,569. I had issued of compound-interest notes about \$15,000,000, and contemplated an additional issue in substitution for five per cent. notes withdrawn, of about \$40,000,000. The amount issued on the 31st of March was \$156,477,650. The total amount of legal tenders I issued, with and without coupons attached, was about \$211,000,000, and the amount withdrawn, at the time I left the Department, was about \$80,000,000. No addition, I believe, has been made to the issue, and it appears to have stood, on the 1st of March, at \$211,000,000, with an amount withdrawn of \$141,477,650, leaving out-

standing \$69,522,350. The whole amount is now due, or nearly due, and will be paid as presented or absorbed in new loans.

"This statement will show you the true condition of the currency, exclusive of that furnished by the State banks and the national banks. The rapid conversion of the former into the latter makes it certain that the currency of the country will soon be wholly national. I hope that the converted banks will be required to substitute the national for the State currency, in which case no increase will arise from the issue of the former. It will be easy to prevent any increase at all by withdrawing, upon the issue of circulation to national banks, an amount of ordinary legal tenders, equal to the excess of national bank-notes issued over State bank-notes withdrawn, and, if necessary, issuing in their stead compound-interest notes, which will gradually lose the character of currency and take that of debt.

"So, you see, I think the currency now certain to improve, if the Treasury is judiciously managed and is not overwhelmed by excessive expenditures. I have great confidence in its present head; and I feel confident, too, that expenditures will be retrenched as fast as possible and soon brought within the resources supplied by revenues. Then borrowing will cease and reduction begin.

"Your plan of substitution of gold accumulation for redemption would no doubt improve the currency. The main objection to it is the danger attending the custody of such accumulation. Who will keep it? Who will keep it safely? Who will keep the keepers? And does it not involve the substitution of all bank-note currency, however safe or surely convertible? And can such a revolution be achieved?"

To Mr. Secretary Fessenden.

"I write to fulfill the promise I made you, that I would give you my views on the financial situation.

"I assume that the daily disbursements or engagements amount to an average of \$2,700,000, counting week-days only. This will make a total of \$848,000,000, in round figures, for the fiscal year 1864-'65. Take from this aggregate sum the amount required for coin interest and other coin payments, and supplied from customs, say \$70,000,000, and there remains for other objects \$775,000, to be supplied from loans and revenue other than customs. The rate of receipts from internal revenue, since the 1st of July, indicates an income from this source of about \$18,000,000 per month, or \$216,000,000 a year, which sum will be increased by the receipts from special income tax to \$236,000,000, or perhaps to \$240,000,000. To this may be added \$25,000,000 from purchase and sale of the products of the insurgent States, if our armies are successful and the Treasury derives from this source all it legitimately may: \$25,000,000 may be too large a sum, but, taking it as correctly estimated, the whole amount of revenue, except customs, may be set down at \$265,000,000 for the year. Take this sum

from the estimated expenditures, and you have \$510,000,000 to be provided by loans in some form; say, in round numbers, \$1,600,000 each week-day. If there is to be a reduction of the circulation—which I hoped and expected to effect at the rate of say \$10,000,000 per month—the sum of \$120,000,000 must be added. But this will not increase the total of the debt, but is merely a change in form. The real increase will be represented, of course, by the loans made to meet disbursements beyond revenue.

“How to obtain loans is the question of pressing importance. How to obtain them in such a way as to improve rather than injure the public credit, and the general interests dependent on the condition of the currency, is a question of equal importance if not of such pressing exigency.

“When I left the Department a large amount of five per cent. legal tenders had been withdrawn; say \$80,000,000. I expected to replace them with compound-interest notes, leaving say \$10,000,000 absolutely withdrawn; and I wished to add to the amount withdrawn \$10,000,000 a month, of which a part would be replaced by the national currency issued by the national banks. In this way I expected to accomplish a safe and gradual reduction in the volume of currency, with a view to resumption of specie payments as soon as practicable without too great prejudice to the large interests involved. In this anticipation I assumed that the legislation of Congress, though not likely to cause any considerable reduction in the State bank circulation, would at any rate prevent its increase.

“The amount of liabilities beyond all immediate provision for them was about \$13,000,000 when I left the Department, or if the intended reduction of \$10,000,000 should be added, \$23,000,000. To meet this I advertised the remainder of the \$75,000,000 loan not already taken; say \$33,000,000, fixing the minimum of premiums at which bids would be accepted, at four per cent., below which previous offers had been declined. Some offers under this advertisement had already been made when I resigned, and I did not doubt that I should obtain offers for the whole loan, if not under the advertisement at that time in the papers, yet by subscriptions or under another advertisement. I would by these means have been enabled to clear the table of requisitions, and would have had ten millions left and current revenue to meet future demands for a few days, until I could arrange for the disposition of the 7-30's and 10-40's at home and of other bonds abroad.

“Properly enough, my advertisement was withdrawn after my resignation; and it was my hope and expectation that you would find a better resource than the 1881's in a loan of \$50,000,000 from the banks; some of the leading managers of which, hostile to me because of my support of the national banking system, would, I hoped and thought, be likely to give you the benefit of their influence. My expectations were not, however, realized.

“Since then you have done what I proposed to do in appealing to the people for subscriptions to the 7-30's. But as yet you have not disposed of any other bonds than the 10-40's. It seems to me that you should.

“The subscriptions for the 7-30’s and the 10-40’s equal my expectation under the present plan of disposing of them. My experience satisfied me, as I have already said to you, that the plan of a general agency—such as I adopted in procuring subscriptions to the 5-20’s—was much better than the plan of numerous agents (national banks and others acting under them), with supervision by the Treasury Department which I adopted in obtaining subscriptions for the 10-40’s, and which is now continued in regard to both 7-30’s and the 10-40’s. I have not forgotten the calumnies for which my employment of a general agent was made the occasion, and I confess it was principally with a view of avoiding these calumnies that I abandoned the general agency system. But, being satisfied that it was the best plan for the country, I had determined to return to it and disregarded slander and slanderers. If you think best to adhere to the present plan, I can suggest no improvement upon it; unless it be that your advertising agent should be directed to pay more attention to the 10-40’s, and that the efforts of the national banks and others should be stimulated by larger rewards. I think the present compensation is, or ought to be, sufficient; but it is so important to raise money enough to meet all demands promptly, that it seems advisable to consider whether effort might not be stimulated by increase.

“When I last saw you, we had some talk about receiving certificates of indebtedness in payment for bonds in whole or in part. I have no doubt they should be so received rather than allow the present depreciation; but may not the same end be accomplished without the discredit which will attach to their receipt for bonds? Why not suspend all certificates till the outstanding amount is reduced to proper limits—say about \$150,000,000? The reduction might be hastened by the purchase, through a confidential agent, of a few millions. This operation, by improving their value, would greatly benefit the holders, and would at the same time enhance the public credit. And if you resolve on a reduction of the amount of certificates through a loan, I think the best plan is to make them receivable for a limited time for 10-40’s.

“Your main reliance for funds must be on the bonds of 1881, the 5-20’s, the 10-40’s, and the 7-30’s.

“It will, I think, be well to dispose of the \$33,000,000 of the \$75,000,000 loan still undisposed of; nor should I hesitate to add to this amount enough to make the total amount of 1881’s issued (after all exchanges of the old 7-30’s are completed) some even number of hundreds of millions. These bonds can be disposed of now, I think, at a premium of not less than four per cent. Possibly more may be obtained.

“The sale of the new 7-30’s and the 10-40’s should be promoted in every possible way. I have already suggested a general agent, but, with or without such an agent, liberal advertising and the most liberal encouragement to purchasers for resale, and to the national banks acting as agents, are important considerations. . . .

“From these sources and by these means, with fair measure of military

success, I do not doubt that the Treasury can be supplied till the meeting of Congress. The State banks must then be induced to come into the national system, or required to cease from issuing notes for circulation; and such taxes must be imposed as will bring the amount to be raised by loans within the limit of the natural demand for bonds. Such legislation by the last Congress would have saved many millions. By the next Congress it will be indispensable to the success of the Treasury. . . .”

CHAPTER XLI.

MR. CHASE AND THE WAR—EXTRACTS FROM HIS LETTERS AND DIARIES.

1861.

To John T. Trowbridge, Somerville, Mass.

“WASHINGTON, *March 31, 1864.*”

“ IMMEDIATELY after the organization of the cabinet, the question of what should be the policy of the Government toward the seceded States, demanded the most serious attention. Anderson, with his little company of soldiers, was holding Fort Sumter, and the first question was, “Shall he be relieved?” General Scott declared that complete relief was impracticable with a less force than 20,000 men. He thought, however, that the fort might be defended for several months if reënforced and provisioned; but that reënforcements and provisioning were impracticable, as the fire of the enemy’s batteries would be concentrated upon any vessel which might make the attempt, both while entering the harbor, and especially when endeavoring to land men and cargoes at the fort. The President finally determined to make the attempt to send provisions to the garrison.

“Information that the attempt would be made was transmitted to the Governor of South Carolina, and its receipt was promptly followed by an order from the rebel authorities to reduce the fort. How this was accomplished is historical, and it is also historical how the country was aroused by the rebel guns which opened on the fort. The call for 75,000 men immediately followed. It soon became evident that nothing beyond the mere defense of Washington was to be accomplished by this force.

“I took the liberty of urging upon General Scott to occupy Manassas and compel the rebels to evacuate Harper’s Ferry and the Valley of the Shenandoah. It has since become evident that this might have been then done, and it is even probable that a vigorous use of the force then at the disposal of the Government might have driven the rebels from Richmond.

The action proposed, however, was thought to involve too much risk. The rebels were suffered for weeks to occupy Alexandria with an insignificant force, to incite insurrection in Baltimore, and to destroy the national property at Norfolk, except that which was destroyed under orders by ourselves. At last, after long delays, Baltimore was recovered, Alexandria was occupied by national troops, and the rebels were driven from Harper's Ferry. Meanwhile, it had become evident that the 75,000 men originally called for would be insufficient. To replace them I took the liberty to prepare a call for 65,000 volunteers. This proposition, after having been modified so as to include an increase of the regular army, was sanctioned by the President, who, with the consent of the Secretary of War, directed me to prepare also the necessary orders. I invited to my assistance Colonel Thomas, Major Irwin McDowell, and Captain W. B. Franklin. After a good deal of consideration the orders since known as Nos. 15 and 16 were framed; one for the enlistment of volunteers and the other for regular regiments. Major McDowell contributed the largest amount of information and suggestion, while the other two officers were by no means wanting in both. It was my part to decide between different opinions, and put the whole in form.

"The object I had in view in all this was—as there was no law authorizing the raising of the force required—to prepare to make a regular system and plan in conformity with which all new enlistments should be made clear and intelligible in itself, and capable of being laid before Congress in a form which would be likely to receive its sanction. These orders were promulgated in May, 1861.

"There were wide departures from this plan, however. Great irregularities prevailed. Regiments were raised under verbal authority from the President and Secretary of War, and under written memoranda of which no record was preserved. So that the orders failed to secure the objects I had in view—beyond the simple provision of force—which were, order and system, and through these efficiency and accountability.

"During this time great efforts were made in Kentucky and in Missouri to precipitate those States into rebellion, and I was called on to take a very considerable part in the measures adopted to prevent their success. The President and Secretary of War, indeed, committed to me for a time the principal charge of what related to Kentucky and Tennessee, and I was very active also in promoting the measures deemed necessary for the safety of Missouri. When Rousseau, then a Union Senator in the Kentucky Legislature from Louisville, came to Washington to seek means of raising men for the defense of the Union, I took his matters in charge; obtained for him a colonel's commission and an order, which I drew up myself, authorizing him to raise twenty companies. I was also charged with the care of Nelson's work; drew most of the orders under which he acted; and provided the necessary means to meet expenses. So, also, I was called on to frame the orders under which Andrew Johnson was authorized to raise regiments in Tennessee. These duties brought me

into intimate relations with those officers; particularly with the first two. They were worthy of the confidence reposed in them by the President. I doubt if more valuable work has been done with so much activity, economy and practical benefit in raising men, by almost any others. Nelson's movement into the interior of Kentucky and the establishment of the Camp Dick Robinson, was especially most opportune. I think that this movement saved Kentucky from secession. I am quite sure that, without the organization of Nelson and Rousseau, the State would not have been saved from that calamity.

"While he was Secretary of War, General Cameron conferred much with me. I never undertook to do any thing in his department, except when asked to give my help, and then I gave it willingly. In addition to Western Border-State matters, the principal subjects of conference between General Cameron and myself were slavery and the employment of colored troops. We agreed very early that the necessity of arming them was inevitable; but we were alone in that opinion. At least no other member of the Administration gave open support, while the President and Mr. Blair, as least, were decidedly averse to it. The question of the employment of the colored people who sought refuge within our lines soon became one of practical importance. General Butler wrote from Fortress Monroe in May, 1861, asking what disposition should be made of such persons. The Secretary of War conferred with me, and I submitted my suggestions to him in the form of a letter, which he adopted with some slight modification. General Butler wrote again in July, and being again consulted, I again submitted suggestions which were adopted. In the first of these letters, General Butler was directed to refrain from surrendering alleged fugitives from service to alleged masters. In the second he was directed to employ them under such organizations and in such occupations as circumstances might suggest or require.

"It will be observed by the reader of those letters that at the time they were written it was expected the rebellion would be suppressed without any radical interference with the domestic institutions or internal affairs of any State, and that the directions to General Butler contemplated only such measures as seemed then necessary to suppression. He was not to interfere with laborers whether slaves or free, in houses or on farms. He was to receive only such as came to him, and, regarding all laws for reclamation as temporarily suspended, was to employ them in the service of the United States, keeping such accounts as would enable loyal owners to seek compensation from Congress. . . ."

To Alphonso Taft, Cincinnati.

WASHINGTON, April 20, 1861.

" To correct misapprehensions, except by acts, is an almost vain endeavor. You may say, however, to all whom it may concern, that there is no ground for the ascription to me by Major Brown of the sentiment to which you allude.

“True it is that before the assault on Fort Sumter, in anticipation of an attempt to provision famishing soldiers of the Union, I was decidedly in favor of a positive policy and against the notion of drifting—the Micawber-like policy of waiting for something to turn up.

“As a positive policy two alternatives were plainly before us: 1. That of enforcing the laws of the Union by its whole power and through its whole extent; or, 2. That of recognizing the organization of actual government by the seven seceded States as an accomplished revolution—accomplished through the complicity of the late Administration, and letting that Confederacy try its experiment of separation; but maintaining the authority of the Union and treating secession as treason everywhere else.

“Knowing that the former of these alternatives involved destructive war and vast expenditure and oppressive debt, and thinking it possible that through the latter these great evils might be avoided, and the union of the other States preserved unbroken; the return even of the seceded States, after an unsatisfactory experiment of separation secured; and the great cause of freedom and constitutional government peacefully vindicated—thinking, I say, these things possible, I preferred the latter alternative.

“The attack on Fort Sumter and the precipitation of Virginia into hostility to the national Government, made this latter alternative impracticable, and I had then no hesitation about recurring to the former. Of course I insist on the most vigorous measures, not merely for the preservation of the Union and the defense of the Government, but for the constitutional reestablishment of both throughout the land.

“In laboring for these objects I know hardly the least cessation, and begin to feel the wear as well as the strain of them. When my criticisers equal me in labor and zeal, I shall more cheerfully listen to their criticisms. . . .”

To Dr. William Wirt, Richmond.

“WASHINGTON, March 10, 1861.

“ A friend has placed in my hands a number of the *Baltimore Exchange* of the 7th inst., containing an article from the *Richmond Dispatch* which purports to give an account of the conversation between us, to which you refer in yours received last Friday.

“The article is very far from a correct statement of what was said. A great deal essential to any true understanding of the conversation is omitted, and what is stated is so stated as to convey a totally erroneous idea of its spirit and substance.

“You called on me, and I welcomed you as a friend—as a former pupil—as a son of William Wirt, my friend and instructor in other days—as a member of a family for every individual of which I have long cherished the warmest regard. I understood you also to be a friend of the Union, although earnest in maintaining what you believed to be the rights of the slave States. The Peace Conference was in session, and I was a member deeply interested in the objects of its discussions.

“Naturally, therefore, our conversation was very free; and just as naturally it turned to the existing state of the country; not, however, as stated in the article, with reference to any connection I might have with the incoming Administration, for I did not then expect and I never wished to be charged with a department; but with reference simply to matters before the convention and their relation to the general condition of the country.

“What I chiefly desired to impress on your mind was the anxiety deeply felt by me, in common with all patriotic citizens, for a peaceful solution of existing difficulties. This solution, I suggested, might be found in the organization of Territories without any mention of the subject of slavery, one way or the other, in the organic acts, and in a legislative provision for compensation for fugitives from service, in lieu of extradition—an arrangement likely, as I thought, to prove more beneficial to the slave States, and more acceptable to the free, than the existing law. If legislative solution in this or some similar way should be found impracticable, I suggested a National Convention to prepare amendments of the Constitution as the best means of composing present troubles, or, in the deplorable contingency of impossible adjustment, of providing for peaceful separation.

“You, on your part, expressed great solicitude that no attempt should be made to reënforce Fort Sumter, and stated your conviction that any such attempt would impair the Union sentiment in the South, and lead many Union men to make common cause with the secessionists.

“In reply to observations of this nature, I expressed my confidence that nothing would be willingly done to weaken the cause of the Union in the Southern States; but observed, further, that I did not see how the President could be absolved from his oath to defend the Constitution and execute the law, which seemed to bind him to support Major Anderson in the position his duty had required him to take.

“This led to a discussion of the possibility of war from this and other causes, and of its possible issues. We both deprecated such a conflict and with equal earnestness. As arguments against it, I urged that, even in the event of a complete combination of all the slaveholding States against the Federal Government, a population of eleven millions, of which four millions were slaves, could hardly hope to contend successfully against a population of twenty millions, with no such incumbrance; that a civil war must almost inevitably lead to servile war; that the institution of slavery could not stand the shock of such a conflict; and that, even if the institution should survive, and a separation of the States should be thus accomplished through violence, still, after all, the slave States could by no possibility be more secure, or find better guarantees for the security of slavery, in a separate confederacy than in the Union.

“How different all this from the spirit attributed to me in the article is apparent enough. Nor was the actual character of your part in the conversation less different from that attributed to you.

“For example, you are represented as saying to me in a certain con-

nection, 'What is your object?' and I am represented as replying, 'To free the slave, who is the cause of the war.' No such question was put to me, in any connection, leading to such a reply, and no such reply was made by me to any question whatever. Again, it is represented that you asked me if I 'expected the slave States to return to the Union after their homes had been threatened and their country devastated,' and that I answered: 'We do not want them to return. If the slave States remain in the Union, they will have to be satisfied with much less than they are now demanding.' This statement, too, conveys a totally erroneous idea of what was said. I do not remember your language or my own; but I remember very well that what I said about terms of remaining in the Union had reference to the demand made in the Peace Conference of a new constitutional sanction and guarantee of slavery in national Territories, of which I remarked that the slave States would have to be satisfied with less than that. Again, what was said about peonage, compensated labor, and colonization, had no reference, such as the article makes it have, to liberation through civil or servile war; but to emancipation, possible at some future time, through gradual improvement of the slave population and the voluntary action of the slave States—just such emancipation as Jefferson, your own honored father, and other illustrious statesmen, formerly anticipated, and some Southern patriots and philanthropists, I believe, yet anticipate.

"This is enough. If you derived any such impressions of me or my views as this article indicates from our conversation, I sincerely regret it. It was a frank, unstudied, unguarded talk between old friends of differing opinions. Misconception was, of course, possible. Certainly what I said was greatly misconceived, if you think it warranted any such statement as that which has, unfortunately, injuriously, and, I am sure, without your agency, found its way into the public prints.

"I wish no ill to the slave States; but rather all good. For Virginia and Maryland the circumstances of my earlier manhood inspired in me the interest of a sincere attachment. More than any State, however, I love the Union our fathers made. In the Union, so far as I am concerned, the rights of every State and of every citizen shall be scrupulously respected. Through no conscious agency of mine shall harm come to the republic. Let the remembrance of your father's example prompt you, my dear sir, to a generous interpretation of the motives of those who think otherwise than yourself, and inspire in you a sincere desire to allay rather than stimulate passion, and to reconcile rather than exasperate the differences which have disturbed the tranquillity of the country and endangered the permanence of the Union. . . ."

To the President.

WASHINGTON, March 16, 1861.

". . . . The following question was submitted for my consideration by your note of yesterday:

"Assuming it to be possible to now provision Fort Sumter, is it, under all the circumstances, wise to attempt it?"

"I have given to this question all the reflection which the engrossing duties of this Department have allowed.

"A correct solution must depend, in my judgment, on the degree of possibility likely to attend upon the attempt; on the combination of reinforcement with provisioning, and on the probable effects of the measure on the relations of the disaffected States toward the national Government.

"I shall assume what the statements of the officers consulted seem to warrant; that the possibility of success amounts to a reasonable degree of probability; and that the attempt to provision is to include an attempt to reënforce: for it seems to be generally agreed that to provision without reënforcement will accomplish no substantially beneficial purpose.

"The probable political effects of the measure allow room for much fair difference of opinion, and I have not reached my own conclusion without much difficulty. If the proposed enterprise will so influence civil war as to involve an immediate necessity for the enlistment of armies and the expenditure of millions, I cannot, in the existing circumstances of the country and in the present condition of the national finances, advise it. But it seems to me highly improbable that the attempt, if accompanied or immediately followed by a proclamation, setting forth a liberal and generous though firm policy toward the disaffected States, in accordance with the principles of the inaugural address, will produce such consequences; while it cannot be doubted that, in maintaining a fort belonging to the United States, and in supporting the officers and men engaged, in the regular course of service, in its defense, the Federal Government exercises a clear right, and under all ordinary circumstances discharges a plain duty. I therefore return an affirmative answer to the question submitted to me. . . ."

To the President.

WASHINGTON, April 25, 1861.

". . . . Let me beg you to remember that the disunionists have anticipated us in every thing, and that as yet we have accomplished nothing but the destruction of our own property.

"Let me beg you to remember, also, that it has been a darling object with the disunionists to secure the passage of a secession ordinance by Maryland.

"The passage of that ordinance will be the signal for the entry of disunion forces into Maryland. It will give a color of law and regularity to rebellion, and thereby triple its strength. The custom-house in Baltimore will be seized, and Fort McHenry attacked—perhaps taken. What next?

"Do not, I pray you, let this new success of treason be inaugurated in the presence of American troops. Save us from this new humiliation.

"A word to the brave old commanding general will do the work of prevention. You, alone, can give the word. . . ."

To George D. Prentice, Louisville, Kentucky.

“WASHINGTON, May 23, 1861.

“ It seems indispensable that supplies to the rebels from Louisville shall cease. The unavoidable alternative is suspension of intercourse with Louisville from other loyal States. I have been, and am, exceedingly anxious so to administer this Department as to aid, and not hinder, the success of the Union men in Kentucky. With this view, and in compliance with suggestions from prominent Union men, I have delayed requiring the enforcement of the order prohibiting supplies to insurgents. It now seems certain that longer delay will work more mischief than good. The military authorities have prohibited these supplies, and the civil must necessarily act in the same direction. I hear that Colonel Anderson has been ordered to Louisville, and that he has been instructed to support the collector in preventing the sending forward of these supplies. It is exceedingly important, as it seems to me, that the cessation of these supplies shall appear to be the voluntary act of the people of Louisville, in refusing further aid, direct or indirect, to the insurgents, rather than a reluctant obedience to Federal authority. . . . ”

To John S. Carlisle, Wheeling, Virginia.

“WASHINGTON, June 10, 1861.

“ Your dispatch is just received, and was answered as clearly as the brevity of the telegraph allows. Yours was charged at thirty dollars.

“You seem to think that some order heretofore given is reversed, or may be. This is a mistake. The purpose of the Administration to give full support to the Union men in the border States, as well as in the States farther South, is entirely unchanged. It is desirable, of course, to enlist as many men as you can for three years, and without limit as to space of service; but it is certainly wise to enlist other regiments, if an adequate number of three-years' men cannot be had. Men enlisted for local service, however, should be organized rather as home-guards than as regular troops, and should not expect the same equipment or pay as three-years' men. At all events, they should be taken only for a limited period, say three months.

“If you can raise five thousand men, as you anticipate, they will all be accepted; and until Congress shall make some general provision by law, they will be sustained just as the troops in joint lines have been, whether they are organized for local service only, or for general service without restriction.

“Full confidence is reposed in your discretion, and that of those who act with you. You are on the spot, and must know what is best to be done. Do it.

“Will not your Legislature make some provision for arming the State, in concert with the General Government? . . . ”

To Hon. James Guthrie, Louisville, Kentucky.

“WASHINGTON, June 13, 1861.

“ . . . Your note of the 10th, by Hon. Thomas M. Key, was duly received. I had already gathered, from other sources, most of the facts and views which he communicated. No doubt has existed in my mind of the inexpediency of sending Federal troops into Kentucky, except upon the call of the Union men of that State. I may say to *you*, that it was at my instance that General Scott telegraphed to General McClellan not to send into Kentucky any soldiers not native residents of the State.

“It is my wish that the whole action of the national Administration may be directed in aid of the Union men of Kentucky. Of the mode in which that aid can be rendered, they must, in general, be the best judges, and, of course, great deference should be paid to their well-considered wishes.

“Permit me to express my regret that the Treasury order of the 2d of May, designed to prevent the sending of supplies to persons in actual rebellion against the Union, and to States under their control, remained for a long time unexecuted at Louisville, and is, as I am advised, only partially executed now. While the Administration desires to coöperate, frankly and cordially, with the Union men of Kentucky, it certainly has a right to expect frank and cordial coöperation from them.

“Nothing can be plainer, I apprehend, than the right and duty of the Administration to prevent the sending of supplies of every description whatever, to insurgents, and to States under the control of insurgents. Such States are worse than belligerent—they are disloyally belligerent. And while it is doubtless desirable to afford to loyal men in those States all possible support, the *best* possible support seems to be that complete non-intercourse which a state of hostility warrants and demands, and which is likeliest to bring the disloyal to reason. . . .”

To the Secretary of War.

“WASHINGTON, June 19, 1861.

“ . . . In the *Intelligencer* of this morning I see a statement that the East Pennsylvania Railroad Company has made an offer, *which has been accepted*, to receive Government bonds in payment for transportation. That such an offer has been made is probable enough, but that it has been accepted, without consulting the Secretary of the Treasury, can hardly be correct. There is no warrant of law for such contracts. If made, they must cause a rapid depreciation of Government securities and greatly increase our financial embarrassment.

“It is desirable, doubtless, for the next sixty days, to use a considerable amount of Treasury notes, in payment of large contracts. But this must be done cautiously and without publicity, and only in the largest contracts. It is a dangerous experiment for a government to pay in any thing but money.”

To General George B. McClellan.

“WASHINGTON, July 7, 1861.

“ . . . Though I believe we have never met, I somehow feel as if we were personal friends. Your being called to the command of the Ohio troops inspired the first strong interest I felt in you. I could not help feeling deeply interested in one so connected with men and a State to which I was bound by so many close and tender ties. Then the accounts I heard of your character and qualities, from those who knew you, and the reports of your policy and action that came from Ohio, and especially the close study which, under the circumstances, I naturally gave to your dispatches to the noble old commanding general, from whom I sometimes differ but whom I always revere, confirmed that interest and mingled with it respect and confidence. In the result the country was indebted to me—may I say it without too much vanity?—in some considerable degree, for the change of your commission from Ohio into a commission of major-general of the army of the Union, and your assignment to the command of the Department of the Ohio. I drew with my own hand the order extending it into Virginia.

“These things may not be unknown to you. I refer to them now, in order that, if they happen to be unknown, you may the better understand the motives which dictate this letter.

“Major-General Fremont has been assigned to the command of the Department embracing Illinois and the States between the Mississippi and the Rocky Mountains. It was my wish that you should remain in command on the Mississippi, but in this I was overruled. I regret it the less, because, while I regard both departments as great fields of usefulness and honor, I look upon that which must embrace all the operations in Kentucky and Eastern Tennessee, and so downward to the Gulf, as greatly the most important. A separate department was some time ago created of the whole or a part of Kentucky, and the command given to General—then Colonel—Anderson. I wish this department and Tennessee now to be included in yours, and think both will be.

“Your letter has inspired in me the greatest hope that by this time you have achieved important advantages over the rebels, and that you will soon clear Western Virginia of them. You will then be left free for the operations which I regard as the most important. To prepare for them, an order has been made after consultation with Senator Johnson, Lieutenant Nelson, Mr. Green Adams, and others, authorizing Lieutenant Nelson to raise six regiments in Tennessee, and three in Kentucky, in addition to the two which Colonel Rousseau had been previously authorized to raise at and near Louisville. Lieutenant Nelson is known to you. He is a man of energy and of various talent. I believe he will execute his commission well. Mr. Adams, who formerly represented the district comprising many of the counties of Southeast Kentucky, is now at the head of a bureau in my department. He has gone West to-day to prepare for rapid enlist-

ment. Lieutenant Nelson will follow as soon as arms and guns can be sent forward; and will, I hope, be able to see you in person, bearing this letter.

"You can very materially forward these preparations by your counsel and coöperation: and just as soon as circumstances will allow, you can yourself take the open command of the regiments, and, with your Ohio and Indiana men, march down through the mountain-region, deliver the whole of it, including the mountain districts of North Carolina, Georgia, and Alabama, from the insurrection, and then reach the Gulf at Mobile and New Orleans, thus cutting the rebellion in two.

"This, in my view, is, among the important lines of movement, the most important, and offers the best theatre for political and military genius. I think Fremont could have acted well the part it requires, had your department continued to extend across the Mississippi. I am sure you can act it well, and I beg you to give it your most careful thought.

"Perhaps you will laugh at all this, and ask, 'What does the Secretary of the Treasury so far from the money-bags?' Perhaps you will laugh with reason, and what I have written may very possibly deserve to be classed with the crudities with which all brains are rife. But to offer my ideas to your consideration can do no harm; and I shall receive with perfect docility the corrections of your better judgment. . . ."

To Green Adams, of Kentucky.

WASHINGTON, September 5, 1861.

". . . . While the rebels do not hesitate to confiscate any Union man's property of whatever description, certainly no great complaint can be made if slaves are not recognized as the property of rebels, when employed in hostility to the Union and in promoting that very confiscation. I am sure the President does not go beyond, nor intended to go beyond, the action of Congress. Indeed, I know that the President had some difficulty in consenting to approve the act of Congress on the subject, fearing that it might be construed into favor to some such purpose as that supposed to be countenanced by Fremont's proclamation; and I am sure that neither the President nor any member of his Administration has any desire to convert this war for the Union and for national existence, in the Union and under the Constitution, into a war upon any State institution. It is their wish to leave slavery to the disposition of the States in which it exists in good faith. We all see, however, that the madness of disunion and treason against the Government endangers the system of slavery. It is impossible that a civil war should go on between the slaveholders, as a class, controlling the action of certain States, and the Union, without harm to slavery, whatever may be the result of the war. I might very well go further, and express the opinion, without much risk of its confutation by events, that should this war be prolonged, as it will be if secession should get the upper hand in Kentucky, a fatal result to slavery will be wellnigh inevitable. But the Government is seeking no such result. That result, if it comes at all, will come through the folly

of insurrectionary disunion. . . . Meantime the practical action of the Government will be that indicated by Cameron's letter to Butler. Fugitives from States in insurrection will be received into the Federal service under such organizations and in such employments as may be found expedient; and, at the end of the war, will be properly provided for in some way reconciling the freedom of these persons with the general good, while loyal masters will be compensated, and rebel masters will be allowed to reap the just fruit of rebellion. . . ."

To Brigadier-General W. T. Sherman, Cincinnati.

WASHINGTON, September 17, 1861.

" Your telegram was received and has been laid before the President. He supposes that fully 5,000 men, armed, are in camp at Cincinnati; that 2,000 (Rousseau's) are at Louisville; and a report from General Fremont advises him that 12,000 are at Paducah. This exceeds your demand.

"I have just heard, to my surprise, that five regiments from Fremont's command have been ordered here. You know that, before you left, an attack was apprehended, and the expectation has gained strength since. General McClellan desires to be strong enough not merely to repel but to advance. Still, I regret the order for Fremont's men. It will, I fear, have a bad effect.

"Commissions for Nelson as brigadier, and for Bramlette, Fry, Gerard, and Wolford, colonels, have been sent to General Anderson, to be forwarded to Camp Dick Robinson. I hope they will come safely and go forward promptly. It is high time that Nelson's force was fully organized.

"Four thousand stand of arms have been ordered forward, which, I presume, will be in Cincinnati before this reaches you. I shall exert myself to have more sent. Whatever I *can* do I will willingly do to sustain you all. The loyalty of Kentucky is a great point gained.—Please send for the collector at Louisville and the Treasury Special Agent, Mr. Mellen, or Mr. Gallagher, special agent on the Mississippi, if now in Louisville, and confer with them about shipments to the South. . . ."

To Brigadier-General William Nelson, Louisville.

WASHINGTON, September 18, 1861.

" Yours of the 12th is just received. I congratulate you most heartily on the good results of your energy and wisdom, which have given room for patriotism to work upon; and I rejoice in thinking that my counsels and labors have done somewhat to place and keep you in position—you and Rousseau—while I have also, to the best of my ability, promoted every measure for the good of Kentucky.

"I will go to the War Department at once on the subject of your wants, and do all I can to urge the department to action. As to money, it shall be forthcoming as soon as the proper papers can be signed.

"You will find in Sherman a man of energy, of wisdom, and of courage—a fit helpmeet for you. I have asked him to counsel and cooperate with you; you too must cooperate to support Anderson, who is also true and brave, but in such health that he needs the cooperation and friendship of such men as Sherman and yourself.

"May God protect and prosper you! . . ."

To William Gray, Esq., of Boston.

WASHINGTON, September 18, 1861.

". . . . Your note, just received, somewhat saddens me, though I seldom allow myself to take sombre views. I wish exceedingly that every department of Government could have the entire confidence of the people, but I fear that, should the desired change be made, the Horatian line would apply to the new incumbent:

"Mutato nomine,
De te fabula narratur."

"Who is sufficient for the great work of the War Department? I see and deplore its defective organization, but when I look round and ask myself, 'Who will bring to this great work the needed ability, or indeed more ability and fidelity, than its present head?' I confess myself perplexed. General Cameron, as I know, wishes to resign and go abroad. But who is the man for his place? (Please regard these last two sentences as confidential). . . ."

To Larz Anderson, Cincinnati.

WASHINGTON, October 2, 1861.

"All I can do to aid your noble-hearted brother shall be done. I would it were in my power to do more; my sympathies are all with him. But you can form no idea of the embarrassments which surround me. My labors are incessant, and my perplexities nearly overwhelm me.

"The expenditures everywhere are frightful. In every State men are raised, armed and equipped, provisioned, and transported, almost without reference to the General Government. This involves separate staff-adjutants, quartermasters, and commissaries, of State appointment, everywhere. In general these State officers seem to me to do their duty quite as well as could be expected; but the connection between them and the Federal officers here is not sufficiently well established to enable the Administration to know what is to be provided, or where, or what the aggregate of expenditures during any given time is, or is likely to be.

"Then every army and detachment is continually spending money—some rashly and profusely; others prudently and economically.

"We do not know what troops have been brought into service, or what have been raised, or are likely to be raised, in the different States.

"The average daily drafts on the Treasury for two weeks past have

been a million and three-quarters (\$1,750,000) at least. All the first loan was exhausted some time since, and a large part of the second has been already anticipated. It will but last through October. The banks do not expect to be called on at the rate of more than a million a day; nor do I think they could stand a much larger drain, with all the help which the national subscription gives.

"You will easily see, from this statement, that the drafts on the Treasury are largely in excess of its means; which mortifies and distresses me beyond measure.

"It looks as if I had large means, when the success of the loans is considered by itself; but when it is remembered that this success supplies only a million a day—a prodigious sum, it is true—while the drafts are three-fourths of a million greater, it will be seen at once how disproportionate are means to demands.

"Pardon this detail—but I cannot endure that you or your honored brother should feel that any delay in this Department occurs, except from inexorable necessity, where Kentucky is concerned. . . ."

To George Carlisle, Esq., Cincinnati.

WASHINGTON, October 9, 1861.

". . . . It is as difficult to meet the demands for troops as demands for money. All that is possible, is to allow each general to judge of the necessities of his particular position, and endeavor to supply his wants as far as practicable. The call for a considerable body from Fremont's department was doubtless a mistake; but the call was countermanded almost when made, and no harm resulted. Not a single regiment, I believe, has come East as a consequence of it. I do not know that one has even left Missouri.

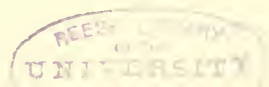
"I agree with you as to the necessity of vigor and decision. Timidity and hesitation, whether in capitalists, or in officers civil or military, occasion only danger. . . ."

To General Nelson.

WASHINGTON, October 19, 1861.

". . . . I was greatly annoyed to learn that, after all my efforts, you got none of the arms which were sent to Kentucky. I telegraphed you; I wrote you, and I had Speed's promise. He explains by saying that the arms went to Louisville, and that General Sherman had such urgent need of them that he would not let them go to you.—All I can now do for you will be done. You have still a large sum to your credit in Cincinnati—can you not make some arrangement with the State of Ohio to take at cost a portion of the arms lately received by her from Europe?

"As to popularity growing or diminishing, I care little. I want to help everybody who is trying *to do something*, of which number I count you more than one. What we need above all things in Kentucky are the



qualities you have displayed—courage, promptitude, organizing faculty, and economy of means. . . .”

To Jay Cooke, Philadelphia.

“WASHINGTON, October 19, 1861.

“ . . . Mr. Seward’s letter is misunderstood. It is indeed too enigmatical in phrase, and there was no necessity for it; but so far from having a discouraging effect, it should have the reverse. It evinces a disposition, simply, to be prepared for all contingencies, and that we shall always have our great cities safe. We are at peace now with Europe, and I hope and believe we shall remain so; but events have taught us that we are not always safe from war when there is no cause for it; not always, indeed, when every interest is against it.

“ There is no such intrigue concerning McClellan as that you speak of. Somebody’s fears or jealousies have misled him.¹

To Joseph Cable, Esq., Wyandot, Ohio.

“WASHINGTON, October 28, 1861.

“ . . . Every exertion has been made to supply our troops in Western Virginia, and I understand that sufficient clothing, blankets, and other equipments, were forwarded long since. . . .

“ You may rest assured that there is no sentiment of hostility in the Administration against General Fremont. If he is recalled from command in the Western Department, it will be because the President believes that the army in Missouri and the interests of the cause in Missouri will be safer in other hands than in his. If the President has changed that high opinion of General Fremont which led to his appointment to one of the most responsible positions in the service, it is because the evidence presented satisfies him beyond a reasonable doubt that General Fremont has not proved equal to the charge. You may depend upon it, that in whatever he does in the matter, the President will be governed by a pure sense of public duty; and he will feel it better to perform that duty and be condemned for it by those who do not see the facts as he does, than neglect it and risk serious ill consequences to the country.

“ I did not favor General Fremont’s appointment, because I feared the financial mismanagement which has actually occurred. I have however supported him to the extent of the power of the Treasury, having forwarded for payments in his department not less than \$10,000,000. . . . I shall feel it my duty, of course, to support the President, who will not be influenced in his judgment in the smallest degree by Fremont’s proclamation. . . .”

¹ In the first paragraph of this letter, Mr. Chase refers to Mr. Seward’s Circular of October 14th to the Governors of States advising sea-coast and lake defenses, and to an intrigue mentioned by Mr. Cooke, the motive of which was the removal of General McClellan.

To General George B. McClellan.

“WASHINGTON, December 11, 1861.

“ . . . Your time is too precious to be occupied unnecessarily, and mine is too necessary to me to be wasted. I have therefore omitted calling on you, not knowing when you could give me a few minutes, and not desiring to waste any in fruitless endeavors to see you.

“ If you can name any hour at which you can see me better than at another, I shall be glad to confer with you occasionally.

“ The army and the Treasury must stand or fall together. . . . ”

[At the Cabinet meeting of December 26, 1861, the matter for consideration being the delivery up to the British Government of Mason and Slidell, the rebel emissaries captured from the Trent steamer, Mr. Chase said that in his judgment “the technical right was clearly on the side of the British Government. As rebels or traitors to our Government, the pretended commissioners would have been safe on a neutral ship; it was in their character as envoys that they were subject to arrest as contraband. But they could not rightfully be taken from the ship till after the judicial condemnation of the ship itself, for receiving and carrying them. However excused or even justified by motives, the act of removing them as prisoners from the ship, without resort to any judicial cognizance, was in itself indefensible. We could not deny this without denying our history. Were the circumstances reversed, our Government would no doubt accept explanation, and allow England to keep her rebels; and he could not divest himself of the belief that, were the case fairly understood, the British Government would do the same thing.” Though “it was gall and wormwood” to him to consent to the liberation of these two men, and he would rather sacrifice every thing he possessed, he was consoled by the reflection that the surrender, under existing circumstances, was simply proving faithful to our own ideas and traditions under strong temptation to violate them; and giving to England and the world signal proof that the American people will not, under any circumstances, for the sake of inflicting just punishment on rebels, commit even a technical wrong against neutrals. He gave in his adhesion, therefore, to the conclusion of the Secretary of State.]

CHAPTER XLII.

MR. CHASE AND THE WAR.

1862.

To Henry Wilson, United States Senate.

“WASHINGTON, *March 10, 1862.*”

“ . . . IT is said that the nomination of Blencker will not be confirmed by the Senate. If this be so, I am sure the President is disposed to nominate Carl Schurz in his place. The nomination of Schurz would be a decided benefit, in my judgment, to the army and the Administration.

“I know nothing of Blencker’s case, and do not desire to be understood as expressing any wish in reference to it, except for immediate action. If he is worthy he ought to be confirmed without reference to Schurz; if not worthy, he should be rejected without reference to the question of a successor. But why not act in the matter, and act at once? . . .”

To Colonel Thomas M. Key.

“WASHINGTON, *April 18, 1862.*”

“I am perhaps to blame for not replying immediately to your telegram in cipher; but having no cipher, and thinking it unadvisable to reply otherwise than by telegraph, neglected doing so in any way.

“The object of your telegram has been much discussed here in my absence, and the President determined, of his own thought, to detain McDowell’s corps. Neither General McDowell nor any of his friends was consulted or advised until after the President’s resolution had been taken. My own judgment, however, fully confirmed the act, though in such matters I do not like to rely much upon it. I did not think the corps necessary for the defense of Washington, but I did think that acting in conjunction with that under Banks, or at least in coöperation, it would give a much more efficient support to McClellan than if sent into the Peninsula. We are looking earnestly, and I somewhat anxiously, for news from

McDowell, now supposed to be at Fredericksburg, and from Banks and Shields, now probably approaching Staunton.

"I congratulate you on the passage of the Emancipation Bill, and on its approval by the President. It went through almost unchanged from your draft—wholly unchanged in spirit. You never performed a more honorable work, and I wish it could bear your name.¹ . . ."

To Captain Daniel Ammen, in the Army in Florida.

WASHINGTON, April 21, 1862.

". . . Thanks for your letter. Before it came we had news of the evacuation of Jacksonville. It was presumably expedient; but it is against the grain.

"All seems to be moving well. Our generals in the West have acquired brilliant honors. In the East the commanding general has been too slow and irresolute to please me; but I feel confident he will not fail.

"McDowell's corps made a brilliant movement on Friday, and Saturday morning, seizing Fredericksburg after a forced march of twenty-nine miles on Friday, and thus obtaining the command of the whole line of the Rappahannock. . . ."

To General McDowell.

WASHINGTON, May 14, 1862.

". . . . I have time for but a word. Stanton told me he should release you from the prohibition against advance yesterday. I hope he has done so. I have never exactly seen the cogency of the reason for withholding you, when you had the communication by Belle Plain as well as that by Acquia. But I am not military.

"It has been one of my prime objects of desire that you should advance toward and to Richmond.

"McClellan, surrounded by a staff of letter-writers, gets possession of public opinion, and even those who know better, succumb. Then he lags.

"If the President, Stanton, and myself, had not gone to Fortress Monroe, all would have lagged there too.

"You want to move, as I understand, but it is not judged wise. Well.

"What I saw and heard at Fortress Monroe, on the march to Norfolk, and at Norfolk, taught me not a little.

"I feel sure you can get to Richmond, if you are allowed to move and do actually move. There are disadvantages, I know, but they are not insuperable.

"With 5,000 men and you for a general, I would undertake to go to

¹ Judge Thomas M. Key was at the time this letter was written a member of the military staff of General McClellan, and was the author of the bill for the emancipation of the slaves in the District of Columbia, which is the "Emancipation Bill" referred to by Mr. Chase in the text. Colonel Key consulted more or less constantly with Mr. Chase, however, in its preparation.

Richmond from Fortress Monroe by the James River, with my revenue steamers Miami and the Stevens, and the Monitor, in two days.

“Excuse this disjointed letter. . . .”

To Murat Halstead, Cincinnati.

“WASHINGTON, May 24, 1862.

“It seems certain that our forces are too much scattered. It is useless to hold the coast unless we can break the centre at Richmond.

“My conviction is clear, however, that McClellan has a force which, properly handled, is vastly superior to any that can be brought against him. And I strongly incline to the opinion that with more under his command, he would be practically no stronger. What is needed for him is strong and effective coöperation. . . .”

From Mr. Chase's Diary, June 26, 1862.

“On Sunday morning, May 11th” (this was immediately after the taking of Norfolk), “the President, becoming uneasy because of his long absence from Washington, determined to return forthwith. The destruction of the Merrimac detained him, however, long enough to go to the spot and ascertain the exact condition of things and return to Fortress Monroe, whence we proceeded immediately toward Washington. On the way up, I remarked the probability that a small force—say 5,000 men—embarked on transports and convoyed by gunboats, might contribute largely to the taking of Richmond if sent immediately up the James River. But nothing was determined upon. After our return I frequently spoke of the matter, and urged the sending of General Wool up the river with all his available force. It was thought, however, that General McClellan could be reënforced more effectually in another direction. General McDowell was ordered to concentrate his whole corps, including Shields's division at Fredericksburg, with a view to an advance upon Richmond from that point. Shields's division, which had been in the Valley of the Shenandoah, was marched across the country and joined McDowell.

“Friday, May 23d, the President and Secretary of War visited the army at Fredericksburg, and returned to Washington on Saturday morning, highly gratified by the condition of the troops, and anticipating an imposing and successful advance on the Monday following. On the afternoon of the same Saturday I was sent for, to go to the War Department, and found that intelligence had been received of the taking of Front Royal and the annihilation of Kenly's regiment on the preceding day. The enemy was reported to have pushed forward and cut off the retreat of Banks, who was supposed to be at Strasburg. An order was immediately dispatched to General Fremont to advance on Harrisonburg, and do all in his power for the relief of Banks. An order was also sent to General McDowell to detach 20,000 men, or one-half his force, and to send them

partly by land to Catlett's Station and partly by water to Alexandria and Washington. To expedite these movements, I was requested to proceed immediately to Fredericksburg, and confer personally with General McDowell. I left accordingly on the same afternoon, and reached Fredericksburg about one o'clock on Sunday. I found that General McDowell had given all the necessary orders for the movements directed by the President. The march began early the next morning, and successive divisions and regiments followed until, during the course of the day, the whole 20,000 men were on the march. I returned to Washington Sunday night, accompanied by General Shields, and found the President, the Secretary of War, the Secretary of State, and several Senators and Representatives, at the War Department. By this time intelligence had been received that Banks had retreated early on Saturday morning from Strasburg, reaching Winchester the same night, and that his retreat had been continued through Sunday, and that a portion of his troops had already arrived at Williamsport. General Saxton had been ordered to Harper's Ferry, and reinforcements had been and were still rapidly being pushed forward to that point.

"On Monday Shields's division arrived at Catlett's Station, and Geary's division, which had been stationed along the line of the Manassas Gap Railroad, had fallen back to Manassas. Ord's division followed, partly by water and partly by land, and, with Shields's, was concentrated within a day or two at Manassas. McDowell came from Fredericksburg, at the instance of the President, and took command in person, having ordered King's division to advance toward Martinsburg as a supporting column. Shields pushed forward to Front Royal, which place he reached on Friday. McDowell followed, also reaching Front Royal on Saturday. The object of this movement was to cut off the retreat of Jackson through Front Royal.

"Meantime Fremont, observing the spirit though not the letter of his orders, had marched to Moorfield, and thence to Wardensville, and cut off the retreat of Jackson by that road. Unfortunately, Fremont did not reach Strasburg until Jackson, defeated by Saxton on Friday in his attack upon Harper's Ferry, and being apprised, no doubt, of the movements in his rear, had passed through Strasburg, on his retreat down the Valley.

"While this combined movement, intended to capture Jackson and his force, was in progress, General McClellan was constantly asking for reinforcements at Richmond. I had little confidence in his ability to handle a great army, but as the President was unwilling to give the command to any other general, I thought it of great importance that he should be reinforced as far as possible. To this end, in the course of the week, I urged on several occasions that one-half of McCall's division be sent down to form a junction with McClellan's army, and that General Wool, with 10,000 of his force, be sent up from Fortress Monroe and Norfolk, by James River, to effect, if possible, the capture of Fort Darling, or at least to cooperate with McClellan, whose lines, I supposed, could be extended

from Bottom's Bridge to the James River. These reënforcements were not sent, partly, as I suppose, because the President was unwilling to weaken the advance at Fredericksburg, and partly because he was unwilling to order General Wool, who was at variance with McClellan, to a coöperation, which might lead to collision between the generals, and so to unpleasant results.

"I also urged that, as McDowell's force had been drawn into and near the Shenandoah Valley, his three divisions—Shields's, Ord's, and King's—should be massed and ordered forward to Charlottesville and Lynchburg. This movement had been proposed by General Shields, as a movement to be executed from Fredericksburg. General McDowell also had proposed the same. As much reluctance was manifested against undertaking the movement as had been in respect to the reënforcement of McClellan.

"On Friday, June 14th, the President determined to send 20,000 men to McClellan. To effect this object, he directed the embarkation of the whole of McClellan's division at Fredericksburg, and annexed the Department of Virginia, which had been under General Wool, to the command of McClellan. Wool was transferred to Baltimore, and Dix to Fortress Monroe, to avoid the apprehended difficulties from placing the department, while under the command of General Wool, also under the command of McClellan. Most of the drilled troops of Fortress Monroe, of whom there were about 14,000, were sent to McClellan, and their places supplied mainly with new levies. Thus, long after I had proposed the reënforcement, the arrangement was made by which they were sent.

"On the same day, upon the President expressing his gratification that the reënforcements had been sent to McClellan, I replied to him that his satisfaction would be much increased if he would order McDowell, with his three divisions, strengthened, if necessary, by portions of Banks's and Fremont's commands, on the southward expedition to Charlottesville and Lynchburg. I endeavored to impress upon him the idea that this movement would be of great importance to McClellan by creating a diversion in his favor by cutting off the supplies which reached Richmond through Lynchburg from East Tennessee. I was not successful in impressing the President with the correctness of my views. I suppose that his difficulty arose, partly from a desire to have McDowell in a position from which he could directly reënforce McClellan, and partly from apprehension of disagreement between the major-generals commanding the separate bodies which it might be necessary to combine in the Charlottesville expedition. This, of course, is mere conjecture. What is certain is, that the expedition was not organized or attempted.

"Subsequently (June 24th), the President, having become convinced of the necessity of combining these three bodies under one command, created the Army of Virginia (to consist of these three bodies), and placed it under the command of General Pope, who was junior in rank, though of the same grade as major-general, with Fremont, Banks, and McDowell, who were made subject to his orders. I understand that the object of this consoli-

dition was, to make the movement upon Charlottesville, which I had been so anxious to see attempted."

To Edwin D. Mansfield, Morrow, Ohio.

WASHINGTON, May 31, 1862.

" . . . I agree with you touching the importance of a reserve army. It has been an error, I think, to push forward our whole army when two-thirds of it, skillfully handled, would have effected the objects gained by the whole. But the great defect in the operations of the war has been a lack of vigor and celerity in movement. To make up for this, we accumulate immense forces at particular points, and wait until the enemy retreats, and then occupy his deserted quarters! The need of an army of reserve has lately been felt by the Administration, but instead of organizing it from troops already in the service—which might easily be done, and in my judgment should be done—it is proposed to raise an additional force of 50,000 men for three years or the war. Besides this force, the alarm created by the recent raid of Jackson, Ewell, and Johnson, into the Shenandoah Valley, has led to a call for three months' volunteers in any numbers offered within ten days. What the result of the call may be is not yet known, but at least 15,000 have already been organized under it. The practical result will be, I fear, to retard if not to defeat the enlistments necessary to create a strong army. *Nous verrons*, as Father Ritchie used to say.

"I hope to hear to-morrow of the rout of Jackson's army in the Valley. That destroyed or routed, the 60,000 men engaged in the work will be free to coöperate with McClellan or anybody else. My conviction is, that there cannot be a great deal more fighting by large bodies. Corinth is already evacuated, and I doubt much if Richmond will be defended at the hazard of a great battle; though a great battle seems more probable there in front of the rebel capital, than anywhere else. . . ."

From Mr. Chase's Diary, July 21, 1862.

Having received notice of a Cabinet meeting, Mr. Chase says :

"I went to the President's at the appointed hour, and found that he was profoundly concerned at the present aspect of affairs, and had determined to take some definite steps in respect to military action and slavery. He had prepared several orders, the first of which contemplated authority to commanders to subsist their troops in the hostile territory; the second, authority to employ negroes as laborers; the third, requiring that both in the case of property taken and negroes employed, accounts should be kept with such degree of certainty as would enable compensation to be made in proper cases. Another provided for the colonization of negroes in some tropical country.

"A good deal of discussion took place upon these points. The first order was unanimously approved. The second was also unanimously ap-

proved; and the third by all except myself. I doubted the expediency of attempting to keep accounts for the benefit of inhabitants of rebel States. The colonization project was not much discussed.

“The Secretary of War presented some letters from General Hunter, in which General Hunter advised the department that the withdrawal of a large proportion of his troops to reënforce General McClellan rendered it highly important that he should be immediately authorized to enlist all loyal persons without reference to complexion. Mr. Stanton, Mr. Seward, and myself, expressed ourselves in favor of this plan, and no one expressed himself against it. Mr. Blair was not present. The President was not prepared to decide the question, but expressed himself as averse to arming negroes.”

(The next day, July 22d,¹ another meeting was held, and the discussion of the “orders” was resumed. Mr. Chase said:)

“Went to the Cabinet at the appointed hour. It was unanimously agreed that the order in respect to colonization should be dropped; and the others were adopted unanimously except that I wished North Carolina included in the States named in the first order.

“The question of arming slaves was then brought up, and I advocated it warmly. The President was unwilling to adopt this measure, but pro-

¹ In his diary of this same date, July 22d, Mr. Chase says: “I called this morning on the President with a letter received some time since from Colonel Key, in which he stated that he had reason to believe that if General McClellan found he could not otherwise sustain himself in Virginia, he would declare the liberation of the slaves; and that the President would not dare to interfere with the order. I urged upon the President the importance of an immediate change in the command of the Army of the Potomac, representing the necessity of having a general in that command who would cordially and effectually cooperate with the movements of Pope and others; and urged the change before the arrival of General Halleck, in view of the extreme delicacy of his position in this respect, General McClellan being his senior major-general. I said that I did not regard General McClellan as loyal to the Administration, although I did not question his general loyalty to the country.

“I also urged General McClellan’s removal upon financial grounds. I told him that if such a change in the command was made as would insure action in the army, and give power in the ratio of its strength, and if such measures were adopted in respect to slavery as would inspire the country with confidence, that no measure would be left untried which promised a speedy and successful result, I would insure that, within ten days, the bonds of the United States, except the five-twenties, would be so far above par that conversions into the latter stock would take place rapidly, and furnish the necessary means for carrying on the Government. If this was not done, it seemed to me impossible to meet necessary expenses. Already there were \$10,000,000 of unpaid requisitions, and this amount would constantly increase.

“The President came to no conclusion, but said he would confer with General Halleck on all these matters. I left him, promising to return to the Cabinet, when the subject of the orders discussed yesterday would be resumed.”

posed to issue a proclamation on the basis of the Confiscation Bill, calling upon the States to return to their allegiance—warning rebels that the provisions of the 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.

“I said that I should give to such a measure my cordial support; but I should prefer that no new expression on the subject of compensation should be made; and I thought that the measure of emancipation could be much better and more quietly accomplished by allowing generals to organize and arm the slaves (thus avoiding depredation and massacre on one hand, and support to the insurrection on the other), and by directing the commanders of departments to proclaim emancipation within their districts as soon as practicable; but I regarded this as so much better than inaction on the subject, that I should give it my entire support.

“The President determined to publish the first three orders forthwith, and to leave the other for some further consideration. The impression left upon my mind by the whole discussion was, that, while the President thought that the organization, equipment, and arming of negroes, like other soldiers, would be productive of more evil than good, he was not unwilling that commanders should, at their discretion, arm, for purely defensive purposes, slaves coming within their lines.”

(At the Cabinet meeting of August 3d, Mr. Chase said:)

“I again expressed my conviction that the time for the suppression of the rebellion, without interfering with slavery, had long been passed; that it was possible, probably at the outset, by striking the insurrectionists wherever found, strongly and decisively; but we had elected to act on the principle of a civil war, assuming that the whole population of every seceding State was engaged against the Federal Government, instead of treating the active secessionists as insurgents and exerting our utmost energies for their arrest and punishment; that the bitterness of the conflict had now substantially united the white population of the rebel States against us; that the loyal whites remaining, if they would not prefer the Union without slavery, certainly would not prefer slavery to the Union; that the blacks were really the only loyal population worth counting; and that, in the Gulf States, at least, their right to freedom ought to be at once recognized; while in the border States the President's plan of emancipation might be made the basis of the necessary measures for their ultimate enfranchisement; that the practical mode of effecting this seemed to me quite simple; that the President had already spoken of the importance of making the freed blacks on the Mississippi, below Tennessee, a safeguard to the navigation of the river; that Mitchell, with a few thousand soldiers,

could take Vicksburg; assure the blacks freedom on condition of loyalty, organize the best of them in companies, regiments, etc.; and provide, as far as practicable, for the cultivation of the plantations by the rest; that Butler should signify to the slaveholders of Louisiana that they must recognize the freedom of their work-people by paying them wages; and that Hunter should do the same thing in South Carolina.

“Mr. Seward expressed himself in favor of any measures likely to accomplish the results I contemplated, which could be carried into effect without proclamation; and the President said 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 proposed.”

CHAPTER XLIII.

1862.

To Hon. William M. Dickson, Cincinnati.

“WASHINGTON, August 29, 1862.

“ . . . SINCE the incoming of General Halleck I have known but little more of the progress of the war than any outsider.—I mean so far as influencing it goes. My recommendations, before he came in, were generally disregarded, and since have been seldom ventured. In two or three conversations I did insist on the removal of McClellan, and the substitution of an abler and more vigorous and energetic leader; on the clearing out of the Mississippi, and the expulsion of the rebels from East Tennessee; all of which might have been done. But, though heard, I was not heeded.

“I hope for the best. Those who reject my counsels ought to know better than I do. . . .”

From Mr. Chase's Diary.

August 29, 1862.—Mr. Stanton and Mr. Chase had a conference about General McClellan. “We called on Judge Bates, who was not at home; then on General Halleck, and remonstrated against General McClellan; the Secretary wrote and presented to General Halleck a call for a report touching General McClellan's disobedience of orders and consequent delay of support to the Army of Virginia. General Halleck promised an answer to-morrow morning.”

August 30th.—“Judge Bates called, and we conversed about McClellan; he concurring in our judgment. Afterward I went to the War Department, where Watson showed me a paper expressing our views, and I suggested some modifications. I afterward saw Stanton. He approved the modifications and we both signed it.” (This paper was a protest, condemning General McClellan's conduct, and demanding his removal from the command of the army.) “I then took the paper to Mr. Welles, who concurred in judgment, but thought the paper not exactly right, and did not sign it. Returned the paper to Stanton. The promised report from General Halleck was not made.”

Chapman

September 2d.—"The Cabinet met, but at the opening of the meeting neither the President nor the Secretary of State nor the Secretary of War was present. While the talk was going on about General McClellan, the President came in, saying that he had been at the War Department and headquarters talking about the war. The Secretary of War came in. In answer to some inquiry, the fact was stated by the President or the Secretary that McClellan had been placed in command of the forces to defend the capital or, rather, to use the President's own words, 'he had set him to putting these troops into the fortifications about Washington,' believing that he could do that better than any other man. I remarked that this could be done equally well by the engineer who had constructed the forts, and that putting General McClellan in command for this purpose was equivalent to making him second in command of the entire army. The Secretary of War said that no one was now responsible for the defense of the capital; that the order to McClellan was given by the President direct to McClellan, and that General Halleck considered himself relieved from responsibility, although he acquiesced and approved the order; that McClellan could now shield himself, should any thing go wrong, under Halleck, while Halleck could and would disclaim all responsibility for the order given. The President thought General Halleck as much responsible as before, and repeated that the whole scope of the order was, simply, to direct McClellan to put the troops into the fortifications, and command them for the defense of Washington. I remarked that this seemed to me equivalent to making him commander-in-chief for the time being, and that I thought it would prove very difficult to make any substitution hereafter, for active operations; that I had no feeling whatever against McClellan; that he came to the command with my cordial approbation and support; that until I became satisfied that his delays would greatly injure our cause, he possessed my full confidence; that after I had felt myself compelled to withhold that confidence, I had (since the President, notwithstanding my opinion that he should, refrained from putting another in the command) given him all possible support in every way, raising means and urging reënforcements; that his experience as a military commander had been little else than a series of failures; and that his omission to urge troops forward to the battles of Friday and Saturday evinced a spirit which rendered him unworthy of trust, and that I could not but feel that giving command to him was equivalent to giving Washington to the rebels. This, and more, I said. Other members of the Cabinet expressed a general concurrence, but in no very energetic terms. (Mr. Blair must be excepted, but he did not dissent.)

"The President said it distressed him exceedingly to find himself differing on such a point from the Secretary of War and the Secretary of the Treasury; but he did not see who could do the work wanted so well as McClellan. . . . At length the conversation ended, and the meeting broke up, leaving the matter as we found it."

The following "Notes on the Union of the Armies of the Potomac and the Army of Virginia," were written by Mr. Chase just after the reinstatement of General McClellan in command of the army, September 2, 1862, and were intended to explain the causes which led to the withdrawal of his confidence from that officer :

"It may have been an error of my judgment, but certainly it was not a perversity of disposition, that caused my withdrawal of confidence from General McClellan. I welcomed him to the command of the army at Washington, with the most unaffected satisfaction, and when his delays disappointed my hopes, received with credence almost if not entirely absolute, the assurances of those having the best opportunities to know, that his activity was thwarted by the disinclination of General Scott to give him means and opportunities. I honored General Scott to the point of veneration, and shared the general confidence in his military knowledge and genius; but I knew at what cost of physical suffering he discharged the arduous duties of his position, and was not surprised when he availed himself of the act of Congress, and asked to be retired. My voice was at once given in concurrence with those of other heads of departments—we had no Cabinet—for the placing of General McClellan in command of the armies of the United States. The President was disinclined to this, but yielded his objection and the order was made. I immediately wrote a note to Colonel Key—McClellan's judge-advocate—'McClellan is commander-in-chief; let us thank God and take courage.' Subsequent events painfully convinced me that my confidence had not been warranted.

"At the President's instance, General McClellan called on me in November, and explained to me what he said was his plan. It was to send 50,000 men to Urbana, on the Rappahannock; establish them there immediately; follow this advance by another body of 50,000 men at once; push on to Richmond and capture it before the enemy in front of Washington could move to its defense. Nothing but great energy and great secrecy could insure the success of such a movement, but with these its success seemed certain. He asked me how early an advance was necessary to the success of the finances, and I replied that I could get along under existing arrangements until about the middle of February; and he assured me that the whole movement would be accomplished before the 1st of that month, and that he had already begun his arrangements for gathering his transportation at Annapolis. I was satisfied with these explanations, and when I went to New York soon after, expressed at a large meeting of leading capitalists my entire confidence in our young general, and my certain assurance that we were to have no going into winter quarters.

"When I returned from New York I found that no steps had been taken toward the proposed movement. November passed away and nothing was done or even begun. McClellan fell sick. The President called

several generals to his councils—McDowell, Franklin, and Meigs—and almost determined to put the army under another leader and advance on Manassas. McClellan got well just in time to neutralize action, and nothing was done. I had now so far lost confidence in him, that I was convinced a change ought to be made.

“December passed and nothing was done.

“In January Mr. Stanton came into the War Department, and put his whole influence on the side of vigor. The President made a general order—January 27th—requiring all generals to put their commands in condition and to commence an onward movement at latest on the 22d of February.—Time passed in listless inaction; broken only by the famous campaign *toward* Winchester. One morning forty thousand men found themselves put in motion, and McClellan and his staff moved off in all the pomp of war to drive the rebels from that place, and seize the gate of the Shenandoah Valley. Boats to bridge the Potomac were provided and sent up the Chesapeake and Ohio Canal. The general and his staff proceeded perhaps to Weaverton—I do not know precisely how far—when, much to his disappointment, he learned that his boats were too big for the locks! and therefore could not pass from the canal into the Potomac. So the expedition was abandoned. Some troops under Banks went over the river; but McClellan and his staff and the great body of the army returned to Washington. The expedition, it was said, and not untruly, died of lock-jaw.

“February came, and on the 13th General McClellan said to me, ‘In ten days I shall be in Richmond.’ A little surprised at the near approach of a consummation so devoutly to be wished, I asked, ‘What is your plan, general?’ ‘Oh,’ said he, ‘I mean to cross the river; attack and carry their batteries, and push on after the enemy.’ ‘Have you any gun-boats to aid in the attack on the batteries?’¹ ‘No: they are not needed; all I want is transportation and canal-boats, of which I have plenty that will answer.’ I did not think it worth while to reply; but made a note of the date, and waited.—The ten days passed away; no movement, and no preparation for a movement, had been made. The day fixed by the order of the President had passed; we heard the echoes of victory from the West, but all was quiet on the Potomac.

“At length, about the 1st of March, the President gave McClellan a peremptory order to move in ten days. Great efforts were put forth to induce him to reverse the order. McClellan convened a council of his generals, and having inspired them with his ideas, sent them to the President to give him the results of their deliberations. The President told me he had expected them, and had asked McClellan to be present; who had declined, on the ground that he did not wish to influence their decision. They presented themselves at the White House, and eight, I think, were of opinion that it would not be safe to move till the 25th of April, while four were for an immediate advance. Of the four I recall only the

¹ The rebels at this time had several batteries upon the Virginia side of the Potomac.

names of McDowell, Sumner, and Heintzelman; and of the eight, only those of Blenker, Fitz John Porter, Franklin, and Keyes. Mr. Stanton questioned each general as to the grounds of his opinion, and came to the conclusion that the advance should not be postponed. The tenth of the ten days came, and there was an immense commotion. The whole army was moving toward Manassas. As it approached the place, it was found that the enemy had evacuated it some days before, and were in retreat toward Richmond.

"It was now painfully apparent that our immense and magnificently appointed army had been held in check for months by a force not one-third as great in numbers, and inferior in almost all other respects, and that the impregnable fortifications, which had been so magnified by our generals, were works of little strength and incapable of withstanding any vigorous assault. The rebel flag had been flaunted in our sight from Munson's Hill by an inconsiderable detachment for months, until it was voluntarily withdrawn. Our generals had not ventured an attack on even this weak position.

"After the evacuation of Manassas, the mode of advance upon Richmond became immediately the subject of debate. The President, the Secretary of War, myself, and some of the generals, favored a direct and rapid march forward. General McClellan preferred, I believe, the Urbana route. Most of the generals preferred the Peninsular route, by Fortress Monroe and Yorktown. McClellan preferred this to the direct advance, and it was finally determined upon.

"I do not mean to review the disastrous campaign of the Peninsula. From the day the President told me McClellan was beaten, and I saw his dispatches announcing his retreat toward the James River, I never entertained a doubt of the necessity of withdrawing the army altogether, if it was to remain under his command; and I expressed this opinion at once to the President. The military men said, that to attempt to withdraw the army would involve the loss of all its material, ammunition, guns, provisions, and stores. General McClellan himself, in his dispatches before reaching Harrison's Landing, referred to the possibility of being obliged to capitulate with his entire army; and after reaching that place, General Marcy—his father-in-law and chief of staff—who had been sent up to explain personally the situation to the President, spoke of the possibility of his capitulation at once, or within two or three days. The danger of withdrawal; the impossibility of strengthening the army for an advance on Richmond from the position to which it had retreated; the certainty that no vigorous effort would be made by McClellan, by unexpected blows south of the James, to retrieve the disasters north of it; the possibility of the loss of the entire army, convinced me, and convinced the Secretary of War, that the command of the army of the Potomac should be given to some more active officer. We proposed to the President to send Pope to the James, and give Mitchell the command of the army in front of Washington—which had been constituted of the armies of Banks, Fremont, and

McDowell, and called the Army of Virginia, and placed under Pope. The President was not prepared for any thing so decisive, and sent for Halleck, and made him commander-in-chief. I was not consulted as to this step. If any member of the Cabinet was, I am not informed of it.

“On Halleck’s arrival he went at once to the James to see McClellan. On his return, at the President’s instance, he also came to see me as to the relations of the war to the finances. I cannot fix the date. It was late in July. He unreservedly condemned McClellan’s whole military operations, and especially the conduct of the engagement before Richmond, and the subsequent retreat to the James. I told him that to a revival of the credit of the country two things were necessary: First, that some vigorous and able general should be placed in command of the army on the James River instead of McClellan; and, secondly, that the Mississippi should be opened. I spoke also of the importance of a more rapid advance into East Tennessee. He gave me no satisfaction on any point. He said that McClellan would do very well under orders from himself; that no force could be withdrawn from Grant if that general was to take Vicksburg and open the Mississippi; that Curtis’s army was required to prevent invasion of Missouri from Arkansas; and that Buell was marching *toward* Chattanooga, though his movements were intolerably slow.

“About this time I saw a good deal of General Pope. It was just before he left Washington (where he had been detained by the President until Halleck’s arrival), to take command of the army in the field. He condemned General McClellan’s conduct more and in stronger terms than General Halleck; and said that in conversation he found Halleck quite agreed with him, but averse to precipitate action. He also said, what from other evidence I entertained no doubt of, that he had warned the President that he (Pope) could not safely command the Army of Virginia if its success was to depend on any coöperation of McClellan, for he felt assured that his coöperation would fail wherever emergencies should make it really important.

“General Pope seemed to me an earnest, active, intelligent man, and inspired me with the best hopes. I could not believe that McClellan would be continued in command until the failure dreaded by Pope should occur, and I therefore hailed his departure to the field with great satisfaction.

“It had been already determined by General Halleck to withdraw General McClellan’s army from the Peninsula. General Pope was ordered to push southward as far as he could with safety, and draw the enemy from Richmond. He did so. By several bold and skillfully-executed movements, he broke up the railroad in several places; and not only drew their attention, but impeded considerably their progress toward him. His main army was advanced to the Rapidan, after driving Jackson back across that river by the battle of Slaughter or Cedar Mountain. This engagement and its results caused considerable delay to the enemy.

“Meantime, after spending some days in remonstrances against the order of General Halleck, General McClellan began to send off his army

from the James; but his movement was much delayed by unwillingness to execute it. It had, indeed, become so apparent that a large proportion of the enemy's force had moved toward Pope, that it seemed to me, and I suggested to General Halleck, that an advance upon Richmond under a vigorous and able leader—or at any rate a march toward Fredericksburg, leaving Richmond on the left—was entirely feasible, and would secure the junction of the two armies sooner than transportation by the river and bay, and marches to Fortress Monroe and Yorktown. He did not accept this idea, but insisted on the speediest possible embarkation and march of the troops, with a view to uniting them with the Army of Virginia, before the rebels could force Pope back on Washington with their massed force. So the movement went on. Some of the troops were embarked on transports and brought to Alexandria; some were marched to Newport News and some to Yorktown, and there embarked and brought to Aquia and Alexandria.

“While these things were taking place, Pope was vigorously disputing the advance of the enemy. When their whole force was concentrated before him, south of the Rapidan, in the hope of overwhelming his army by superior numbers before a junction with McClellan's army could be effected, he suddenly fell back beyond the Rappahannock, without loss and without disorder. The enemy followed, and a protracted struggle took place on the Rappahannock. Pope disputed their crossing for many miles up and down that river from the station of the Orange & Alexandria Railroad, but he was not in sufficient force to prevent them passing up the country, and by a long *détour* coming through the mountains. By this movement, the enemy succeeded in reaching Manassas Junction in Pope's rear. He supposed they would find that place strongly occupied by troops from McClellan's army, but the fact was otherwise. The occupying force was inconsiderable and was easily scattered. Meanwhile Pope having defended the passage of the Rappahannock until the enemy had thus reached his rear, suddenly turned round and by rapid marches attacked the enemy at Manassas, followed him to the plains of Bull Run, and by a judicious disposition of his forces, engaged him there at such advantage, before the rest of the rebel army could come up, that victory seemed almost certain.

“During these last days, however, McClellan had arrived at Alexandria, and manifested great aversion to sending troops to General Pope. Repeated orders from General Halleck produced slow and inadequate results in movements of troops. The feeling manifested by McClellan extended itself to some of the officers of his army; especially to Porter, who had been sent forward by the way of Aquia and Falmouth, and already made a part of Pope's command. This general manifested no disposition to act cordially under his new commander; but on the contrary, by delays and ill-tempered action, so mismanaged his force that the victory, which seemed almost in the grasp of the Union army, was snatched from it. The result of the battle of Friday, when Pope's combined attack on the advanced rebel army was made, was indeed a success; and had he been supported as he should have been, it would have been decisive. The advanced army.

would have been captured or so thoroughly routed, that recovery, even with the heavy reënforcements near at hand, would hardly have been possible. As it was, the enemy fell back, only to be reënforced by the main body; and the next day renewed the fight. Again Pope engaged them with his overworked and diminished forces; but the divisions of Franklin and Sumner, eagerly expected, had been so long withheld from advance, that they could not come up—the enemy proved too strong, and we lost the day. Pope had sent an earnest demand for supplies to McClellan, who answered that the wagons would be loaded, and if Pope would send a cavalry escort, would be sent forward! Pope had no cavalry escort to send, and to secure supplies as well as to gain a safe position, withdrew his army across Bull Run to Centreville the night following the battle. At Centreville he was joined by Sumner and Franklin; but the result of the battle, and the ill-feelings generated by disappointment had so demoralized the army, that it did not seem safe to risk another engagement; and the whole army was withdrawn within the fortifications.

“Thus the union of the two armies was consummated. Will the true history of it ever be known? It seems improbable, for the President, allowing the whole blame to fall on Pope and on McDowell—who, though superior in rank to Pope, had cheerfully acted under him—allowed Halleck to relieve them both from their respective commands, and he himself gave the command of the fortifications and the troops for the defense of Washington to McClellan. It was against my protest and that of the Secretary of War.

“Heaven grant that the issue may show it was wisely done!”

To William C. Bryant, New York.

“WASHINGTON, September 4, 1862.

“. . . . I recommended General McDowell as I did General McClellan; neither more warmly, and I am perfectly willing to take my share with others, who recommended them just as I did, of the responsibility of their appointment.

“My expectations of General McDowell have been better satisfied than those I formed of General McClellan. But the latter is supported by the enemies of the Administration and by many of its friends: and the President, declaring himself unable to do better, and acknowledging that he is not doing well, places McClellan in command of the troops and fortifications around Washington; so that for the time being, at any rate, he is virtually restored to his former position of commander-in-chief. . . .

“For my part, I know a large part of the truth, and my opinions are unchanged.

“McDowell has been unfortunate; but he is a loyal, brave, truthful, capable officer. He is a disciplinarian. While he never hesitated to appropriate private property of rebels to public use, he repressed, as far as possible, private marauding, as incompatible with the laws of civilized warfare, and as equally incompatible with the discipline and efficiency of troops.

He believes that the immense trains with which our armies move are fatal to rapidity of operations, and so dangerous to final success. He has sought, therefore, to cut them down to the lowest point compatible with the effective condition of the troops. From these two causes come the large share of the complaints against him. Then he never drinks, or smokes, or chews, or indulges in any kind of license. He is serious and earnest. He resorts to no arts for popularity. He is attended by no claquers and puffers. He has no political aims, and perhaps no very pronounced political principles, except the conviction that this war sprung from the influence of slavery, and that wherever slavery stands in the way of its successful prosecution, slavery must get out of the way. He is too indifferent in manner, and his officers are sometimes alienated by it. He is too purely military in his intercourse with his soldiers. There is an apparent *hauteur*: no, that is not the word—rough indifference expresses better the idea—in his way toward them, that makes it hard for them to feel any very warm personal sentiments toward him, unless they should find—what they have not hitherto found—that he leads them successfully, and that the honor of serving under him compensates for their personal griefs. . . .”

To Colonel R. C. Parsons, Cleveland, Ohio.

“WASHINGTON, September 5, 1862.

“ . . . Thank Benedict for his ‘notice.’

“I regret very much that some of our friends feel as they do. My judgment and conscience are satisfied with what I have done.

“The rebels will not, I think, assail our fortifications, or attempt to cross the Potomac this side or at Harper’s Ferry. They may try higher up.

“I hope McDowell will demand a court of inquiry. He is atrociously abused and with great effect; and being a simple soldier, he has small chance of self-defense, even if he would attempt it.

“The last invention of those who hate him is, that his wife and the wife of Stonewall Jackson are sisters! An earlier one made him *my* brother-in-law!

“He is my friend, and I am his; and so long as I believe him loyal, truthful, straightforward, and honest, I shall remain his friend, whether he succeeds or fails as a military man.

“Let him as a soldier be tried by the severest tests, and let all others be tried by the same tests also. Let those only who endure the ordeal be put in the lead, whether personal friends or personal enemies. . . .”

To Enoch T. Carson, Esq., Cincinnati.

“WASHINGTON, September 8, 1862.

“ . . . There is too much ground for the article in the *Times* which you sent me. It should have observed more caution; but I fear I should not, in the editorial chair, have followed my own precept. We have not accomplished what we ought to have accomplished. We have put small

forces where large forces were needed, and have failed to improve advantages—the advantages we obtained. We have preferred generals who do little with much to generals who do much with little. We blame and praise with equal want of reason and judgment. . . .

“General McClellan is again virtually in chief command, and has gone to the field with the army sent against the rebels in Maryland. This is against my judgment, but, having been overruled, I am endeavoring to do all in my power to secure success. McDowell is out of the way, and so is Pope, and so unity is apparently restored. The sacrifice is not too great: for no man should for a moment be preferred to any benefit to the country. . . .”

From Mr. Chase's Diary, September 8, 1862.

“Nothing of financial moment. Barney came in and said that Stanton and Wadsworth had advised him to leave for New York this evening, as communication with Baltimore might be cut off before to-morrow. Mr. B. said he would be governed by my advice. Told him I did not think the event probable, but that he had best be governed by the advice he had received.”

To Horace Greeley.

“WASHINGTON, September 12, 1862.

“. . . . I cut a slip from the *Republican* this morning about Mr. Stanton. It is less than justice to him. He has faults like other men; but his energy has been all-important to us. . . . There has been no necessity, humanly speaking, for our ill-success. Providence has, as I believe, confounded our counsels because of our complicity in crime against His poor. Mr. Stanton's voice has ever been on the side of the most vigorous and active employment of *all* our resources, moral and political as well as physical. Not only did he urge the order to move on the 22d of February, but he proposed to the President and myself the trip to Fortress Monroe in the revenue-cutter Miami; he proposed and urged the sending of Rogers up the river, and the bombardment on the same day of Sewall's Point, with a view to the landing of troops there by General Wool, and a march upon Norfolk; he cordially seconded my proposition to take the revenue-cutter and go myself in search of a landing in Lynch-Haven Bay, when landing at Sewall's Point was pronounced by General Wool to be impracticable; and when the landing was found in three or four hours he urged Wool (nothing loath, by-the-way) to a prompt embarkation and march. The next day witnessed the march; a panic, the capture of Norfolk, and the following morning the blowing up of the Merrimac. Nothing of all this, I verily believe, would have occurred but for Stanton's energy of will and thought. . . .”

From Mr. Chase's Diary, September 12th.

“Expenses are enormous, increasing instead of diminishing; ill-successes in the field have so affected Government stocks that it is impossible

to obtain loans except on temporary deposit. We are forced to rely on an increased issue of United States notes, which hurts almost as much as it helps. . . .

“Went over to the War Department about two. Found that no important intelligence of rebel movements had been received. The Secretary informed me that *he had heard* from General H. that the President is going out to see General McClellan; and commented with some severity on his humiliating submissiveness to that officer. It is indeed humiliating, but prompted, I believe, by a sincere desire to serve the country, and a fear that, should he supersede McClellan by any other commander, no advantage would be gained in leadership, but much harm in the disaffection of officers and troops. The truth is, I think, that the President, with the most honest intentions in the world, and a naturally clear judgment, and a true, unselfish patriotism, has yielded so much to border State and negro-phobic counsels, that he now finds it difficult to arrest his own descent toward the most fatal concessions. 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?”

From Mr. Chase's Diary, September 22, 1862.

“To department about nine. State Department messenger came with notice to heads of departments to meet at twelve. Received sundry callers. Went to the White House. All the members of the Cabinet were in attendance. There was some general talk, and the President mentioned that Artemus Ward had sent him his book. Proposed to read a chapter which he thought very funny. Read it, and seemed to enjoy it very much; the heads also (except Stanton). The chapter was ‘High-Handed Outrage at Utica.’

“The President then took a graver tone, and said: ‘Gentlemen, I have, as you are aware, thought a great deal about the relation of this war to slavery, and you all remember that, several weeks ago, I read to you an order I had prepared upon the subject, which, on account of objections made by some of you, was not issued. Ever since then my mind has been much occupied with this subject, and I have thought all along that the time for acting on it might probably come. I think the time has come now. I wish it was a better time. I wish that we were in a better condition. The action of the army against the rebels has not been quite what I should have best liked. But they have been driven out of Maryland, and Pennsylvania is no longer in danger of invasion. When the rebel army was at Frederick I determined, as soon as it should be driven out of Maryland, to issue a proclamation of emancipation, such as I thought most likely to be useful. I said nothing to any one, but I made a promise to myself and (hesitating a little) to my Maker. The rebel army is now driven out, and I am going to fulfill that promise. I have got you together to hear what I have written down. I do not wish your advice about the

main matter, for that I have determined for myself. This I say without intending any thing but respect for any one of you. But I already know the views of each on this question. They have been heretofore expressed, and I have considered them as thoroughly and carefully as I can. What I have written is that which my reflections have determined me to say. If there is any thing in the expressions I use or in any minor matter which any one of you thinks had best be changed, I shall be glad to receive your suggestions. One other observation I will make. I know very well that many others might, in this matter as in others, do better than I can; and if I was satisfied that the public confidence was more fully possessed by any one of them than by me, and knew of any constitutional way in which he could be put in my place, he should have it. I would gladly yield it to him. But though I believe that I have not so much of the confidence of the people as I had some time since, I do not know that, all things considered, any other person has more; and, however this may be, there is no way in which I can have any other man put where I am. I am here. I must do the best I can, and bear the responsibility of taking the course which I feel I ought to take.'

"The President then proceeded to read his Emancipation Proclamation, making remarks on the several parts as he went on, and showing that he had fully considered the subject in all the lights under which it had been presented to him.

"After he had closed, Governor Seward said: 'The general question having been decided, nothing can be said further about that. Would it not, however, make the proclamation more clear and decided to leave out all reference to the act being sustained during the incumbency of the present President; and not merely say that the Government "recognizes," but that it will maintain the freedom it proclaims?''¹

"I followed, saying: 'What you have said, Mr. President, fully satisfies me that you have given to every proposition which has been made a kind and candid consideration. And you have now expressed the conclusion to which you have arrived clearly and distinctly. This it was your right, and, under your oath of office, your duty to do. The proclamation does not, indeed, mark out the course I would myself prefer; but

¹ Mr. Chase told me this: At this meeting of the Cabinet, after the President had said he was prepared to hear suggestions touching the proclamation, Mr. Seward proposed the change as stated in the text, and allowed some little time to elapse before proposing that relating to colonization. The President hereupon asked Mr. Seward why he had not proposed both changes at once? Mr. Seward made some not very satisfactory answer. Mr. Lincoln then said that Seward "reminded" him of a hired man out West who came to his employer on a certain afternoon, and told him (the employer) that one of a favorite yoke of oxen had fallen down dead. After a pause, the hired man added, "And the other ox in that team is dead, too." "Why didn't you tell me at once that both the oxen were dead?" "Because," answered the hired man, "I didn't want to hurt you by telling you too much at one time!"

I am ready to take it just as it is written and to stand by it with all my heart. I think, however, the suggestions of Governor Seward very judicious, and shall be glad to have them adopted.'

"The President then asked us severally our opinions as to the modifications proposed, saying that he did not care much about the phrases he had used. Every one favored the modification, and it was adopted. Governor Seward then proposed that in the passage relating to colonization some language should be introduced to show that the colonization proposed was to be only with the consent of the colonists, and the consent of the States in which the colonies might be attempted. This, too, was agreed to; and no other modification was proposed. Mr. Blair then said that the question having been decided, he would make no objection to issuing the proclamation; but he would ask to have his paper, presented some days since, against the policy, filed with the proclamation. The President consented to this readily. And then Mr. Blair went on to say that he was afraid of the influence of the proclamation on the border States and on the army, and stated, at some length, the grounds of his apprehensions. He disclaimed most expressly, however, all objections to emancipation *per se*, saying he had always been personally in favor of it—always ready for immediate emancipation in the midst of slave States, rather than submit to the perpetuation of the system."

To Sterne Chittenden, New York.

WASHINGTON, September 27, 1862.

"I must not, as you will at once perceive, attempt to control the officers of Government, appointed through this Department, in the selection of deputies and employés. Such control would impair the responsibility essential to faithful administration.

"It is not improper for me to say, however, that in my judgment, men disabled from ordinary labors by wounds received in brave service to their country on the field, ought to be preferred, when qualified, in such selections. No one would be more gratified than myself to see this rule adopted by all officers charged with the duty of making subordinate appointments. . . ."

To General O. M. Mitchell.

WASHINGTON, October 4, 1862.

". . . . I have read with great attention both your letters, and have had some conversation with the Secretary of War in relation to them. He is extremely desirous, and so am I, that you should be strengthened so as to enable you to accomplish important results; and I trust the time is not distant when this will be done.

"You will pardon me if I frankly say that I think you err in desiring to come North with the best troops of the department. All our wishes point exactly the other way. In my judgment, our success for the next

three months must be chiefly on the coasts of the Atlantic and the Gulf, and they must be achieved in connection with an honest and thorough execution of the Confiscation Law and a wise system for the military and civic employment of the loyal black population.

"I have read attentively what you say on the subject of prejudice in the army against the military employment of the blacks. It may not be wise altogether to disregard it. Perhaps the idea which you suggest of a separate establishment on one of the islands for the military organization of these natives of South Carolina may be expedient; but I am very sure that a great deal may be done by firm and judicious speech and action, to allay if not entirely remove this prejudice. It will not do to give it free course and yield to it a passive submission. The demoralization thus produced would be as much to be regretted as any that could be caused by the most unrestricted employment of the blacks.

"It is not true, as some allege, that any disproportionate care has been shown toward the blacks. It is a mean spirit which dictates such expressions. The blacks have been employed as laborers, at the most meagre of all possible compensations. Those who were organized into military companies were never paid, from the want of any order of the War Department to that effect. So far from having been preferred in any respect, the commonest duties toward them have either not been performed at all, or ill performed.

"In conversation with the Secretary of War in relation to General Saxton, he informed me that General Saxton's duties were not independent of you as the commander of the department, but that, on the contrary, he was to report to you and act in general subordination to the military administration of the department. I know so well General Saxton's loyalty and judgment, that I am sure you can have no difficulty with him, but will find cordial and efficient coöperation, unless, indeed—which, of course, cannot be anticipated—you should take part with the insubordinates who seek to thwart the policy of the Government, as declared in the President's proclamation and otherwise, in respect to the only class of the Southern population who really sympathize with the efforts of the Government to suppress the insurrection.

"I thought the other day, that I had secured your old brigade to you, and to General Garfield, who, I understand, is to be sent into your department, his. Both brigades are now at or near Louisville, I believe. I do not yet give up the hope of accomplishing this."

To R. C. Kirk, of Ohio.

WASHINGTON, October 6, 1862.

". . . We have spent large sums of money and sacrificed a vast number of precious lives, without counting the shattered constitutions and the maimed limbs of multitudes of survivors; and yet we seem to be still far from the final issue. I cannot doubt what the final issue will be. The vast preparation now making both by land and sea, insure success, unless

God takes sides against us. We shall soon have iron-clad ships enough to batter down any fortress, and take any town on the coast, from Norfolk to Brownsville. Our army, in numbers, equipment, and military character, surpasses greatly any which the enemy can bring into the field. I tremble when I think how a storm may wreck our iron-clads, and feebleness in counsel and action ruin our army; but I trust that God has not willed the destruction of the American Republic, and with more confidence since the President has placed the power of the Government unequivocally on the side of justice to the oppressed. . . .”

To General John Cochrane.

“WASHINGTON, October 18, 1862.

“ . . . My indisposition has prevented me from much intercourse with other members of the Administration, so that I have not been able to ascertain the condition of opinion in relation to the measures you proposed to me.

“It has of course been impossible for me to visit headquarters; nor do I think it would be exactly delicate for me to do so without an invitation.

“My judgment in respect to the course demanded by the public interest remains unchanged. No man can lament General McClellan’s want of success more than I do. No man has labored more sincerely and earnestly to supply the means of success. No man would more sincerely rejoice if now, by a series of prompt and decisive movements, he might more than retrieve all he has lost in the judgments of sincere and judicious and patriotic men.

“My longing and my prayer is, for the salvation of the country. He whom God may honor as the instrument of its salvation, whoever he may be, shall be my hero. *Magnus mihi erit Apollo.*

“General McClellan will remember my talks with him of a year ago—how I told him then of the necessity of sharp and decisive action to my ability to provide the means to carry on the war. By miracles almost I have been enabled to get on this far, notwithstanding our disasters. But the miracles cannot be repeated; and I see financial disaster imminent. I dare not say all I feel and fear. My hope is in the prompt and successful use of all the immense resources in men and means now provided.”

To General Lovell H. Rousseau.

“WASHINGTON, October 25, 1862.

“ . . . I congratulate you on your deserved promotion, and on the confidence your brave and manly course has won for you. I earnestly hope that higher distinction, if not higher position, awaits you.

“The fearlessness which did not hesitate to avow uncompromising Unionism in a timid Senate, and prompted the declaration that slavery

must not stand in the way of the suppression of the rebellion, has made your name honored by multitudes. May your services and honors increase! . . .”

To General William S. Rosecrans.

“WASHINGTON, October 25, 1862.

“ . . . I have contributed but little to your advancement. It was in my power to secure your original appointment as brigadier. To the proofs you have given of your capacity and courage, and the readiness of the Secretary of War to recognize those qualities, you owe your subsequent advancement. You have had my good wishes and my good words, and I ascribe little to either. You are my debtor for little more than friendship. . . .

“I suppose that the rebels for the most part have left Kentucky. Now, then, for East Tennessee!—the grand central fortress; the key to the whole position of the rebellion. Get East Tennessee, my dear general! get possession of East Tennessee as rapidly as possible. Make that vast natural fortress ours and yours. Deliver the loyalists of the mountains, who have cried to us so long in vain. Then you may almost choose where to strike. The rebel artery will be cut—the great east and west line which has been their strength and our weakness. Your communications can easily and securely be kept open with the Ohio River, and with perhaps a little more difficulty, with the Mississippi at Memphis. . . .”

To John Young, Esq., Cincinnati.

“WASHINGTON, October 27, 1862.

“ . . . I do not wonder that dissatisfaction prevails. The President, from the purest motives, committed the management of the war almost exclusively to his political opponents. In the honesty of his heart, he thought that in the presence of great danger to the country all political differences might be safely disregarded. Unfortunately, those whom he has trusted have not sympathized with him in the conduct of the war. While he has been urging action, they have been making excuses for delays. The great error has been that he received these excuses and tolerated inaction. I have long remonstrated against it, and predicted its inevitable consequences. It is within a few days of a year, since I strongly urged prompt action on McClellan, and received his positive assurances that prompt action should be had. When General Halleck came, I urged upon him the necessity of opening the Mississippi and driving the rebels from East Tennessee, and giving a brave and able general to the Army of the Potomac. He promised *nothing*, and did it. I think, however, that at last the President is thoroughly aroused. The appointment of Rosecrans is a specimen of what may be looked for. Active preparations are now making for striking every point in rebeldom that can be reached, and I shall be greatly disappointed if within the next three months it does not become clear to the whole world that rebellion cannot prosper, but will

be suppressed. It is sad to think of the delay and inaction which have marked the past, but I am confident that it will not characterize the future. . . .”

To the President.

“WASHINGTON, December 29, 1862.

“ . . . My thoughtful attention has been given to the question which you proposed to me as head of one of the departments, touching the act of Congress admitting the State of West Virginia into the Union. The questions proposed are two :

“ 1. Is the act constitutional ?

“ 2. Is the act expedient ?

“ 1. In my judgment the act is constitutional.

“ In the convention which framed the Constitution the formation of new States was a subject much considered. Some of the ablest men in the convention, including all or nearly all the delegates from Maryland, Delaware, and New Jersey, insisted that Congress should have power to form new States within the limits of existing States, without the consent of the latter. All agreed that Congress should have the power with that consent. The result of deliberation was the grant to Congress of a general power to admit new States, with a limit on its exercise in respect to States formed within the jurisdiction of old States, or by the junction of old States, or parts of them, to cases of consent by the Legislatures of all the States concerned.

“ The power of Congress to admit the State of West Virginia, formed within the existing State of Virginia, is clear, if the consent of the Legislature of the State of Virginia has been given. That this consent has been given cannot be denied, unless the whole action of the executive and legislative branches of the Federal Government, during the last eighteen months, has been mistaken, and is now to be reversed.

“ In April, 1861, a convention of citizens of Virginia assumed to pass an ordinance of secession ; called in rebel troops, and made common cause with an insurrection which had broken out against the Government of the United States. Most of the persons exercising the functions of the State government in Virginia joined the rebels, and refused to perform their duties to the Union they had sworn to protect. They thus abdicated their power of government in respect to the United States. But a large portion of the people, a number of the members of the Legislature, and some judicial officers, did not follow their example. Most of the members of the Legislature, who remained faithful to their oaths, met at Wheeling, and reconstituted the government of Virginia, and elected Senators in Congress, who now occupy seats as such. Under this reconstituted government a Governor has been elected, who now exercises executive authority throughout the State, except so far as he is excluded by armed rebellion. By repeated and significant acts, the Government of the United States has recognized this government of Virginia as the only legal and constitutional government of the whole State.

“And in my judgment, no other course than this was open to the national Government. In every case of insurrection involving the persons exercising the powers of State government, where a large body of the people remain faithful, that body, so far as the Union is concerned, must be taken to constitute the State. It would have been as absurd as it would have been impolitic, to deny to the large loyal population of Virginia the powers of a State government, because men, whom they had clothed with executive or legislative or judicial powers, had betrayed their trusts and joined in rebellion against the country.

“It does not admit of doubt, therefore, as it seems to me, that the Legislature which gave its consent to the formation and erection of the State of West Virginia, was the true and only lawful Legislature of the State of Virginia. The Madison Papers clearly show that the consent of the Legislature of the original State was the only consent required to the erection and formation of a new State within its jurisdiction. That consent having been given, the consent of the new State, if required, is proved by her application for admission.

“Nothing required by the Constitution to the formation and admission of West Virginia into the United States is, therefore, wanting; and the act of admission must, necessarily, be constitutional.

“Nor is this conclusion technical, as some may think. The Legislature of Virginia, it may be admitted, did not contain many members from the eastern counties. It contained, however, representatives from all the counties whose inhabitants were not either rebels themselves, or dominated by greater numbers of rebels. It was the only Legislature of the State known to the Union. If its consent was not valid, no consent could be. If its consent was not valid, the Constitution, as to the people of West Virginia, has been so suspended by the rebellion that a most important right under it has been utterly lost.

“It is safer, in my opinion, to follow plain principles to plain conclusions, than to turn aside from consequences, clearly logical, because not exactly agreeable to our views of expediency.

“2. And this brings me to the second question: Is the act of admission expedient?

“The act is almost universally regarded as of vital importance to their welfare, by the loyal people most immediately interested, and it has received the sanction of large majorities in both Houses of Congress. These facts afford strong presumptions of expediency.

“It is, moreover, well known that for many years the people of West Virginia have desired separation on good and substantial grounds; nor do I perceive any good reason to believe that consent to such separation would now be withheld by a Legislature actually elected from all the counties of the State, and untouched by rebel sympathies.

“However this may be, much—very much—is due to the desires and convictions of the loyal people of West Virginia. To them admission is an object of intense interest; and their conviction is strongly expressed

that the veto of the act and its consequent failure would result in the profound discouragement of all loyal men and the proportionate elation and joy of every sympathizer with rebellion. Nor is it to be forgotten that such a veto will be regarded by many as an abandonment of the views which have hitherto guided the action of the national Government in relation to Virginia; will operate as a sort of disavowal of the loyal government, and may be followed by its disorganization. No act, not imperatively demanded by constitutional duty, should be performed by the Executive if likely to be attended by consequences like these.

"It may be said, however, that the admission of West Virginia may draw after it the necessity of admitting other States under the consent of extemporized Legislatures assuming to act for whole States, though really representing no important part of their territory. I think this an imaginary necessity. There is no such Legislature, nor is there likely to be. No such Legislature, if extemporized, is likely to receive the recognition either of Congress or the Executive. The case of West Virginia will form no evil precedent. Far otherwise. It will encourage the loyal by the assurance it will give of the national recognition and support; but it will inspire no hopes that the national Government will countenance needless and unreasonable attempts to break or impair the integrity of States. If a case parallel to that of West Virginia shall present itself, it will doubtless be entitled to like consideration; but the contingency of such a case is surely too remote to countervail all the considerations of expediency which sustain the act.

"My answer to both questions is, therefore, affirmative. . . ."

To the President.

"WASHINGTON, December 31, 1862.

". . . . In accordance with your verbal direction of yesterday, I most respectfully submit the following observations in respect to the draft of a proclamation designating the States and parts of States within which the proclamation of September 22, 1862, is to take effect according to the terms thereof.

"I. It seems to me wisest to make no exceptions of parts of States from the operation of the proclamation other than the forty-eight counties of West Virginia. My reasons are these:

"1. Such exceptions will impair, in the public estimation, the moral effect of the proclamation, and invite censures which it would be well, if possible, to avoid.

"2. Such exceptions must necessarily be confined to some few parishes and counties in Louisiana and Virginia and can have no practically useful effect. Through the operation of various acts of Congress, the slaves of disloyal masters in those parts are already enfranchised, and the slaves of loyal masters are practically so. Some of the latter have already commenced paying wages to their laborers, formerly slaves; and it is to be

feared that if, by exceptions, slavery is practically reëstablished in favor of some masters, while abolished by law and by the necessary effect of military occupation as to others, very serious inconveniences may arise.

“3. No intimation of exceptions of this kind is given in the September proclamation, nor does it appear that any intimations otherwise given have been taken into account by those who have participated in recent elections, or that any exceptions of their particular localities are desired by them.

“II. I think it would be expedient to omit from the proposed proclamation, the declaration that the Executive Government of the United States will do no act to repress the enfranchised in any efforts they may make for their actual freedom. This clause in the September proclamation has been widely quoted as an incitement to servile insurrection. In lieu of it, and for the purpose of refuting these misrepresentations, I think it would be well to insert some such clause as this: ‘*Not encouraging or countenancing, however, any disorderly or licentious violence.*’ If this alteration be made, the appeal to the enslaved may, properly enough, be omitted. It does not seem to be necessary, and may furnish a topic to the evil-disposed for criticism and ridicule.

“III. I think it absolutely certain that the rebellion can in no way be so certainly, speedily, and economically suppressed, as by the organized military force of the loyal population of the insurgent region, of whatever complexion. In no way can irregular violence and servile insurrection be so surely prevented, as by the regular organization and regular military employment of those who might otherwise probably resort to such courses.

“Such organization is now in successful progress; and the concurrent testimony of all connected with the colored regiments in Louisiana and South Carolina is that they are brave, orderly, and efficient. General Butler declares that without his colored regiments he could not have attempted his recent important movements in the La Fourche region, and General Saxton bears equally explicit testimony to the good conduct and efficiency of the colored troops recently sent on an expedition along the coast of Georgia.

“Considering these facts, it seems to me that it would be best to omit from the proclamation all reference to the military employment of the enfranchised population, leaving it to the natural course of things already well begun; or, to state distinctly, that in order to secure the suppression of rebellion without servile insurrection or licentious marauding, such numbers of the population declared free, as may be found convenient, will be employed in the military and naval service of the United States.

“Finally, I respectfully suggest that on an occasion of such interest there can be no just imputation of affectation against a solemn recognition of responsibility before men and before God, and that some such close as follows will be proper:

“‘And upon this act, sincerely believed to be an act of justice, war-

ranted by the Constitution, and of duty, demanded by the circumstances of the country, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.’”

With this letter Mr. Chase submitted to the President a draft of a proclamation which embodied the ideas expressed in the letter. That draft was as follows :

“ *Whereas*, On the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit : (Here inserting certain paragraphs from that proclamation ; then continuing :)

“ ‘ Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a proper and necessary war-measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my intention so to do publicly proclaimed for one hundred days, as aforesaid, order and designate as the States and parts of States in which the people thereof are this day in rebellion against the United States, the following, to wit :

“ ‘ Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, except the forty-eight counties designated as West Virginia.

“ ‘ And, by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforth forever shall be, FREE ; and that the Executive Government of the United States, including the military and naval authorities, will recognize and maintain the freedom of said persons—not, however, encouraging or in any way sanctioning any disorderly conduct or licentious violence ; to prevent which, and secure the earliest possible termination of the insurrection with the least possible injury to persons and property, such portions of the population hereby declared free as may be found convenient and useful will be employed, under suitable organization, in the military and naval service of the United States, as well as in other avocations for which they may be adapted and required.

“ ‘ And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, and an act of duty demanded by the circumstances of the country, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.’ ”

In the proclamation issued by the President on the 1st of

January, 1863, he adopted the closing sentence proposed by Mr. Chase (his own draft contained no such expression), but modified thus: "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, *upon military necessity*, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

CHAPTER XLIV.

MR. CHASE AND THE WAR.

1863.

To Major Ralston Skinner, with General Rosecrans.

“WASHINGTON, January 6, 1863.

“ **W**HEN I read of the death of poor Garesché I trembled for you; but as the telegraph does not report you wounded or missing, I suppose you are safe and am thankful.

“The success of Rosecrans has lifted a fearful weight from the breast of the country, and it seems to me the success was emphatically his. To be sure, his brave officers and men were indispensable, but, as I read the accounts, his own genius and courage, and indefatigable persistence, won the day. You can scarcely imagine what a personal gratification it is to me; but the personal gratification is nothing compared with that which the benefit to the country inspires. . . .”

To William Curtis Noyes, New York.

“WASHINGTON, April 7, 1863.

“ The point to which I wish to draw your attention is this: It seems to me that in no way can a greater good be accomplished just now than by the organization of a National Emancipation Commission, which shall charge itself with the well-being of the emancipated blacks in the States to which the proclamation applies; in States also which may emancipate by voluntary legislation, and in all States where persons are found entitled to freedom under the acts of Congress.

“Take, for example, the present condition of things on the Mississippi. Had our generals on that river, ten months ago, enlisted all the able-bodied blacks willing to serve in military organizations, I believe we should today hold possession of the entire river, if indeed the whole rebellion had not been practically subdued. Had such a commission as I now suggest existed, charging itself with the care of the families of black soldiers; with the provision of lands for cultivation and homes for those families and to such colored men as could not enlist; and with—to some extent—

the organization of the labor not employed by Government, who can tell what great results might not have followed?

"So deeply did I feel this at the time, that I made myself—under many disadvantages, and with the smallest possible time for the work—a sort of commission for Port Royal, and its results were not contemptible, though I had to endure much remark that was not pleasant, and with little sympathy where I should have found much.

"It is not too late to organize a commission which shall do for the whole country what I wished done for Port Royal.

"The beginning should be, I think, a meeting of half a dozen gentlemen in New York: prudent, active, resolute, patient men, who should organize themselves as a National Emancipation Commission. The number might be increased by additions from other cities and places, none being admitted at first, except by unanimous consent, in order to secure harmony and efficiency. Admissions might afterward be made under less strict regulations, being careful always to secure, however, a united and energetic administration.

"*You* are the man to begin. Select your five co-workers from the best men in New York: get together and organize. Then lay your plan of action before the War Department, and I am confident you will have Mr. Stanton's cordial coöperation. You shall have mine and that of my agents. . . ."

To the President.

"PHILADELPHIA, April 22, 1863.

". . . . My purpose in visiting Philadelphia and New York at this time is to ascertain if a loan, say of \$50,000,000, to pay off the army, cannot now be obtained. The only difficulty I find in the way springs from the painful uncertainty generally prevalent as to the future of the war. Notwithstanding this, however, I hope to succeed; and I am greatly cheered by the resolved determination which appears to animate all our friends. This is a sentiment which can easily be converted into triumphant gladness by the achievement of some important successes, and, above all, by the development of some settled and promising plan for the successful termination of the contest. . . ."

To Major B. C. Ludlow.

"WASHINGTON, May 12, 1863.

". . . . I look at the war under both military and political aspects; and it seems to me that military occupation should be immediately followed by political reconstruction, in order to secure permanent advantages. Hence I would select, as the theatre of operations, those sections of the hostile country in which reconstruction would be easiest and most stable. Those sections are on the Gulf.—I would take Florida, Alabama, Louisiana, and Texas, and make free States of them as rapidly as possible. I would arm the loyal native population, white and black, so as to put them into a

condition of self-defense. Then I would push northward up the Mississippi, and southward into East Tennessee and the mountain-regions.

"In some such way as this, I think the rebellion could be most speedily and economically crushed. . . ."

To Major-General Hooker.

"WASHINGTON, May 14, 1863.

". . . . Would it not be well to replace Sigel in command of the Eleventh Corps? I heard of a letter written some days before the battle to a friend, in which he complained bitterly of General Howard because of his interference with the German ways of the soldiers, from motives of religious duty, and predicted that the troops, from dissatisfaction, would prove unreliable. . . . Sigel seems to me earnest and capable, and certain it is that the Germans are devoted to him. Is it not best to avail of that special strength which he can give?"

To Major-General Garfield.

"WASHINGTON, May 14, 1863.

". . . . Rumors are rife of a movement in Lee's army. Since the defeat of May 4th (Chancellorsville) the Army of the Potomac has been quiet; gradually, indeed, losing strength from the expiration of the nine months' terms. If Lee is actually moving, he will find no divided armies before him as formerly under Pope and McClellan, and will have no child's play to encounter. It seems to me, indeed, the very thing to be desired, and I am confident Hooker will make him repent of it. If Lee does not move, I expect Hooker will soon take the initiative.—The rumor of rebel movements has certainly some support in actual conditions. Just after the late battles, an autograph letter from Jefferson Davis to a Mississippi officer under Lee, came into our possession, in which Davis spoke of the great difficulty of sending reënforcements to Lee, though he was anxious to do so. The truth is, I suppose, that the rebels cannot much increase their present force, and that the difficulties of movement are constantly becoming greater. Of course, as our armies are everywhere more or less weakening by the expiration of terms, the rebels are now relatively stronger than they ever will be again. If they will take the offensive under any circumstances, they will probably do so now.

The enlistment of colored troops is going on well. The Florida project, which was much discouraged, seems now likely to be realized; and it is not unlikely that colored troops will be mainly relied on for its accomplishment. The first regiment from Massachusetts has already gone to Port Royal. The second will probably follow in less than a fortnight. A regiment is being raised here also. . . ."

To Major-General Hooker.

"WASHINGTON, June 20, 1863.

" On returning from your headquarters, I called on the President and Secretary of War, each of whom seemed gratified by what I had to state. My conviction is strong that you will want nothing which can contribute to your success. I am confident that General Halleck does not entertain a thought or a sentiment which will prompt the least embarrassment of any of your actions. If you entertain any such apprehension, let me beg you to dismiss it absolutely, and call on the commanding general freely for what you want. Lay your views unreservedly before him, and *count* on his support; I feel quite sure it will not be wanting.

" The President and Secretary of War both expressed admiration at the prompt celerity which has distinguished all your movements of troops. . . ."

To Miss Chase.

"WASHINGTON, June 25, 1863.

" Matters are becoming more serious, though not at all alarming, in this region. The situation, as now understood, indicates that Lee is about to try an invasion of Maryland, and possibly of Pennsylvania. There is an opinion, not held by many, that he may attempt to reach the Ohio at Pittsburg or Wheeling. Six-miles-a-day marches are over, however, and he will get no great distance in any direction, without feeling Hooker strike him. The severe slaps in the face he has already received at Brandy Station and at Aldie are samples in little of what he is to expect. If God smiles on active and earnest work on the right side, Lee will never take his army back to Richmond. General Halleck was in Baltimore yesterday, looking after matters there, and when he returned found Hooker here, who had ridden in to confer with him. . . . Where Hooker is this morning it would be hard to tell. He is certainly with his army, and I suppose in motion. Where he will be to-night I cannot guess; but he will be where he thinks he can render most service.

"The news from Vicksburg is to the 18th, and all was going on well, as also at Port Hudson. . . . Indeed, every thing looks well on all sides. . . ."

To the President.

"WASHINGTON, June 28, 1863.

" There are two or three circumstances which perhaps I should have mentioned, this morning, when the subject of General Hooker's request to be relieved was talked about. I suggested that the request was properly attributable to General Hooker's persuasion that he could not rely on cordial coöperation from General Halleck, and mentioned the receipt from the latter by the former, when I happened to be with him, of a telegram authorizing General Hooker to issue commands direct to troops in the department of General Heintzelman and General Schenck,

from which I drew an argument, which I urged on General Hooker, that General Halleck, far from being unwilling, was really anxious to support him.

"I forgot to say what struck me at the time the telegram came—that it was quite general in its terms, and did not except from the authority given the troops essential for the immediate defense of Washington and Baltimore so distinctly as would have been desirable.

"Might not this written telegram have conveyed to General Hooker a larger notion of his authority than was intended? I thought at the time that it would lead to difficulties through misapprehension.

"After the receipt of it, I have learned at the War Department that General Hooker issued an order to the general commanding at Alexandria, which was disobeyed. General Hooker directed him to be placed in arrest; but it turned out that the officer was simply obeying an order from General Heintzelman, at headquarters of the army, to *disregard* all orders not proceeding from one or the other of these sources. You will readily understand what distrust this conflict of orders might give rise to. A day or longer afterward, General Hooker ordered the commanding officer at Poolesville to proceed to Harper's Ferry. I believe the order was obeyed; but just such an order as was addressed to the commanding officer at Alexandria, was addressed to General Heintzelman at headquarters, was addressed to the commanding officer (Colonel Jewett, I believe) at Poolesville; this act, again, was most unfortunately calculated to impair confidence.

"Then, finally, came the order detaining a large force at Harper's Ferry against General Hooker's urgent call for them in his advance. I know nothing of the military reasons for it; but can easily imagine that an army occupying a position like that of the Maryland Heights would be of little use, when the main army was in advance of them and would fall back and reoccupy the position should it become necessary.

"I mention these matters for your consideration, and in order that no injustice may be done to anybody. . . ."

To Miss Chase.

WASHINGTON, June 29, 1863.

". . . . You must have been greatly astonished to hear that General Hooker was relieved; but your astonishment could not have exceeded mine. It was at his own request; and the request must have been very suddenly resolved upon, for his telegram asking to be relieved was dated at eight o'clock on Saturday night, and I received one from Butterfield dated at six, or half-past, suggesting some military movements in Virginia, in which there was not the slightest allusion to Hooker's purpose. What prompted the request I do not know. I did not hear of it, nor of the appointment of Meade in his place, till Sunday, when, at a meeting of the heads, called for a different purpose, having no connection with Hooker's affairs, the President mentioned it to us.

"I understand that General Meade is preferred by the majority of the officers of the army to any one except Hooker, and perhaps now to him. General Meade was at once notified of his appointment, and, though taken entirely by surprise, accepted it in a modest telegram, and at once entered upon his duties. By this time, I presume he has the army well in hand.

". . . . I like General Halleck personally, and he seems to have large capacity; but he does not *work, work, work*, as if he were in earnest.

". . . . There has been a good deal of alarm here yesterday and to-day, because of the enemy's cavalry coming very close to the city, with supposed designs on the Washington & Baltimore and the Baltimore & Ohio Railroads. I should not be surprised at the cutting of one or both the roads; but I attach no great consequence to these raids. While the rebels are doing these things near Washington, we are doing the same thing near Richmond, where, as you have doubtless seen, one of our detachments on Friday or Saturday burned the bridge across the South Anna, and captured General W. F. Lee, and other rebel officers and privates, and many mules and wagons. Still, these things are pleasanter to do than to suffer.

"There is, of course, a great deal of concern about the operations of the two great armies; a concern naturally increased by the action of General Hooker. In respect of them I hope the best and trust in God. . . ."

To General Grant.

WASHINGTON, July 4, 1863.

". . . . It has long been on my mind to express to you my deep sense of your great services to our country; but I have forborne, lest you might think I overstepped a civilian's limits.

"Having occasion now, however, to write you briefly on another subject, I will not deny myself the gratification of adding my personal thanks to the gratitude which the whole patriotic people feel toward you for the patient energy and skillful courage with which you have conducted the military operations under your direction. God has crowned you with success hitherto, and will, I trust, continue to prosper our arms under your conduct.

"Vicksburg, probably, has already succumbed. Whether so or not, its speedy fall can hardly be doubted; and its capture cannot fail to be followed by the rapid and complete suppression of the rebellion in the whole region west of the Mississippi, and by the complete control of the river from its mouth to Cairo.

"It has given me great satisfaction to be somewhat useful in sustaining you here by laying before the President, from time to time, the letters of Mr. Mellen, the excellent supervising General Agent of the Department for the Valley of the Mississippi. He has taken every pains to inform himself accurately, and has constantly defended you against the assaults—sometimes of slanderous malice, sometimes of mistaken honesty—and has

as constantly awarded to you the praise of doing all that ability, zeal, and fidelity could accomplish. . . ."

To General Thomas L. Kane.

"WASHINGTON, July 9, 1863.

". . . . I have just received your congratulatory card, and have shared in the rejoicing which fills your own heart in the successes of our armies. God be praised for our victories, and honor and gratitude to the heroes who have achieved them. . . .

"The skies brighten all round the horizon. Vicksburg already fallen—the fall of Port Hudson daily looked for—our armies everywhere active—the rebels exhausted and retreating: is it not now clear that God will give us the victory? May He inspire our hearts with nobleness enough to make it a sure guarantee of freedom and justice for all! . . ."

To David Tod, Governor of Ohio.

"WASHINGTON, October 3, 1863.

". . . . A few days ago, when our Ohio boys returned from New York, I visited them at Alexandria. There were four regiments—the Fiftieth, Sixty-fifth, Twenty-third, and Seventh—much reduced in numbers, but full of pluck and patriotism. In the Fiftieth there is a private named James Gray, of whose exploits wonderful stories were told by the officers. At Port Republic he had taken a gun from the enemy; at Cedar Mountain he had staid behind, when his companions had retreated, and fired off the guns as a last compliment to the enemy, were among the things said of him. I was told that the officers of the brigade had united in requesting from you a commission for him, which you had declined to give. . . . But he is very proud of the testimonials transmitted to you, and desires greatly to possess them. I promised to ask you for them, and send them to him, if obtained. I hope you will have no difficulty in granting this request, and that I may receive them soon. .

"The brigade went to the front immediately after my visit, and has since been sent, as I understand, to reënforce Rosecrans. If you will send me 'Scotty's' testimonials, however, they shall reach him, if he is yet above-ground. . . ."

To Major-General Hooker.

"WASHINGTON, December 21, 1863.

". . . . I have been quite unwell of late, and my correspondence is a good deal in arrears. Still, I must take time to dictate a few lines to you. I cannot tell you how much I have been gratified by your brilliant achievements in Tennessee and Georgia. How providential it was that you were sent West at the head of the Eleventh and Twelfth Corps! It seems clear now that, but for Mr. Stanton's determination in insisting upon these reinforcements going promptly, and going under you, Rosecrans's army

would have experienced the gravest disasters. And then it seems equally providential that the assault on Lookout Mountain had to be made under your direction. The only thing I do not clearly see the value of, is your magnificent achievement near Ringgold. It was a splendid battle splendidly won. But what is the use of sacrificing so much to take a town, if, after all, the town is to be abandoned, and the army is to fall back? Whether it was necessary to fall back or not, I find myself unable to form any judgment: General Grant ought to know best. I most sincerely hope he was governed by the best and most patriotic motives. Grant's whole career has excited my admiration and commanded my respect, and there certainly ought to be no jealousies between two such officers as you and he. Each should rejoice in what adds to the honor of the other. . . ."

CHAPTER XLV.

1862-1864.

THE ASSAULT UPON MR. SEWARD IN 1862—RESIGNATION OF MR. CHASE—WITHDRAWS IT AND RESUMES OFFICE—IS A CANDIDATE FOR PRESIDENTIAL NOMINATION IN 1864—HIRAM BARNEY—REPUBLICAN PARTY IN NEW YORK—QUARREL OVER THE CUSTOMS IN NEW YORK—CONGRESSIONAL INVESTIGATION—ARREST OF A. M. PALMER—FRANK BLAIR'S SPEECH IN THE HOUSE OF REPRESENTATIVES—OFFICIAL PATRONAGE—HOW IT IS DISPENSED—ASSISTANT TREASURER'S OFFICE IN NEW YORK—RESIGNATION OF MR. CISCO—DIFFICULTY IN FINDING A SUCCESSOR—RESIGNATION OF MR. CHASE—DEATH OF CHIEF-JUSTICE TANEY—MR. LINCOLN NOMINATES MR. CHASE TO BE CHIEF-JUSTICE.

DURING the summer and autumn of 1862 a feeling of great hostility to Mr. Seward grew up among the friends of Mr. Lincoln's Administration. It was founded upon a belief that Mr. Seward possessed a large influence over the President, and that this influence was not exercised for good. Shortly after the meeting of Congress in December of that year, this sentiment of hostility to Mr. Seward was found to be deep and severe.¹ There was some interchange of views among the Republican members of Congress, which led to the disclosure of a great unanimity of opinion upon the subject, and resulted in a meeting of Republican Senators on the 17th of December to take the matter into consideration. After some discussion a resolution was passed requesting the President to dismiss Mr. Seward from office. This resolution was adopted by a majority

¹ "Lincoln and Seward," by Gideon Welles, ex-Secretary of the Navy, p. 81, *et seq.*

of one vote. While there was an almost unanimous desire on the part of the assembled Senators to proceed against Mr. Seward, there was a large minority who thought some less offensive mode of action might be quite as effective as a direct vote personally referring to the Secretary of State. It was agreed, therefore, with but a single dissenting voice—that of Mr. Preston King, of New York—that the President should be requested to reconstitute his Cabinet, and that a statement of the reasons which prompted this request should be prepared and submitted to the President at the same time. It was well understood that the whole proceeding was aimed at Mr. Seward, and that the reasons alleged as the motive for the request, were intended to be particularly applicable to that gentleman. A committee of nine Senators was appointed to wait upon the President and inform him of the action of the meeting. At the head of this committee the venerable Judge Collamer, of Vermont, was placed. But these extraordinary proceedings being immediately communicated to Mr. Seward by Mr. Preston King, before the committee could wait upon the President, the Secretary of State, in order to anticipate its action, resigned his office. The whole affair was a surprise to Mr. Lincoln and roused his opposition. He determined to resist the attack upon Mr. Seward, and in this purpose was powerfully aided by the unsolicited action of Mr. Chase.

The reasons alleged by the assembled Senators as their motive for asking a reconstruction of the Cabinet, were interpreted by Mr. Chase as being wide enough in their scope to include all the heads of departments. He was assured by the participants in the meeting that they were particularly intended to apply to Mr. Seward. Mr. Chase was not willing so to construe them. He was not willing to be party to an ambuscade upon the Secretary of State; and in order, therefore, to give the President an opportunity in good faith to reconstruct his Cabinet, and because he believed Mr. Seward ought to be retained, on the 20th of December he resigned his office.

This was an unexpected result to the Senate meeting. The retirement of Mr. Chase was everywhere regarded as a public calamity; but it gratified Mr. Lincoln, who saw in it a means of defeating the congressional dictation. He promptly seized

upon the general wish for Mr. Chase's continuance in office, and made it available for the retention of Mr. Seward. He addressed a joint note to Mr. Seward and Mr. Chase, saying that, after an anxious consideration of the subject, it was his deliberate judgment that the public interest did not admit of their withdrawal from office. He therefore requested them to resume the duties of their respective departments. It was the President's intention and expectation that there should be a conference between Mr. Seward and Mr. Chase, and it was with this view that he addressed his note to them jointly, that their action and reply might be joint and not separate; it being at the same time his distinctly avowed purpose to make Mr. Seward's restoration to the State Department dependent upon Mr. Chase's return to the Treasury. Mr. Seward did not confer with Mr. Chase, however, but embarrassed him as well as Mr. Lincoln by a prompt and separate acceptance of the President's invitation. This was on Sunday morning, the 21st of December. He then—that same day—advised Mr. Chase of what he had done, much to Mr. Chase's surprise and more to his regret. Mr. Chase did not respond until the next morning, when—in obedience not only to the President's strongly-expressed desire, but to that of the country unmistakably manifested—he notified to Mr. Lincoln his return to the duties of office.

Mr. Lincoln on frequent occasions expressed his gratitude to Mr. Chase for his action at this juncture, since it delivered him from congressional dictation, and enabled him to retain an officer for whom he had a strong personal regard and in whose judgment he reposed trust. But Mr. Chase secured, as his share in the profits of the transaction, many and permanent enemies.

Mr. Chase's resignation in June, 1864, grew out of differences of opinion between the President and himself, touching the appointment of a successor to Mr. Cisco, in the sub-Treasurer's office in New York City; and was promptly accepted by Mr. Lincoln—more promptly, perhaps, than it otherwise would have been, but for the connection of Mr. Chase's name with the presidential nomination in 1864.

During the winter of 1863-'64, a feeling of great despond-

ency prevailed among the people. The war had been prolonged beyond all expectation; it was immense in its proportions; nor was the end apparently near, nor could it be very safely predicted. A strong conviction grew up that a change in administration was necessary, and in this conviction many leading Republicans participated. A movement was put on foot with a view to present Mr. Chase for the Republican nomination at Baltimore. A committee of gentlemen waited upon him; they urged him to consent to a use of his name as a candidate for the presidential succession. He at first hesitated, and did not answer promptly; but, despondent and dissatisfied himself with the conduct of the war, and believing that if he were at the head of the Government he could infuse into its prosecution vigor and energy; and perfectly certain that he sought, paramount to all other considerations, the good of the country, he finally gave his consent.¹ This consent may have been a mistake, but, even admitting it to have been such, it was an honest and patriotic one.

The movement fell, however, into bad hands; it was badly officered and was badly managed. A circular was prepared, embodying the objections to Mr. Lincoln's reelection, and the considerations which were in Mr. Chase's favor. With a surprising want of tact and sense, this circular was marked "confidential," and was sent to perhaps a hundred persons. Of course it fell into the hands of Mr. Lincoln's friends, who denounced it with unsparing vigor. If at any previous time the "Chase movement" had been attended by the least likelihood of success, that likelihood was promptly and utterly extinguished by the appearance of the "Pomeroy Circular." Counter-circulars were issued by Lincoln committees; public sentiment reacted in his favor, and grew stronger as time passed, and ended in his renomination and reelection, as is matter of familiar history.

Mr. Chase was ignorant of the preparation of this circular, and was as much surprised at its appearance as any one, and regretted it as deeply; but he could not publicly disavow the

¹ Mr. Chase was a believer in that curious political abstraction called the "one-term principle," and this consideration had some weight in his mind; and he thought, also, that no interruption would occur, in consequence of his candidacy, in his relations with the President. A mistake, of course, as events proved.

action of his own friends, however ill-advised and inopportune that action was.

The relations between the President and the Secretary were seriously embarrassed by these events, and still more so by a struggle between rival factions in the Republican party in New York to get possession of the custom-house in that city. The history of that struggle is of no small interest and importance.

The appointment of Hiram Barney to be collector at the port of New York was Mr. Lincoln's own act, done upon his own personal responsibility; because of his knowledge of Mr. Barney, and confidence in his capacity and integrity. The selection was, however, peculiarly gratifying to Mr. Chase. His acquaintance with Mr. Barney in 1860 was of nearly twenty years' standing; for eighteen years (since 1842) they had been business correspondents, and since 1848 they had been personally and politically intimate. The President's choice of Mr. Barney for so important a post in his own department was, therefore, a matter of sincere gratification to Mr. Chase. But the close personal friendship existing between the new collector and both the President and the Secretary of the Treasury, became a source of painful embarrassment to him, when Mr. Lincoln and Mr. Chase were, for a short period in 1863 and 1864, rival candidates for a presidential nomination. The next paragraph will show the nature and extent of that embarrassment.

The Republican party in New York was divided into two factions, radicals and conservatives; the conservatives claiming to be the special friends of Mr. Lincoln. Mr. Barney was regarded as having radical proclivities, and as inclining rather in the direction of Mr. Chase's nomination, but his friendly relations with both the President and the Secretary, joined with his ideas of the proprieties of his position as a public officer—the subordinate as well of the Secretary as of the President—led him to decline participation in the efforts of the friends of either as against the other. He made appointments and conducted the affairs of the custom-house without reference to the interests of the rival factions, or of presidential candidates. Mr. Barney had foreseen this embarrassment, and for this reason and because of seriously failing health, in the autumn of 1863 had asked to be re-

lieved from his position as collector; but neither the President nor the Secretary would then consent to his retirement—the friends of the former asserting that the appointment of a new collector, at that time, would raise dissensions dangerous to the harmony if not the integrity of the Cabinet. Toward the end of the year 1863, Mr. Barney was urged by leading opponents of Mr. Chase to declare himself in favor of Mr. Lincoln; and was significantly warned that, unless he did so, “he would be attacked.” Mr. Barney then emphatically renewed his refusal to take sides, and declared that he would continue to perform the duties of his office, and would be ready for attacks of whatever character and from whatever quarter. Early in January, 1864, the threatened attack was made. It came in the form of a resolution in the House of Representatives directing an investigation by the Committee on Reconstruction, into alleged misconduct in the management of the custom-house, with relation particularly to shipments of contraband goods. This committee acted promptly upon its instructions, and proceeding at once to New York, began the examination.

Mr. Barney’s private clerk, Albert M. Palmer, a young man of about twenty-six years of age—supposed to be in the possession of important secrets of the collector—was, in the temporary absence of Mr. Barney, seized and thrust into a cell in Fort Lafayette; and for a considerable time was denied communication with his wife and friends. No charges were made against him then, and none have been made against him since. He asked to be confronted with accusers and accusations if there were any, but no accuser appeared and no accusation was made. He suffered months of confinement before he was enlarged; and the cause of his enlargement was and is as officially unknown as the cause of his arrest and imprisonment.

But the motive of Palmer’s arrest was perfectly well understood. It was expected that, separated from his family and friends, ignorant of accuser and of accusations, and of what was going on in the active world of which he had lately been a part, and utterly alone, he would inculcate his chief. The method pursued in examining him was extraordinary, and would not have been tolerated in a court of justice. But Palmer was neither a coward nor a rascal; he bore himself like a man conscious of innocence, and showed himself nobler than his inquis-

itors: he said he knew no wrong in Mr. Barney's official conduct, and that he would rot in the fort rather than make a lying charge against him.

After the appointment of this committee, a messenger from the President waited on Mr. Barney, and informed him that Mr. Lincoln—aware of his ill-health and of his desire to resign the collectorship—would now accept his resignation, and would give him such foreign diplomatic appointment as would agree with his tastes, and help in restoring his health. The President had authorized his messenger to assure Mr. Barney that his friendship and confidence were unabated. The collector replied that up to the time when his official conduct had been questioned, he would gladly have retired, as the President well knew, but he must now remain and resist the attack upon him, at whatever risk to his health and comfort; that neither he nor the President could then afford such an arrangement as the one proposed. It would subject both to the most damaging criticism.

The investigation was allowed to go on; but it was a failure. The committee developed some criminal acts on the part of one of the employés of the custom-house, a boy of nineteen or twenty years of age, who had been bribed to commit them, and some irregularities which "did not arise," as the committee said, "from any neglect in the custom-house in administering the law, but were organic in traffic carried on in similar circumstances, however regulated." The eminent merchant, Mr. Alexander T. Stewart, testified that the business of his establishment with the custom-house was attended to as satisfactorily as, if not more so than, under former Administrations; and not a single circumstance was evolved to show any other than a careful and prudent business management, and a perfect integrity on the part of the collector.

The President and Mr. Chase were deeply interested witnesses of the committee's proceedings, but from different standpoints. The President was precluded from removing an officer appointed upon his own personal responsibility, except for a just cause, and he had no reason to doubt, and he did not doubt, the fidelity and integrity of Mr. Barney's administration; but he sympathized with the collector's enemies. Mr. Chase offered no objection to investigation; no one more than he desired the ex-

posure and correction of real abuses, but he despised the incentives to this inquisition, and rejoiced at its defeat.

Meantime, pending these events, Mr. Frank P. Blair—a member of Congress from Missouri, and a brother of Montgomery Blair, the Postmaster-General—made an extraordinary speech in his place in the House of Representatives. This speech was a most bitter and abusive attack upon Mr. Chase, and was supposed to be in part prompted by the Postmaster-General, between whom and the Secretary of the Treasury there was known to exist a strong personal and political hostility. The origin of this feud is unimportant here; but, I am glad to be able to say, that before the death of Mr. Chase, the relations between himself and the former Postmaster-General had become cordial, if not those of an active friendship. When Mr. Chase was appointed Chief-Justice, Mr. Blair had some apprehension that his practice in the Supreme Court might be embarrassed by the hostilities of their Cabinet association; but he found the Chief-Justice too noble-minded to be moved, by private animosities, even to a discourtesy in the performance of public duties. But this is digression. A few days after making his speech against Mr. Chase, Mr. Blair, of the House of Representatives, was nominated by the President to be a major-general of volunteers. This apparent indorsement of General Blair's attack, was extremely irritating to Mr. Chase. But Mr. Lincoln disavowed any design of wounding him by the nomination, or of indorsing Blair's attack, and Mr. Chase could not, and did not, doubt the President's perfect sincerity. But his position as head of a department was not improved by the occurrence.

The canvass for the presidency wore on, with increasing bitterness between the friends of Mr. Lincoln and those of Mr. Chase, in which both the principals became more or less involved, until there was a good deal of estrangement between them. It was a genuine and hearty relief to Mr. Chase, therefore, when the action of the Republican members of the Ohio Legislature, in passing a resolution indorsing a renomination of Mr. Lincoln, gave him an opportunity to withdraw his name. He promptly did so, in a letter admirable for its good spirit and good feeling. But his withdrawal did not heal the breach between himself and the President. Their intercourse grew more constrained and

formal, and it became evident that separation depended upon adequate occasion.

Now, the patronage in the gift of the Secretary of the Treasury, at the beginning of the war, was much greater than that dispensed by any other head of a civil department; it was greater, perhaps, than that of all the other heads of civil departments combined, and it grew with the progress of the war, until at the close of it, in 1865, the Treasury employés, direct and indirect, could not have numbered less—at a rough estimate—than fifteen thousand persons. The long exclusion from power of the opponents of the Democratic party had keenly whetted the Republican appetite for place and office, and with the incoming of the new Administration a sweeping change of office-holders was expected to be made. Throngs of applicants for place flocked to Washington immediately after Mr. Lincoln's inauguration; and hundreds who did not go there in person, sent their agents; and the mails were loaded down with written applications, accompanied by petitions and recommendations of friends and political "backers," almost without number. This was not due wholly to mere clamor for public employments; but very largely to the depressed condition of the industries and trade of the country, which induced many to seek office who otherwise, probably, would not even have thought of it. But the halls and anterooms of all the departments were filled with applicants, and for two or three months it seemed as if the chief business of the heads was to guillotine the "ins," that their places might be occupied by the "outs."

All this was strictly consonant with the political sentiment of the American people, since our party codes recognize and act upon the maxim that to the victors belong the spoils. Of course, the defeated party always has a strong perception of the vicious immorality of the maxim, and more especially of the practice it involves, but the victorious party never has. All parties denounce it, and all parties practise it, just as defeat makes them virtuous, or victory makes them vicious.

The practice goes further even than the maxim. If heads of departments were left free to make choice of subordinate officers, untrammelled by any other consideration than that of securing faithful servants out of the ranks of the party in power,

the evil might not be so great and oppressive. Local and individual interests, however, make freedom in appointments almost impossible. Those interests override faithful administration for the common public good; the upshot being that local politicians and members of Congress seize and hold possession of the Federal offices, almost as matter of right. The consequences are visible on all sides.

Mr. Welles mentions a curious instance of this spirit: A conference was held at the office of the Secretary of State, one evening in March, 1861, to consider the Federal appointments in the State of New York, "relative to which differences of opinion existed," not, as it would appear, between the Secretary of the Treasury and others, but, "between the Secretary of State and the Senators from New York." The President was reluctantly present, having invited Mr. Welles to accompany him, and the other members of the conference were Mr. Seward and Senators Harris and King. The President said he would relieve them of any embarrassment touching the collector of customs at New York, the most important of these offices, by appointing, upon his own responsibility, and from personal knowledge, Hiram Barney, who had his confidence, and was a man of integrity. Mr. Welles proceeds: "After listening to the disposition of some collectorships and other offices, in which there was an approximation to agreement, an intimation was thrown out by Mr. Seward that he wished the list which he had made out, and which was somewhat extended, might be completed, and the nominations sent forthwith to the Senate. This embarrassed the two Senators, who were not prepared for so hasty a movement. I inquired if the Secretary of the Treasury and the Attorney-General had been consulted and concurred in the selections. Mr. Seward said they had not; that it was unnecessary; that these were New York appointments, and he and the Senators knew better than any others what was best for the party and Administration in the State; . . . that there were personal and party matters to be considered, which neither Mr. Chase nor Mr. Bates could understand so well as himself!"¹ The President and Mr. Welles both dissented from these views; the former saying, that "to fill the New York appointments as Mr. Seward wished,

¹ "Lincoln and Seward," by ex-Secretary Gideon Welles, p. 72, *et seq.*

without consulting the Secretary of the Treasury and others directly interested, would, he was convinced, not be satisfactory." The Senators do not seem to have been embarrassed on account of the Secretary of the Treasury, but for themselves, because of Mr. Seward's prompt way of settling their differences to his own satisfaction, and without particular reference to their interests or desires.

It was sufficiently distasteful to Mr. Chase that, in dispensing patronage, party interests should dominate those of the commonweal; though he did not doubt that in many instances vacancies might properly be made: for example, where the action of the incumbent involved the principles of the party, and that action was hostile to those principles. And he believed, and acted upon the belief, that vacancies occurring in the natural course of events, should be filled from the ranks of the party in power, unless, for specific reasons, the public interest could be otherwise better served. But he did *not* believe in a universal change in the Federal offices; and he believed still less in making those offices the mere servitors of Congressmen and local politicians. He listened to their suggestions and recommendations with a patient regard for their wishes, and a desire to benefit by their local knowledge, and resisted them when he thought it a public duty to do so.

Nor is it to be wondered at, in view of the extent and value of the Treasury patronage, that its disposal was attended by peculiar vexations.

One of the most important of the Federal offices—*the* most important, financially, next after that of the Secretary of the Treasury, at any rate during the war—is that of Assistant Treasurer in the city of New York. Its necessarily intimate connection with the monetary interests of the metropolis and money-centre of the country, and its incalculable importance to the financial transactions of the Government, made its administration during the war one of great difficulty and responsibility. In 1864, over \$1,200,000,000 in cash, coin and currency, was received and paid over its counters. Its employés were about one hundred in number, and they were chosen with no other reference to their opinions than that they were honestly loyal to the rightful authorities of the Government. But above

all mere party considerations were the indispensable requirements of business capacity and experience, and established moral character.

Mr. John J. Cisco had served in this important office from the beginning of President Pierce's term until near the close of the first term of Mr. Lincoln. His health was a good deal impaired by the severe and incessant demands which its duties devolved upon him. He wished to retire, but was induced to remain as well by the solicitations of the President as of the Secretary of the Treasury, until it became imperative upon him to give it up. In May, 1864, he wrote his resignation, to take effect on the 30th of June following; and as it could be declined no longer, Mr. Chase sought a successor.

The relations between the Secretary of the Treasury and the Assistant Treasurer at New York are of the most intimate and confidential nature, and Mr. Chase felt that in the selection of the new incumbent he would be allowed a great freedom of choice, it being understood that it would fall upon a supporter of the Administration and a man of known capacity and integrity. Mr. Chase was mistaken; he was not free to make choice upon this view of the public interest and of official requirement, but was expected to conform his choice to the wishes of Mr. Edwin D. Morgan, a United States Senator from New York. Apparently Mr. Morgan was not so deeply interested in the business management of the office, as in the political opinions of its employés.

Three names were presented by Mr. Morgan, none of which were satisfactory to Mr. Chase. All three were utter strangers to him, and none of them were at all familiar with the duties of the office; and what was worse, the appointment of any one of the three meant a "reform" in the office in the interest of the conservative faction in the Republican party. Mr. Chase cared neither for the radicals nor the conservatives, but he cared a great deal for a safe administration of the office. He therefore offered it successively to three conspicuous financial gentlemen of New York; to Moses Taylor, to Denning Duer, and to John A. Stewart. All these gentlemen declined. He thereupon resolved to nominate Mr. Maunsell B. Field, then Assistant Secretary of the Treasury. Mr. Field had served some time in the sub-Treas-

urer's office in New York as assistant to Mr. Cisco; he was thoroughly conversant with its duties, and had discharged them to the satisfaction alike of Mr. Cisco and of the Treasury, and because of the ability and business qualities displayed in this place had been transferred to Washington as an Assistant Secretary of the Treasury. His integrity was not questioned; he was recommended by Mr. Cisco and leading merchants and bankers of New York, and had the indorsement of all the Union members of Congress from New York, except of Mr. Morgan. But he was supposed to be a radical; which was not true, though he was of Democratic antecedents. It was perfectly well known, however, that he would make few or no changes in the officers and clerks of the sub-Treasurer's office; and this was, after all, the exact spot at which the shoe pinched.

On the 27th of June, three days before Mr. Cisco's resignation was to take effect, after Mr. Stewart had declined the office, and Mr. Chase had determined to offer it to Mr. Field, he called upon Mr. Morgan to confer with him about it. Mr. Morgan made no objection to Mr. Field; but said that the chairman of a Republican committee in New York had called upon him quite indignant about the political complexion of Mr. Cisco's office, and had insisted that it must be *reformed*. The Senator produced a list of all the officers and clerks in the office with letters set opposite the name of each, indicating the party affiliation of the person bearing it. Mr. Chase told Mr. Morgan that he did not suppose any considerable number of the persons in Mr. Cisco's office were opponents of Mr. Lincoln's Administration, though no doubt many of them were Democrats (and a good many on the list were marked D.) like Daniel S. Dickinson and John A. Dix. He said he could not admit the propriety of making the appointment of Assistant Treasurer in New York depend upon mere partisan or factional grounds. He was alarmed at the spirit manifested in the production of this list; feeling strongly that if the office was to be turned into any thing like a political machine the public interests would suffer, and his administration would be greatly embarrassed, if not irretrievably damaged. He said a good deal in this strain to the Senator; but the Senator did not seem satisfied with Mr. Chase's views, though apparently not very much dissatisfied either. In bringing the interview to a close, and as he

was about to leave, Mr. Chase said to Senator Morgan that he would consider what he—the Senator—had said, with every disposition to gratify his wishes if consistent with public interests. Mr. Chase did consider what the Senator had said, but his mind was not changed. That same evening he sent a blank nomination of Mr. Field to the President for signature—not doubting that the President would promptly sign it.

The next day, however, the Secretary received a note from Mr. Lincoln, expressing his reluctance to nominate Mr. Field, because of the persistent opposition of Senator Morgan. Mr. Chase replied by a note asking a personal interview; and afterward, not receiving an answer, by a letter and memorandum particularly stating his reasons for preferring Mr. Field. To this letter the President rejoined, stating the embarrassments to which he had been subjected by certain appointments in the New York Custom-house, and that the appointment of Mr. Field would create additional embarrassment of the same sort, unless Senator Morgan and those feeling as he did could be brought to concur in it. Mr. Chase took this to be a distinct declaration that it was necessary to satisfy Senator Morgan and Senator Morgan's friends, and it determined him at once to resign. He said he could not hold the office of Secretary of the Treasury upon condition that he should be controlled in the selection of so important an officer as Assistant Treasurer at New York by anybody other than the President, or without his permission to select from among loyal and faithful men the fittest man for that place who would accept it, and with whom his relations could be as cordial and confidential as they had been with Mr. Cisco. In a letter of reply to the President, he stated the general rule which, in his judgment, ought to govern selections for official trusts; and added that, although Mr. Cisco's temporary withdrawal¹ relieved the immediate difficulty, he could not but feel that his continuance in the Treasury was not altogether agreeable to him—the President—and was certainly too full of difficulty and embarrassment, and painful responsibility, to allow a wish on his part to retain it. He inclosed his resignation, therefore, and said it would be a relief if the President would accept it. This was on

¹ In answer to a letter and telegram, Mr. Cisco had consented to remain another quarter.

the 29th of June. On the 30th the President answered. Of all he had said in commendation of Mr. Chase's fidelity and ability, he said 'in that letter, he had nothing to unsay; but that Mr. Chase and himself had reached that point of mutual embarrassment in their official relations which, it seemed, could not be overcome consistently with the public service. He therefore accepted the resignation.

So ended Mr. Chase's career as Secretary of the Treasury.

. . . . Mr. Chief-Justice Taney died on the 12th of October subsequent to Mr. Chase's resignation. The late Chief-Justice's extreme old age and feeble health had, even in his life, led to some speculation as to his successor, and the President had signified his purpose, should a vacancy happen in that office during his term, to fill it by the appointment of Mr. Chase. When the vacancy occurred, however, various circumstances conspired to delay an appointment. Chief among these was the pendency of the presidential election, and the prompt appearance of rival candidates for the office. The most active of these was Associate-Justice Swayne, already a member of the court, and the most confident was Postmaster-General Blair, who was supported by Mr. Seward. Mr. Chase had in the Cabinet two faithful friends, Mr. Stanton and Mr. Fessenden; and outside of the Cabinet, he was earnestly befriended by Mr. Sumner and Senator Sherman. His nomination was urged by a large majority of the Republican journals; and the public sentiment of the country was unmistakably in his favor. But he had vigorous and vindictive enemies, and these opposed him persistently, and, to all outward appearance, with large prospect of success, though the President kept silent. On the very morning of Mr. Chase's nomination, a self-appointed deputation of his Ohio enemies waited upon the President to protest against it. They could not deny Mr. Chase's fitness, nor his fidelity to principles, nor the integrity and purity of his character, nor the prevailing public sentiment in his favor; but they sought to inflame the President by producing some letters of his in which Mr. Lincoln was rather freely criticised. The President read them, and with characteristic humor observed, that if Mr. Chase had said harsh things about him, he, in his turn, had said harsh things about Mr. Chase, which squared the account.

Mr. Lincoln's estimate of the grandeur of Mr. Chase's services, and of the substantial greatness and nobility of his character, was not diminished by the estrangement which had arisen between them, for in the very heat of it he had said: "Of all the great men I have ever known, Chase is equal to about one and a half of the best of them." With his own hand he wrote out the nomination, and sent it to the Senate with a profound sense of the propriety and fitness of the act. This was on the 6th of December, 1864. The Senate confirmed the nomination without a reference. Mr. Chase arrived in Washington in the evening of that same day, and Mrs. Sprague had the happiness first to salute her father with the august title of Chief-Justice. Mr. Chase believed the attainment of this office to be the summit of his ambition, and before sleeping wrote the President a note of grateful thanks, declaring, however, that more than office he prized the President's friendship and good-will.

CHAPTER XLVI.

Mr. Chase to the President.

“WASHINGTON, *December 20, 1862.*”

“ I RESIGN the office of Secretary of the Treasury, which I have had the honor to hold under your appointment.

“ Whatever service my successor may desire of me, in making him acquainted with the condition and operations of the department, will be most cheerfully rendered. . . . ”

The President to Mr. Chase.

“ *December 20, 1862.* ”

“ Hon. Secretary of the Treasury : Please do not go out of town.

The President to Mr. Seward and Mr. Chase.

“ EXECUTIVE MANSION, WASHINGTON, *December 20, 1862.* ”

“ You have respectively tendered me your resignations as Secretary of State and Secretary of the Treasury of the United States. I am apprised of the circumstances which may render this course personally desirable to each of you ; but after most anxious consideration, my deliberate judgment is that the public interest does not admit of it. I have therefore to request that you will resume the duties of your respective departments. . . . ”

Mr. Seward to Mr. Chase.

“ WASHINGTON, *December 21, 1862.* ”

“ I have this morning sent to the President a note of which the inclosed is a copy. . . . ”

Mr. Seward's Note to the President.

“ DEPARTMENT OF STATE, WASHINGTON, *December 21, 1862; Sunday Morning.* ”

“ I have cheerfully resumed the functions of this department, in obedience to your command. . . . ”

Mr. Chase to Mr. Seward.

"CORNER E AND SIXTH STREETS, WASHINGTON, December 21, 1862.

". . . . I have received your note, and also a call from Mr. Nicolay, to whom I have promised to send the President an answer to-morrow morning.

"My reflections strengthen my conviction that being once honorably out of the Cabinet, no important public interest now requires my return to it. If I yield this judgment, it will be in deference to apprehensions which really seem to me to be unfounded. I will sleep on it. . . ."

Mr. Chase to the President.

"WASHINGTON, December 22, 1862.

". . . . On Saturday afternoon I received your note addressed to Mr. Seward and myself, desiring us to resume the charge of our respective departments. I had just written you a letter expressing quite another judgment, and that you may fully understand my sentiments I now send that letter to you.

"Your note of course required me to reconsider my views; and a further reason for reconsideration was next day furnished, in the receipt from Mr. Seward of a copy of his reply to a note from you—identical with that sent to me—announcing that he had resumed the duties of the State Department.

"I cannot say that reflection has much, if at all, changed my original impression; but it has led me to the conclusion that I ought in this matter to conform my action to your judgment and wishes.

"I shall therefore resume my post as Secretary of the Treasury; ready, however, at any moment to resign it, if, in your judgment, the success of your Administration may be in the slightest degree promoted thereby. . . ."

Mr. Chase to the President.—Copy of Letter alluded to in the Foregoing Note.

"WASHINGTON, December 20, 1862.

". . . . I intended going to Philadelphia this afternoon, but shall of course observe your direction not to go out of town.

"Will you allow me to say that something you said or looked, when I handed you my resignation this morning, made on my mind the impression that having received the resignations both of Governor Seward and myself, you felt that you could relieve yourself from trouble by declining to accept either, and that this feeling was one of gratification?

"Let me assure you that few things could give me so much satisfaction as to promote, in any way, your comfort, especially if I might promote at the same time the success of your Administration, and the good of the country which is so near your heart.

"But I am very far from desiring you to decline accepting my resignation; very far from thinking, indeed, that its non-acceptance and my

continuance in the Treasury Department will be most for your comfort or for the benefit of the country.

“On the contrary, I could not if I would, conceal from myself that recent events have too rudely jostled the unity of your Cabinet, and disclosed an opinion too deeply seated, and too generally received in Congress and in the country, to be safely disregarded, that the concord in judgment and action, essential to successful administration, does not prevail among its members.

“By some, the embarrassment of administration is attributed to me; by others to Mr. Seward; by others still to other heads of departments. Now, neither Mr. Seward nor myself is essential to you or to the country. We both earnestly wish to be relieved from the oppressive charge of our respective departments, and we have both placed our resignations in your hands.

“A resignation is a grave act; never performed by a right-minded man without forethought or with reserve. I tendered mine from a sense of duty to the country, to you, and to myself; and I tendered it to be accepted. So did, as you have been fully assured, Mr. Seward tender his.

“I trust, therefore, that you will regard yourself as completely relieved from all personal considerations. It is my honest conviction that we can both better serve you and the country at this time as private citizens than in your Cabinet.

“Retiring from the post to which you called me, let me assure you that I shall carry with me even a deeper respect and a warmer affection for you than I brought with me into it. . . .”

Mr. Chase to the President.

“WASHINGTON, February 27, 1863.

“. . . I learned to-day at the Senate-Chamber that the nomination of Mark Howard, to be collector of internal revenue for the First District of Connecticut, was rejected by that body.

“It is due to Mr. Howard to say that a no more faithful, capable, or honest man, has been appointed to any collectorship under the law; and that he has performed the responsible duties of the office to the entire satisfaction of the Commissioner of Internal Revenue and myself.

“I am told by Senators that Mr. Howard’s nomination was rejected at the instance of Senator Dixon, and merely in deference to his personal wishes, notwithstanding the unanimous report of the Committee on Finance in favor of confirmation, and without the slightest impeachment of the character or capacity of the nominee.

“Such, I have no doubt, is the fact; and I feel bound by my duty to an honest man, to your Administration, and to the public interests placed under my charge in this department, to protest, most respectfully, against the appointment to the vacancy created by this rejection, of any person recommended by the gentleman who procured it. Such an appointment

would, indeed, manifestly tend to the grossest abuses; for if gentlemen hostile to a particular nominee, or eager to secure his place for some favorite, can expect to control the appointment, after rejection, it is manifest that confirmations will depend less on merit than on animosity or favoritism.

"In my judgment, Mr. Howard should be renominated in order that the Senate may have an opportunity to reconsider its action, calmly and dispassionately. His renomination, under the circumstances, seems to me a simple act of justice to him, and a proper assertion of your own right to have your nominations considered on their merits.

"I, therefore, send a renomination for your consideration, and your signature, if approved.

"Should your judgment differ from mine on this point, I shall ask permission to recommend some other person, selected on the same considerations which governed my original recommendation of Mr. Howard, namely, capacity, integrity, and fidelity to the country and to your Administration. . . ."

The President to Mr. Chase.

"WASHINGTON, March 2, 1863.

". . . . After much reflection, and with a good deal of pain that it is adverse to your wish, I have concluded that it is best not to renominate Mr. Howard for collector of internal revenue at Hartford. Senator Dixon, residing at Hartford, and Mr. Loomis, the representative of the district, join in recommending Edward Goodman for the place, and so far no one has presented a different name. I will thank you, therefore, to send me a nomination at once for Mr. Goodman. . . ."

Mr. Chase to the President, but not sent.

"WASHINGTON, March 3, 1863.

✓ ". . . . Finding myself unable to approve the manner in which selections for appointment to important trusts in this department have been recently made, and being unwilling to remain responsible for its administration, under existing circumstances, I respectfully resign the office of Secretary of the Treasury. . . ."

Mr. Chase to the President.

"WASHINGTON, May 11, 1863.

". . . . Some weeks ago you verbally directed me to investigate the papers connected with the case of collector of the Puget Sound district, and to report the result to you.

"Almost immediately afterward, important business of my department called me to the Eastern cities. On leaving, I directed the Assistant Secretary to examine all the papers, arrange them in proper order, and make a brief of the contents, so that, on my return, I could at once make the investigation you required.

"I came back on Friday night (8th), and was informed by the Assistant Secretary that you had already directed him to make out and send to you a commission for a new collector.

"This information surprised and greatly pained me; for I had not thought it possible that you would remove an officer of my department without awaiting the result, although somewhat delayed, of an investigation, directed by yourself, and appoint a successor, for whose action I must be largely responsible, without even consulting me on the subject.

"To-day, I have received your note, stating that the person for whom, in my absence, a commission was prepared, is deceased; and directing one to be made out for another person of whom I know absolutely nothing.

"It has been and is my ardent desire to serve you, by faithful service to the country, in the responsible post to which you have called me; but I cannot hope to succeed in doing so if the selection of persons to fill subordinate places in the department is to be made, not only without my concurrence, but without my knowledge.

"I can ask, of course, nothing more than conference. The right of appointment belongs to you; and if, after fair consideration of my views, in any case, your judgment in relation to a proper selection differs from mine, it is my duty to acquiesce cheerfully in your determination; unless, indeed, the case be one of such a character as to justify my withdrawal from my post. I have, however, a right to be consulted. That right was virtually conceded to me when you invited me to assume the charge of the department, and make myself responsible for its administration.

"The blank commission which you direct me to send you is inclosed; for to obey your directions, so long as I shall hold office under you, is my duty. It is inclosed, however, with my most respectful protest against the precedent, and with the assurance that if you find any thing in my views to which your own sense of duty will not permit you to assent, I will unhesitatingly relieve you from all embarrassment, as far as I am concerned, by tendering you my resignation. . . ."¹

¹ This letter to Mr. Lincoln grew out of the case of Victor Smith, who had been appointed collector for the district of Puget Sound upon Mr. Chase's own responsibility; Smith being an old Ohio acquaintance of perfectly good character. The office was of considerable importance; but Victor Smith was a man not very likely to become popular on the Pacific coast—or anywhere else. He believed in spirit-rappings, and was an avowed abolitionist; he whined a great deal about "progress," was somewhat arrogant in manner and intolerant in speech; and speedily made himself thoroughly unpopular in his office. Grave charges were alleged against him, but they were not sustained; and a deputation of citizens came all the way from Puget's Sound to Washington to secure his removal, and spent more money in coming and going than the office was worth. Smith told his side of the story; the Secretary believed him, and convinced that to make the removal would work injury to the public service and wrong to an innocent man, resolved to stand by him even to the point of relinquishing office. During Mr. Chase's temporary absence from Washington the President appointed Henry Clay Wilson collector in Smith's place,

Mr. Chase to Daniel S. Dickinson, of New York.

WASHINGTON, November 18, 1863.

“. . . . There is to be a convention of War Democrats at Chicago on the 25th. I hope you will be there. I think it of great importance that you should be.

“Connected as my name is more or less with the next canvass, it may seem not exactly proper for me to offer any suggestions; but as I prize the success of principles and the permanence of organization on principles far more highly than any thing personal to myself, I shall write you freely, trusting to your friendly sentiments for right construction.

“Democracy is founded on the rights of men, and cannot deny rights to any without inconsistency and loss. Why not declare this?

“Why not declare what all believe, that the most exact and intense negative of democracy is slavery?

“Why not say in so many words that Democracy, having imposed limits on itself by the national Constitution, was faithful and remains faithful to its obligations; but that slaveholders having made war on the country, and having forced the State governments controlled by them into rebellion, slavery ceased to be entitled, in rebel States, to the benefits of those obligations, and was properly abolished by the proclamation?

“Why not add that no man is entitled to the name of loyal in rebel States who does not explicitly recognize and sincerely accept the freedom of the laborers and their right to wages for work?

“Having thus defined unconditional loyalty, why not insist on recognizing the unconditionally loyal people of each rebel State, and on supporting them in their efforts to reorganize their State governments on the basis of slavery prohibition and due provision against future secession?

“Why not avow active sympathy with the unconditional Union men everywhere, and invite all to rally on this genuine Democratic ground?

“I verily believe that in this way the future may be secured by the regeneration of the Democracy. I doubt all other ways. But regeneration implies renewed faith in fundamental principles and their fearless avowal. . . .”

To ex-Governor William Sprague.

WASHINGTON, November 26, 1863.

“. . . . If I were controlled by merely personal sentiments, I should prefer the reelection of Mr. Lincoln to that of any other man. / But I doubt the expediency of reelecting anybody, and I think a man of different qualities from those the President has will be needed for the next four years. I am not anxious to be regarded as that man; and I am quite willing to leave that question to the decision of those who agree in thinking that some such man should be chosen.

but Henry Clay Wilson was dead at the time his appointment was made, and Mr. Lincoln thereupon appointed another Wilson. This proceeding roused Mr. Chase's anger, and he sent the letter printed in the text.

"I can never permit myself to be driven into any hostile or unfriendly position as to Mr. Lincoln. His course toward me has always been so fair and kind; his progress toward entire agreement with me on the great question of slavery has been so constant, though rather slower than I wished for, and his general character is so marked by traits which command respect and affection, that I can never consent to any thing which he himself could or would consider as incompatible with perfect honor and good faith, if I were capable—which I hope I am not—of a departure from either, even where an enemy might be concerned. . . ."

Mr. Chase to Hiram Barney.

"WASHINGTON, December 1, 1863.

". . . . Ray wishes you may come and so do I, though by no means certain it is of *much* consequence you should.

"The President will make many important recommendations in his message, which I am afraid he will injure by too much specification and detail. Possibly you may be of use to the country and to the President, by coming. . . ."

(*Mr. Chase to E. A. Spencer, Madison, Wis.*

"WASHINGTON, December 4, 1863.

". . . . I have not the slightest wish to press any claims upon the consideration of friends or the public. There is certainly a purpose, however, to use my name, and I do not feel bound to object to it. On the contrary, were the post in which these friends desire to place me as low as it is high, I should feel bound to render in it all the service possible to our common country. . . ."

To William Orton, Esq., of New York.

"WASHINGTON, December 13, 1863.

". . . . The only thing out of place in your letter is your *quasi*-apology for freedom in writing.

"I have never doubted Mr. Barney's integrity or his personal friendship. I have known him more than twenty years; and to lose faith in him would be like a wrench from old moorings. . . ."

The President to Mr. Chase.

"WASHINGTON, January 11, 1864.

". . . . I am receiving letters and dispatches indicating an expectation that Mr. Barney is to leave the custom-house at New York. Have you anything on the subject? . . ."

Mr. Chase to the President.

"WASHINGTON, January 13, 1864.

". . . . I am to-day fifty-six years old. I have never consciously and deliberately injured one fellow-man. It is too late for me to begin by

sacrificing to clamor the reputation of a man whom I have known for more than twenty years, and whose repute for honesty has been all that time unsullied. I shall not recommend the removal of Mr. Barney, except upon such show of misconduct, or incapacity, as makes it my duty to do so. In such a case I shall not shrink from my duty.

“I pretend no indifference to the consequences, personal to myself, which you refer to as likely to follow this avowal on my part. But the approval of my own conscience is dearer to me than political position, and I shall cheerfully sacrifice the latter to preserve the former.

“Some days since you sent me a note in relation to a biographical sketch to be printed in a Philadelphia periodical. It was a matter in which I had no concern. If anybody wants my autograph, and I have time, I give it; if anybody wants to take my daguerreotype or photograph, and I have time, I sit for it; if anybody wants *to take my life*, in the way of a biographical sketch, *I let him take it*, and if I have time give such information as is wanted, that he may take it the more readily. Some friends wanted such a sketch prepared, and engaged a gentleman to prepare it. The publisher of the *American Exchange and Review*—a respectable periodical, by-the-way, I am told—was about to print a series of such sketches, and proposed to begin with one of me. How could I object? He asked for subscriptions, and obtained them. How could I control or supervise that? I was very busy with the affairs of my department, and had no time to look after such matters, even had I been aware of what was being done. If I had been consulted, I should certainly have objected to any subscription by Mr. Jay Cooke or his brother, except such a moderate one as any friend might have made. Not that any wrong was intended or done; but because the act was subject to misconstruction, and there are so many ready to misconstrue. Mr. Jay Cooke is a friend, and though he did not subscribe to the sketch, he doubtless sanctioned the subscription of his brother Henry, who is also a friend (and the son of a friend), whose friendship was formed when I was powerless to bestow favors. Neither of the brothers, nor the father, has ever received at my hands since I have had some power, any favor which they have not earned by strenuous and untiring labors for the public interest; nor any which my worst enemy would not have received as freely had he rendered the same services. What Mr. H. D. Cooke did about the unfortunate biography was done of his own accord without prompting from me, and his brother's approval was given in the same way. . . .

“You will pardon me if I write as one somewhat moved. It makes me hate public life when I realize how powerless are the most faithful labors and the most upright conduct to protect any man from carping envy or malignant denunciations; and how little he can expect even from the best and most intelligent when such noises prevail. It is almost equally painful to think how little friends are disposed to bear with mistakes and inadvertences of other friends, and how ready to make me responsible for theirs as well as my own. . . .”

To James C. Hall, Esq., Toledo, Ohio.

WASHINGTON, January 18, 1864. /

“ . . . Your kind note is just received. As it has been so long on the way I have telegraphed you that I will reply by mail.

“ At the instance of many who think that the public interests would be promoted by my election to the chief magistracy, a committee, composed of prominent Senators and Representatives and citizens, has been organized here for taking measures to promote that object.

“ This committee, though a sub-committee, has conferred with me, and I have explained to them the objections which seemed to me to exist against any use of my name in that connection. They have taken these objections into consideration, and assure me that they think I ought not to refuse its use; and I have consented to their wishes, assuring them, however, that whenever any consideration, either by them or by the friends of the cause, thought entitled to weight, should indicate the expediency of any other course, no consideration of personal delicacy should be allowed to prevent its being taken.

“ If I know my own heart, I desire nothing so much as the suppression of this rebellion and the reestablishment of union, order, and prosperity, on sure and safe foundations; and I should despise myself if I felt capable of allowing any personal objects to influence me to any action which would affect, by one jot or tittle, injuriously, the accomplishment of those objects. And it is a source of real gratification to believe that those who desire my nomination, desire it on public grounds alone, and will not hesitate, in any matter which may concern me, to act upon such grounds and on such grounds only.

“ Of course, under these circumstances, I desire the support of Ohio. If, however, it shall be the pleasure of a majority of our friends in Ohio to indicate a preference for another, I shall accept their action with that cheerful acquiescence which is due from me to friends who have trusted and honored me beyond any claim or merit of mine.”

Mr. Chase to Jacob Heaton, Esq.

WASHINGTON, January 28, 1864. /

“ . . . I return Mr. Bachelor's letter. I should despise myself if I felt capable of appointing or removing a man for the sake of the presidency. Captain Grace has been retained because I have been assured by many reliable political friends that he discharged his duties faithfully and well, and because there was no proof that he was hostile to the Government. I was at one time strongly inclined to remove him because of allegations that he especially consorted and sympathized with the men who obstruct, to the best of their ability, the prosecution of the war, and I have not yet absolutely determined what shall be done. When I act I shall act upon public considerations, not personal.

“ I have never sought to manage newspapers. If they have supported

me I have been glad of it, and grateful. If they have opposed, it has been their own matter, and I have let them take their course. I have never undertaken and never shall undertake, to manipulate the press. . . .

✓ "So far as the presidency is concerned, I must leave that wholly to the people. Those of them who think that the public good will be promoted by adherence to the one-term principle, and by the use of my name, are fully competent, and far more competent than I am, to bring the matter before the public generally; and the people will dispose of the case according to their own judgment. Whatever disposition they make of it, I shall be content. My time is wholly absorbed by my public duties; and I can best serve the public, and my friends too, by the faithful discharge of them. . . ."

✓ *Mr. Chase to Flamen Ball, Esq., Cincinnati.*

"WASHINGTON, February 2, 1864.

✓ ". . . . You ask for the signs of the times. At present they seem to indicate the renomination of Mr. Lincoln. His personal popularity is great and deserved. If to his kindliness of spirit and good sense he joined strong will and energetic action, there would be little left to wish for in him. As it is, I think that he will be likely to close his first term with more glory than he will the second, should he be reëlected. . . .

✓ "Of course, if my name is to be brought forward at all, I shall be glad to have Ohio decidedly on my side. Indeed, if Ohio should express a preference for any other person, I would not allow my name to be used ✓

"I shall be entirely content to retire, as soon as the condition of the finances will permit, to a private station, and hope their condition will permit it before the lapse of many months. . . ."

The President to Mr. Chase.

"WASHINGTON, February 12, 1864.

✓ ". . . . I have felt considerable anxiety concerning the custom-house at New York. Mr. Barney has suffered no abatement of my confidence in his honor and integrity; and yet I am convinced that he has ceased to be master of his position. A man by the name of Bailey,¹ whom I am unconscious of ever having seen, or even having heard of except in this connection, expects to be, and even now assumes to be, collector *de facto*, while Mr. Barney remains nominally so. This Mr. Bailey, as I understand, having been summoned as a witness to testify before a committee of the House of Representatives, which purposed investigating the New York

¹Mr. J. F. Bailey was a special agent of the Treasury Department, assigned to duty in connection with the operations of the New York Custom-House. Before that time he had been a clerk in the office of the Secretary of the Treasury. He was a man of great industry and energy, of admitted ability, and of unimpeached personal character until a much later period. He was responsibly indorsed; among others by Senator Fessenden. He was full of ambition, and ought to have risen to an honorable eminence.

Custom-House, took occasion to call on the chairman in advance, and to endeavor to smother the investigation, by saying, among other things, that whatever might be developed, the President would take no action, and that the committee would thereby be placed unpleasantly. The public interest cannot fail to suffer in the hands of this irresponsible and unscrupulous man. I propose sending Mr. Barney minister to Portugal, as evidence of my continued confidence in him. I wrote the draft of this letter two weeks ago, but delayed sending it for a reason which I will state when I see you. . . ."

"*The Pomeroy Circular.*"

["CONFIDENTIAL."]

WASHINGTON, February, 1864.

". . . . The movements recently made throughout the country, to secure the renomination of President Lincoln, render necessary counteraction on the part of those unconditional friends of the Union who differ from the policy of the Administration.

"So long as no efforts were made to forestall the political action of the people, it was both wise and patriotic for all true friends of the Government to devote their influence to the suppression of the rebellion; but when it becomes evident that party and the machinery of official influence are being used to secure the perpetuation of the present Administration, those who conscientiously believe that the interests of the country and of freedom demand a change in favor of vigor and purity and nationality, have no choice but to appeal at once to the people before it is too late to secure a fair discussion of principles. Those in behalf of whom this appeal is made have thoughtfully surveyed the political field, and have arrived at the following conclusions:

"1. That even were the reelection of Mr. Lincoln desirable, it is practically impossible against the union of influences which will oppose him.

"2. That should he be reelected, his manifest tendency toward compromises and temporary expedients of policy will become stronger during a second term than it has been in the first, and the cause of human liberty, and the dignity of the nation suffer proportionately, while the war may continue to languish during his whole Administration, till the public debt shall become a burden too great to be borne.

"3. That the patronage of the Government through the necessities of the war has been so rapidly increased, and to such an enormous extent, and so loosely placed, as to render the application of the one-term principle absolutely essential to the certain safety of our republican institutions.

"4. That we find united in Hon. Salmon P. Chase more of the qualities needed in a President, during the next four years, than are combined in any other available candidate. His record is clear and unimpeachable, showing him to be a statesman of rare ability, and an administrator of the highest order, while his private character furnishes the surest available guarantee of economy and purity in the management of public affairs.

"5. That the discussion of the presidential question already commenced by the friends of Mr. Lincoln, has developed a popularity and strength in Mr. Chase unexpected even to his warmest admirers, and while we are aware that its strength is at present unorganized, and in no condition to manifest its real magnitude, we are satisfied that it only needs a systematic and faithful effort to develop it to an extent sufficient to overcome all opposing obstacles. For these reasons the friends of Mr. Chase have determined on measures which shall present his claims fairly and at once to the country. A central organization has been effected, which already has its connections in all the States, and the object of which is to enable his friends everywhere most effectually to promote his elevation to the presidency. We wish the hearty coöperation of all those who are in favor of the speedy restoration of the Union on the basis of universal freedom, and who desire an administration of the Government during the first period of its new life, which shall to the fullest extent develop the capacity of free institutions, enlarge the resources of the country, diminish the burdens of taxation, elevate the standard of public and private morality, vindicate the honor of the republic before the world, and in all things make our American nationality the fairest example for imitation which human progress has ever achieved. If these objects meet your approval, you can render efficient aid by exerting yourself at once to organize your section of the country, and by corresponding with the chairman of the National Executive Committee, for the purpose either of receiving or imparting information. . . ."

/ *Mr. Chase to the President.*

WASHINGTON, February 22, 1864.

". . . . It is probable you have already seen a letter printed in the *Constitutional Union* on Saturday afternoon, and reprinted in the *Intelligencer* this morning, written by Senator Pomeroy,¹ as chairman of a committee of my political friends. I had no knowledge of the existence of this letter before I saw it in the *Union*.

"A few weeks ago, several gentlemen called on me and expressed their desire, which, they said, was shared by many earnest friends of our common cause, that I would allow my name to be submitted to the consideration of the people, in connection with the approaching election for Chief Magistrate. I replied that I feared such use might impair my usefulness as head of the Treasury Department, and that I much preferred to continue my labors where I am, and free from disturbing influences, until I could honorably retire from them. We had several interviews. After consultation and conference with others, they expressed their united judgment that the use of my name as proposed would not affect my usefulness in my present position; and that I ought to consent to it. I accepted their judgment as decisive; but at the same time told them, distinctly, that I

¹ Mr. Chase was mistaken; this circular was not written by Mr. Pomeroy, but by Mr. J. M. Winchell. Mr. Pomeroy signed it as chairman of the committee.

could render them no help, except what might come incidentally from the faithful discharge of public duties; for these must have my whole time. I said also that I desired them to regard themselves as not only entirely at liberty, but as requested, to withdraw my name from consideration, whenever in their judgment the public interest would be promoted by so doing.

"The organization of the committee, I presume, followed these conversations; but I was not consulted about it, nor have I been consulted as to its action; nor do I even know who composed it. I have never wished that my name should have a moment's thought in comparison with the common cause of enfranchisement and restoration, or be continued before the public a moment after the indication of a preference, by the friends of that cause, for another.

"I have thought this explanation due to you as well as to myself. If there is any thing in my action or position which, in your judgment, will prejudice the public interest under my charge, I beg you to say so. I do not wish to administer the Treasury Department one day without your entire confidence. For yourself I cherish sincere respect and esteem; and, permit me to add, affection. Differences of opinion as to administrative action have not changed these sentiments; nor have they been changed by assaults upon me by persons who profess themselves the special representatives of your views and policy. You are not responsible for acts not your own; nor will you hold me responsible except for what I do or say myself.

"Great numbers now desire your reflection. Should their wishes be fulfilled by the suffrages of the people, I hope to carry with me into private life the sentiments I now cherish, whole and unimpaired. . . ."

The President to Mr. Chase.

"WASHINGTON, February 23, 1864.

". . . : Yours of yesterday in relation to the paper issued by Senator Pomeroy was duly received; and I write this note merely to say I will answer a little more fully when I can find time to do so. . . ."

(*The President to Mr. Chase—again.*

"WASHINGTON, February 29, 1864.

". . . . I would have taken time to answer yours of the 22d sooner, only that I did not suppose any evil could result from the delay, especially as, by a note, I promptly acknowledged the receipt of yours, and promised a fuller answer. Now, on consideration, I find there is really very little to say. My knowledge of Mr. Pomeroy's letter having been made *public* came to me only the day you wrote; but I had, in spite of myself, known of its *existence* several days before. I have not yet read it, and I think I shall not. I was not shocked or surprised by the appearance of the letter, because I had had knowledge of Mr. Pomeroy's committee, and of secret

issues which, I supposed, came from it, and of secret agents who, I supposed, were sent out by it, for several weeks. I have known just as little of these things as my friends have allowed me to know. They bring the documents to me, but I do not read them; they tell me what they think fit to tell me, but I do not inquire for more.

"I fully concur with you that neither of us can be justly held responsible for what our respective friends may do without our instigation or countenance; and I assure you, as you have assured me, that no assault has been made upon you by my instigation, or with my countenance."

"Whether you shall remain at the head of the Treasury Department is a question which I do not allow myself to consider from any stand-point other than my judgment of the public service; and, in that view, I do not perceive occasion for a change. . . ."

Extract from Albert M. Palmer's Testimony before the Congressional Committee: taken at Fort Lafayette, March 19, 1864.

Question by the chairman of the Committee: "In the oath I administered to you, you are aware I required you to tell whatever you knew with reference to any frauds or improprieties in the New York Custom-House. Have you any knowledge of frauds committed, or money improperly paid in the shape of bribes or presents, in any department of the custom-house? If you have any such information and can give the facts and names, *it certainly cannot prejudice you*, but it may help us in correcting abuses that do exist."

Palmer's answer: "So far as I am concerned, nothing can prejudice me. I am just as bad off as I possibly can be; a prisoner in Fort Lafayette, disgraced and despised; and if I have no dread of any thing in the future, I have no inducement to conceal any thing from you. I have endured as much suffering and undergone as much misery as any man could wish or expect one to know. I do not fear any thing in the future, and I have no motive to conceal any thing from you, and I do not think there is any necessity for the recommendation of that to me, *that nothing can prejudice me, because I have no fear of being prejudiced by any thing*. I say, solemnly, that I know nothing more than I have told you."

Mr. Chase to James C. Hall, Esq., Toledo.

WASHINGTON, March 5, 1864.

". . . . In reply to a friendly letter from you, I wrote you briefly not long ago, about the wishes expressed by many, that my name might be favorably regarded by the people in their next choice of a President; and closed by saying that, should our friends in Ohio manifest a preference for another, I should accept their decision with the ready acquiescence due from one who has been already trusted and honored by them beyond merit or expectation.

"The recent action of the Union members of our Legislature indicates

such a preference. It becomes my duty, therefore—and I count it more a privilege than a duty—to ask that no further consideration be given to my name.

“It was never more important than now that all our efforts and all our energies should be devoted to the suppression of the rebellion, and to the restoration of order and prosperity, on solid and sure foundations of Union, Freedom, and Impartial Justice; and I earnestly urge all with whom my counsels may have weight, to allow nothing to divide them, while this great work, in comparison with which persons, and even parties, are nothing, remains unaccomplished. . . .”

Mr. Chase to Mr. Cooke.

“WASHINGTON, *May 5, 1864.*

“ . . . I hope my wrathiness was not excessive. Indeed, it was vexatious to think that all my labors to serve our country had found recompense, so far as Mr. Lincoln’s special friends were concerned, and with his apparent (but, as I hope and believe, merely apparent) indorsement, only in outrageous calumny. I seldom consult personal considerations in my public conduct, and so suppressed my inclination to resign my office and denounce the conspiracy of which the Blairs are the most visible embodiments. After returning from Baltimore I conferred with Governor Brough and other friends, who were very earnest in advising against resignation; and I yielded to their judgment, which, indeed, coincided with my own, though exceedingly contrary to my impulses. Immediately afterward I was obliged to visit Philadelphia, and was absent from Wednesday morning until Saturday night. On Monday I learned that the Ohio delegation had taken the matter up, and that one of them had called on the President, who disavowed in the most explicit terms all connection with, or responsibility for, Blair’s assault, and expressed his decided disapproval of it. As this was merely verbal, however, the delegation determined to call on the President in a body, and make and present a distinct statement in writing—on their part, of their advice and my action, and their convictions of what was due from the President to me, to Ohio, and to the country; and on his part, such reply as he should see fit to give.

“Thus the matter now stands. It seems now only simple justice to me, that every friend who believes I have done my duty, should, by voice, pen, and press, utter the sentiments which this outrageous attack must kindle in honest minds, of indignation against the unworthy men who have set on foot and propagated these vile calumnies. . . .”

To Hon. L. D. Stickney, of Florida.

“WASHINGTON, *May 25, 1864.* /

“ . . . I have read Dr. Ayer’s letter with surprise and regret. / I do not know to whom he alludes as the man likely to be chosen delegate to the Baltimore Convention being my own selection. Since my letter to

Senator Hall, or rather through him to my friends in Ohio and elsewhere, was written, I had neither asked, nor thought, nor expected to be nominated for President. I would not take the nomination of the Baltimore Convention if it were tendered to me. The delegates have been almost all elected under pledge, express or implied, that they will vote for the re-nomination of Mr. Lincoln. The nomination of any other man would be justly regarded as a fraud upon the people; and I value conscious integrity of purpose far more than office, even the highest. I have had nothing to do with the election of delegates to Baltimore—not one is a selection of mine in any sense—but if there were such a man I should say to him: ‘Respect honestly the wishes of the people who sent you; avoid especially the very appearance of management to substitute any man for the man whom they prefer.’

“If the Baltimore Convention is itself a mistake, the error cannot be rectified by any attempt to thwart through its members the expectations of their constituents. . . .”

To Aaron F. Perry, Esq., Cincinnati.

WASHINGTON, May 27, 1864.

“A letter has been shown me in which you are reported as blaming me for sending General Garfield secretly to Mr. Stanton to ask him to use his official patronage to promote my nomination for the presidency. It is also stated that a report that I did send the General to the Secretary for that purpose is quite current in Cincinnati.

“It humbles me to notice such a report; but if it can obtain credence with such gentlemen as yourself, may it not be a duty to do so?

“There is not a word of truth in it. Neither secretly nor openly, neither through General Garfield nor any other person, neither directly nor indirectly, did I ever suggest to Mr. Stanton or any head of department, or to any other officer of the Government, a wish for the use of official patronage in my behalf.

“Why I should be thus incessantly pursued with calumny I do not understand. I am in nobody’s way, unless perhaps in the way of some who would like to make money out of the distresses of the country. There were some citizens who wished that I might be President, and they were men of whose preference any man might be proud; but when I saw that the use of my name was likely to create strife and divisions injurious to our common cause, and that some even in high places were willing that the finances of the country, on which every thing depends, should be embarrassed and damaged, if by that means I might be damaged, I gladly availed myself of the action of the Union members of the Ohio Legislature to ask that my name no longer be considered in connection with the nomination. I thought I was acting an honest and patriotic part. Since writing the letter taking my name out of the list of candidates for the nomination, I have neither sought, nor asked, nor expected it. I have

been working hard to raise the means to pay and clothe and feed the soldiers and sailors of the Army and Navy, and to defray the costs of their great movements. My only ambition has been to contribute what I could in my place to the safety of the republic and to promote the interests of the whole people, and especially of the laboring masses, by the permanent establishment of a sound and uniform national currency."

To Hon. William H. Seward.

"WASHINGTON, May 30, 1864."

"... What you said about the Albany *Evening Journal* the other day induces me to send you its most prominent article of May 24th, which has been inclosed to me.

"So far as its allegations concern me personally, they are utterly without warrant. In the sense intended by the words, I have never been a presidential aspirant. Since my letter to Senator Hall, or rather, through him to my friends in Ohio, I have avoided all thought and talk about the presidential nomination, and have certainly neither asked nor sought nor expected it myself.

"The patronage of this department is not and never has been used with reference to that nomination. All I ask for in any officer is capacity, fidelity to trust, and devotion to Union and Liberty. If there are sinecure officers in the New York Custom-House, secretly at work to prevent the fair expression of the manifest preference of the Union men of the country, I do not know it. Every man has a right to be in a minority if he chooses, and often must be, or sacrifice his honest convictions; but no man has a right to be a sinecure office-holder or to engage in secret work to thwart the will of a majority of the political organization to which he belongs; and no such man shall hold office in this department, or under it, with my consent. . . ."

Mr. Chase to Denning Duer, Esq., New York.

"WASHINGTON, June 20, 1864.

"... Will you accept the office of Assistant Treasurer? . . ."

"Governor Morgan and I have talked this matter over, and have concluded that your appointment is one fit to be made; and will both be gratified if you think it is one fit to accept. . . ."

Mr. Chase to John A. Stewart, Esq., New York.

"WASHINGTON, June 25, 1864.

"... Since receiving your letter of the 10th of June, I have been endeavoring to find some successor of Mr. Cisco, equal to the place, and possessed of the entire confidence of the public. As yet I have been unsuccessful, and, in conversation with Senator Morgan on the subject, he agreed to write you, urging your reconsideration of your declension. I have also written to Mr. Cisco expressing my sentiments. Let me urge

you to reconsider your conclusion, and let your country in this exigency have the benefit of your services. . . .”

Mr. Chase to Mr. Cisco, New York.

“WASHINGTON, June 26, 1864.

“ . . . Senator Morgan promised me yesterday, or the day before, that he would write to Mr. Stewart, urging him to accept the post of Assistant Treasurer, so soon to be vacated by you. I have no doubt that he has done so. Please see him immediately, and second Senator Morgan’s endeavor. I should feel safe with him, and know not with whom else I should feel safe, or at least so safe. Let me know the result by telegraph to-morrow, that I may be able to act definitely on Monday. . . .”

Mr. Chase to Mr. Cisco—Telegram.

“WASHINGTON, June 28, 1864.

“ . . . Let me urge you respectfully, but earnestly, to withdraw your resignation, and give the country the benefit of your services at least another quarter longer. Let nothing, except the absolute requirements of your health, prevent your consent.

“To be delivered at office or residence immediately. . . .”

Mr. Chase to the President.

“WASHINGTON, June 28, 1864.

“ . . . I have telegraphed Mr. Cisco, begging him to withdraw his resignation, and serve at least another quarter. If he declines to do so, I must repeat that in my judgment the public interests require the appointment of Mr. Field. One of the gentlemen named by Senator Morgan is over seventy, and another, I think, over sixty years old; and neither has any practical knowledge of the duties of the office. They are both estimable gentlemen, and, were the times peaceful and the business of the office comparatively small and regular, I would gladly acquiesce in the appointment of either. But my duty to you and to the country does not permit it now. I have already, after conference with Senator Morgan, offered, with his concurrence, my recommendation to your consideration of three gentlemen, each admirably qualified, but each has declined. I now recommend Mr. Field, because among those who will take the place, I think him best qualified, and only for that reason. But this, especially in these times, should be a controlling reason.

“That you may see I am warranted not only by my personal observation, but by the opinions of the best men, in my judgment, I inclose with this several papers which have been sent to me.

“P. S.—As soon as Mr. Cisco’s answer comes, I will send it to you. If he declines, I trust you will act without delay. The office will be without a head on the first of July, and the bond to be given is (\$400,000) four hundred thousand dollars. . . .”

FAC-SIMILE.

June 28, 64

Let me urge you respectfully but earnestly to withdraw your resignation & give the Country the benefit of your services at least one quarter longer. Let nothing ^{the} except absolute requirements of your health prevent your consent.

Wm. Chase

John J. Cisco, Esq.

Assistant Treasurer

New York

To be delivered at Office or residence
as directed



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Memorandum for the President.

“ . . . Mr. Field is recommended by many of the most reliable business men of New York, such as Jonathan Sturgis, Peter Cooper, Phelps, Dodge & Co., as well as by prominent Republicans, such as John A. King, Horace Greeley and others.

“ His capacity and integrity are not called in question by anybody.

“ The office cannot be made useful to the Government, and especially to the Treasury Department, unless administered with the same disinterested integrity and impartiality with which Mr. Cisco has conducted it. Mr. Field does not claim to be the equal of Mr. Cisco in administrative capacity, but will, I think, endeavor to equal him in fairness and honesty of administration.

“ The office should not be controlled by mere party considerations. Appointments should doubtless be given to faithful friends of the Government; but should be made otherwise exclusively on grounds of integrity and capacity. Mr. Field is a Republican, and would give proper political considerations due weight; but he would not allow them improper influence. . . . ”

The President to Mr. Chase.

“ WASHINGTON, June 23, 1864.

“ . . . Yours, inclosing a blank nomination for Maunsell B. Field, to be Assistant Treasurer at New York, was received yesterday. I cannot, without much embarrassment, make this appointment, principally because of Senator Morgan's very firm opposition to it. Senator Harris has not yet spoken to me on the subject, though I understand he is not averse to the appointment of Mr. Field; nor yet to any one of the three named by Senator Morgan, rather preferring of them, however, Mr. Hillhouse. Governor Morgan tells me he has mentioned the three names to you, to wit: R. M. Blatchford, Dudley S. Gregory, and Thomas Hillhouse. It will really oblige me if you will make choice among those three, or any other man that Senators Morgan and Harris will be satisfied with, and send me a nomination for him. . . . ”

The President to Mr. Chase—again.

“ WASHINGTON, June 23, 1864.

“ . . . When I received your note this forenoon, suggesting a conversation—a verbal conversation—in relation to the appointment of a successor to Mr. Cisco, I hesitated, because the difficulty does not, in the main part, lie within the range of a conversation between you and me. As the proverb goes, ‘No man knows so well where the shoe pinches as he who wears it.’ I do not think Mr. Field a very proper man for the place; but I would trust your judgment, and forego this, were the greater difficulty out of the way. Much as I personally like Mr. Barney, it has been a great burden to me to retain him in his place, when nearly all our friends in New York

were, directly or indirectly, urging his removal. Then the appointment of Hogeboom to be General Appraiser brought me to, and has ever since kept me at, the verge of open revolt. Now, the appointment of Mr. Field would precipitate it, unless Senator Morgan, and those feeling as he does, could be brought to concur in it. Strained as I already am at this point, I do not think I can make this appointment in the direction of still greater strain.

"The testimonials of Mr. Field, with your accompanying note, were duly received, and I am now waiting to see your answer from Mr. Cisco. . . ."

Mr. Chase to Mr. Cisco.

WASHINGTON, June 29, 1864.

". . . . I am very grateful for your telegram and letter. It relieves me from a very painful embarrassment and from serious apprehensions. I could not remain here and see your office made parcel of the machinery of party, or even feel serious apprehensions that it might be. The only drawback upon my satisfaction comes from my concern for your health, and from my anxiety about the condition of public affairs. I pray God that no harm may come to you, and that our dear country may soon see brighter days. . . ."

Mr. Chase to the President.

WASHINGTON, June 29, 1864.

". . . . I have received your note, and have read it with great attention. I was not aware of the extent of the embarrassment to which you refer. In recommendations for office, I have sincerely sought to get the best men for the places to be filled without reference to any other classification than supporters and opponents of your Administration. Of the latter I have recommended none; among the former I have desired to know no distinction except degrees of fitness.

"The withdrawal of Mr. Cisco's resignation, which I inclose, relieves the present difficulty; but I cannot help feeling that my position here is not altogether agreeable to you; and it is certainly too full of embarrassment and difficulty and painful responsibility, to allow in me the least desire to retain it.

"I think it my duty, therefore, to inclose to you my resignation. I shall regard it as a real relief if you think proper to accept it, and will most cheerfully render to my successor any aid he may find useful in entering upon his duties. . . ."

The Resignation.

WASHINGTON, June 29, 1864.

". . . . I respectfully resign the office of Secretary of the Treasury, which I have the honor to hold under your appointment. . . ."

The President to Mr. Chase.

"WASHINGTON, June 29, 1864.

" . . . Your resignation of the office of Secretary of the Treasury, sent me yesterday, is accepted. Of all I have said in commendation of your ability and fidelity, I have nothing to unsay; and yet you and I have reached a point of mutual embarrassment in our official relations which, it seems to me, cannot be overcome or longer sustained consistently with the public service. . . ."

Mr. Cisco to Mr. Chase.

"NEW YORK, July 5, 1864.

" . . . It is a matter of deep regret to me that my resignation should have been the immediate cause of a result so unfortunate to the country. I was amazed at the determined attempt to bring my office into the political pool. If this should be accomplished, the usefulness of the office would depart, and would bring in its fall consequences disastrous to the country.

" Since I entered this office in 1853, politics have been carefully excluded from the administration of its affairs, and appointments have been influenced solely by considerations of loyalty, integrity, and business qualifications. This principle, adopted at the beginning with the sanction of three administrations of the Government, has been faithfully and conscientiously carried out down to the present time. The acknowledged success of the office is attributable more to this principle than to any other cause, and the man who attempts to administer it upon the view that he must consult party interests will find it impracticable and the result a failure. . . ."

Mr. Chase to Mr. Stanton, Secretary of War.

"WASHINGTON, June 30, 1864.

" . . . I felt myself bound yesterday to send my resignation to the President. It would have been grateful to me to be able to consult you; but I feared you might be prompted by your generous sentiments to take some step injurious to the country. To-day my resignation has been accepted; and, if you have not been informed of it, it is due to you that I should give you the information as soon as received by myself. . . ."

Extract from Mr. Chase's Diary, June 30, 1864.

" Among those who called during the day was Mr. Hooper, who related a conversation with the President some days ago, in which the President expressed regret that our relations were not more free from embarrassment, saying that when I came to see him he felt awkward, and that I seemed constrained. At the same time he expressed his esteem for me, and said that he had intended, in case of vacancy in the chief-justiceship, to tender it to me, and would now, did a vacancy exist. This, he said, he remarked to show his real sentiments toward me; for he remembered that

not long after he took charge of the Administration, I had remarked one day that I preferred judicial to administrative office, and would rather, if I could, be Chief-Justice of the United States than hold any other position that could be given me. Mr. Hooper said he thought this was said to him in order to be repeated to me, and that he had sought an opportunity of doing so, but had not found one. I said that it was quite possible, had any such expressions of good-will reached me, I might, before the present difficulty arose, have gone to him and had a fresh understanding, which would have prevented it; but I did not see how I could change my position.

“Indeed, if such were the real feelings of Mr. Lincoln, he would hardly have refused a personal interview when I asked it, or required me to consult local politicians in the choice of an officer whose character and qualifications were so vitally important to the department. Besides, I did not see how I could carry on the department without more means than Congress was likely to supply, and amid the embarrassments created by factious hostility within, and both factious and party hostility without the department.”

From Mr. Chase's Diary, July 4, 1864.

“Mr. Fessenden came in (about nine p. m.). He had been with me in the morning, and told me he had received a letter. . . . recommending Governor Morgan's special choice for a successor to Mr. Cisco. He expressed his intention not to have either of them; for when it was sought to make me choose appointments he had told me that he should call on the President, and before acceptance have it distinctly understood that the appointment of subordinates in his office, for whom he was to be responsible, must be made directly on his own nomination. He now came in to say that the President had at once acceded to this, only requiring that, should he himself desire any particular appointment made, his wishes in that regard should be fully considered. He said, too, that he hoped Mr. Fessenden would not, without a real necessity, remove any friends of Governor Chase.”

From Mr. Chase's Journal, July 13, 1864.

“Half of my fifty-seventh year is ended. To-day I leave Washington a private citizen. Saw Stanton before leaving; he was warm and cordial as ever. No other head of a department has called.”

Mr. Chase went to New England and spent some weeks, and then back to Washington, and from Washington to the West; taking an active part in the presidential canvass, and supporting the reelection of Mr. Lincoln with great earnestness and ability. He made speeches at several places; notably at Cincinnati.

In his journal for the 18th of August—being then in Boston—he made

this entry: "Fessenden was with me and expressed his astonishment at the immense work of organization I had accomplished in the Treasury Department." The journal during this period, shows that there was some effort at procuring his restoration to the Treasury; without his concurrence, however. He got back to Washington on the 14th of September; saw the President twice while there, and made record thus: "September 17th. I have seen the President twice since I have been here. Both times third persons were present, and there was nothing like private conversation. His manner was cordial and so were his words; and I hear of nothing but good-will from him. But he is not at all demonstrative, either in speech or manner. I feel that I do not know him, and I found no action on what he says or does. . . . It is my conviction that the cause I love and the general interests of the country will be best promoted by his reflection, and I have resolved to join my efforts to those of almost the whole body of my friends in securing it¹. . . I have been told that the President said he and I could not get along together in the Cabinet. Doubtless there was a difference of temperament, and on some points, of judgment. I may have been too earnest and eager, while I thought him not earnest enough and too slow. On some occasions, indeed, I found that it was so. But I never desired any thing else than his complete success, and never indulged a personal feeling incompatible with absolute fidelity to his Administration. To assure that success I labored incessantly in the Treasury Department, with what results the world knows. When I found that the use of my name in connection with the presidency would interfere with my usefulness in that department, I seized the opportunity offered by the expression, by a majority of the Union members of the Legislature, of a preference for Mr. Lincoln, to ask that no further consideration should be given to my name. After that, I advised all friends who consulted me, in reference to the action of the Baltimore Convention, to give him their support. But it would be uncandid not to say that I felt wronged and hurt by the circumstances which preceded and attended my resignation, and that I was far from satisfied with the indications that Mr. Lincoln sympathized more with those who assailed and disparaged than with those who asserted and maintained the views held by me in common with the great majority of the supporters of his Administration. I think even now there would never have been any difficulty about our getting along to-

¹ In a letter to Mr. Schuckers from Narragansett, September 6th, Mr. Chase said: "There is little democracy in the party which assumes that name, but much hatred of the humblest of God's poor—the colored race—and much subserviency to the slaveholding class; while in the Union party, with a great deal that is far from any tolerable standard of either ethics or politics, there is a great deal also of genuine devotion to human rights and noble policy. So you see I tend to the point of burying all complaints, whether of injustice to myself—which is of little account—or of delinquencies in respect to the country and to patriotic men, especially loyalists of the insurrectionary States, and supporting the choice of the Baltimore Convention, awaiting future events as the guide for future action."

gether, could he have understood my sentiments just as they were, and if he had allowed me to understand his freely and unreservedly. . . .”

Mr. Chase received news of the death of Chief-Justice Taney at Cincinnati, and a few days later, a letter from Mr. Sumner, dated October 14th, in which Mr. Sumner said: “MY DEAR CHASE: I have written to the President without delay, and urged anew the considerations to which he yielded last spring, in favor of your nomination as Chief-Justice. Of course you will accept. Yes! accept, and complete our great reformation by purifying the Constitution, and upholding those measures by which the republic will be saved. God bless you! Ever yours, CHARLES SUMNER.” In reply to this, Mr. Chase on the 19th of October wrote from Cincinnati: “MY DEAR SUMNER: Your action is like you, generous, earnest, and prompt. Whatever the action of the President may be, yours will remain a new and grateful bond of endearment of you to me. As yet I have heard nothing from Washington of a definite character, or from authorized sources. But what I do hear leads me to think that the President remains of the same mind expressed to you last spring, and, as I have heard, to others quite recently. . . . It is perhaps not exactly *en règle* to say what a man will do in regard to an appointment not tendered to him; but it is certainly not wrong to say to you that I should accept. I feel that I can do more for our cause and country in that place than in any other. . . . It is now certain that Mr. Lincoln will be reëlected. May his name go down to posterity with the two noblest additions historians ever recorded—Restorer and Liberator! Faithfully your friend, S. P. CHASE.” On the 20th of October, Mr. Fessenden wrote to Mr. Chase: “MY DEAR SIR—I think there can be no doubt about your appointment to the chief-justice-ship. The President said to me of his own motion, ‘I have not forgotten our conversation,’ but as things were going on well, he thought it best not to make any appointment or say any thing about it until the election was over. Your friends need give themselves no anxiety, whatever may be said by the papers. I believe all is right.—Yours always, W. P. F.” On the 18th of November, Mr. Fessenden wrote again: “I congratulate you on getting through the campaign so well, winning so many golden opinions. I have no doubt you will be Chief-Justice, and consider the matter so well settled that no struggle will be made to prevent it. I have neither seen nor heard any thing to indicate a change of intention. . . . I wish you were here to advise me. It is a slow and troublesome business to get any reliable statements. But for Harrington, it would be next to impossible to get any thing done correctly. Yours always, W. P. FESSENDEN.” On the 19th of November, Mr. Stanton wrote to Chase: “MY DEAR FRIEND—Your welcome note found me in bed, where I had been for some days. It came with healing on its wings, for I was in that condition that nothing could serve me better than the voice of a friend; and no friend more effectually than you. I am better now and again at work, but with feeble and broken health, that can only be restored by absolute rest from all



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FAC-SIMILE.

Executive Mansion

Washington D. C. Dec. 6. 1864

To the Senate of the United States

I nominate Salmon P. Chase
of Ohio, to be Chief Justice of the Supreme
Court of the United States, vice Roger B. Tan-
ner, deceased.

Abraham Lincoln

labor and care. This I long for, and hope soon to have.—Our cause is now, I hope, beyond all danger, and when Grant goes into Richmond my task is ended. To you and others it will remain to secure the fruits of victory, and see that they do not turn to ashes.—In respect to affairs here, nothing of any consequence is on foot. Your experience has taught you that the newspaper reports are all lies, invented by knaves for fools to feed on. This is especially true in respect to Cabinet changes and the chief-justiceship. Changes in the Cabinet will of course take place, but they will be made in time and manner that no one will be looking for. In regard to the chief-justiceship, I learn from outside sources that Swayne is the most active and Blair the most confident of the candidates. My belief is that you will be offered the appointment, if it has not already been done. . . . Yours truly, EDWIN M. STANTON.”

The Nomination.

“EXECUTIVE MANSION, WASHINGTON, December 6, 1864.

To the Senate of the United States :

“I nominate Salmon P. Chase, of Ohio, to be Chief-Justice of the Supreme Court of the United States *vice* Roger B. Taney, deceased.

“ABRAHAM LINCOLN.”

THE ACTION OF THE SENATE.

The Senate at once, and without a reference, unanimously confirmed the nomination.

Mr. Chase to the President.

“WASHINGTON, December 6, 1864.

“ On reaching home to-night I was saluted with the intelligence that you have this day nominated me to the Senate for the office of Chief-Justice.

“Before I sleep I must thank you for this mark of your confidence, and especially for the manner in which the nomination was made. I will never forget either, and trust you will never regret either. Be assured that I prize your confidence and good-will more than nomination to office. . . .”

CHAPTER XLVII.

MR. CHASE AND THE WAR—RECONSTRUCTION AND RESTORATION.

To Rev. J. M. Reid, Cincinnati.

“WASHINGTON, January 23, 1865.

“ THE question of the reconstitution of the rebel States as members of the Union, is immediately upon us. Citizens of Louisiana and Arkansas are asking the readmission of their States under constitutions which deny to the masses of the loyal people in each the right of suffrage. It seems to me that it would hardly be a greater crime to continue slavery itself than to leave the only class which, as a class, has been loyal, unprotected by the ballot. Many of them have taken up arms for the country; many of them have lost sons and brothers fighting for the cause; and *now* it is proposed to confine the right of suffrage to the whites, which will enable them to make all sorts of invidious and unjust discriminations; nor will they be slow to do so. This may, and I fear will, produce a worse convulsion than that through which we are now passing; for God will hardly allow so great an injustice to go unpunished. . . .”

To John Bigelow, U. S. Minister at Paris.

“WASHINGTON, March 13, 1865.

“The rebellion seems to be near its end. I do not forget that I thought so before, when McClellan was marching upon Richmond, and when Grant last spring began his advance. But the evidence is much clearer and stronger now. Indeed, it looks to me as if the gradual closing of the Union armies around Lee must soon compel his surrender. I should hardly be surprised to see it come without a battle. What a crown that would be of Grant's career! . . .”

To the President.

“BALTIMORE, April 11, 1865.

“When all mankind are congratulating you, one voice, heard or not, is of little account; but I add mine.

"I am very anxious about the future; and most about the principles which are to govern reconstruction; for as these principles are sound or unsound, so will be the work and its results.

"You have no time to read a long letter, nor have I time to write one; so I will be brief.

"And first as to Virginia.

"By the action of every branch of the Government we are committed to the recognition and maintenance of the State organization of which Governor Pierpont is the head. You know all the facts, recapitulation would be useless. There will be a pressure for the recognition of the rebel organization on condition of profession of loyalty. It will be far easier and wiser, in my judgment, to stand by the loyal organization already recognized.

"And next as to the other rebel States.

"The easiest and safest way seems to me to be the enrollment of the loyal citizens without regard to complexion, and encouragement and support to them in the reorganization of State governments under constitutions securing suffrage to all citizens of proper age and unconvicted of crime. This, you know, has long been my opinion. It is confirmed by observation more and more.

"This way is recommended by its simplicity, facility, and, above all, justice. It will be hereafter counted equally a crime and a folly if the colored loyalists of the rebel States are left to the control of restored rebels, not likely, in that case, to be either wise or just, until taught both wisdom and justice by new calamities.

"The application of this principle to Louisiana is made somewhat difficult by the organization which has already taken place; but, happily, the Constitution authorizes the Legislature to extend the right of suffrage; and it is not to be doubted that, on a suggestion from the national authorities, that its extension to colored citizens, on equal terms with white citizens, is believed to be essential to the future tranquillity of the country as well as just in itself, the Legislature will promptly act in the desired direction.

"What reaches me of the condition of things in Louisiana impresses me strongly with the belief that this extension will be of the greatest benefit to the whole population.

"The same result can be secured in Arkansas by an amendment of the State constitution, or, what would be better, I think, by a new convention, the members of which should be elected by the loyal citizens, without distinction of color. To all the other States, the general principle may be easily applied.

"I most respectfully but most earnestly commend these matters to your attention. God gives you a great place and a great opportunity. May He guide you in the use of them!

"I noticed this morning your proclamation closing the ports, and was

glad to see it. I presume the law of forfeiture was well considered, and also the effect of discrimination against foreign vessels. . . .”

To the President—again.

“BALTIMORE, April 12, 1865.

“ . . . The *American* of this morning contains your speech of last evening. Seeing that you say something on the subject of my letter to you yesterday—reconstruction—and refer, though without naming me, to the suggestions I made in relation to the amnesty proclamation, when you brought it before the heads of departments, I will add some observations to what I have already written.

“ I recollect the suggestions you mention ; my impression is that they were in writing. There was another which you do not mention, and which I think was not in writing. It is distinct in my memory, though doubtless forgotten by you. It was an objection to the restriction of participation in reorganization to persons having the qualification of voters under the laws in force just before rebellion. Ever since questions of reconstruction have been talked about, it has been my opinion that colored loyalists ought to be allowed to participate in it ; and it was because of this opinion that I was anxious to have this question left open. I did not however, say much about the restriction. I was the only one who expressed a wish for its omission, and did not desire to seem pertinacious.

“ You will remember, doubtless, that the first order ever issued for enrollment, with a view to reconstruction, went to General Shepley, and directed the enrollment of all loyal citizens ; and I suppose that since the opinion of Attorney-General Bates, no one connected with your Administration has questioned the citizenship of free colored men, more than that of free white men. The restriction in the amnesty proclamation operated as a revocation of the order to General Shepley ; but as I understood you not to be wedded to any particular plan of reconstruction, I hoped that reflection and observation would satisfy you that the restriction should not be adhered to.

“ I fully sympathized with your desire for the restoration of the Union by the change of rebel slave States into Union free States, and was willing, if I could not get exactly the plan I thought best, to take the plan you thought best and trust to the future for modifications. I welcomed, therefore, with joy, the prospect of good results from coöperation of General Banks with the free State men of Louisiana. I think General Banks's error, and I have said so to him, was in not acting through instead of over the Free State Committee. This committee had already shown itself disposed to a degree of liberality toward the colored people quite remarkable at that time. They had admitted delegates from the creole colored population into their Free State Convention, and evinced a readiness to admit intelligent colored citizens of that class to the right of suffrage. I have no doubt that great and satisfactory progress would have been made in the

same direction, had not the work been taken out of their hands. An impression was created that the advocates of general suffrage were to be treated with disfavor by the representatives of the Government, and discouragement and discontent were the natural consequences.

“For one I was glad for all the good that was done; and naturally wanted more. So when I came to Washington last winter, I saw General Banks; and being more deeply than ever persuaded of the necessity of universal suffrage, begged him to write himself, and to induce the Senators and Representatives elect from Louisiana to write to members of the Legislature, and urge them to exercise their power under the constitution, by passing an act extending suffrage to colored citizens. I knew that many of our best men in and out of Congress, had become convinced of the impolicy and injustice of allowing Representatives to States which had been in rebellion, and were not yet prepared to concede political rights to all loyal citizens. They felt that if such representation should be allowed, and such States reinstated in all their former rights as loyal members of the Union, the colored loyalists of the States restored would be practically abandoned to the disposition of the white population, with every probability against them; and they feel that this was equally unjust and dangerous. I shared these sentiments, and was therefore extremely desirous that General Banks should take the action I urged upon him.

“I thought, indeed, that he concurred mainly in my views, and would, to some extent at least, act upon them. I must have been mistaken; for I never heard that he did any thing in that direction.

“I know you attach much importance to the admission of Louisiana, or rather to her right to representation in Congress, as a loyal State in the Union. If I am not misinformed, there is nothing in the way except the indisposition of her Legislature to give proof satisfactory of loyalty by a sufficient guarantee of safety and justice to colored citizens, through the extension to loyal colored men of the right of suffrage. Why not then, as almost every loyal man concurs with you as to the desirableness of that recognition, take the shortest road to it, by causing every proper representation to be made to the Louisiana Legislature, of the importance of such extension?

“I most earnestly wish you could have read the New Orleans papers for the past few months. Your duties have not allowed it. I have read them a good deal, quite enough to be certain that if you had read what I have, your feelings of humanity and justice would not let you rest till all loyalists are made equal in the right of self-protection by suffrage.

“Once I should have been, if not satisfied, partially, at least, contented with suffrage for the intelligent and for those who have been soldiers; now I am convinced that universal suffrage is demanded by sound policy and impartial justice. I have written too much already, and will not trouble you with my reasons for these conclusions. I shall return to Washington

in a day or two, and perhaps it will not be disagreeable to you to have the whole subject talked over. . . .”

To Stanley Matthews, Esq., Cincinnati.

“WASHINGTON, April 14, 1865.

“ . . . We all feel very happy here in the prospect of the speedy return of peace. I hear of no rebel, and no sympathizer with rebellion, who does not consider the insurrection as effectually, though as yet only virtually quelled. Judge Campbell told the President at Richmond that he had expressed this opinion to Davis, Benjamin, and Mallory, just before they left Richmond; and they were silent. It was the silence of despair. . . .”

From Mr. Chase's Diary, April 14th, Friday.

“At home morning; afternoon, rode out with Nettie, intending to have myself left at President's, and talk with him about universal suffrage in reorganization; felt reluctant to call lest my talk might annoy him, and do harm rather than good; home a little after dark, having postponed my intended call. Retired to bed about ten. Some time after, a servant came up and said a gentleman, who said the President had been shot, wished to see me. I directed that he should be shown into my room. He came in (an employé in the Treasury Department), and said he had just come from the theatre; that the President had been shot in his box by a man who leaped from the stage and escaped by the rear. He could give no particulars and I hoped he might be mistaken; but soon after Mr. Mellen, Mr. Walker (the Fifth Auditor) and Mr. Plants, came in, and confirmed what had been told to me; and added that Secretary Seward had also been assassinated; and that guards were being placed around the houses of all the prominent officials, under the apprehension that the plot had a wide range.

“My first impulse was to rise immediately and go to the President, whom I could not yet believe to have been fatally wounded; but reflecting that I could not possibly be of any service, and should probably be in the way of those who could, I resolved to wait for morning and further intelligence. In a little while the guard came (for it was supposed I was one of the destined victims), and their heavy tramp, tramp, was heard under my window all night. Mr. Mellen slept in the house. It was a night of horrors.”

“April 15th, Saturday.—Up with the light. A heavy rain was falling, and the sky was black. Walked up with Mr. Mellen to Mr. Seward's, crossing the street on which is Ford's Theatre, and, opposite, the house to which the President had been conveyed. Was informed that the President was already dead. Continued on to Mr. Seward's, and found guards before the house and in the streets denying access; but the officer allowed me and Mr. Mellen to pass.

“ . . . Soon after leaving Mr. Seward's, I went to see the Vice-President, and found him at his hotel; calm apparently, but very grave. Soon after Secretary McCulloch and Attorney-General Speed came in; they said they were on their way to my house to ask my attendance for the administration of the oath of office as President to the Vice-President. Some conversation followed as to time and place, and it was agreed it should be in the parlor where we then were, and at ten o'clock. I then went with the Attorney-General to his office to look into the precedents in the cases of Vice-Presidents Tyler and Fillmore, and to examine the Constitution and laws. On our way the topic of conversation was the late President. Mr. Speed said he had never seen him in better spirits than on yesterday. He met the Cabinet very cheerfully, and talked with them freely on the subject of reorganization. 'He never seemed so near our views,' said Mr. Speed. 'Before the meeting of the Cabinet he had showed me your letter from Baltimore. At the meeting he said he thought he had made a mistake at Richmond in sanctioning the assembling of the Virginia Legislature; and had perhaps been too fast in his desire for early reconstruction.' All Mr. Speed said deepened my sorrow for the country. After examining the precedents and the Constitution, we returned to the hotel, where, at the entrance, I encountered old Mr. Blair and his son Montgomery. I had determined to bury all resentments, and greeted both kindly. We entered the room together—the parlor of the hotel—where were assembled some twelve or fourteen gentlemen: Mr. McCulloch, Mr. Speed, the Messrs. Blair, Mr. Hale, and others. I repeated the oath, which the Vice-President repeated after me. He was now the successor of Mr. Lincoln. I said to him, 'May God guide, support, and bless you, in your arduous labors!' The others then came forward and extended their sad congratulations.”

To General J. M. Ashley, Toledo, Ohio.

“WASHINGTON, April 16, 1865.

“ . . . The President has been stricken down when he was most honored and best beloved. The schemes of politicians will now adjust themselves to the new conditions. I want no part in them. What the future may have in store for us no man can foresee. I pray for strength to do my duty, whatever it may be. . . . ”

[Not long after the inauguration of President Johnson, Mr. Chase determined upon a visit to the Southern cities, with a view to learn as much as possible, from actual observation, of the true condition of the country. The Secretary of the Treasury, Mr. McCulloch, was about to send a revenue cutter to the New Orleans station, and on board of her a special agent, charged with the duty of examining the agencies and carrying into effect the directions of the department in the several South Atlantic and

Gulf ports. He tendered the use of this vessel to the Chief-Justice, and orders were issued by the President, and the Secretaries of War and of the Navy, to the officers in the naval, military, and civil service, to afford him all the facilities that their respective duties would allow. Mr. Chase was accompanied by his daughter, Miss Janet Ralston Chase, and Whitelaw Reid, Esq. The Special Agent of the Department, in charge of the vessel, was William P. Mellen, Esq.

It was under these circumstances that the Chief-Justice made his Southern journey. He took great pains to inform himself of the condition of the South, and from time to time communicated his views to the President. One of his letters to Mr. Johnson will be found below. He arrived back in Washington, about the middle of August, having returned *via* the Mississippi River.]

To Major-General Sherman.

BEAUFORT HARBOR, N. C., }
U. S. REVENUE STEAMER WAYANDA, May 6, 1865. }

“. . . . I have been thought a radical in principle, and have never disclaimed the name; but I have tried to be a conservative in working; and have always got along without breaking things. This morning I met at Beaufort, Colonel —, a gentleman of sixty, owner of a hundred and twenty-five slaves before the war, and a handsome estate in lands. He has come to the conclusion that it is best to restore the *old* constitution of North Carolina, under which all *free men* voted; and believes that the Union and Union men will be safer with blacks voting than without. I met others with different opinions, but none manifested any such feelings as would lead me to expect any renewal of troubles from the extension of suffrage to all loyal citizens, and inviting all citizens to participate in reorganization. . . . But I will not trouble you further with these ideas. Time will try all opinions.

“Let me, however, most respectfully but very earnestly advise against the publication of the General Order you have sent me. I cannot see that any good will come from it, but I fear some evil. My knowledge of the internal administration of the War Department for nearly a year past has been only that which all may gather from the journals; and, of course, I am not well enough informed to judge of the motives of recent action. I cannot believe, however, that it had its origin in any bad feeling toward you, so far as the President and Secretary are concerned. Since my conversation with you, I have seen more clearly the motives and views which governed you. I presume the President and Secretary do so also. They will become more and more definitely informed and impressed. Full justice will be done you both by Government and people.

"I earnestly hope you will let reason and reflection do the work of your vindication, and put the order at least in abeyance.

"Pardon me that I thus express opinions on a matter of which you are so much the better judge. Your kindness in permitting me to see the order seems to warrant it.

"You are a native of Ohio—a State which received me by adoption, and has honored me beyond desert. Your honor and repute are therefore especially dear to me. Besides this, your brother was one of my most able and efficient supporters in my whole difficult financial administration; and my gratitude to him in some sort extends itself to you. So you must excuse my solicitude, not forgetting that it is that of one who is a good deal older than you are, and has had a very large experience, if not so varied as your own. . . ."

To the President.

"CHARLESTON, S. C., *May* 12, 1865.

". . . . I wrote you briefly from Wilmington. . . . The white citizens may be divided into two classes: 1. The old conservatives who opposed secession, and are now about as much, and in some cases even more, opposed to letting the black citizens vote; these would like to see slavery restored. 2. The acquiescents, who rather prefer the old order of things, and would rather dislike to see the blacks vote—but want peace, means of living, and revival of business above all things, and will take any course the Government may desire. This is the largest class. 3. The progressives—who see that slavery is dead, and are not sorry; who see, too, that the blacks made free, must be citizens, and being citizens must be allowed to vote; and who seeing these things have made up their minds to conform to the new condition, and to lead in it. These are men of sagacity and activity; but they are few, and few of the few have been in conspicuous positions. In the end, however, they will control.

"One of the best specimens of the first class I met in Wilmington was Mr. M—. He is an able lawyer; a good citizen; a good man, thoroughly sincere and truly upright; he was a Whig of the Clay school; opposed secession earnestly; submitted to it only perforce. I promised to convey his views to you, and will as well as I can; they may be stated thus:

"(1.) The best mode of reorganization in North Carolina is to reassemble the Legislature, which was lately in session, and require each member to take the oath of allegiance to the United States. He thinks nearly every member would take the oath, and that this would be the severest humiliation to them, and the most impressive lesson to others. (2.) The Courts, Supreme, Superior, and Quarter Sessions, should be immediately required to resume their respective jurisdictions; and if this cannot be done, that the Courts of Quarter Sessions, composed of the justices of the peace of each county, should at least be put in action. (3.) If the Administration has decided not to recognize the Legislature elected while the State was in rebellion, then that the white loyal citizens should be enrolled under

orders of the military commander, by Justices of the Quarter Sessions selected by him, or when loyal justices cannot be found to act, by other citizens; and that the citizens enrolled should be invited to elect a convention to revise the constitution, and provide for the election of Governor and Legislature, for the election or appointment of judges, and for doing such other things as may be necessary to restore civil government and national relations. (4.) That unrestricted trade, except in arms and powder, within the State, with other States, and with foreign nations, should be allowed.

“His first proposition is, of course, inadmissible. I think the second equally so, except as to the Courts of Quarter Sessions. Perhaps these might be well authorized to resume their functions, each justice taking the oath, but until complete restoration, their acts must necessarily be subject to military supervision. The third seems right, except that I would not restrict suffrage to whites. The fourth strikes me as altogether expedient and just.

“Nothing need be said of the second class of citizens—the acquiescents; except that its existence insures the success of any policy, right and just in itself, and enforced with steady vigor, which you may think best to adopt.

“The fourth class includes the men of the future. I met some individuals of it. One of the best specimens at Wilmington was Colonel Baker, who was in the rebel service, made prisoner, and pardoned by President Lincoln. He seemed to comprehend the new situation, and was ready to take an active part in the regeneration of North Carolina, on the basis of universal suffrage. He is what you and I would call a young man, say thirty-five—active, ready, intelligent, ambitious, and of popular manners. Another individual, a paroled colonel from South Carolina, was described to me by Mr. Lowell, connected with the Treasury Department, who accompanied me, and who mixes freely with the people, without being known to be of our party. They met at the Palmetto Hotel, where few of the Northern men go. He declared himself fully satisfied that the Confederacy was gone up, and said that slavery was gone up with it, and, for his part, he was determined not to be behind the times.

“This classification will give you with tolerable accuracy, I think, the sentiments of the several classes into which the Southern whites may be divided; and will probably satisfy you that there is no course open, if we wish to promote most efficiently the interests of all classes, except to give suffrage to all.

“At Wilmington—besides many white citizens—a colored deputation called on me. It was composed of four persons. The spokesman was minister of the First Presbyterian (colored) Church in Philadelphia, who came to that place some time ago—at the instance of some benevolent association—to look into the condition of the colored people, and to report upon it. Of the other three, one was a carpenter who, many years ago,

bought himself, his wife, and two children. The whole family was conveyed to a white citizen, whose character was their only security against actual as well as legal slavery. Another, also a carpenter, had hired his time, and had all the wages he could earn over the hire paid to his master. The third was a barber, who had also bought himself, and then, like a sensible fellow, married a free woman, and had himself conveyed to her. They wanted my advice in their present circumstances; were anxious to know whether or not they were to be allowed to vote, and whether they would be maintained in the possession of the lands they had hired. I gave them the best advice I could; to be industrious, economical, orderly, respectful; proving by their conduct their worthiness to be free. As to the right of voting, I said that I could not tell whether they would have it immediately or not; but they would certainly have it in time, if they showed themselves fit for it. I said that I would give it at once if I had the right to decide; but the decision was with you, and you would decide according to your own judgment, with the best feelings toward all men of all classes. If they should get it immediately they must not abuse it; if they should not they must be patient. As to the lands, I said that I did not doubt that the leases already made for this year would be maintained; but that they could not expect to own the lands without paying for them; they must work hard now; get and save all they could, and await the future patiently. They were well satisfied with what I said, and I hope it will meet your approval.

"I could write a great deal more, but it would do no good. While I am observing, you are, doubtless, resolving and acting. I am sure you will follow out the great principles you have so often announced, and put the weight of your name and authority on the side of justice and right. My most earnest wishes will be satisfied if you make your Administration so beneficent, and illustrious by great acts, that the people will be as little willing to spare Andrew Johnson from their service as they were to spare Andrew Jackson. And it will be an exceedingly great pleasure to me if I can in any way promote its complete success. . . ."

To Charles Sumner.

"JACKSONVILLE, FLORIDA, May 20, 1865.

". . . Yesterday I administered the oath of office to Mr. Adolph Mot, the first mayor of the city of Fernandina elected by the united votes of white and black citizens. Was not that an event?

"Some time ago the citizens had a meeting, and the question whether the colored men should be allowed to vote was much discussed; finally the liberals carried it. The election for mayor was held soon after, and Mr. Mot was elected by a very handsome majority. He had not been sworn in when we stopped there yesterday, and I was asked to administer the oath, and was not at all loath to do so. General Gillmore—who is visiting the military posts in Florida under his command, and whose guest

I am—was present, as were also several others, officials and citizens. So Fernandina has a mayor elected by a majority of *all* the loyal citizens. If all such elections result in the choice of such men,¹ the South will rapidly revive under universal suffrage.

“I was much gratified by what I saw at Fernandina. The place is small and much damaged by the waste of war, though exempt from conflagrations and bombardments. Cultivation is resumed to the full extent of the working force, and promises to be very productive. Mr. Mot is introducing the vine, having already planted a respectable vineyard.

“The schools seem to be doing very well. General Gillmore and I visited two. They are composed of scholars of all ages and colors. Many of the colored soldiers attend, and are striving very diligently after knowledge. The teachers are of that army of women to whom the country owes more than it can ever pay, and more I fear than it ever will be conscious of. The world has never seen such self-denying and generous zeal for the education of a race as our American women have shown.

“Yulee called on me last night, having come in the day before. He is very anxious about reconstruction; thinks that the whites, without any distinctions not made by the old State constitution, should be intrusted with the work; admits that personal slaveholding is at an end, but wishes to substitute some form of compulsory labor, and insists that the South will be Africanized and ruined if this is not done. General Gillmore showed him the order published this week, which I dare say you will have seen before this letter reaches you. The order declares absolute freedom for all; hints at the possibility of suffrage for all; advise the late slaves masters to pay fair wages and the blacks to work for fair wages; and expressly forbids all attempts at reorganization, through the ex-rebel authorities, whether executive or legislative. The perusal of it rather saddened Mr. Yulee; as he had been commissioned by the Governor of Florida, with others, to proceed to Washington and confer with the President on reorganization.

“The boat which took Jefferson Davis North lay alongside of ours, made fast by lines, for some time, a few mornings ago between Savannah and Fort Pulaski. But I did not see him. I did not wish to, unless he asked it; and I presume he was not informed who were on our boat. . . .”

To Mrs. Sprague, at Narragansett.

“ON THE STEAMER W. R. CARTER, NEAR CAIRO, ILLINOIS, *June 19, 1865.*

“. . . At Memphis we got the papers containing President Johnson's Mississippi proclamation. It disappointed me greatly. I shall be glad if it does not do a great deal of harm. I shall stick to my principles. . . .”

¹ Mr. Mot was of French nativity, and was an old personal acquaintance of Mr Chase.

To Mrs. L. B. Seddon,¹ Richmond, Virginia.

“WASHINGTON, October 20, 1865.

“ . . . Your letter did not reach me until a few days ago on my return from Ohio. I do not remember saying to Mr. Seddon, when we parted, that the time would probably come when I might be useful to him, but I do very well remember the parting itself. I had been much impressed by his frankness, distinctness, and evident sincerity. His opinions were the exact reverse of mine on the most important questions before us; but I had learned to respect and admire noble qualities in opponents as well as in friends. I thought it not improper to express to him something of the respect and esteem I could not help feeling when I took leave of him upon the adjournment of the convention.

“ This is all I remember; and certainly what I said implied a readiness to serve him whenever I could do so consistently with my ideas of duty; and these ideas now, far from prohibiting, prompt a ready compliance with your request.

“ I have therefore called on both the President and Secretary of War in reference to the release of Mr. Seddon on his parole, and am happy in being able to say to you that I think no insuperable obstacle exists. . . . I have every reason to hope. . . . that Mr. Seddon's discharge on parole may be expected very soon. When discharged, I cannot doubt that his fine powers will be employed in reëstablishing union and order on the basis of equal justice for all. I think it the only basis upon which permanent tranquillity and prosperity may be restored; and I most earnestly pray that God may give all of us will to labor with one heart and mind for the restoration of these blessings to every part of our country. . . .”

To Lyman Abbott, J. M. McKim, and Rev. George Whipple.

“WASHINGTON, November 20, 1865.

“ . . . To suppress the rebellion the American people put forth vast energies, counting neither treasure nor life dear in comparison with an undivided country.—And never, in the history of the world, was a civil war waged with so little rancor and vindictiveness on the part of the nation against rebels. The people never forgot that success must be followed by the restoration, in due time and on just conditions, of the old relations between each State and the Union; and that, to the permanent and beneficial restoration of those relations, the reëstablishment of fraternal sentiments between the citizens of all the States was indispensable. It is important, now, that the people who have been in rebellion, shall be thoroughly satisfied that the first wish of the loyal people is the reëstablishment of these sentiments.

“ The war has brought great changes. Among these the enfranchise-

¹ Mrs. Seddon was the wife of James A. Seddon, member of the “Peace Conference” of 1861, and afterward for a time rebel Secretary of War.

ment of four millions of slaves is the greatest and most momentous. The conversion of this vast population of bondmen into free men and citizens, imposes on the people of the States in which this wonderful revolution has taken place, on the people of the other States, and on the Government of the whole country, new and peculiar duties. It is important that these new citizens should be assured that these duties will be neither evaded nor neglected.

“How best to assure the white citizens of the States lately in rebellion, of the real good-will of their fellow-citizens of the loyal States, and of their readiness to afford active aid, where aid is wanted, in relieving the necessities and repairing the injuries occasioned by the war; and how best to assure the colored citizens of those States of the country’s great appreciation of their steady devotion to the national authority, and of its purpose to promote, in every proper way, their security and welfare, will doubtless engage the most earnest consideration of the meeting.

“It is a welcome and significant sign of good, that the associations which have devoted special efforts to different parts of the work of restoration and renovation, seem now likely to unite their means and activities in carrying forward the whole noble labor. The practical methods of usefulness, whether in promoting true religion and sound education, or in relieving actual distress, or in encouraging industrial enterprise—will be best considered, selected, and put in use, under such auspices. I cannot disguise my conviction that the surest and shortest road to permanent peace, settled order, sound credit, contented industry, and general prosperity in every State, is the frank recognition of the right of every citizen, white or colored, to protect his and his neighbor’s freedom and promote his and his neighbor’s welfare by his vote.

“But I shall rejoice in seeing good done and in promoting the doing of it, in whatever measure or kind, and by whatever agency or authority.

“We made war to save the Union. The providence of God made our war for the Union a war for universal freedom in America, and crowned it with success. Now comes the work of restoration and renovation. Let it be prosecuted with wise patriotism, sincere good-will, and impartial justice, and who will dare doubt that God will crown this work also with success?”

To Associate-Justice Stephen J. Field.

“WASHINGTON, April 30, 1866.

“. . . What do you think of the plan of reconstruction, or rather of completing reconstruction, presented by the Committee of Fifteen? To me it seems very well, provided it can be carried out; but I am afraid that it is, as people say, rather too big a contract. So far as I have had opportunity of conversing with Senators and Representatives, I have recommended them to confine constitutional amendments to two points: (1.) No payment of rebel debt, and no payment for slaves; and, (2.) No representation beyond the constituent basis. And, as so many were trying their hands

at form, I drew up these two amendments according to my ideas, as follows:¹

“ARTICLE 14, SECTION 1. Representatives shall be apportioned among the several States, according to their respective numbers; but whenever in any State the elective franchise shall be denied to any of its inhabitants being male citizens of the United States, above the age of twenty-one years, for any cause except insurrection or rebellion against the United States, the basis of representation in such State shall be reduced in the proportion which the number of male citizens so excluded shall bear to the whole number of male citizens over twenty-one years of age.

“SEC. 2. No payment shall ever be made by the United States for, or on account of, any debt contracted or incurred in aid of insurrection or rebellion against the United States; or for or on account of the emancipation of slaves.

“And I proposed, further, that the submission of this article to the States should be accompanied by a concurrent resolution to this effect: ‘That whenever any of the States, which were declared to be in insurrection and rebellion by the proclamation of the President of the United States, dated July 1, 1862, shall have ratified the foregoing article, Senators and Representatives from such ratifying States ought to be admitted to seats in the Senate and House of Representatives respectively, in the like manner as from States never declared to be in insurrection and rebellion; and that whenever the said article shall have been ratified by three-fourths of the several States, Senators and Representatives ought in like manner to be admitted from all the States.

“It has really seemed to me that on this basis the completion of reorganization by the admission of members in both Houses of Congress would be safe; and I have greatly doubted the expediency of going beyond this. In two or three important respects the report of the committee does go beyond this: (1.) Prohibiting the States from interfering with the rights of citizens; (2.) Disfranchising all persons voluntarily engaged in rebellion till 1870; and, (3.) In granting express legislative power to Congress to enforce all new constitutional provisions. Will not these propositions be received with some alarm by those who, though opponents of secession or nullification, yet regard the real rights of the States as essential to the proper working of our complex system? I do not myself think that any of the proposed amendments will be likely to have injurious effects unless it be the sweep of the disfranchisement; but, I repeat that I fear the undertaking of too much; and I add that it seems to me that nothing is gained sufficiently important, and unattainable by legislation, to warrant our friends in overloading the ship with amendment freight.

“But this letter is too long. Pardon, and answer. . . .”

¹ If the reader will take the trouble to examine the fourteenth amendment to the Constitution, he will find that it is precisely in substance, and almost in words, the proposition of Mr. Chase as stated in the text.

To Henry W. Hilliard, Esq., of Georgia.

WASHINGTON, April 27, 1863.

“. . . Some days since I received, from an unknown hand, a paper containing a letter of yours, which I read with great interest.

“My acquaintance with you when we were both in Congress—you in the House and I in the Senate—was very slight; but, slight as it was, I take occasion from it to write you a few lines, suggested by your letter.

“Ever since the war closed I have been very anxious for the earliest practicable ‘restoration’ of the States of the South to their proper relations to the other States of the Union. I adopt your own statement of the problem to be worked out, because I agree with you in the opinion that those ‘States have never been other than States within the Union since they became parties to the Federal Government, and that the failure to maintain their assertions of independence in the conflict of arms which followed, left them States still within the Union.’

“The point on which I probably differ from you is this: the people for whom and through whom these States were to be organized at the close of the war, was not, as I think, the same people as that which existed in them when the war began.

“In my judgment the refusal of the proprietary class, if it may be so called, to recognize this *fact* and its legitimate and indeed logical consequences, and the convictions of large majorities in the States which adhered to the national Government in respect to it, caused most of the trouble of the last three years.

“I have not time to go at large into this subject; but I may say briefly, that emancipation came to be regarded by these majorities as a military necessity; that the faith of the nation was pledged by the proclamation of emancipation to maintain the emancipated people in the possession and enjoyment of the freedom it conferred; that to this end the amendment of the Constitution prohibiting slavery throughout the United States was proposed and ratified; that, becoming freemen, the emancipated people became necessarily citizens; and that as citizens they were entitled to be consulted in respect to reorganization, and to the means of self-protection by suffrage. This is a very brief, but I think a perfectly correct statement of what may be called, for the sake of brevity, the Northern view of this matter. It would, perhaps, be more correct to call it the loyal view North and South, using the word loyal as distinguishing the masses who support the national Government from the masses who opposed it during the war.

“Now the particular matter to which I wish to draw your attention is, whether policy and duty do not require the class which I have called proprietary, meaning thereby the educated and cultivated men of the South—whether property-holders or not—to accept this view fully and act upon it.

“Is it possible to doubt that, had this view been accepted and acted upon three years ago, after the surrender of Lee and Johnston, the Southern States would have been richer to-day by hundreds of millions than they

are, and that long ago universal amnesty and the removal of all disabilities would have prepared the hearts of men on both sides for a real Union? Can it be a matter of question that the colored voters, finding in the educated classes true friendship, evidenced by full recognition of their rights and practical acts of good-will, would have gladly given to those classes substantially their old lead in affairs, directed now, however, to union and not to disunion; to the benefit of all, and not exclusively to the benefit of a class?

"I observe that you say that the attempt to carry on the Government with the privilege of universal suffrage incorporated as one of its elements is full of danger. Danger is the condition of all governments; because no form of government insures wise and beneficent administration. But I beg you to consider, is there not a greater danger without than with universal suffrage? You cannot make suffrage less than universal for the whites, and will not the attempt to discriminate excite such jealousies and ill feeling as will postpone to a distant future what seems so essential, namely, the restoration of general good-will and bringing into lead the educated men and the men of property, and so securing the best and most beneficial administration of affairs for all classes? Take universal suffrage and universal amnesty, and all will be well. Can you, my dear sir, devote your fine powers to a better work than complete restoration on this basis? . . ."

To Captain H. B. Manning, Charleston, S. C.

"CHARLESTON, S. C., May 29, 1869.

". . . . Your note inviting me to attend the ceremony of decorating at Magnolia Cemetery the graves of the brave men who fell in defense of the Union during the recent civil war, only reached me this morning.

"I am very sorry that I cannot be with you on this most interesting occasion; but it is now too late to make the necessary arrangements.

"The nation cannot too tenderly cherish the memory of her dead heroes, or too watchfully guard the well-being of those who survive. And may we not indulge the hope that ere long we who adhered to the national cause will be prompt also to join in commemorating the heroism of our countrymen who fell on the other side, and that those who now specially mourn their loss, consenting to the arbitrament of arms, and resuming all their old love for their country and our country, one and indivisible, will join with us in like commemoration of the fallen brave of the army of the Union?

"The dead are not dead. They have only gone before, and now see eye to eye. Why may not we all borrow from their sacred graves oblivion of past differences and henceforth unite in noble and generous endeavor to assure the honor and welfare of our whole country, of all her States and of all her citizens?"

To John E. Williams, Esq., New York.

“RALEIGH, N. C., June 10, 1869.

“. . . I regret that the perusal of my letter to Captain Manning caused ‘painful dissatisfaction’ to you; for I am sure that you are patriotic and not intentionally unjust.

“Doubtless you remember occasions when your active hostility to measures of finance which, as Secretary of the Treasury, I thought indispensable to the success of the national arms, caused ‘painful dissatisfaction’ to me. The present name of the institution which you manage with so much ability and success, shows that you have abandoned your opposition to one, at least, of those measures.

“It is perhaps not impossible that you will change your mind as to the sentiment which you now censure. It seems to me that, taken in connection with the context, from which your quotation separates it, its sense cannot be mistaken. It is that true patriotism requires that the close of a great civil war should be marked not by proscription or disfranchisement, but by manifestations of sincere good-will, especially from the successful to the unsuccessful, and, by generous recognition of whatever was really brave, and earnest, and noble, in those who fought on the failing side.

“I have no sympathy with the spirit which refuses to strew flowers upon the graves of the dead soldiers who fought against the side I took; and I am glad to know that there was no such spirit among those who joined in decorating the graves of the soldiers of the Union who lie buried in Magnolia Cemetery.

“The magnolia lavishes its perfumes as freely, the pleasant air breathes as softly, and the warm sun shines as brightly over Confederate as over Union graves.

“In the letter which has incurred your censure, I sought to put into the hearts of my countrymen something of the divine charity taught by the tree, the air, and the sun, as well as by the precepts of our Saviour. I believe it has done some good, and I hope it will do more.

“I have read your extract from the speech of ‘one of our brave Generals’ whom you do not name. There are some good sentiments in it, and some not so good. On the whole, I prefer the letter to the speech, and I am sorry to differ from you so far as to think that of the two, the letter ‘is most becoming the position’ which I hold. The Chief-Justice is, I think, not illy employed when he inculcates good-will among men.

“I notice that you more than intimate that my letter was prompted by ambition. It certainly was not. I do not think that I ever was so ambitious as some unambitious people have represented me. At any rate, I am now unconscious of any other ambition than that of doing as much good and as little harm as possible.

“I have no connection with politics. I neither seek nor expect any political position. Content to leave to younger men all the contentions and distinctions of political life, I shall be fully satisfied with my share of the

general welfare which, it may be hoped, wise and generous statesmanship, with God's blessing, will secure for our country. . . . ”

*To Peter H. Clark, T. N. C. Liverpool, J. C. Corbin, and J. T. Troy,
Committee, Cincinnati.*

“WASHINGTON, March 30, 1870.

“ . . . Accept my thanks for the invitation you have tendered me, in behalf of the colored people of Cincinnati, to attend their celebration of the ratification of the fifteenth amendment. My duties here will not permit me to be present except by good-will and good wishes.

“Almost a quarter of a century has passed since some of you, probably, heard me declare, on the 6th of May, 1845, in an assembly composed chiefly of the people whom you now represent, that all legal distinctions between individuals of the same community founded on any such circumstances as color, origin, and the like, are hostile to the genius of our institutions and incompatible with the true theory of American liberty; ‘that true democracy makes no inquiry about the color of the skin, or the place of nativity, or any other similar circumstance of condition; and that the exclusion of the colored people as a body from the elective franchise is incompatible with true democratic principles.’

“I congratulate you on the fact that these principles, not then avowed by me for the first time, nor ever since abandoned or compromised, have been at length incorporated into the Constitution and made part of the supreme law of the land.

“Many, no doubt, would have been glad, as I should have been, if the great work consummated by the ratification of the fifteenth amendment could have been accomplished by the States through amendment of State constitutions and through appropriate State legislation; but the delays and uncertainties, prejudicial to every interest, inseparable from that mode of proceeding, seemed to necessitate the course actually adopted. Nor does the amendment impair the real rights of any State. It leaves the whole regulation of suffrage to the whole people of each State, subject only to the fundamental law, that the right of no citizen to vote shall be denied or abridged on account of color, race, or previous condition of servitude. It is to be hoped that each State will so conform its constitution and laws to this fundamental law that no occasion may be given to legislation by Congress.

“But the best vindication of the wisdom as well as justice of the amendment must be found in the conduct of that large class of citizens whom you represent. On the occasion to which I have referred I ventured to say that ‘the best way to insure the peaceful dwelling together of the different races is the cordial reciprocation of benefits, not the mutual infliction of injuries;’ and I cannot now give you better counsel than I offered then: ‘Go forward, having perfect faith in your own manhood and in God's providence, adding to your faith, virtue; and to virtue, knowledge; and to knowledge,

patience; and to patience, temperance; and to temperance, brotherly kindness; and to brotherly kindness, charity.'

"Why not signalize your rejoicing in the rights secured under the fifteenth amendment by urging upon Congress the prompt removal of all political disabilities imposed upon our fellow-citizens by the fourteenth amendment?—so that, through universal suffrage and universal amnesty, peace, good-will, and prosperity, may be established throughout our country.

"Every good man must rejoice in the progress which the colored citizens of the United States have made in education, in religious culture, and in the general improvement of their condition. Every good man must earnestly desire their continued and accelerated progress in the same direction. All public and all private interests will be promoted by it; and it will insure, at no distant day, cordial recognition of their rights even from those of their fellow-citizens who have most earnestly opposed them.

"No man can now be found who would restore slavery; a few years hence, if the colored men are wise, it will be impossible to find a man who will avow himself in favor of denying or abridging their right to vote."

CHAPTER XLVIII.

CAPTURE OF JEFFERSON DAVIS—ITS EMBARRASSMENT—OF WHAT HE WAS CHARGED, AND THE PUNISHMENT THAT MIGHT BE INFLICTED—WHY MR. CHASE REFUSED TO HOLD A COURT IN VIRGINIA—RELATION BETWEEN CIVIL AND MILITARY POWER—THE INDEPENDENCE OF THE JUDICIAL DEPARTMENT—THE QUESTION OF ADMITTING MR. DAVIS TO BAIL—A LETTER OF MR. CHASE ON THE SUBJECT OF THE DAVIS TRIAL—HOLDS COURT IN RALEIGH, JUNE, 1867—SICKLES'S ORDER NO. 10—PROCEEDINGS IN DAVIS'S CASE AT RICHMOND—IS PARDONED.

THE capture of Jefferson Davis involved the Government in serious embarrassment. "I shall never cease to regret it," wrote Mr. Sumner in the summer of 1865, to the Chief-Justice, "to try him before a civil tribunal would be the *ne plus ultra* of folly."¹ But Jefferson Davis was not amenable to trial by a military court. To hang or shoot him would have been equally repugnant to the general judgment of mankind. To inflict upon him any punishment less than capital, would have been enormously incommensurate with the magnitude of the great offenses charged against him; and not to punish him at all seemed, at any rate to the great body of the party in power, like a burlesque upon justice. With this body of partisans President Johnson, at the beginning of his Administration, strongly sympathized, and was apparently very earnest in his determination to bring leading rebels to punishment.

¹ Mr. Sumner in a letter to Mr. Chase bearing date Monday, April 10, 1865, says: "The President is full of tenderness to all; and several times repeated, 'Judge not that ye be not judged.' This he said even when Jefferson Davis was named as one who should not be pardoned." Mr. Lincoln had just returned from his visit to Richmond, into which city he had made a public entry the day after its fall.

Jefferson Davis was captured in Georgia on the 10th of May, 1865, and was immediately taken to Fortress Monroe and there placed in confinement, "to await such action as might be taken by the proper authorities of the United States Government." Not long after, he was indicted in the Supreme Court of the District of Columbia for the crime of high-treason; but Jefferson Davis had not committed the crime of high-treason in the District of Columbia, and, although some public men held that the commander-in-chief of the rebel armies was constructively present with all the insurgents who prosecuted war in Northern States and in the District where the indictment was found, the Government abandoned the doctrine of constructive presence as unconstitutional, and advised that the proper place for trial was in Virginia. Accordingly, at the May term (1866) of the District Court of the United States for that State, Jefferson Davis was indicted—not for the crime of high-treason—but that, "owing allegiance and fidelity to the United States of America, and not having the fear of God before his eyes, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil; and wickedly devising and intending the peace and tranquillity of the United States to disturb, and the Government of the United States to subvert, he" did, in order to effect his "traitorous compassings, imaginings and intentions," "on the 15th day of June in the year of our Lord one thousand eight hundred and sixty-four, in the city of Richmond, in the county of Henrico and District of Virginia with a great multitude to the number of five hundred persons and upward, armed and arrayed in a warlike manner, that is to say, with cannons, muskets, pistols, swords, dirks, and other warlike weapons most wickedly, maliciously, and traitorously ordain, prepare, levy and carry on war against the United States, contrary to the duty of allegiance and fidelity of said Jefferson Davis" to the Constitution and the Government, and the peace and dignity of the United States.

If convicted of the offenses charged in this indictment, Jefferson Davis might be fined any sum not exceeding ten thousand dollars *or* be imprisoned not exceeding ten years, *or* both!¹

¹ The indictment against Davis was found under the act of Congress of July 17,

Chief-Justice Chase—whose district as a Circuit Judge of the United States included the State of Virginia—had, up to May, 1866, held no court in any of the States in which a state of war still existed, and he declined to hold any court in any of those States included in his circuit until the President or Congress, or both together, had proclaimed the restoration of peace and the civil authority as paramount to the military authority. Some correspondence had passed between the President and the Chief-Justice, on this subject, as early as October, 1865. The President addressed a note to the Chief-Justice, October 12, 1865, in which he said: "It may become necessary that the Government prosecute some high crimes and misdemeanors committed against the United States within the District of Virginia. Permit me to inquire whether the Circuit Court of the United States for that district is so far organized and in condition to exercise its functions that yourself, or either of the associate justices of the Supreme Court, will hold a term of the Circuit Court there during the autumn or early winter, for the trial of causes?" To this Mr. Chase replied that "under ordinary circumstances the regular term of the Circuit Court authorized by Congress would be held on the fourth Monday of November, which, this year, will be the 27th. Only a week will intervene between that day and the commencement of the annual term of the Supreme Court, when all the judges are required to be in attendance at Washington. The time is too short for the transaction of any very important business. Were this otherwise, I so much doubt the propriety of holding Circuit Courts of the United States in States which have been declared by the Executive and Legislative Departments of the national Government to be in rebellion, and therefore subjected to martial law, before the complete restoration of their broken relations with the nation, and the supersedure of the military by the civil administration, that I am unwilling to hold such courts in any such States within my circuit, which includes Virginia, until Congress shall have had an opportunity to consider and act on the whole subject." He added: "A civil

1862; and Judge Field, of the U. S. Supreme Court in the "Chapman case," determined at San Francisco, held that participation in rebellion after the passage of that act, as was charged against Davis, was punishable as I have stated in the text.

court in a district under martial law can only act by the sanction and under the supervision of military power; and I cannot think it becomes the justices of the Supreme Court to exercise jurisdiction under such conditions. In this view, it is proper to say that Mr. Justice Wayne, whose circuit is also in the rebel States, concurs with me. I have had no opportunity of consulting the other justices, but the Supreme Court has hitherto declined to consider cases brought before it by appeal or writ of error from circuit or district courts in the rebel portion of the country. No very reliable inference, it is true, can be drawn from this action, for circumstances have greatly changed since the court adjourned; but, so far as it goes, it favors the conclusion of myself and Mr. Justice Wayne."

At a later date, when there was a good deal of newspaper clamor on the subject of the Davis trial, the Chief-Justice wrote me thus: "The proper relation of military to civil authority is, in time of peace, subordination. In time of war, and on the theatre of war, the military authority becomes supreme; and, in hostile districts occupied by military forces, the commanding officer must govern, subject to the President. So long as military occupation continues, this government must continue; and the control of the civil courts will be more or less active, as the necessity for it may be more or less stringent. Of course, while such a state of things exists, inferior courts may very properly aid in preserving order, and in administering justice, so far as allowed or requested by the military authority; but members of the Supreme Court could not properly hold any court, the proceedings or process of which was subject, in any degree, to military control."

On the 2d of April, 1866, the President issued a proclamation, called "of peace," in which he declared that the insurrection which had existed in the States of Georgia, South Carolina, North Carolina, Virginia, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, was at an end. Mr. Chase wrote me, on the 15th of May ensuing: "I do not know yet that I shall hold any court in Virginia or in North Carolina. It seemed to me, when I first read the President's proclamation of peace, that it might be fairly construed as abrogating martial law, and restoring the writ of *habeas corpus*; but subsequent

orders from the War Department have put a different construction upon it, and I do not wish, so long as—with my notions—I represent the justice of the nation in its highest seat, to hold any court in the lately-rebel States, until all possibility of claim that the judicial is subordinate to the military power is removed by express declaration from the President. My views are fully known to him, and, I hope, are not unsatisfactory. They certainly are far from the slightest shade of intention to embarrass his action. I recognize, absolutely and frankly, all his rights and duties as the executive head of the nation, and mean to perform mine, as head of the judiciary, with perfect fidelity to him and to the country.”

These are noble expressions.

On the 7th day of June, subsequent to the finding of the indictment against Jefferson Davis in Virginia, Mr. Charles O’Conor, ex-Governor Pratt, of Maryland, and Attorney-General Speed—the two former representing Mr. Davis, and the latter representing the Government—waited on the Chief-Justice, at his residence, with a view to ascertain whether he would entertain an application to release Mr. Davis on bail. Mr. O’Conor suggested that such an application might properly be made at chambers in Washington, although out of the District of Virginia, in which the indictment had been found; and expressed the hope that it would be entertained, and that bail would be taken.

The Attorney-General did not consent to the hearing of the application, but remarked that, if the Chief-Justice was willing to hear it, he would appear on behalf of the Government.

On this occasion, the Chief-Justice repeated, in substance, what he had written in his private correspondence. He said that, whenever it should become apparent, either by the proclamation of the President or the legislation of Congress, or by clear evidence from other sources, that martial law was abrogated, and the writ of *habeas corpus* fully restored in Virginia, he should unite with the District Judge in holding the Circuit Court in that State. At present the Federal as well as the State courts, must act in a *quasi*-military character, subject to such control by the President and by Congress, as might be

deemed essential to complete pacification and restoration. Such action by a subordinate court was undoubtedly proper; and the District and Circuit Courts of the United States for the District of Virginia, might be very properly held by the district judge, subject to such military supervision as might be found needful. He had been of the opinion, however, that neither the Chief-Justice, nor any of the justices of the Supreme Court, exercising, as they did, the highest judicial authority of the nation, could properly join in holding the Circuit Courts under such circumstances. He was still of this opinion.

The President, it was true, had issued a peace proclamation, which, in the absence of any action requiring a different interpretation, would probably have warranted the inference that the *habeas corpus* was fully restored and martial law abrogated in all the States recently in arms against the Union, except Texas. But this proclamation had been followed by other orders from the President through the War Department, inconsistent with that interpretation; and in such a matter as this the Executive construction of an Executive act ought to be followed.

If he were to hold the Circuit Court in the District of Virginia in the same manner as in the districts in other States—as for example in the Districts of Maryland and Delaware—it would be his duty to issue a writ of *habeas corpus* on application in behalf of any person in custody within the district under or by color of authority of the United States, and examine the question of the lawfulness of such custody. If, therefore, an application should be made for that writ in behalf of Jefferson Davis, held, as everybody knows, in such custody within the district, it would be his duty to issue it. What would be the consequences? If martial law is at end, the custody is clearly illegal and the prisoner must be discharged or admitted to bail, or committed to the State jail or prison of Virginia, under the acts of Congress relating to the custody of prisoners.

It was manifestly improper, the Chief-Justice thought, for him to interpose in that way with a custody which, upon the supposition that martial law yet exists in Virginia, is purely a matter of military discretion with the President.

Under these circumstances, the Chief-Justice said he could not, at present, depart from the line of action he had prescribed

to himself. He could not, consistently with his views of public duty, hold a *quasi*-military court; nor could he hold a court in any district in a State lately in rebellion until all semblance of military control over Federal courts and their process and proceedings, had been removed by the action of the political departments of the Government.

He did not question, but, on the contrary, approved the action of the District Court in holding such courts. Such a court was now being held in Virginia by the district judge. An application to discharge Mr. Davis on bail might very properly be addressed to him; and there was no reason to doubt that, if the Government should consent, such an order might be made. The district judge, sitting as he did, might very properly carry out the views of the Executive made known through the Attorney-General.

For himself, the same reasons which would restrain him from holding the court, would restrain him, and even more powerfully, from exercising any jurisdiction, as a single judge, within the District of Virginia; and he must, therefore, decline to entertain the application to admit Mr. Davis to bail.

There was another consideration which would control his present action even if he felt himself warranted in holding the court. Mr. Davis is now a military prisoner, and not in any sense in the custody of the court. Before an application to discharge on bail could be considered, it would be necessary to inquire into the legality of the military custody by *habeas corpus*. An application for that writ, therefore, its allowance, and an adjudication that the present custody was illegal, would be indispensable preliminary proceedings; and no application for the writ had been made.

He mentioned this objection to the action desired in behalf of Mr. Davis, he said, without thinking it of much importance; for under ordinary circumstances, no doubt, the objection could be easily removed by an application for the writ and proper proceedings under it. At present the same considerations which would restrain him from acting on an application to discharge on bail, would equally restrain him from the allowance of a writ of *habeas corpus*.

After these observations, Mr. O'Connor and Mr. Pratt, with

the Attorney-General, withdrew, and no application to admit to bail was made.¹

On the 24th of September following this interview, the Chief-Justice wrote me a long letter in relation to the Davis matter. "I see," he said, "that the papers are again talking about the trial of Mr. Davis. Perhaps you would like a few facts. If you were here I would explain every thing fully, and let you take it down in short-hand, but I have not much time to write, and I hate to write any way." He then proceeded to say:

"1. I have no more to do with the trial of Jefferson Davis than any other justice of the Supreme Court, except it happens that I was allotted or assigned to the circuit in which Virginia is, to accommodate Justice Swayne, who desired to be assigned to the circuit in which Ohio is.

"2. When the Chief-Justice holds a court, he tries what cases he finds on the docket, if they are ready for trial. It makes no difference to me who the parties are; my duty is to administer the law.

"3. I never have inquired, and never will inquire, what cases are to come before me, except in the regular course and way. I neither seek nor shun the responsibility of trying Jefferson Davis or any other person.

"4. I have held three terms of the Circuit Court in and for the District of Maryland since my appointment, now nearly two years ago. There were indictments for treason pending at the first term, and, except in certain cases where the accused has been pardoned, they are pending yet. But the Government has not thought proper to proceed to trial in any of these cases. If the Government had desired a judicial exposition of the law of treason, it might have been had, so far as I was able to give it, at either of these terms; in April and November, 1865, or in April, 1866. . . .

"6. I held no court in Virginia in 1865, because the writ of *habeas corpus* was suspended and martial law enforced within

¹ An application to admit to bail was made to John C. Underwood, United States District Judge for the District of Virginia, a few days after this; but Judge Underwood refused upon the ground that Davis was a military prisoner; and was not and never had been in the custody of the marshal of the District Court.

its territory; and in my judgment all courts in a region under martial law must be *quasi*-military courts; and it was neither right nor proper that the Chief-Justice or any justice of the Supreme Court of the United States—the highest tribunal of the nation, and the head of one of the coördinate departments of the Government—should hold a court subject to the control or supervision of the Executive Department, exercising military powers. In this opinion I believe all lawyers of reputation, of whatever political opinions, concur.

“7. Soon after the adjournment of the Supreme Court in April last, the President issued a proclamation, the effect of which seemed to me to be the abrogation of martial law and military government, and the restoration of the writ of *habeas corpus* in all the States except Texas; and I determined upon holding a court at the ensuing May term, but various Executive orders inconsistent with the conclusion that military government had ceased, soon followed the proclamation, and led to an apprehension that the construction I had put upon it was not intended. I therefore reconsidered my purpose to hold the Circuit Court, and did not hold one.

“8. But, determined to omit no duty, I called upon the President in April or May (I cannot fix the exact date, but probably in May), and urged him to issue a proclamation, submitting at the same time a draft of one, declaring, in unequivocal terms, that martial law was abrogated and the writ of *habeas corpus* restored in all cases of which the courts of the United States had jurisdiction, and in respect to all processes issuing out of or from such courts. But this was not done.

“9. Subsequently, however, another proclamation was issued, affirming the restoration of peace throughout the whole country, which has, as yet, been followed by no order asserting the continuance of military government. Under this proclamation, therefore, it seems fair to conclude that martial law and military government are permanently abrogated and the writ of *habeas corpus* fully restored; and this conclusion warrants the holding of courts by the Chief-Justice and the associate justices as the law may direct.

“10. There is no act of Congress, however, which authorizes the holding of any Circuit Court in Virginia until the fourth

Monday in November, unless the Chief-Justice should order a special term, as he is authorized to do by an act of the last session. I would no doubt order a term if the District Attorney or the Attorney-General should represent that a term is needed for the due administration of public justice.

“11. An act of the last session of Congress changes all the circuits (except the first and second, which include the districts in New England and New York), and reduces the number from time to time; but it neither makes nor authorizes any allotment of the Chief-Justice or justices to these new circuits; and it is very doubtful whether the old allotment gives any jurisdiction to hold courts in the districts which happen to remain in the same circuit, numerically, as at the time of that allotment; while it is quite certain that neither the Chief-Justice nor any justice can exercise jurisdiction in any circuit except by allotment or assignment under an act of Congress.¹ It is very doubtful, therefore, whether the Chief-Justice can hold any court in Virginia till after some further legislation by Congress, making or authorizing allotment to the new circuits.

“12. The absence of the Chief-Justice or a justice of the Supreme Court from any circuit does not, however, prevent the holding of Circuit Courts, for the law provides expressly that in the absence of a justice of the Supreme Court, the Circuit Court may be held by the district judge. Circuit Courts have, accordingly, been held in all the circuits within the rebel States by the district judges, ever since the reëstablishment of the authority of the United States and the appointment of district judges. These courts, during military government, were held of course subject to military control and supervision. Any trial which might have taken place, the Chief-Justice or an associate justice being present, might have taken place with equal jurisdiction and equal effect, the Chief-Justice or an associate justice being absent. . . . I had no idea,” said Mr. Chase, in conclusion of the subject, “that this statement would be so long; and yet many details are omitted. But I believe it is clear and will enable you to understand the case, and make others understand it also, if occasion arises.”

¹ Mr. Chase submitted this question to the associate justices, and they agreed with him in this view.

It was not until June, 1867, that the Chief-Justice held a court in any one of the insurgent States, and then at Raleigh, in North Carolina. He stated at the opening, and before proceeding with the the ordinary business of the court, that the military control over the civil tribunals had been withdrawn by the President, and that the writ of *habeas corpus*, which had been suspended, was restored. This was mostly effected by the President's proclamation of April, 1866, and finally by the proclamation of August 20th subsequent. These proclamations, he said, reinstated the full authority of the national courts in all matters within their jurisdiction.

On the 11th of April preceding, General Sickles had promulgated his famous "Order No. 10." The second section of this order declared that "judgments or decrees for the payment of money, or causes of action arising between the 19th of December, 1860, and the 15th of May, 1865, shall not be enforced by execution against the property or person of the defendant. Proceedings in such causes of action now pending shall be stayed; and no suit or process shall be hereafter instituted or commenced for any such causes of action." But the Chief-Justice, during the term of the court held in June, gave judgment against certain defendants in North Carolina, and writs of execution were issued and placed in the hands of the marshal of the court to be served upon their property. A deputy-marshal, who was charged with this duty, was expressly forbidden to perform it by the military commandant at Wilmington, where the defendants resided and their property was located. A representation of this interference was made to the Government at Washington, with the result of early instructions to the military authorities that there must be no obstruction of the process of the United States courts. This was done without any appeal to the Chief-Justice or any action taken by him, and effectually established the fact that the civil power was again supreme. "But," said Mr. Chase, in a letter to Colonel John D. Van Buren, of New York, in April, 1868, "no one will now doubt, I think, that had I been in North Carolina when the process of the court was interfered with, the judicial authority would have been maintained. I hardly think General Sickles would have arrested me for directing the commencement of the usual criminal proceedings

against the officer who resisted the process. Certainly no fear of the consequences would have deterred me from the performance of my duty."

Jefferson Davis remained in confinement at Fortress Monroe until the 13th. of May, 1867, when he was taken before Judge Underwood, holding a Circuit Court at Richmond, and admitted to bail in the sum of one hundred thousand dollars. Among the names upon his bail-bond were those of Gerrit Smith and Horace Greeley.

Mr. Chase did not attend upon the term of the Circuit Court held in Richmond in November, 1867, but was present at the court held in June, 1868. Some proceedings were had in the case of Mr. Davis. An agreement between Mr. Evarts, at that time Attorney-General of the United States, and representing the Government, and Mr. O'Connor, of counsel for Mr. Davis, that the case should not then be called for trial, was read, but a wish was expressed that some day should be fixed when it might proceed. On this paper a motion for continuance was made. Mr. Chase inquired if the counsel present were ready for trial independently of this paper. In answer, it was stated for the Government, that Mr. Chandler, the District-Attorney, could not be present in consequence of the very imminent danger of his wife (who was then supposed to be dying), and that his associate counsel could not proceed in the District-Attorney's absence; besides which, the accused, Mr. Davis, was not in court. The counsel for Mr. Davis stated that the absence of Mr. Davis was occasioned by his understanding, founded upon an agreement between the counsel made in New York, that the case would not be tried during the pending term; and that they desired a continuance to the next regular term. The Chief-Justice said it would suit him better to attend during October, if not obliged at that time to be in some other district; but he thought that, under the circumstances, the counsel for the accused had a right to have the case continued, if they insisted upon the motion; and that he would attend upon the fourth Monday in the following November, and remain in attendance until obliged to return to Washington to be present in the Supreme Court. The case was hereupon continued; it being simply impossible, under the circumstances, to proceed with it.

At the term of the United States Circuit Court for the District of Virginia, held in November, 1868, at Richmond, a *nolle prosequi* was entered in Mr. Davis's case, and he was discharged out of custody accordingly. He was included in the general amnesty proclaimed by President Johnson on the 25th of December subsequent, which, "unconditionally and without reservation, to all and to every person who, directly or indirectly participated in the late insurrection or rebellion," granted "a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges and immunities under the Constitution and the laws."

CHAPTER XLIX.

UNIVERSAL SUFFRAGE A NECESSITY OF THE REPUBLICAN PARTY—
THE EXCOMMUNICATION OF THE PRESIDENT—GENERAL GRANT
FOR PRESIDENT—OBJECT OF THE IMPEACHMENT—ASHLEY'S
EFFORT TO BRING IT ABOUT—THE STANTON MATTER—
REMOVAL OF MR. STANTON, FEBRUARY 21, 1868—CONSE-
QUENCES OF—PROMPT IMPEACHMENT OF THE PRESIDENT—
QUESTIONS TOUCHING THE POWERS OF THE CHIEF-JUSTICE IN
THE TRIAL—THEIR SETTLEMENT—EXCITEMENT—TORRENTS OF
LIES AND ABUSE—HENDERSON, OF MISSOURI—THE PRESI-
DENT'S ACQUITTAL.

WHEN Mr. Chase left Washington about the first of May, 1865, on his Southern tour, he believed that his own mind and that of the President were in substantial accord upon the policy of reconstruction. When, upon his arrival at Cincinnati in June, he learned of the change in the President's views, he was both surprised and disappointed. He did not doubt the final judgment of the nation in respect of the extension of the suffrage to all men, white and black, but he foresaw clearly enough that, with the President hostile to it, a serious party struggle impended.

Universal suffrage was a necessity which the Republican party could not escape. The blacks must vote, or the Republican party must die. Undoubtedly, there was a considerable body of the party opposed to negro suffrage, and these found some expression through well-known leaders. Colonel Forney made a speech at Carlisle, substantially indorsing the President; Oliver P. Morton did the same thing in Indiana; and Schuyler Colfax hung upon the verge of both sides until the unmistakable

sentiment of the party compelled him to unmask. The Republican State Convention of New York in the fall of 1865, perhaps that of Indiana also, if it did not indorse the particular policy of the President on this subject, did indorse his Administration, and some conspicuous members of the party, notably Mr. Seward and Mr. Doolittle, adhered to the President to the end.

The great mass of Republicans instinctively felt, however, that the existence of the party was bound up in universal suffrage, and believed, at the same time, that it was necessary to the permanent peace and prosperity of the country. Everywhere the party took ground in favor of it; expelled those who opposed it, and excommunicated even the President, who had been elected by their own votes.

The President was the fountain of office, and in breaking from him, the party, it must be conceded, made great sacrifices.

The condition of parties in the fall and winter of 1867-'68, was one of disorganization, among Republicans, because of the internal war upon the President; and among Democrats, because of the weakening of old party ideas, want of unity, and want of capable and popular leaders. It was perfectly well known that the President would place the power of the Administration on the side of the Democratic party, and although there were many offices that he could not control, there were more that he could, and these might be decisive of the presidential succession; and Mr. Johnson was a candidate even for the Democratic nomination. The Republican leaders were fully alive to the precariousness of the party position; they felt the vast importance of the presidential patronage; many of them felt, too, that according to the maxim that "to the victors belong the spoils," the Republican party was rightfully entitled to the Federal patronage; and they determined to get possession of it. There was but one method, and that was by impeachment and removal of the President.

Meantime a wide-spread sentiment had grown up in the Republican ranks that a candidate must be nominated who would command the votes of disaffected Republicans and the stragglers of both parties. This same sentiment pointed to General Grant as the available man. But General Grant's political views were unknown; he was a War Democrat, but so was Andrew Johnson;

and the experience with Mr. Johnson disinclined some of the more radical Republicans to another experiment of the same sort.

The impeachment programme had, therefore, two motives: the first and most important was, of course, to get Andrew Johnson out of the presidency, and the second and hardly less important was, to keep General Grant from getting in. If it had succeeded, General Grant would not have been the nominee of the Chicago Convention of 1868.

An effort at impeachment was made at the second session of the Thirty-ninth Congress, in January, 1867. General Ashley, of Ohio, in the House of Representatives, charged the President with "high crimes and misdemeanors," with usurpation of power and violation of law; that he had made a corrupt use of the appointing, the pardoning, and the veto powers; that he had corruptly disposed of public property, and had corruptly interfered in elections. A committee was appointed to investigate these charges; an investigation was made, and three reports were submitted by different members. This was during the first session of the Fortieth Congress in December, 1867. A majority of the committee reported in favor of impeachment; but the House refused to concur; the vote being, for impeachment, fifty-six, all Republicans; against it, one hundred and eight, of whom sixty-seven were Republicans and forty-one were Democrats. Twenty-two members were absent or did not vote.

Meantime, the struggle between Congress and the President had grown more bitter and implacable, and had been carried into the President's official household. Mr. Stanton was a partisan of Congress, but clung to his office as Secretary of War, despite the President's repeatedly-expressed wish that he would retire. This wish took form at last in writing. On the 5th of August, 1867, the President sent Mr. Stanton a brief note: "Sir—Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted." This was all. Mr. Stanton was almost as brief: "Sir— . . . In reply, I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this department, constrain me not to resign the office of Secretary of War before the next meeting of Congress." On the 12th of August, the President suspended Mr. Stanton from office, and

empowered General Grant, temporarily, to act as Secretary of War.

Matters remained in this position for some months; but, immediately after the meeting of Congress, in December, the President submitted to the Senate his reasons for suspending Mr. Stanton from the exercise of his office. A month later—on the 13th of January—the Senate, in executive session, voted to non-concur in the act of suspension. General Grant immediately retired, and Mr. Stanton was restored.

There was now a brief interval of at least partial quiet, broken, on the 21st of February; by the action of the President. He removed Mr. Stanton, and appointed Brigadier-General Lorenzo Thomas Secretary of War *ad interim*. Mr. Stanton refused to submit, but ordered General Thomas out of his office, and sent a communication to the House of Representatives, inclosing the President's letter of removal. Mr. Covode, of Pennsylvania, immediately, as a question of privilege, offered a resolution, "That Andrew Johnson, President of the United States, be impeached for high crimes and misdemeanors." This resolution was referred to the Committee on Reconstruction, and shortly after the House adjourned.

The excitement in Washington, growing out of the removal of Mr. Stanton and its immediate consequences, was very great, and communicated itself rapidly to the country. The quarrel between the President and Congress, it was felt, had at last culminated, and the final struggle was at hand.

On Saturday, the 22d of February, an immense throng of citizens and strangers congregated in the Capitol, to watch the proceedings. "At ten minutes past two o'clock," according to the *National Intelligencer*, "Mr. Thaddeus Stevens rose to make a report from the Committee on Reconstruction. The Speaker admonished the spectators in the gallery, and the members on the floor, to preserve order during the proceedings about to take place, and to manifest neither approbation nor disapprobation. At twenty minutes past two, Mr. Stevens, of Pennsylvania, chairman of the Reconstruction Committee, presented a report to the House." The substance of that report was, that the President had signed an order or commission, directing one Lorenzo Thomas to take possession of the books, papers, records, and

other public property, in the War Department. The conclusion of the committee was, that Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors. This report and resolution were debated during the afternoon and evening sessions, and the House did not adjourn till after eleven o'clock. The House reassembled on Monday morning, at ten, and resumed consideration of the impeachment resolution; the interval between ten o'clock and noon, the regular hour for meeting, being regarded as technically belonging to the session of Saturday. At five o'clock, of Monday, a vote was taken, amid great and suppressed excitement. One hundred and twenty-six voted for the resolution, and forty-seven against it. All the affirmatives were Republicans, and all the negatives were Democrats. One committee, of seven members, was appointed to prepare articles of impeachment; and another, of two members, to go to the bar of the Senate, and in the name of the House of Representatives, and of all the people of the United States, to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors; and to ask the Senate to take order for the appearance of said Andrew Johnson, to answer to said impeachment—a high-sounding duty, which was committed to Thaddeus Stevens and John A. Bingham, and sonorously discharged by them, in the Senate, on the next day, Tuesday, the 25th of February.

It was supposed, by the principal prosecutors in this great drama, that the whole enterprise might be finished up in a fortnight or three weeks: Andrew Johnson a private citizen, and Benjamin F. Wade the acting-President! Three weeks or more were spent in mere preliminaries, and three months elapsed before the end was reached, and that end was defeat!

But the Senate took prompt order upon the matter, and immediately (25th of February) appointed a committee to consider the matter, and make report. This committee consisted of seven persons, two of whom—Senators Howard and Edmunds—the next day, February 26th, waited upon the Chief-Justice, after the adjournment of the Supreme Court, and informed him of the action of the Senate, and that the committee of which they were members was about to prepare some rules for the government of the impeachment proceedings, and would willing-

ly receive any suggestions he had to make ; and would be pleased also to have him attend the meetings of the committee, if it would be convenient for him to do so. Some other conversation took place, almost, if not wholly, in relation to what the Chief-Justice supposed his right to vote would be, in the Senate Court about to be organized for the President's trial. Mr. Chase said he had not deeply considered the subject, but supposed he would be a member of the court, and, as such, would have a right to vote in it; though, inasmuch as his being required to preside was in consequence of the disqualification of the Vice-President, it might be limited to a vote in case of a tie. But Mr. Chase gathered, from the observations of one or perhaps both the Senators, that the right of the Chief-Justice to vote in any case was doubted, or denied, by some of the members of the committee. This interview did not occupy more than five minutes of time.

This question was started right here upon the very threshold of the trial for a simple and obvious reason. It was certain that there were some Republican members of the Senate who could not be brought to vote for conviction; one or two were outspoken in their denunciation of the whole impeachment proceedings; and it was perfectly well known that Mr. Chase never would prostitute his judicial office to the help of any partisan enterprise. The impeaching Senators were conscious of the weakness of their cause, and they did not want it made still weaker by either the vote or the example of the Chief-Justice. Hence, the motive to deprive him of any voice in the trial. Indeed, this apprehension of Mr. Chase's influence was carried to the point of seeking to deprive the Senate of the character of a court at all, which was persisted in by some Senators to the last; and of trying to establish that the Vice-President, filling the presidential office—the President being removed for misdemeanor, or disability, or dead—is not President, but a mere acting-President, whose trial upon impeachment might proceed in the Senate without the presence of the Chief-Justice. This last proposition, however, was early found to be untenable, and was not pressed; but the resolution to deprive the Chief-Justice of a vote, even in the case of a tie, was pressed to a decision after the Senate was organized and sitting as a court of impeachment. But I anticipate.

After the interview with Senators Howard and Edmunds, Mr. Chase spent the whole of the afternoon and evening and a part of the next day in an examination of the Constitution and the precedents touching upon the matter, and he became very doubtful of the propriety of any action by the Senate in relation to the impeachment, until organized as a court of impeachment, beyond the simple receipt of the notice from the House of its purpose to impeach. This view of the matter became so strong in his mind that he wrote a note to Mr. Howard, informing that Senator of the conclusion at which he had arrived. This was on Thursday, the 27th of February. But he received no reply.

No further communication passed between the Chief-Justice and the members of the committee. It proceeded to prepare rules, and the Senate proceeded to adopt them, in its legislative capacity. Objection was made by Democratic Senators against the constitutionality of this action. Mr. Hendricks said he thought the Senate in its legislative capacity had no right to prescribe rules for its government during the trial. That was a function for the court of impeachment when constitutionally organized. A majority of the members, however, did not agree with Mr. Hendricks.

Mr. Chase watched these proceedings with a good deal of anxiety—so much, indeed, that he felt called upon officially to express his dissent. He did this in a letter dated the 4th of March. He said, in that letter, that when the Senate sat for the trial of an impeachment it sat as a court, seemed unquestionable; and that when an impeachment of the President was tried, the court must be constituted of the members of the Senate with the Chief-Justice presiding, seemed equally unquestionable. He thought it a not unwarranted opinion, therefore, that the organization of the Senate as a court of impeachment, under the Constitution, should precede the actual announcement on the part of the House; and it was a still less unwarranted opinion that articles of impeachment should be presented only to a court of impeachment, and that no summons or other process should issue except from the organized court, and that rules for the government of the proceedings of such a court should be formed only by the court itself. The receipt of this letter created a good deal of sensation among the impeachment Senators; but the

Senate proceeded, all the same, to receive the articles of impeachment, the very day it was read; and then appointed a committee of three Senators to wait upon the Chief-Justice and give him notice of the trial, and request his attendance as presiding officer.

The trial commenced on Thursday, the 5th of March. First, the Chief-Justice took an oath—administered by Associate-Justice Nelson—“that in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws: So help me God.” The same oath was then administered separately to each of the Senators.

On the next day, the 6th of March, when Mr. Howard moved that the Secretary of the Senate notify the House that the Senate was ready to proceed with the trial, the Chief-Justice interposed. He said he thought it his duty to submit a question relative to the rules of procedure. In his judgment, he said, the Senate as now organized was a distinct body from the Senate sitting in a legislative capacity, and he conceived that the rules adopted by the Senate on the 2d of March were not rules for the government of the Senate sitting for the trial of the impeachment of the President, unless also adopted by the latter body. He desired, therefore, to take the sense of the Senate upon the question. Brought face to face with affirmation or abandonment of the doctrine that the Senate was not a court with the Chief-Justice at its head, the doctrine was abandoned. The rules were adopted as the rules of the Senate sitting for the trial of the impeachment. This being done, the House was notified of the readiness of the Senate to proceed. The notice was immediately given, and the managers on the part of the House of Representatives appeared at the bar of the Senate; the articles of impeachment were read, and a summons was directed to be issued and served upon the President, returnable on Friday, the 13th of March, at one o'clock in the afternoon. On the 13th the court reassembled, and the President appeared by counsel, and asked forty days to enable him to put in an answer: he was allowed ten days. On the 23d the answer was put in; on the 24th the House of Representatives filed its replication, and the formal beginning of the trial was

fixed for the 30th of March, being the Monday then next following. Accordingly, the trial began on the 30th of March.

It happened that on the next day a question was asked by Manager Butler of the witness Burleigh, which brought up a vital question touching the powers of the Chief-Justice. Mr. Stanbery, of counsel for the President, objected to Manager Butler's question. This scene then took place:

The Chief-Justice: "The Chief-Justice thinks the testimony is competent, and it will be heard unless the Senate thinks otherwise."

Mr. Senator Drake (pugnaciously): "I suppose, sir, that the question of the competency of evidence in this court is a matter to be determined by the Senate, and not by the presiding officer of the court. The question should be submitted, I think, sir, to the Senate. I take exception to the presiding officer undertaking to decide a point of that kind."

The Chief-Justice: "The Chief-Justice is of opinion that it is his duty to decide preliminarily upon objections to evidence. If he is incorrect in that opinion, it will be for the Senate to correct him."

Mr. Senator Drake (pugnaciously again): "I appeal, sir, from the decision of the chair, and demand a vote of the Senate upon the question."

Mr. Senator Fowler: "Mr. Chief-Justice, I beg to know what your decision is."

The Chief-Justice: "The Chief-Justice states to the Senate that in his judgment it is his duty to decide upon questions of evidence in the first instance, and that if any Senator desires that the question shall then be submitted to the Senate, it is his duty to submit it. So far as he is aware, that has been the usual course of practice in trials of persons impeached in the House of Lords and in the Senate of the United States."

Mr. Senator Drake: "My position, Mr. President, is, that there is nothing in the rules of this Senate sitting upon the trial of an impeachment which gives that authority to the Chief-Justice presiding over this body."

Mr. Senator Fessenden: "The Senator is out of order. . . ." (Here intervened a long colloquy.)

The Chief-Justice: "The Chief-Justice will state the case for

the consideration of the Senate. The honorable manager put a question to the witness. It was objected to on the part of the counsel for the President. The Chief-Justice is of opinion that it is his duty to express his judgment upon that question, subject to having the question put, upon the requisition of any Senator, to the Senate. Are you ready for the question?"

Mr. Senator Grimes: "The question is, whether the judgment of the Chief-Justice shall stand as the judgment of the Senate?"

The Chief-Justice: "Yes, sir."

Mr. Senator Drake: "I raise the question that the presiding officer of the Senate had no right to make a decision of that question."

The Chief-Justice: "The Senator is not in order."

Mr. Senator Drake (more pugnaciously than before): "I wish that question put to the Senate, sir."

The Chief-Justice: "The Senator will come to order."

Mr. Senator Conkling: "I rise for information from the chair. I beg to inquire whether the question upon which the Senate is about to vote is whether the proposed testimony be competent or not; *or*, whether the presiding officer be competent to decide that question or not?"

The Chief-Justice: "It is the last question: whether the Chief-Justice in the first instance may state his judgment upon such a question. That is the question for the consideration of the Senate. The yeas and nays will be called. . . ." (Another long colloquy.)

Mr. Senator Wilson: "I move that the Senate retire for consultation."

Several Senators: "No, no. . . ." (Another colloquy.)

Mr. Senator Wilson: "I renew my motion that the Senate retire for consultation."

Mr. Senator Thayer: "On that motion I call for the yeas and nays."

Cameron: "I hope we shall not retire."

Several Senators: "Debate is out of order."

The Chief-Justice: "The Senator is out of order."

Cameron: "Well, I only say that—"

The yeas and nays were called: yeas 25, nays 25.

The Chief-Justice: "On this question the yeas are 25 and the nays are 25. The Chief-Justice votes in the affirmative. The Senate will retire for conference."

It had been the intention of the impeachment Senators to raise the question of the right of the Chief-Justice to vote in any case, upon the first occasion upon which he attempted to exercise it. But the suddenness with which the Chief-Justice now made use of his right, and the grave dignity with which he arose in his place and announced the result of it—and the promptness with which he descended from his seat to precede the Senators in their way to the conference-room—utterly confounded the purpose, and his action was, for the time, acquiesced in without a protest.

When they had arrived in the conference-room, in the course of the consultation, Mr. Henderson submitted a resolution, which Mr. Sumner proposed to amend by striking out all after the word "Resolved," and inserting: "That the Chief-Justice of the United States, presiding in the Senate on the trial of the President of the United States, is not a member of the Senate, and has no authority, under the Constitution, to vote on any question during the trial, and he can pronounce decision only as the organ of the Senate, with its assent." This was defeated by 22 yeas to 26 nays. . . .

Mr. Sumner submitted the following resolution: "That the Chief-Justice of the United States, presiding in the Senate on the trial of the President of the United States, is not a member of the Senate, and has no authority to vote on any question during the trial."

Mr. Hendricks objected to this as not relating to the matter on which the Senate had retired to confer, and moved to return to the Senate-chamber; which was agreed to at eighteen minutes before six. . . .

At half-past six the court adjourned.

On the next day, immediately after the reading of the minutes, Mr. Sumner in the open court proposed what he said was "an order in the nature of a correction of the journal." His order ran thus: "It appearing from the reading of the journal of yesterday that on a question where the Senators were equally divided, the Chief-Justice, presiding on the trial of the Presi-

dent, gave a casting vote, it is hereby declared that, in the judgment of the Senate, such vote was without authority under the Constitution of the United States." The yeas and nays being ordered, the result was—yeas 21, nays 27.

The rule actually adopted neither affirmed nor denied the right of the Chief-Justice to vote in any case, but left that question untouched; though it empowered him to rule all questions of evidence and incidental questions, which ruling was to stand as the judgment of the Senate unless some member should ask a formal vote to be taken upon it, in which case it was to be submitted to the Senate for decision, or he might submit the question in the first instance, upon his own option.

The extent of the powers of the Chief-Justice as presiding officer of the Senate, during the trial of an impeachment of the President, was—both in the Senate and out of it—very earnestly discussed during this time. It was held by some that it was the duty of the Chief-Justice to determine all questions of law and competency of evidence arising during the trial, and that there could be no appeal from his judgment. The opposite view was the doctrine of Mr. Sumner, that the Chief-Justice had no powers which were not conferred by the Senate. Mr. Chase believed in neither of these extremes; but he believed firmly in his right to a casting vote; and it is certain that, had it been denied to him, he would have refused further participation in the trial.

These defeats upon preliminary questions excited the apprehensions of the impeaching Senators as to the final issue of the trial. They indicated some weakening of party fealty and discipline on the part of some Republican Senators. Even before the trial began, it was proclaimed everywhere that the conviction of the President was indispensable to save the "life of the nation;" Republican journals and partisans caught up the cry, and a judicial proceeding of transcendent interest and importance, which ought to have been free from all external excitement or interference, was transformed into a party measure. The General of the Army took public ground in favor of conviction. Every appliance likely to effect it was promptly put into operation; and hesitating Senators—astounded and overwhelmed by the storm—yielded, against the solemn

convictions both of judgment and of conscience. Some few held out to the end, and these were threatened with infamy. It was upon the head of the Chief-Justice, however, that the torrent of invective was poured with peculiar fury. He was assailed with extraordinary bitterness and persistence. His house was subjected to systematic espionage. No mail came to Washington which did not bring him threatening letters. But in the midst of that tempest of lies and outrage, the great Chief-Justice, with unflinching patience, pursued his calm and steadfast way. With never-faltering hands he supported the dignity of his office and the impartiality of the law. He did not doubt that, with the subsidence of the passions of the hour, his countrymen would vindicate him against his enemies and accusers. And it was so. Even Charles Sumner, though he loved justice and truth, in the heat and frenzy of the time had said "Alas, poor Chase!" But Charles Sumner lived to say that Mr. Chase's conduct during that trial was one of his noblest titles to fame.

The end of the trial was reached at last. The testimony in the case was closed on the 20th of April, and the arguments of counsel began on the 22d, and were closed on the 6th of May. Then the Senators proceeded to deliberate and to the delivery of opinions *pro* and *con* upon the matter of conviction, but it was not until the 16th of May that a vote was reached. In the interval between the 6th and the 16th of May, during which time the final result came to be pretty accurately measured, and was found to depend most probably upon a single vote, the excitement reached its highest point. It was known that Henderson, of Missouri, had expressed himself against eight of the eleven articles; his views were unknown upon any one of the remaining three. Every effort of inducement and abuse was brought to bear upon him; it illustrated the common demoralization and indifference to the sanctity of a judicial oath, that the Congressmen of his own party from the State of Missouri, waited upon him in a body to urge him to vote for conviction! He did not yield, however, but voted against conviction upon every article upon which a vote was taken.

The last article—that upon which it was supposed the most votes in favor of conviction could be concentrated—was voted

upon first. This was on the 16th of May. A vast audience had congregated in the Senate-chamber. Two Senators were present whose health was such that their lives were imperilled by coming. And then happened a prodigious thing: a Senator who expected to occupy the presidential office if the President was removed, voted for the President's conviction! It is not surprising that the silence of awe took possession of the dense assemblage as that Senator's name was called.

It is unnecessary to prolong the narrative. Thirty-five Senators voted guilty, and nineteen voted not guilty; and the Chief-Justice said, "Two-thirds of the Senators not having pronounced guilty, the President is acquitted upon the eleventh article." Under the impulse of a profound disappointment the Senate adjourned for ten days.¹ Much dragooning might be done in ten days. But the tenth day arrived without any accession of strength; the court of impeachment reassembled; the first and second articles were voted upon, with the same result as before—thirty-five Senators voting guilty, and nineteen not guilty. And then the court adjourned without day. Mr. Stanton immediately resigned office as Secretary of War and General Schofield was appointed, and, notwithstanding fearful prognostications of disaster and civil and political commotion, no evil results followed the acquittal; and experience proved, what good sense had already foreseen, that the political institutions of the country were as little in the power of Mr. Johnson to destroy as in that of Mr. Stanton to save.

¹ The night before this vote was taken, a meeting of impeaching Senators and others was held at the house of Senator Pomeroy, and Mr. Wade's "Cabinet" was there agreed upon; in the full expectation that in twenty-four hours Mr. Wade's Administration would be inaugurated. At this time the "impeachers" were very confident of success, though it was known that the vote would be close. They believed that there were one or two Senators regarded as doubtful, who *would not dare to flinch* in the supreme hour of the trial.

CHAPTER L.

THE "CHASE MOVEMENT" AMONG THE DEMOCRATS IN 1868—THE FITNESS OF THAT MOVEMENT—ITS SPONTANEOUSNESS—LETTER TO MR. BELMONT—ADVOCACY BY THE HERALD OF MR. CHASE—FRIENDS OF MR. CHASE IN THE NEW YORK CONVENTION—THE PLATFORM—A HALF-VOTE FOR MR. CHASE—EXCITEMENT—NOMINATION OF GOVERNOR SEYMOUR—HOW MR. CHASE RECEIVED THE NEWS—PARTISAN MISREPRESENTATION—MR. CHASE'S VIEWS—A LETTER OF GOVERNOR SEYMOUR.

IN the summer of 1867, the nomination of Mr. Chase in 1868, as the Republican candidate for President, seemed an event likely to happen; and no doubt a large body of Republicans, perhaps a majority of all, would then have preferred him to any other leader. But the same causes which operated to bring about the impeachment of Andrew Johnson were potent in making party sentiment in favor of General Grant; and this was neither a surprise nor a disappointment to Mr. Chase. He knew as little as any one of General Grant's political opinions, but he had seen and admired the patient and persistent energy with which that General had prosecuted the war; his administration of the duties of his office as General of the Army was marked by good sense and regard for law; and he was as likely to make a safe and successful President as any other purely military man; and Mr. Chase knew that the nomination of a military man by the Republican party had become necessary and inevitable; besides which, there were new watchwords among Republican leaders which he could not bring himself to adopt, though, under the circumstances in which he was placed, he was not in a position where he could repudiate without great misrepresentation of his motives.

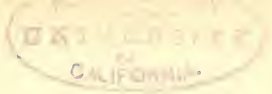
But he observed with astonishment, and with gratification also, the rapid development among Democrats of a strong party in favor of placing him before the country as the Democratic candidate; not, indeed, that he seriously expected such a thing to happen, but because it indicated progress in the right direction; toward the practical application, by the Democratic party, of democratic principles in their relation to the newly-enfranchised people of the South.

This sudden and rapid development of a "Chase movement" among Democrats has been described as extraordinary and phenomenal. In one aspect it was so, and in another nothing was more natural. It was true that for long years Mr. Chase had been a distinguished leader in the antislavery movement: he had been far more instrumental in bringing about slave emancipation than any other member of Mr. Lincoln's Administration, and was, at this very time, the conspicuous, inflexible advocate of universal suffrage. In all this, however, there was nothing undemocratic, but rather the perfect application of Democratic principles. It was undeniably true, however, that the action of the party had been on the side of slavery. This was not because Democrats approved the slave-system as a moral or political good; but because, in the formation of Federal institutions, it had been necessary to accord to slavery certain political immunities and privileges. The Democracy believed these to be fundamental in the constitution of the Union. They believed them to be necessary to the preservation of the Constitution and the Union. And in these sentiments the whole country participated, if we except the "Independent Democracy," that small body of apparent impracticables, who insisted upon the exclusion of slavery from all places within the national jurisdiction. Of this organization, Mr. Chase, from its inception, had been the leading member. Except upon the subject of slavery, its principles were substantially those of the Old-line Democracy; and in 1849 no great difficulty had been experienced, therefore, in bringing the Old Line and the Independent Democrats together, to secure Mr. Chase's election to the United States Senate. He was known to be "sound" in many respects; to be a friend of State-rights, of personal liberty, and freedom of the press, of the subordination of the military to the

civil authority, and of that method of constitutional construction which had long been a watchword of the Democratic party. His conduct during the impeachment trial had been so pre-eminently upright and impartial that Democrats hailed it as a revival of the reign of law. He had exhibited during that time, too, that sort of lofty courage which naturally excites admiration and sympathy. There seems to have been a genuine fitness, therefore, that in the absence of a probably-successful leader of their own, Mr. Chase should be canvassed by the Democracy.

Certain it is, at any rate, that early in 1868, his name was freely discussed, and as the time approached for the meeting of the Democratic National Convention, leading Democrats everywhere turned their thoughts upon the Chief-Justice as a fit and available leader, while the same sentiment found a deep, spontaneous lodgment in the hearts of multitudes of the rank and file, and stirred the party to its depths. It excited among Republican leaders a great anxiety. They knew that the impeachment outrages had not met the approval, nor debauched the minds of the whole party; that Mr. Chase was still held in honor and veneration by a large minority within the Republican ranks, and that the scandalous assaults made upon him had rather increased than diminished these sentiments. Mr. Chase had gratifying proofs of this. Letters came to him from influential Republicans in all the States, assuring him of continued confidence, and of support should he be nominated even by a Democratic convention. And, indeed, as the time for the assembling of the convention drew nearer, what had been possibility of nomination seemed to be gradually assuming the character of a probability.

But all this was spontaneous, and went on without the agency of Mr. Chase, or Mr. Chase's personal or political friends. Preceding the day upon which the convention met—July 4th—there was but little communication between himself, or any of his friends, and Democratic leaders. He was visited by Alexander Long, of Ohio, noted as a radical Democrat during the war; and by Dr. Pierce, a brother-in-law of Senator Hendricks, of Indiana, who was a conspicuous candidate for the nomination; and by Colonel John D. Van Buren, of New York City, recognized as a confidential friend of Horatio Seymour; and, possibly, by two



or three others. But none of these gentlemen had authority to speak for any other persons than themselves, nor did they profess to have. An interview was arranged between Mr. Chase and Mr. Samuel J. Tilden, a leading Democrat of New-York, which, however, did not take place. But the chairman of the Democratic National Committee, Mr. August Belmont, in the last week in May, addressed Mr. Chase a letter, marked "private and confidential," and written, that gentleman said, without consultation with anybody, but after being satisfied that most of the leading Democrats of New York were favorable to Mr. Chase's nomination. To that letter, on the 30th of May, Mr. Chase made answer. "The slavery question," he said, "is, as you say, settled. It has received a terrible solution; but it has a successor, in the question of reconstruction, and *this* question partakes largely of the nature of *that*. I never favored interference by Congress with slavery in the States; but, as a war measure, Mr. Lincoln's proclamation of emancipation had my hearty assent, and I united, as a member of his Administration, in the pledge it made to maintain the freedom of the enfranchised people. *This pledge has been partly redeemed by the constitutional amendment prohibiting slavery throughout the United States; but its perfect fulfillment requires, in my judgment, the assurance of the right of suffrage to those whom the Constitution has made freemen and citizens. Hence, I have been and am in favor of so much of the reconstruction policy of Congress as bases the reorganization of the State governments in the South upon universal suffrage.*" This was the vital point, and Mr. Chase did not shirk nor evade it; but met it honestly and fairly, and left no room for doubt or misapprehension. But it diminished the likelihood of his nomination, and he was inflexible in his resolution to make no concession. The Democrats admitted the utter extinction of slavery, but they were unwilling to admit the logical consequences of its extinction, by the application of their own principles, and preferred to resist a revolution as certain and resistless as fate itself!

The convention assembled in the city of New York, on the 4th of July. If the friends of Mr. Chase had been left free to choose the place of its meeting, with a view to "outside pressure," they would have chosen New York. The public sentiment of that city was overwhelmingly in his favor. It was not

noisy and demonstrative, but was everywhere apparent, and was largely owing to the powerful and persistent advocacy of his name by the *Herald*. For months, that paper had urged the nomination; and if the *World* did not approve, it was not hostile; while the *Tribune* held silence, and, some said, would support Mr. Chase if chosen by the convention. This might or might not have happened—I know not.

Immediately upon the assembling of the convention, it was found that there was a considerable number of delegates whose *first* choice was the Chief-Justice. They made constant accessions, but there was no organization among them, and no leader. The evening before the nomination of Governor Seymour, they held a meeting, which was wholly informal; but enough was ascertained, during its sitting, to leave little doubt that, with organization and leadership, he would have, in the convention, if not the necessary two-thirds, at any rate a powerful body of supporters. It was unexpectedly developed that Mr. Chase had a greater or less number of friends in almost every delegation. A majority of the New England delegates were for him; the New York delegation, by formal vote, agreed upon his support in the convention, under certain circumstances, very likely to arise; he had a majority in two or three of the Western delegations, and friends in every one. The strongest opposition came from Ohio, and this was due, in about equal parts, to earnest desire for the nomination of Mr. Pendleton, and to recollections of past political battles, with Mr. Chase as the leader of their victorious enemies. The delegates from the Southern States, it was understood, would support any candidate thought, by the convention, most likely to carry the North, though even some of these were, in the first instance, for the Chief-Justice. On the other hand, some Southern men were bitter against him.

The first day of the convention—Saturday—was spent in the usual preliminary proceedings. On Monday, the 6th of July, a permanent organization was effected; and ex-Governor Horatio Seymour, believed to be friendly to the nomination of Mr. Chase, was elected permanent president. This was accepted as a favorable indication. In the afternoon of the third day, the platform was presented and adopted. A great deal that was politically sound was affirmed in it, and a great deal that was capable of

misrepresentation and misconstruction was affirmed also; closing up with a vote of thanks for President Johnson, and an appeal to every patriot, "including all the conservative element, and all who desire to support the Constitution and restore the Union," to unite with the Democratic party, in "the great struggle for the liberties of the people;" and to all such, no matter to what party they had before belonged, the "right hand of fellowship" was extended, and they were to be called "friends and brethren"—which was not a very powerful inducement to coöperation, as events proved. An imperfect transcript of the platform was telegraphed to Mr. Chase, and he answered back that he could give no opinion till he saw it all; but that what he had received did not seem to be objectionable.

On the fourth day (Wednesday) the balloting began. Mr. Chase's name was not presented. Pendleton, of Ohio, had 105 votes; Andrew Johnson had 65; General Hancock 33½; Sanford E. Church, of New York, 33; and the remainder were cast for several different gentlemen. Mr. Pendleton gathered strength up to the eighth ballot, when he received 156½ votes; less than one-half the convention (the whole vote was 317), and it became clear that his nomination was not possible. Meantime the sentiment grew outside, as no mention was made of Mr. Chase, that his name was being held in abeyance for a favorable conjuncture; when, upon presentation, he would be nominated by acclamation. But of course this was a mistake. On the afternoon of the fifth day of the convention, and the second day of the balloting, a delegate from California—Scott by name—suddenly and unexpectedly cast a half-vote for "Chief-Justice Salmon P. Chase." The effect upon the dense audience assembled in attendance upon the proceedings, was as sudden and unexpected as the half-vote itself. Mr. Chase's name was received with a burst of enthusiasm spontaneous and universal. A scene of delirious excitement, which lasted unremittingly for ten minutes, suspended the action of the convention. Men and women joined in it; the multitude outside, apprised of the cause of the demonstration within, caught the inspiration of the theme, and added their voices to the general applause. It was a strange and extraordinary occurrence; and thoroughly bewildering to most of the members of the convention.

Under the influence of the excitement it occasioned, the convention took a brief recess ; but in the absence of an organized movement among the delegates favorable to Mr. Chase, the golden opportunity for his nomination was not improved.

Scott, of California, on two or three subsequent ballots again voted for Mr. Chase ; and on the twenty-first and final ballot he had four votes. In the midst of it the name of Governor Seymour was suddenly proposed by the Ohio delegation, and he was nominated by acclamation. There was great enthusiasm in the convention, of course ; after some days Governor Seymour accepted with extreme reluctance, and made as good a canvass—perhaps better than any other “straight” Democrat could have done. But from the beginning the election of a “straight” Democrat was impossible.

The result of the convention was quite expected by Mr. Chase, for though he had thought his nomination possible, he had not thought it probable. When the news came, he was engaged at a game of “croquet” with his old friend George Wood, a clerk in the Treasury Department. He read the telegram ; handed it to Mr. Wood, who read it also, and then Mr. Chase continued his play—he was very fond of this simple game—undisturbed by disappointment or anxiety.

There was of course a great deal of partisan misrepresentation of Mr. Chase’s connection with this movement. He was charged with an abandonment of principles and a willingness to accept the Democratic nomination upon any terms and upon any platform. Nothing could be further from the truth. Mr. Chase did not seek the nomination. He made no concession of any kind, and was asked to make none. His strength lay in his principles and in the certainty that he would adhere to them, and that they would be the basis of his administrative action, if he were called upon to act. On his part, Mr. Chase believed that if the Democratic party would commit itself in good faith to the doctrine of universal suffrage, and make nominations consistent with the doctrine, it could hardly fail of success before the people, and that, for many and obvious reasons, a Democratic Administration, better than one in opposition, could effect a rapid reconstruction of the Union upon safe and enduring foundations. In this he might, of course, have been mistaken.

He left no ground for misunderstanding on the part of Democrats desiring his nomination. Shortly before the meeting of the convention he prepared a statement of his views, which was not only in harmony with his own antecedents, but were such as a Democratic convention might adopt in perfect consistency with Democratic principles; and it is quite likely that their adoption would have realized "his desire to see the Democratic party meeting the questions of the day in the spirit of the day, and assuring to itself a long duration of ascendancy." It will be observed that in neither of the propositions in this statement is any opinion expressed concerning the permanence of the new governments established in the South under the reconstruction laws, or of the liability of those governments to modification and alteration in the modes prescribed by the new constitutions. The reason is, that Mr. Chase had no expectation that any question would be made by any party upon the validity or alterability of those constitutions, whatever might be the difference of opinion in relation to the measures in which they had their origin. This statement was printed, the first part of it in June, and the last some time early in July, 1868, and was found to be entirely acceptable to a large number of distinguished Democrats both in and out of the convention. It was as follows:

"I. 1. Universal suffrage is a democratic principle, the application of which is to be left, under the Constitution of the United States, to the States themselves; and universal amnesty and complete removal of all disabilities on account of participation in the late rebellion, are not only wise and just measures of public policy, but essentially necessary to the beneficial administration of government in the States recently involved in civil war with the United States, and to the full and satisfactory reestablishment of the practical relations of those States with the other States of the American Union.

"2. No military government over any State of the Union, in time of peace, is compatible with the principles of civil liberty established by the Constitution; nor can the trial of private citizens by military commissions be tolerated by a people jealous of their freedom and desiring to be free.

"3. Taxes should be reduced as far as practicable, collected impartially and with strict economy, and so apportioned as to bear on wealth rather than on labor; and, while all national obligations should be honestly and exactly fulfilled, no special privileges should be allowed to any classes of individuals or corporations.

"II. 1. The American Democracy, reposing their trust, under God, in the intelligence, the patriotism, and the discriminating justice of the American people, declare their fixed adhesion to the great principles of equal rights and exact justice for all men and all States, and their purpose to apply them, within constitutional limits, to all questions which, in the varying exigencies of public affairs, may demand consideration and solution.

"2. We congratulate each other and the whole people upon the auspicious return of peace after protracted civil war, and, offering our most earnest thanks to the brave soldiers of the Union, whose heroic courage, patient endurance, and self-sacrificing patriotism, have preserved for us an undivided country, we discard from our hearts every sentiment, save goodwill, toward those who, having been brave enemies in war, now return to their duties as citizens of the United States. We welcome them to a noble rivalry in earnest efforts to surpass each other in mutual affection and common devotion to that Union whose symbol once more floats in glory and honor over all our land.

"3. That slavery, having perished by the war, and being now prohibited by an amendment of the national Constitution, neither can nor ought to be restored; while a wise regard to the altered circumstances of the country, and impartial justice to the millions who have been enfranchised, demand the adoption of proper constitutional measures for the protection, improvement, and elevation of this portion of the American people.

"4. That, in a land of democratic institutions, all public and private interests repose most securely on the broadest basis of suffrage; but, under the system of distinct though united States, which distinguishes our American Government from the consolidated governments of the Old World, both wisdom and duty require that the application of this principle be left in the several States, under the Constitution of the United States, to the people of each State, without interference by the national Government.

"5. That public security is endangered, and the public prosperity arrested, by the unwise and unjust disfranchisement imposed on the people of the Southern States by recent legislation; the best guarantees of perfect peace, increasing wealth, and beneficent government in those States will be found in complete and universal amnesty, and the speediest possible removal of all civil and political disabilities.

"6. That we have observed with alarm the growing tendency to the centralization and consolidation of all the powers of the national Government in the legislative department, and are constrained to oppose to it a determined resistance. It is of the first importance that every department of the Government, whether legislative, judicial, or executive, be maintained in its full constitutional authority, without encroachment by either upon the other. Unconstitutional and usurped control of the other departments by the Legislature must result not only in the destruction of

the checks and balances of the Constitution, but ultimately in the subjugation of the Senate, in the subversion of the States, and in the overthrow of the Union.

"7. That we earnestly condemn the establishment and continuance of military government in the States, and especially the trial of citizens by military commissions as unnecessary, unwise, and inconsistent with the fundamental principles of civil liberty. Neither military governments nor military commissions, for the trial of civilians in time of peace, can be tolerated by a free people resolved to maintain free institutions.

"8. That the maintenance of great armies and navies in time of peace imposes heavy burdens on industry, and is dangerous to liberty. We insist, therefore, on the reduction of our army and navy to the smallest numbers consistent with due efficiency, and upon the withdrawal from the Southern States of all military force not absolutely necessary for the support of the civil authority.

"9. That no fears need be entertained of evil consequences from the extension of the area of the United States; while, therefore, we have neither the purpose nor the wish to impose our institutions by force upon any people, we shall welcome the accession to the American Union of neighbor States whenever they are willing to come in and can be received without breach of international obligations.

"10. That the full weight of American assertion and influence should be given to the doctrine that the citizens and subjects of all civilized States have the right to choose in what country and under what government they will live: and we especially insist that all American citizens, whether native or naturalized, shall be promptly and efficiently protected by the national Government, in every part of the world, against the oppression and injustice of all governments whatever.

"11. That in our judgment the conduct of our Indian affairs has been marked by great corruption, and needs to be thoroughly reformed. To protect the remnants of the powerful tribes which once possessed this broad land in their decay and weakness, is the plain duty of the powerful nation which has succeeded them.

"12. That labor is the true source of all wealth, and the men of labor are not only the real authors of the material well-being, but the best defenders of the honor and interests of the country; it is, therefore, not less the dictate of wise policy than of sound principles that the rights of labor be fully maintained, and every possible opportunity of individual improvement secured, by just laws, to the working-men of the country.

"13. That honor and duty alike require the honest payment of the public debt and the faithful performance of all public obligations; but we do not admit that creditors, more than other men, are entitled to special favor in the interpretation of the laws by which their rights and the public duties are determined. The interpretation of laws, in cases of conflicting interests, belongs to the courts.

" 14. That it is the duty of Congress to arrest all wasteful expenditures; to alleviate the burdens of taxation by wise distribution; to reduce and remove, as far as practicable, those which bear especially upon labor, and to prevent, by wise laws, mismanagement, fraud, and corruption in the collection of the revenue; and it is equally the duty of every branch of the Government to enforce and practise the most rigid economy in the conduct of our public affairs.

" 15. That we invite and welcome the coöperation of all patriotic citizens who are willing to unite with us in our determination to maintain the union of the States, the rights of the States, and the rights of citizens; to arrest the progress of consolidation and the arbitrary exercise of military power; and to bring back to the Government economical, vigorous, and beneficial administration, and to the States and to the people peace, progress, and prosperity."

I am allowed, in connection with this subject, and in conclusion of it, to lay before my readers the following extremely interesting letter of ex-Governor Seymour, written now nearly a year ago:

"UTICA, NEW YORK, *September 12, 1873.*

" . . . In answer to your inquiries about the action of the National Democratic Convention of 1868, and the attitude of Chief-Justice Chase in relation to it, I can say that great injustice has been done to him by those who charge that he sought its nomination; or that he showed any willingness to sacrifice any political principles to gain it.

" The facts, so far as my knowledge and belief go, are simply these: Early in 1868 the question as to the policy to be pursued by the Democratic party was discussed by its leading men. There were the usual differences of opinion with regard to the candidates to be named for national offices. In New York there was a general agreement upon Judge Church, if the candidate for the presidency should be taken from this State; or upon Mr. Hendricks, of Indiana, if the candidate should be taken from outside of its limits. There was no ill-will toward other persons named for the office of President; but these gentlemen were deemed the most available under the circumstances. They were voted for by the delegation from New York, in the convention. But behind the question as to preferences with regard to Democratic candidates, there were grave doubts if any one could be elected by the unaided strength of that party. While there was general dissatisfaction with the conduct and policy of the Republican organization, yet the prejudices engendered by the war against the Democratic party still lingered in the minds of great numbers who wished for a change in the conduct of public affairs. The propriety of putting in nomination some one who could command the votes of such persons was also discussed. No direct movement could be made to bring about such a result until the body of the party should approve of the

policy, and until the regular candidates should consent to it. In the mean time the considerations in favor of such a policy were in various ways brought to public notice so that they might be duly weighed in case the contingency should arise when it would be advisable to present it for action. Such considerations were briefly these: In the first place, it was doubtful if a Democrat could be elected President. In the next place, if elected, could he without a strong body of supporters in the national Legislature carry on a successful Administration? The tenure-of-office act tied the hands of the President. The Republicans held control of both branches of Congress. If the Democrats elected a President, he would have responsibility without power. His position would be worse than that of President Johnson, who had struggled with ability and vigor, but vainly, to uphold executive rights and powers. But the question came up, How could Democrats support any one who did not hold their views as to those questions which had divided parties? Or how could any man worthy of the presidential chair be the candidate of a party with whose principles he was not in accord? If the election was to turn upon the old and standard questions, it was clear that no candidate could be placed in nomination by the convention who was not identified with the political party it represented. But many thought, and I agreed with them, that the condition of the country demanded the suspension of the questions usually involved in our elections; that there were underlying principles which must be adjusted before political action could take its usual forms. The country had just passed through a long and bloody war. The necessities of the conflict or the policy of those in power had broken down many of the maxims of civil liberty and of personal right, which had ever before been held as sacred and inviolable. Military power and martial law had ruled so long that we had lost sight of the best and greatest principles of our government. As the war was closed, thoughtful men were anxious that there should be a distinct and clear return to the maxims, that the military power should always be held in subordination to civil power—that ours should be a government of law, not of mere force. Men could consistently act together in the election of 1868 to bring about this return to a constitutional policy who did not agree about the finances, the tariff, or the lines which marked the boundaries between the State and General Government jurisdictions. Of what value or significance were discussions about tariffs, or State rights, or the finances, if we were not to have fair elections, uncontrolled by military authority; if personal rights and civil liberty were to be trampled on by martial law, and court-martials were to take the place of judicial tribunals? If the issues of the election were to turn upon this contest between civil and military power, the name of the Chief-Justice naturally presented itself to men's minds. He had taken a bold stand against the usurpation of power by military courts. As a judge he had decided against the legality of the military trials in Indiana. He had upheld the laws of evidence, procedure, and justice

during the impeachment trial of President Johnson. These facts, together with his high position, marked ability, and stainless private character, made him prominent as a fit standard-bearer in the contest between civil rights and the military power. In such a contest the Democratic party could consistently make him their leader, and he could with propriety be their candidate. While his name was thus brought into the discussions of Democratic councils, there was no communication with him on the part of any delegate to the convention, to my knowledge. I think I first suggested the propriety of his nomination, if the contingency should arise which would make it expedient; and I frequently presented to other delegates the reasons in favor of it. Yet in no way had I any communication with him, directly or indirectly, nor did I ever hear that he looked upon his nomination as probable or desirable. We thought he could not reject it, if it was made upon the ground I have suggested. When the convention met, the friends of Democratic candidates were earnest and urgent in behalf of those they deemed the most suitable and popular. As the difficulty in the way of agreeing upon a Democratic candidate became apparent, the name of Mr. Chase was looked upon with more favor. The delegation from New York decided upon presenting it to the convention unless it could secure the nomination of Mr. Hendricks. There would have been a strong opposition to Mr. Chase at the outset, but I think in the end he would have been nominated. But time was needed to bring this about, and the delegates were impatient to return to their homes. Many of them could not afford the expense of a long stay in the city of New York, and none of them had made arrangements for a protracted session. Impatience to close the work of the convention had much to do with its final unconsidered action.

“I believed Mr. Chase would be elected if nominated. This opinion did not spring from any personal prejudice in his favor, for my acquaintance with him was very slight; and I had not seen him in many years. On the other hand, I felt a strong political and personal friendship for the Democratic candidates. I agreed with the other members of the New York delegation in urging the nomination of Mr. Hendricks if any Democrat was to be selected, and I did not wish to have Mr. Chase presented unless it could be done with the assent of other candidates and their friends. His name could not be urged in a Democratic convention in any way that seemed to be hostile to any Democratic leader. At the outset there would have been some feeling of opposition to him in the Democratic ranks, but that would have passed away as the character of the political issue made itself clear. The whole contest would have been narrowed down to the question whether this Government was to become a military one in its policy and aspects, or was to be restored to its constitutional action. The very professions and positions of the candidates would have made clear and distinct the fact that the people were called upon to decide between a military or civil policy; between force or laws;

between military tribunals or courts known to our traditions and customs, and designed to protect the rights, the property, and the homes of our citizens.

“I have no other feelings toward General Grant than those of good-will, and I hope his Administration may, in the end, prove to be a blessing to our country. I do not wish to question his purpose to direct public affairs according to his convictions of official duty and policy as they have been impressed upon him by the circumstances, the pursuits, and the events of his life; but I believe the interests of the country, at the close of the civil war, demanded the guidance of one trained in the schools of civil policy, of judicial impartiality, and of statesmanlike experience and labor. I recognize the value of General Grant’s military services and his claims upon the gratitude of his country, but think the welfare of that country and his own interests and happiness would have been promoted if he had remained in the exalted military position he held at the close of the war, and for which he was fitted by the training and events of his life. I believe that, if Mr. Chase had been made President in 1868, the difficulties and dangers which now perplex our country would have been at this time satisfactorily adjusted.

I am truly yours,

“HORATIO SEYMOUR.”

NOTE TO CHAPTER L.

THE connection of Mr. Chase’s name with the action of the New York Convention was, in point of fact, the end of his participation in active politics. In 1872 some prominence was given to him in connection with the “Liberal Republican” movement, which culminated in the nomination of Mr. Greeley at Cincinnati, in May of that year. But the state of his health was such as to make it quite impossible that he could receive the nomination, though he received thirty-six votes in the convention. He took no very great interest in the matter; but he entertained a hope that the movement would result in bringing the Democratic party to a square support of the doctrine of universal suffrage. At the end of the next chapter will be found two letters of Mr. Chase to Demarest Lloyd, which embody all that he thought on the subject.

CHAPTER LI.

LETTERS OF MR. CHASE UPON IMPEACHMENT AND THE NEW YORK CONVENTION.

Mr. Schuckers to John S. Corbin, Selma, Alabama.

“WASHINGTON, November 25, 1867.

“ C HIEF-JUSTICE CHASE directs me to acknowledge the receipt of your letter and paper for the press. He is grateful for the confidence and favor with which a portion of his countrymen seem to regard him; but under the rules he has prescribed to himself, cannot request of any journal the insertion of your communication. He directs me to say, moreover, that he desires no commendation through comparisons with statesmen or soldiers whom the people honor. Under no circumstances could he sanction any disparagement of General Grant or any of the brave men who shared in labors and achievements by which, so far as military service was concerned, the integrity of the republic was vindicated and saved. Their honor and renown are public treasures, which he would gladly augment, but by no means diminish. . . .”

Mr. Chase to Colonel William B. Thomas, Philadelphia.

“WASHINGTON, March 10, 1868.

“ I am much obliged to you for your letter and for your views of the situation, and the more so because it makes no reference whatever to the impeachment. To be sure, I expected no such reference in a letter from you; but there are so many, and persons of sense, too, who think it necessary and proper to advise me on that subject, that I could not help noticing the absence of it in your letter. If the correspondents who favor me with such letters could only be made aware that they are never read, but consigned to the waste-basket as soon as their subject is ascertained, they would, doubtless, save themselves some labor.

“As to political matters, I take only the interest of a citizen who loves his country and desires earnestly the speediest possible restoration to all the benefits of union of the ex-rebel States on the basis of equal rights secured by equal suffrage. Whatever I may have formerly thought or even desired in connection with the presidency, I wish now to have my name complete-

ly disconnected from it. I am satisfied that I am not a suitable candidate for either party. My opinions on the leading questions of the day are well known, or may be inferred, without difficulty, from my public acts. On some matters, intimately connected with those leading questions, I shall, probably be obliged to pass judicially. And I cannot be a party judge. I must express my honest opinions of the Constitution and the law. I must do my duty without fear and without favor. Thus acting, it is not likely that my judgments will gratify the wishes of party on either hand. Hence, I prefer to keep clear of all personal interest in political contests.

“A year ago—even six months ago—I did not anticipate the present condition of affairs. But impeachment has come; the constitutionality of trials of civilians, in the late rebel States, by military commissions is before the court; new doctrines are promulgated by Republican as well as Democratic conventions, of disregard to public faith, and, in respect to these, the question of the constitutionality of the legal-tender law assumes new importance. And in regard to all these matters I have a not unimportant voice. I prefer, in this state of things, to dismiss every thought which might incline the scale of judgment either way. Do what I may, I cannot hope to escape imputations. I hope only to avoid giving any just occasion for them. The rest I cheerfully leave to Him who alone judgeth righteously. . . .”

To J. E. Snodgrass, New York.

“WASHINGTON, *March 16, 1868.*

“. . . I have been a steady friend to the congressional policy of reconstruction so far as it contemplated equal rights for all, secured by equal constitutions and laws. But I do not believe in military domination any more than I do in a slaveholding oligarchy; nor do I believe that any thing has been accomplished by military supremacy in the rebel States that could not have been as well, if not better, accomplished by civil supremacy, authorized and regulated by Congress, with military subordination. But I prefer even military domination for a time, itself controlled and directed by Congress, with an honest reference to restoration of the States to full participation in the government, with suffrage secured to all who will not seek to withhold it from others, to any such plan as that proposed by the President.

“While I have condemned the President’s attempt to impose on the colored population of the South the rule of the ex-rebel population, and his hostility to congressional reconstruction, I have not thought it necessary to revile him. I do not quarrel with people about matters in which I differ from them. I like manly and frank dealing even between the extreme political opponents. I have, therefore, called on the President when official propriety has required, and three or four of these occasions have been at his request; others have been on public occasions. Once, and once only, have I called to serve, if I could, old friends who had done faithful service in the war. On several occasions when I have met the

President, public matters have been the theme of conversation; and I believe I never failed in what I thought my duty on such occasions. I urged him by every argument that I could think of to abandon his opposition to congressional reconstruction, and to universal suffrage.

"I do not deny that sympathy with him had something to do with my action. I remembered his loyalty at the outset of the war and his patriotism all through it, and I urged him to retrace his steps. But I could do nothing. I believe, however, that he saw that my purpose was an honest purpose, and not actuated by personal hostility, and therefore felt a certain degree of respect and perhaps regard for me. It was not enough to induce him to spare my friends from removal, but it led him, doubtless, to pay me the compliment of attending a reception of mine, to which newspaper reference has been made.

"Now, that is all of my intercourse with the President. I tell you for your own satisfaction and information. Let it go no farther. I will not defend myself against calumny except by my acts.

"And in the present heated temper of the public mind I cannot hope to escape a great deal of honest censure. My duties are judicial. What I honestly believe the Constitution and laws sanction or condemn, that I must, fearless of consequences, sanction or condemn. I am of no party on the bench. If I believe an act, or part of an act, of a Republican Congress to be unconstitutional, I must say so. If a man whom Republicans would gladly see condemned, has rights, and I must judge, the rights shall be respected. And so of the Democrats. I expect to please neither at all times. But, God helping me, I will do my duty, sorry only that limited powers do not allow me to do it better. . . ."

To Gerrit Smith, Peterboro', New York.

WASHINGTON, April 2, 1868.

". . . . The subject of the presidency has become distasteful to me. Some will say, 'sour grapes;' and there may be some ground for the application of the proverb. But I really think that I am not half so ambitious of place as I am represented to be. Certainly, I never used any of the ordinary means to get place. I worked for ideas and principles, and measures embodying them, and with all citizens of like faith and aims; and was always quite willing to take place, or be left out of place, as the cause, in the judgment of its friends, required. And I am certainly entirely content, now, to be left out of consideration in connection with the presidency. . . .

"My position is peculiarly difficult. As the Chief-Justice, my whole duties, except in the single case of impeachment, connect me with another body. Coming into the Senate to preside, I feel and am felt as a sort of foreign element. The Senate, like all other bodies, has a good deal of *esprit du corps*. I, as Chief-Justice, look for my powers and duties in the Constitution, and very naturally disagree as to their nature and extent from many

Senators. So far, these differences have been attended by no disagreeable result. The majority has substantially sustained my views, and I have tried to avoid every claim which could be, as I thought, called in question.

“Mr. Sumner’s motion, yesterday, alarmed me. The question, however, forced itself upon me: ‘What will be my duty in case the Senate deny me the casting vote which belongs to the President of the Senate, sitting as a court of impeachment, so refusing, in effect, to recognize my right to preside?’ Happily, I was not compelled to decide this question. . . .”

“WASHINGTON, April 19, 1863.

“ . . . Many thanks for your two kind notes and for the article on the casting vote in which you so admirably stated the true doctrine. Nettie also desires to thank you for your remembrance of her, and I inclose her note.

“The trial of the President draws toward its end. The evidence will doubtless be closed to-morrow, and it is not improbable that the first speech on the part of the managers will be made. If the Senate adheres to its resolution to allow only two arguments on each side, I do not see how the discussion can be protracted beyond the week, unless the Senate retire for consultation among themselves.

“To me the whole business seems wrong, and if I had any option I would not take part in it. But the President is on trial, and the Constitution is express that ‘when the President is tried, the Chief-Justice shall preside.’

“Nothing is clearer to my mind than that acts of Congress not warranted by the Constitution are not laws. In case a law believed by the President to be unwarranted is passed, notwithstanding his veto, by the required two-thirds majority, it seems to me that it is his duty to execute it precisely as if he held it to be constitutional, except in the case where it directly attacks and impairs the Executive power confided to him by the Constitution. In that case it seems to me to be the clear duty of the President to disregard the law, so far at least as it may be necessary in order to bring the question of its constitutionality before the judicial tribunals.

“Until the late rebellion a broad distinction has always been taken between the oath of office required of the President and the oath required of other officers. That of the President is prescribed by the Constitution itself: ‘I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability *preserve, protect, and defend* the Constitution of the United States.’ That of other officers was prescribed by law—the first ever enacted under the Constitution—and follows almost literally its direction: ‘I do solemnly swear that I will *support* the Constitution of the United States.’

“The Test-Oath Act of 1862 introduced for the first time into the oath

to be administered to other officers than the President the word 'defend' in addition to the word 'support.'

"How can the President fulfill his oath to preserve, protect, and defend the Constitution, if he has no *right* to *defend* it against an act of Congress sincerely believed by him to have been passed in violation of it?

"To me, therefore, it seems perfectly clear that the President had a perfect right, and indeed was under the highest obligation, to remove Mr. Stanton, if he made the removal not in wanton disregard of a constitutional law, but with a sincere belief that the Tenure-of-Office Act was unconstitutional and for the purpose of bringing the question before the Supreme Court. Plainly it was a proper and peaceful, if not the only proper and peaceful mode of protecting and defending the Constitution.

"I was greatly disappointed and pained, therefore, when the Senate yesterday excluded the evidence of members of the Cabinet as to their consultations and decisions (in some of which Mr. Stanton took a concurring part), and the advice given to the President in pursuance thereof. I could conceive of no evidence more proper to be received or more appropriate to enlighten a court as to the intent with which the act was done; and accordingly ruled that it was admissible.

"The vote, I fear, indicated a purpose which, if carried into effect, will not satisfy the American people, unless they are prepared to admit that Congress is above the Constitution.

"Have you looked at the questions, whether in the event of conviction the President *pro tempore* of the Senate is an 'officer' who, under the Constitution, can 'act as President?' and whether, if such an officer, he must *remain* such while acting as President? My own mind answers the last question in the affirmative, and inclines to the negative on the first.

"It seems to me that you ought to give the public the American view of these questions, if you can find time to consider them. . . ."

To Alexander Long, Esq., Cincinnati.

WASHINGTON, April 19, 1863.

". . . My reply to your last note has been somewhat delayed. My time, as you may readily imagine, is much occupied.

"It appears to me quite unlikely that such a union as is essential to success can be brought about among those who agree in opposition to military commissions and military ascendancy in the Government.

"The Democratic party, no doubt, could insure such a union by proclaiming anew its old creed of equal and exact justice for all men, and declaring itself for the full restoration of the States, now unrepresented, on the basis of universal suffrage and universal amnesty, but against military government and military commissions, and the whole train of related doctrines, such as State suicide, State subjugation, confiscation, and the like. Of such a union, if brought about, I should certainly desire the success. I should wish as earnestly now as I did in 1849 for the success of the

Democracy, united on such a basis. I could not wish otherwise and be faithful to my antecedents.

"With these sentiments I should not be at liberty to refuse the use of my name in the contingency you refer to. I see, however, very slight indications that such a contingency will occur; and I have, certainly, no desire for a nomination. I greatly prefer to remain disconnected from all political responsibilities, save that of casting my vote.

"I have no doubt, however, that such a union as you desire would be attended with complete success. Nor is there any reason stronger than prejudice why it should not take place. The restoration of the Southern States on the basis of universal suffrage is now certain. Every one of them will have adopted constitutions recognizing the right of every citizen, not disfranchised, to vote, before the present Congress ends; most of them certainly, and all of them probably, before the presidential election. The united Democracy, frankly conceding the permanence of these constitutions and the rights of suffrage secured by them, and appealing to the sentiments of justice and generosity and enlightened interest for universal amnesty and the removal of all political disfranchisements, could carry two-thirds, if not more, of those States; whereas, without the union suggested, and upon old issues, the Democratic party can hardly hope to carry one of them, and its success seems impossible. . . ."

To Theodore Tilton, New York.

WASHINGTON, April 19, 1863.

". . . Your article under the caption, 'A Folded Banner,' was very different from any thing which your conversation with me foreshadowed.

"You visited me at my house and invited a conversation. I was glad to see you, as I always have been; and my esteem for you and trust in you were such that I talked with you very freely. I little thought that I was on trial before an editor, and that he was about to pronounce a sentence upon me, *ex cathedra*, according to the supposed result of his investigations. Had I been aware of that, I should probably have followed a great military example, and observed a prudent silence.

"I had seen, with perfect content, so far as I was concerned, the Republican preference concentrating upon General Grant. I had observed also, new shibboleths of Republican faith, invented and demanded, in the hot contentions of the time, which I could not frame my lips to pronounce. I felt, therefore, that whatever might be my obligation to support Republican candidates, because of my agreement with the majority of the party on the great point of equal rights protected by equal suffrage, I could not myself properly represent it as its candidate. And I said to you that I could not take the Republican nomination if I could have it. I knew I could not have it, even were General Grant out of the way, if I proclaimed my opinions on impeachment, military commissions, military government, and the like; and I wanted no nomination with concealed or unavowed

opinions; and, indeed, wanted no nomination at all. For this reason, I said I would not take the Republican nomination if I could have it. I had said it to nobody else. I said it to you because I felt like saying it, and thought you knew me well enough to believe me. I certainly never dreamed of a proclamation by you in the *Independent*, based upon it. I knew very well that everybody who should think I had made such a declaration to you, and did not know me intimately, would characterize it, coming as it must have come, from one who knew he had not the least chance of receiving the nomination, in very uncomplimentary terms.

"I was still more surprised by your confident expression that I would accept the Democratic nomination. I refused to say to you that I would not accept it. But I did not say that I would; nor did I say any thing to that effect. I have never sought or expected it. I have never thought it in the least degree likely that it would be offered to me. It would have been ridiculous in me to say that I would not accept what had not been offered, and was not likely to be. It would have savored strongly of a vanity and presumption justly offensive, and from which, at least, I hope I am free. What you said led me to suppose that you agreed with me in opinion, that the Chief-Justice, presiding in the Senate, has the same right as the Vice-President when presiding in that body, and I stated my wish that you would express that opinion in the *Independent*. You said you would, and your article does contain a sentence to that effect.

"For this, and for your declaration that I am not likely to abandon any of the ideas and principles on which, I suppose, your former preference was based, I beg you to accept my thanks. I regret that you saw fit to withdraw that preference with such a flourish of trumpets. You might have said, with truth, that I was neither candidate nor aspirant for any nomination; and that the *Independent* did not think it useful to urge any further consideration of my name. I do not think you had any right to make any other inference from my conversation with you: and if the conversation did warrant any other inference by you, I do not think you had a right to use a private conversation for the purpose of making it. . . ."

To Richard Gaines, Esq.

"WASHINGTON, May 5, 1863.

". . . . Your kind note reached me a day or two since. It was very pleasant to hear from you; for the days when a few of us were united in a seemingly insignificant minority, by a common devotion to what we sincerely believed to be a good and noble cause, are very fresh in my remembrance. I have made no friends since for whom I cherish a warmer attachment than for those of that time.

"I was a Democrat then; too democratic for the Democratic party of those days, for I admitted no exception on account of race or color or condition, to the impartial application of democratic principles to all measures and to all men. Such a Democrat I am to-day.

“But I am not a candidate nor an aspirant for any political office; nor do I see any reason for thinking that the people will ever again require my services in any political capacity.

“As a citizen, however, I shall always be ready to aid, so far as I properly may, ‘with malice toward none, with charity toward all,’ in the complete restoration of the States lately in rebellion, to full participation in all the benefits of the Union on the basis of equal rights secured by equal suffrage. I fervently desire the renewed prosperity of those States, and of all their citizens. Restoration on this basis is just now the most important object of political efforts; but there are others which seem to be hardly less important. I refer particularly to making the currency good enough to pay all debts whether to bond-holders or working-men, and to resistance to the attempts which have lately become so alarming, to subjugate the Executive and Judicial Departments of the Government to the unlimited control of the Legislature, and to subvert the regular order of the administration of criminal justice by substituting, at the discretion of Congress, military commissions for trials by jury in time of peace.

“With these views you will readily imagine that I am quite content to be regarded as an outsider by both the great political parties which now divide the country; and to preserve my independence in a non-political station.

“This, my old friend, is entirely for your own satisfaction, and not for any printer. . . .”

To Horace Greeley.

WASHINGTON, May 19, 1868.

“. . . I am very sorry to see in the *Tribune* of yesterday a statement that ‘He’—the Chief-Justice—‘decided the vote of Mr. Van Winkle. He did his utmost—happily in vain—to carry off Messrs. Anthony and Sprague. We doubt that Mr. Henderson would have voted as he did but for the Chief-Justice’s exertions.’

“I appeal from Horace Greeley thus informed to Horace Greeley better informed. More lies seem to be afloat about me than I thought invention capable of. I have not interchanged a word with Mr. Van Winkle on the subject of impeachment that I remember, and my acquaintance with him is very slight. I have not exerted myself to influence anybody one way or the other. Until yesterday, when I happened to fall in with him on the street, all my conversation with Anthony would not occupy ten minutes. Sprague was not influenced by me, nor did I seek to influence him. Henderson took his dinner—he is a near neighbor—twice with Sprague and myself during the trial, but I am sure that I gave him no advice nor sought in any way to control him, *and could not if I had*. The stories about dinner are mere bosh, and so are the stories about rides, except that there is a grain of fact sunk in gallons of falsehood. On particular points in occasional talks with Senators, I have expressed my opinion just as I should in talk with you, but I certainly have not sought to make converts

to my views, and just as certainly I had no idea when I put the question on the eleventh article what the result would be. I thought it doubtful and very doubtful, with the probability in favor of conviction. I had no information whatever how any Senator would vote: I mean of those who had not read opinions or declared them in the Senate, except of course that I did not doubt how Sumner, Drake, and those of that sort, would vote.

"I care very little for clamor. But I have felt greatly enriched by your friendship and good opinion, and know I have done nothing which should entail the loss of either. I have kept my oath on the trial, and have done nothing from partiality or hostility.

"Your article of May 9th, 'Counsel in Extremity,' was just and kind, only overrating me. I have not made a step from my platform and your platform of universal suffrage and universal amnesty. I am looking for nothing in the political way. I believe myself to be, as you say, 'a thorough democrat, according to the true definition of that much-abused term,' and nothing would more rejoice my heart than to see the Democratic party reforming its policy to democratic ideas and principles. I do not expect it to do so this year; but it may, for this is a day of revolution. Whether it does so or not, I ask nothing from it or from any other party.

"Perhaps there is little use in writing this note. In the tempest there is little chance of hearing. And when this note reaches you, the shouts from Chicago will be filling your ears.

"So let me end by assuring you that I am in no whit changed in my devotion to the ideas and principles which you have approved, and that I can never change in my gratitude for your friendship—not *past*, I hope—and for the support with which you have aided me in my endeavors to serve the country. . . ."

To Murat Halstead, Cincinnati.

WASHINGTON, May 22, 1863.

". . . . Your note is just received. I have no concern with third parties, or with first or second parties. To make and unmake parties is the work of the people. Politicians can't do it, and their attempts to do it are always failures. . . .

"I dare say I may have said that proscription of the Republican Senators would be 'likely' or 'sure' to result in the organization of a new party. If I said 'sure,' I was too fast. If I said 'likely,' I only stated what then seemed highly probable. I did not refer to a third party, however; but to a coming together upon the common ground of opposition to the tyranny of the dominant majority in the House of Representatives of *all* not interested in its support. All that I am reported to have said about myself and the Democratic party is mere bosh. I certainly do wish that the Democratic party would consent to be democratic; but I neither seek nor want any nomination. I have neither the ambition nor the vanity which some

unambitious and very modest gentlemen are pleased continually to ascribe to me. It amazes me to see how a simple endeavor to be absolutely impartial in conducting a great trial is magnified into lofty virtue on one side, and stigmatized as political recreancy on the other. I suppose there is no man in the country who had less personal interest in the result than myself. And my interest as a citizen was balanced between hopes of good, in the event of conviction, through the assured success of reconstruction on the basis of equal rights for all, and the fear of evil present and to come, from the strain to which in the same event, all our institutions would be subjected in consequence of the transfer, under the dictation of the House of Representatives, of the executive power from the President elected by the people to the President *pro tempore* of the Senate."

To Hiram Barney, Esq., New York.

WASHINGTON, May 29, 1868. ✓

" . . . You are right in what you say about my views. My convictions are fairly represented by my record, and I cannot change them. I believe I could refuse the throne of the world if it were offered me at the price of abandoning the cause of equal rights and exact justice to all men. Indeed, 'what should it profit a man to gain the whole world and lose his own soul?'

"Nothing would gratify me more than to see the Democratic party advance its standards to the full height of a true expression of democratic ideas. What a grand and noble organization it would then be! I hope it will make some advance this year; but it is not likely, I think, to take any such step as that of nominating a man of my ideas for the presidency without seeking so to trammel him that he would be as unavailable as any mere party nominee.

"This morning I had an unexpected visit from a very prominent Democratic gentleman of Maryland. He expressed a strong wish that my name might be presented for the suffrages of the people, and was anxious that it might be brought forward in advance of the meeting of the convention, that it might be either sanctioned there or accepted by an omission of the convention to make any nomination. There seems to be an intense anxiety to get rid of military domination, military commissions, and of all the tendencies now rife toward subversion of the Executive and Judicial Departments of the Government; and a willingness that surprises me to take me with my known views on the question of equal rights without regard to race or color, for the sake of those other objects in respect to which my views harmonize with theirs. I mentioned to this gentleman that we probably disagreed as to the right of the colored people to vote, and his manner even more than his words showed how he felt; and yet, with all his repugnance to universal suffrage, he persisted in saying that he believed my nomination at this time was the very best thing that could be done for the country.

“Such indications as that of this visit, and very many such that reach me from various parts of the country, certainly surprise me. They are not sufficiently numerous to excite expectations of immediate important consequences, but they afford ground for hope that a change is going on in the views and policy of the Democratic party which warrants good hopes of the future. That future will include nothing political for me, but much good of all sorts for our country. . . .”

To August Belmont, Esq., New York.

“WASHINGTON, May 30, 1863.

“ . . . It would show a want both of sensibility and sense if I did not reply to your frank and generous letter of yesterday at once and without reserve.

“For more than a quarter of a century I have been, in my political views and sentiments, a Democrat; and I still think that, upon questions of finance, commerce, and administration generally, the old Democratic principles afford the best guidance.

“What separated me, in former times, from both parties was the depth and positiveness of my convictions on the slavery question. On that question I thought the Democratic party failed to make a just application of democratic principles, and regarded myself as more democratic than the Democrats. . . .

“In 1849 I was elected to the Senate by the united votes of the Old-line Democrats and the Independent Democrats, and subsequently made earnest efforts to bring about a union of all Democrats on the ground of the limitation of slavery to the States in which it then existed and non-intervention with slavery in those States by Congress. Had that union been effected it is my firm belief that the country would have escaped the late civil war and all its evils. I wish you could find time to read a letter of mine to the Democratic Speaker of our Ohio House of Representatives written at that time. It is printed in the *Congressional Globe* of 1849-50, part i., page 135,¹ in connection with a speech of Mr. Butler, of South Carolina, and it will give a clearer idea of what I then thought and still think, than I can convey in a letter.

“The slavery question, as you say, is now settled. It has received a terrible solution; but it has a successor in the question of reconstruction, and this question partakes largely the nature of that.

“I never favored interference by Congress with slavery in the States; but as a war measure Mr. Lincoln’s proclamation of emancipation had my hearty assent; and I united, as a member of his Administration, in the pledge it made to maintain the freedom of the enfranchised people.

“This pledge has been partly redeemed by the constitutional amendment prohibiting slavery throughout the United States; but its perfect

¹ This letter will be found on page 101 of this volume. It is addressed to John G. Breslin.

fulfillment requires, in my judgment, the assurance of the right of suffrage to those whom the Constitution has made freemen and citizens.

"Hence I have been and am in favor of so much of the reconstruction policy of Congress as bases the reorganization of the State Governments in the South upon universal suffrage.

"I do not doubt the authority of the national Government under that clause of the Constitution which requires the United States to guarantee to each State in the Union a republican form of government, to provide for the reestablishment of such governments by the people of the several States whose governments were disorganized by rebellion. I think that President Johnson was right in regarding the Southern States, except Virginia and Tennessee, as being, at the close of the war, without governments, without governors, judges, legislators, or other State functionaries; but wrong in limiting, by his reconstruction proclamations, the right of suffrage to whites and only such whites as had the qualifications he required.

"On the other hand, as it seems to me, Congress was right in not limiting, by its reconstruction acts, the right of suffrage to whites; but wrong in the exclusion from suffrage of certain classes of citizens and all unable to take its prescribed retrospective oath, and wrong also in the establishment of despotic military governments for the States and in authorizing military commissions for the trial of civilians in time of peace. There should have been as little military government as possible; no military commissions; no classes excluded from suffrage; and no oath except one of faithful obedience and support to the Constitution and laws, and of sincere attachment to the constitutional Government of the United States.

"But it has been and is impossible to get these reconstruction acts amended; nor is it desirable, in my opinion, to delay the restoration of these States to their proper places in the Union under the constitutions recently adopted in some of them and likely soon to be adopted in the others. The colored people of the South are unanimous in their desire for such restoration, because these constitutions secure to them the right of suffrage and thereby the means of self-protection against injustice. And there seems no reason to apprehend that any class of white citizens will be prejudiced by such restoration.

"I have considerable information concerning the feelings of Southern colored voters; and, if the white citizens hitherto prominent in affairs will simply recognize their right of suffrage and assure them against future attempts to take it from them, I am sure that those citizens will be welcomed back to their old lead with joy and acclamation. Nor do I doubt that if the Democratic party will give such assurance in any way that they can understand and rely on, a majority if not all the Southern States may be carried for the Democratic candidates at the next election.

"I am glad to know that many intelligent Southern Democrats agree with me in these views, and are willing to accept universal suffrage and

universal amnesty as the basis of reconstruction and restoration. They see that the shortest way to revive prosperity—possible only with contented industry—is universal suffrage now and universal amnesty and removal of all disabilities as speedily as possible through the action of the State and national Governments.

“I have long been a believer in the wisdom and justice of securing the right of suffrage to all citizens. It is the best guarantee of the stability of institutions and the prosperity of communities. My views of this subject were well known when the Democrats elected me to the Senate in 1849. It was also known, I suppose, that I had no desire to force them into premature and useless discussion, but was quite content with holding them and declaring them on proper occasions as my personal opinions without making them or having opposite opinions made a political test.

“I have said too much, perhaps, on this subject; but I could not honorably answer such a letter as yours, and leave any room for misapprehension. . . . I am no believer in military governments for any of the States, nor in military commissions for the trial of civilians in time of peace; nor in arbitrary government of any kind. I long most earnestly for the removal, by acts of genuine kindness and sincere good-will, of all traces of the unkindness and the ill-will which have sprung from the rebellion and hinder real union and true prosperity. I would eradicate if possible every root of bitterness. I want to see the Union and the Constitution reestablished in the affections of all the people. And I think that the initiative should be taken by the successful side in the late struggle. Let magnanimity attend success and benefits console defeat. Toward these ends I am willing to do all I can in office and out of office, with a party or without a party.

“I have now answered your letter as I think I ought to answer it. I beg you to believe me—for I say it in all sincerity—that I do not desire the office of President nor a nomination for it. Nor do I know that, with my views and convictions, I am a suitable candidate for any party. Of that my countrymen must judge. If they think fit to require such services as I can render, they are, without doubt, entitled to them. If they have no requisition to make upon me, I shall be entirely content. . . .”

To James Lyon, Esq., Richmond.

“WASHINGTON, June 13, 1863.

“ . . . I reply with as little delay as possible to your kind note of the 16th.

“What I said at your table was without affectation. I do not desire a nomination for the presidency. I have therefore written no letters for publication, for such letters would be regarded as evidence of such a desire.

“In conversation, however, and in some private letters, my views have been freely stated; and I have no objection to say to you what I think on the topics mentioned in your letter; and you are quite at liberty to quote

what I say to such gentlemen as you see fit, but I do not want to go into print at this time.

“And first, of universal suffrage. I am, as you supposed, in favor of it as the best security of popular institutions, and the surest guarantee of general prosperity. It seems to me especially desirable in the Southern States to insure a contented and industrious laboring population, and to remove all distrust felt by the colored citizens of their former masters and of the educated classes to which they (the masters) generally belong, and in this way bring the ability and character of the South once more into the lead. But while this is my personal judgment, I welcome gladly every advance toward the general object by free concessions of impartial, if not universal, suffrage.

“Of the reference of the suffrage question to the States, there can be no doubt in general of its wisdom and expediency. I am not prepared, however, to say that Congress, under the thirteenth and fourteenth amendments, should the latter be ratified, as now seems certain, will not have *any powers* in relation to suffrage in the States, nor can I say that in those States whose governments became involved in the war, the question of restoration, at its close, could not be properly referred to the whole body of citizens without distinction of color. Whether Virginia was one of the States without a government, when the war ended, in which the national Government was not bound to recognize the actual as a valid and subsisting government, may well be questioned.

“Of the wisdom, and indeed of the necessity of a general amnesty and of the removal of all disabilities imposed on the people of the Southern States, I have no doubt whatever. Complete reconciliation between those who adhered to the national Government and those who sought to establish an independent confederate government, is indispensable to national tranquillity and prosperity, and the policy of amnesty and removal of disabilities will contribute largely to this reconciliation. It will, moreover, bring into useful public service a vast amount of intellect, character, and patriotism, now excluded from it.

“The restoration of all the States to the Union, with the abolition of all military government and control, should take place as speedily as possible. It never seemed to me necessary, in order to the reorganization of the State governments, to put any of the Southern States under military government, and such government is certainly unwarranted by the genius of American institutions. And much more even are military commissions to try civilians in time of peace to be condemned.

“I am exceedingly anxious for the restoration of prosperity, and its increase beyond all former example, in the Southern States. It is my firm belief that a frank and full recognition by the educated classes of the colored citizens' right to vote will prove the very best means of bringing about this result. This recognition will insure a speedy general amnesty and the removal of all disabilities. Suffrage will give assurance of safety and protection to labor; amnesty will provide men fit for public trusts.

Can there be any thing better? Will not patriots bury the past, recognize the present, and provide for the future? . . .”

To William C. Bryant, New York.

“WASHINGTON, *June 19, 1863.*

“ The movement for my nomination has taken me entirely by surprise, and I cannot even now persuade myself of the reality of it; or, rather, I do not think it will develop into such strength as will produce any important result in the action of the convention of the Fourth. It is pretty obvious that a large number of the Northern Democrats are wearied of the formulas under which, for the last ten years, they have been led to defeat; and that very many of the Southern men long for peace and restoration on almost any terms which will insure to them amnesty and complete removal of disabilities, and which are not in themselves dishonorable. All these would gladly accept me as a candidate, believing that, through the election of a citizen holding my ideas of restoration, on the basis of universal suffrage and universal amnesty, peace and prosperity would be most certainly restored to the country, and the party so established upon true Democratic principles, as to afford just hope of a continued ascendancy, unless forfeited by corruption and maladministration hereafter.

“But to these progressives in the Democratic party a large body of the Democrats are very hostile; and these anti-progressives will, most probably, control the convention; and another period of four years' minority will probably be necessary to bring the progressives into the ascendancy.

“So you perceive that it is not likely to be at all in my power to exercise any material influence upon the platform to be adopted next month. Nobody now, I am glad to find, expects me to desert the original application of democratic ideas which I have ever labored to make real in the Government. This application might be sufficiently assured by the incorporation into the platform of one of two forms of expression—either restoration on the basis of universal suffrage and universal amnesty, without any declaration, one way or the other, about suffrage in the States; or, recognition of the fact that universal suffrage is a democratic principle, the application of which is to be left in the States, under the Constitution, to the States themselves, without saying any thing more about restoration, except to declare in favor of general amnesty and the removal of all disabilities on account of insurrection. Upon a platform in either of these forms of expression, I might, I suppose, honorably accept a nomination; and I have no doubt that this practical settlement of the question would be hailed with great satisfaction as the harbinger of restored union, and peace, and prosperity. It is hardly extravagant to say that such action as this would be speedily followed by a large advance in the value of property throughout the South. On all other questions there is no sub-

stantial difference between me and other Democrats who do not propose repudiation.

"I do not expect any result personal to myself from the action of the Fourth-of-July Convention. If any comes, it will surprise me not less than the movement which has already taken place. The movement itself, however, will not be without result. It has shown a liberality and progressiveness of sentiment among Democrats which cannot fail to have an auspicious influence upon the future; and it has given to the country a better knowledge than it has hitherto had of my true character and sentiment, and will enable me hereafter to speak to the Southern educated classes on the great questions which especially concern their status with freedom, and with a respectful and, very often, a kindly hearing. It may enable me in this way to do as much real good as I could do in a higher position. With this I ought to be, and I shall be, content. . . ."

To Colonel Alexander Long, at New York.

WASHINGTON, July 4, 1863.

". . . . My self-respect is worth more to me than fifty presidencies. Without the nomination I shall sleep more soundly than with it. To surrender my consciousness of doing right by binding myself in advance to, I know not what, is simply impossible for me. If it were possible, it would prove me unworthy of the trust and confidence of my countrymen. . . ."

To Colonel John D. Van Buren, New York.

WASHINGTON, July 5, 1863.

". . . . I have never in my life bound myself to the support of unknown candidates upon an unknown platform, nor have I ever asked such promises from anybody.

"I see in the *Messager-Américain* of to-day that the *Evening Post* had an article last evening, intimating some apprehension that I might be induced by desire for the nomination to pledge myself to any platform and to any candidate. I would not on any account forfeit Mr. Bryant's good opinion. Between the good opinion of such men and the presidency my choice would be easily made. The presidency would kick the beam forthwith. And I do not want even to seem to err in that way. . . ."

To Mr. Schuckers, at New York.

WASHINGTON, July 6, 1863.

". . . . You know how little I have desired a nomination, and how averse I have been to making any effort to secure it. I have felt all along that it could not be tendered to me upon any platform which would allow good hope of considerable accessions from among the Republicans; and, without that hope, any other person might as well be nominated as me. And I shall feel more than contented with the memory of the movement in my favor—so spontaneous and so remarkable, though without re-

sults. No matter how the convention goes, this manifestation, without asking any modification of my views on the questions of suffrage and debt—good faith to the laboring masses, white and black, and good faith to the national creditors: this manifestation, I say, proves a vast advance in the sentiments of the party, especially of its younger and more progressive wing: and if I were a little younger and unembarrassed by connection with the court, I should like nothing better than to lead this wing to ascendancy and the party to victory. With such an element in the party, its leadership is both honorable and desirable. . . .”

To Colonel John D. Van Buren, New York.

“WASHINGTON, July 8, 1868.

“. . . I have seen only the telegraphic abstract of the platform. It is, in the main, very good. I take it for granted, however, that it contemplates no action by the General Government for the overthrow of governments in any States from which Senators and Representatives are admitted to seats in Congress, and I must not be understood as expressing any opinion on questions of constitutional law, which may come before the courts. I must add that I shall be more gratified if the choice of the convention falls upon either of the distinguished names before it, than if it falls upon my own. . . .”

To Mr. Schuckers, at Bedford Springs.

“NARRAGANSETT, July 20, 1868.

“. . . No man can be more grateful than I am to such friends as those you name; but not one of them, I am sure, would desire to have me commit myself to any thing or anybody at the risk of my personal honor and integrity. My nomination was desired for the sake of bringing the Democratic party into a just and generous assertion of democratic ideas, which would enable it to command success. Except as the representative of such ideas, my name was of no value to the party or my friends in it, and unless taken as the representative of such ideas, the nomination would have less than no value to me. I want this understood, and I want it understood also that my position removes me from active participation in party strife. It will be time enough for me to determine how to cast my vote, if I determine to vote at all, when it shall be determined whether or not General Blair's letter represents or does not represent the purpose of the controlling influences in the Democratic party, to unsettle all that has been settled in favor of universal suffrage by the new constitutions of the Southern States.

“Under all the pressure which preceded the convention, I steadily maintained my own adhesion to the doctrines of universal suffrage and the recognition of the new constitutions as accomplished facts. I cannot now in any way compromise those doctrines. Joined to my other doctrine of universal amnesty, they are doctrines of peace, order, contented labor, completed restoration and sure prosperity both North and South. . . .”

To John Colyer, Esq., New York.

“NARRAGANSETT, August 25, 1863.

“ . . . Some time ago I received a letter from you, marked by so excellent a spirit that I felt prompted to reply. The reply has been delayed, however, until it can have no value, except as an assurance that I am not unmindful of what good men write me, whether in commendation or censure.

“I have not had any thought of going into a third-party movement. Nothing, in my judgment, has lately required such a movement; and I know too well the labors incident to political organizations to wish to have any thing to do with them, except upon clear convictions of duty. Besides, I must now leave such labors to younger men.

“It has happened to me, as to many others, to have my name mentioned in connection with the presidency; and not a few persons have thought fit to impute to me an exceeding ambition for the place. Of that I am not myself conscious, though it is quite true that the distinction would have been a most gratifying one, and that the opportunities of usefulness would have been welcome, notwithstanding the risks of failure. But I have never been so insensible to these risks as to be at all troubled in mind because political conventions and the people have preferred others to myself. I am entirely satisfied now with the fact that I am not a candidate, and the certainty that I never shall be.

“The hard names to which you refer as so freely bestowed upon me, affect me little. I espoused the cause of equal rights and exact justice for all men when few of those who now censure me most, were willing to maintain that colored Americans had any rights which white Americans were bound to respect. To that cause I have steadily adhered. As God has given me opportunity I have endeavored to be useful to my countrymen in the reform of the currency and in other things not directly connected with the fundamental principles of human rights. In my public service, I have been the object of much assault; but I do not remember that I have assailed anybody. Where I could not approve I have contented myself with disapproval without imputing bad motives or unworthy purposes.

“So I expect to go on. I cannot and do not approve of much which has had the sanction of the Republican party; and there is much also which has the sanction of the Democratic party that I cannot approve. My faith in human rights makes me a Democrat, and I cannot follow any lead which separates me from my principles.

“I therefore at present prefer, and I hope ever hereafter to prefer, an independent position; free to approve and to vote as I think right. I do not blame those who by circumstances or convictions think themselves obliged to strict party adhesion. I have felt this obligation myself, when organization seemed indispensable to the maintenance of principles which I thought of paramount importance. All I mean to say is, that at present neither of the existing political organizations seems to me thus indispen-

sable, more than the other, in any commanding degree. Thanking you for your letter, I beg you to receive this reply in the same spirit of good-will as that in which you wrote. . . .”

To Colonel A. J. H. Duganne, New York.

“NARRAGANSETT, September 21, 1863.

“ . . . I received some days ago your kind note accompanying an invitation to address a Republican meeting in New York. My great esteem and respect for you, and the fear that an omission to reply to your note may be interpreted wrongly, induce me to write a few lines.

“There are few if any instances in our history in which a judge of the Supreme Court has addressed a political assemblage; and the precedent thus established is one which I am hardly at liberty, if even disposed, to disregard. I could not, therefore, accept the invitation which accompanied your note, even if I were otherwise free to do so.

“But I am not. I cannot approve in general what the Republican party has done and this is not the time for discriminations in a public address. I hold my old faith in universal suffrage, in reconstruction upon that basis, in universal amnesty, and in inviolate public faith; but I do not believe in military governments for American States, nor in military commissions for the trial of American citizens, nor in the subversion of the executive and judicial departments of the general government by Congress, no matter how patriotic the motive may be. This is enough to explain what discriminations I should be compelled to make. The action of the two parties has obliged me to resume with my old faith my old position—*nulius addictus jurare in verba majestri*—that of Democrat, by the grace of God, free and independent. . . .”

To Colonel William Brown, Nicholasville, Kentucky.

“WASHINGTON, September 29, 1863.

“ . . . I regretted nothing in your speech except its tone and tenor concerning Governor Seymour. I was sure, when the platform was adopted and interpreted on the vital question of the stability or forcible subversion of the accomplished work of reconstruction, by the letter and nomination of General Blair, that nearly all the Republicans and very many of the Conservatives, who were anxious to unite with the Democrats in opposition to the extreme measures of the Republican leaders, would be constrained to the support of General Grant. But it was not, and is not, my belief that Governor Seymour desired to have this issue made, or that he wished the nomination for himself. I have seen nothing in his action which makes me question the sincerity of his declared wishes for a different issue, and for another candidate. Hardly any man would have resisted the approaches made to him by a convention which seemed to be, and perhaps was, unanimous, or nearly so, in demanding his consent to his own nomination. That he did not resist may be deplored on public grounds; but

my friends should not complain. I had no claim on a Democratic convention, representing what may be called the old-line Democracy. The nomination was proposed only as a means of uniting in support of the ticket those in general sympathy with the Democracy on issues that have arisen since the war, but who were as much as ever in favor of securing to the enfranchised people all the rights of men and citizens, as the best, if not the only means of restoring order and prosperity to the South. . . .

"Please take this as a slight expression of what I said in my former letter and as explaining why I cannot consent to have the extract from that letter which you quote published. I know that Governor Seymour and his friends, who were also my friends, feel much hurt by what you said of him, and what others of my friends have said, and are inclined to regard me as in some sort responsible for those sayings; and the publication of that extract, disconnected from what I wrote of him, would confirm that impression. So I prefer to have nothing published; and you will, therefore, treat what I have heretofore written, and what I now write, as strictly private. . . ."

To Demarest Lloyd, Washington.

"NORTHWOOD, N. H., August 14, 1872.

". . . . You may remember that, in our walks to and fro on the portico at Edgewood, I said to you more than once that I would like to see Mr. Greeley nominated. Since 1848 it has been my earnest desire to see the Democratic party purged from the taint of slavery, and applying democratic principles boldly and thoroughly to all political questions. The adoption of the Cincinnati platform realizes that desire, and the nomination of Greeley is a pledge of its sincerity which his election will confirm. . . ."

To Demarest Lloyd, Washington.

"NARRAGANSETT, R. I., September 15, 1872.

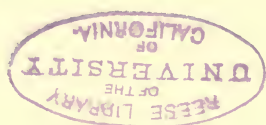
". . . . As to political matters, I have by no means lost heart, though results so far do not answer my hopes. The nomination was, in itself, the best that could be made; but it was an experiment, and a bold one. A Free-Trade convention nominated the ablest, after Mr. Carey, of American writers in support of protection; a Republican convention nominated a full Republican ticket for Democratic support, without which almost unanimously given, success was impossible; a Democratic convention, departing from all party usages, nominated for Democratic support Republican candidates! May it not well be said that it was an experiment, and a bold one? To me, knowing Mr. Greeley as I do, and feeling in him the confidence I do, it would be a pleasure to vote for him. I can postpone all differences in the full confidence that, practically, his administration will, in no respect, fundamentally clash with my views, while, in the important matters of currency, amnesty, and reform, it will thoroughly harmonize with them. It is not surprising that others think and will act differently. . . ."

CHAPTER LII.

MR. CHASE'S RELIGION—HIS SIMPLE HABITS—HOSPITALITY—HIS MODESTY—LOVE OF TRUTH AND OF JUSTICE—HIS VAST LABOR—DESCRIPTION OF THE TREASURY DEPARTMENT—ORGANIZATION OF NEW BUREAUS—RULE ABOUT WOMEN—PERSONAL CHARACTERISTICS—HIS INTEREST IN MILITARY MATTERS—FINANCIAL BELIEFS AND ACCOMPLISHMENT—POLITICAL ACTION—AS A MEMBER OF THE CABINET—AS A LAWYER—PERSONAL—HIS PROPERTY.

UPON faith in Almighty God, and a belief in accountability in another world for the acts done in this, and those other beliefs which Protestant Christians hold to be fundamental, Mr. Chase founded the maxims and the conduct of his life. He shrank from all ostentation in respect of his religion, and rarely spoke of it, and indeed not very often of religious subjects at all, and then always with an earnest and perfectly simple reverence; but it influenced him in all his acts, both public and private.

He was born in the Episcopal Church, and lived and died in it, though his beliefs were, in the main, of the school of Calvin. However, he was utterly free from any thing like intolerance, and had a deep aversion to disputatiousness about matters in which religion was concerned. He one day read to me, as expressive of his own feelings, the words of John Wesley: "I am weary to hear opinions. My soul loathes this frothy food. Give me solid and substantial religion; give me an humble, gentle lover of God and man, a man full of mercy and good fruits, without partiality and without hypocrisy; a man laying himself out in the work of faith, the patience of hope, the labor





THE LIBRARY AT EDGEWOOD HOUSE.

of love. Let my soul be with these Christians, wheresoever they are, and whatsoever opinions they are of." Nevertheless, he was zealous for what he believed to be fundamental truth; and once wrote Theodore Parker, expressing his deep "regret that on the great question of the Divine origin of the Bible and the Divine nature of Christ," the views of Mr. Parker "were so little in harmony with those of almost all who labor in the great cause of human enfranchisement and progress." All his years he was a quiet, unobtrusive worker in religious and benevolent enterprises, and gave to them freely. He did not confine his gifts to Protestant denominations, but with a large and sincere admiration for the Catholic Church, gave to Catholic charities also.

II. He was simple and inexpensive in his habits, and dressed with unvarying plainness. He disliked display of all kinds, and avoided crowds and noise, and preferred his home and library to all other places. He was habitually grave and reserved in demeanor; he did not often laugh, and had but a small appreciation of humor; he sometimes told a story, but rarely without spoiling it. He was fond of hospitality, and while he was Secretary of the Treasury kept an expensive establishment. It was a rare occasion upon which he did not have at his table others than the members of his own household. The consequence was, that when he retired from office he found himself in debt, and was compelled to sell real estate in Ohio to make up the deficiency between income from private sources and his salary, and the outgo incident upon a position, the dignity of which he thought it his duty to support even at a personal loss. However, he cared very little for the mere physical enjoyments of the table, but was fond of the table-talk; and, if it may be so expressed, had a happy dinner-table faculty, for, though men were not generally at ease in his presence, they were perfectly so then. He was pure in thought and speech; ribaldry in word and manner were alike hateful to him; and men felt this instinctively, and rarely offended in this respect in his presence, and he seldom had occasion to reprove any one, though when the occasion did arise he was prompt and decisive without affectation or prudery. He hated profanity, too. "He must be a bold man who could swear twice in his presence," writes Dema-

rest Lloyd,¹ "for the rebuke of his angry eye would shame the coolest or most flippant visitor into silence."

III. Modesty² was a conspicuous element in his character. "Those who believe that the greatest men are most sensible of their own defects, will be glad to think," says the same writer from whom I have just quoted, "that Mr. Chase's modesty was one of the signs of his greatness. There was no subject about which he talked less than himself; he rarely or never referred to

¹ "Home-Life of Salmon Portland Chase," *Atlantic Monthly*, November, 1873.

² He constantly under-estimated himself and his public services. A notable instance of this happened when some gentlemen in Baltimore proposed to present him a very handsome house and grounds. He expressed his grateful appreciation of their friendship and intention, but very courteously declined the offer. However, he did accept Rembrandt Peale's magnificent bust-portrait of Chief-Justice Marshall, presented to him by sixty prominent citizens of New York, in 1867. But he regarded this more as a public trust than as a private gift, and, by will, bequeathed it to the Supreme Court of the United States; and it hangs in the court-room (the old Senate-chamber) at Washington. This noble picture was accompanied by an exceedingly interesting historical memorandum, which I append:

"This portrait of Chief-Justice Marshall was painted from life, by Rembrandt Peale, nine years before the death of the great jurist. It bears the signature of the artist, with the date of execution, and has never been copied. It is doubtless the last portrait of the Chief-Justice. The following history of the painting is in the handwriting of Mr. Peale: 'Washington, April 21, 1858. After my portrait of Washington was placed in the Senate-chamber, at the right hand of the Speaker, in a good light, on a projecting angle of the cornice, it appeared to me desirable to have a companion-picture on the left-hand corner. I therefore painted a portrait of Chief-Justice Marshall, as the most suitable. The picture corresponded with that of Washington, being a bust-portrait within an oval of massive stone-work. Washington's was encircled with the *oak-leaf*; Marshall's with the *palm and olive*: the key-stone in Washington's being the *Phidian head of Jupiter*; in Marshall's the *head of Solon*: the motto in Washington's *Patriæ Pater*, and in Marshall's *Fiat Justitia*.'

"The portrait of Washington being afterward removed to a central position, and placed in the dark, high over the Speaker's chair, I indulged in the thought that my portrait of Marshall might find an honorable location in the Supreme Court; but, perceiving that the room was small and unsuitable, I never mentioned my idea, and took no steps to dispose of the picture."

A short time before his death, Mr. Peale deposited this picture in the State Library at Richmond, whence it was sent by Governor Letcher and received in New York in February, 1861, not long before the secession of Virginia and the commencement of the hostilities of the rebellion, and thus narrowly escaped confiscation and possibly destruction.

The reader will observe that Mr. Peale's modestly-indulged thought, that his picture might find an honorable location in the Supreme-Court room, has been realized in a somewhat curious way. The donors to Mr. Chase paid the heirs of Mr. Peale \$3,000 for the picture.

himself or his history in any way. There have been few men, with so much to remember, so little given to reminiscence. Not only would he seldom volunteer recollections, but it required skill even to draw them from him. His modesty as to the accuracy of his judgment led him always to speak carefully, and with provisos, where men of a tenth of his intellectual weight were dogmatic. It showed itself as much in his frankness in confessing lack of knowledge of various subjects as in any thing. He had none of that pretentiousness which claims all knowledge as its own. Even when questioned on subjects with which he might be expected to be familiar, his plain answer was, again and again, "I don't know." But this frank "I don't know" was largely due also to a scrupulous adherence to truth even in trifles. Mr. Chase never said what he did not believe; he rarely made promises, and he made none that he did not fulfill if it were humanly possible to do so. Every one knew this; and hence it was that men sometimes sought to impose upon him by claiming promises he never had made. Soon after he became Secretary, he found it necessary to keep a brief record of visitors, in order to guard against impostors of this kind. The names of callers, unless official ones, were noted down in a book kept for the purpose, with the date of the call and its object. If any promise was made, it was carefully and exactly stated. This proved an efficient safeguard; though, possessing an excellent memory, Mr. Chase was not likely to be often deceived. However, he preferred the certainty of the record. He did not equivocate even in the commonest of equivocations, that of not being at home to unwelcome visitors. I knew him to border upon an equivocation once, and once only, while he was Secretary of the Treasury, and had the franking privilege. A gentleman came in one day and asked him to frank a letter. Mr. Chase did not frank even his own private correspondence, but paid the postage by stamps; and he was both surprised and annoyed by this request. He did not refuse, but what he did was this: he said, "Leave your letter, and I will see that it is sent." The significance of the answer attracted the gentleman's notice, but he was too much embarrassed to ask for the return of his letter. After he was gone, Mr. Chase put a stamp upon it. He did not like any thing

which involved deceit, even though it was in the nature of a "pious" one. When the Metropolitan Methodist Church, at Washington, was being built, an arrangement was made by which Daniel Drew, a gentleman of admitted extraordinary piety in New York, paid a contribution of ten thousand dollars toward it. Five thousand were set down as the gift of General Grant, and five thousand as that of Mr. Chase, but Mr. Chase wrote in his own hand, after his signature, "paid through the liberality of Daniel Drew," for it was not right, he said, that he should be credited with giving what he had not given, and what he could not afford to give, even to what was undoubtedly a worthy object. Others were not so scrupulous, however, and it was printed all over the country that he had subscribed five thousand dollars, nothing being said of the fact that Daniel Drew had paid the money; which Mr. Chase did not like, and was more than half-minded to rebuke. It can never be known how much of his success in financial matters, during the first few months of Mr. Lincoln's presidency, was due to confidence inspired among capitalists by faith in the absolute integrity of his word. An instance of this happened in November, 1861. There was a good deal of depression about war progress even at that early date. Much apprehension prevailed that the Army of the Potomac would go into winter quarters. At a meeting of capitalists in New York, about the middle of that November, Mr. Chase said that no such apprehension need be entertained; that the war would be prosecuted with prompt and decisive energy. This statement was everywhere received with confidence, for the reason that Mr. Chase had made it, and there was everywhere a revival of hope and expectation; which were both disappointed, however, but through no fault of the Secretary of the Treasury.

IV. To this love of truth Mr. Chase joined love of justice. He had a swift and towering temper which sometimes mastered him, notwithstanding a constant habit of watchfulness and repression. He was at all times a man of commanding presence, but when he gave way to anger, which, however, was not often, his was a front of majesty; and it is no exaggeration to say that men *fled* from his presence, as lesser animals take flight before a lion. He was irritable under interruption when em-

ployed upon matters requiring concentration of thought. The consequence was, that he sometimes perpetrated that sort of injustice which is commonly called "snubbing." In these moods he was no respecter of persons. The Secretary of War, or a Senator, or a member of the House of Representatives, or a clerk, was equally likely to be the object of his wrath. He offended many in this way; but no man was ever more swift to repentance than Mr. Chase, nor more prompt and ample in reparation; and not a few were almost reconciled that they had suffered at his hands, so full and complete was the *amende*. The humblest servant in his household, the least of all the employés who was his subordinate, was sure of an instant and patient hearing if the complaint was that he had been unjust. One evening he spoke with great severity to a messenger who was physically unable to do what the Secretary had directed. The lad bore his anger without complaint, but two days afterward, just in the dusk of evening, Mr. Chase sent for him and confessed the wrong. There was a kindly dignity in his manner at such times, a noble humility, which won the heart and almost made one wish that the offense might be repeated.

V. Mr. Chase was an indomitable laborer. His life was one of incessant work. His power of prolonged and sustained application was extraordinary. He allowed himself no rest, but applied all his faculties, mental and physical, with a merciless and relentless activity that near and watchful friends well knew must sooner or later destroy him. He was not content with the prompt and faithful performance of his own duties, but, like Lord Palmerston, he performed many which properly belonged to subordinates. He left nothing to be done to-morrow that could be done to-day. He was prompt in the fulfillment of all engagements. He tolerated no slovenly work and no slovenly worker. He was critical in all that concerned neatness, and exacting in all that concerned accuracy. He carefully read every paper that came to him for signature. He never attached his name to a letter, or a Treasury warrant, or any document of any kind, public or private, the history of which he did not fully know. He allowed but little exercise of authority by subordinates; acquainted himself with all the details of his office, and supervised every thing and directed every thing. In a word,

he applied himself beyond all just use of his powers. "Necessitas quod cogit defendit," says Dr. Johnson in his "Life of Pope;" "that may be lawfully done which cannot be forborne." The warnings of friends were vain; he persisted till his frame, strong and powerful as it was, could endure no longer, and the stroke which left him a ruin—a ruin noble and stately, it is true, but still a ruin—came at last.

VI. The labors performed by Mr. Chase in the Treasury Department were prodigious. Very few persons have any just conception of the magnitude of that great establishment. Besides the work of providing ways and means for the support of the army and the navy, and the civil list—of itself, in a time of war, sufficient to tax the best energies of a laborious statesman—is that of supervising and directing its internal machinery. (A most perplexing and thankless task connected with this internal management is that of dispensing the department patronage, and this was especially so during Mr. Lincoln's first administration.) In the halls and anterooms applicants for places congregated daily by tens and scores. To meet the demands they made upon the Secretary's time was an oppressive duty from which there was small chance of escape. Thousands made these personal appeals, and other thousands sent appeals in writing. Cabinet-officers, Senators, representatives, governors of States, local politicians, clergymen, and personal friends, came to press or oppose appointments. It is within strict truth to say that Mr. Chase was "interviewed" by ten thousand applicants, and passed upon fifty thousand applications during three and a quarter years; and the number who came on behalf of friends was incomputable. (This bestowal of patronage was the most disagreeable of all his public duties.)

VII. In 1861, the Treasury Department contained fourteen separate bureaus. First was that of the Secretary, and next in importance that of the Treasurer of the United States. There were five bureaus called, respectively, the offices of the Solicitor, of the Register, of the Commissioner of Customs, of the Light-House Board, of Construction; and there were those of two Controllers and six Auditors. Of the details of the business of each of these Mr. Chase informed himself with an astonishing degree of accuracy. Their duties comprised a charge of all

the public moneys and of the public accounts, including those of the War, of the Navy and Post-Office Departments, and the care of all the custom-houses, mints, and assay-offices, of the light-houses, of the public buildings of the United States, of the revenue marine, of the marine hospitals, of the coast survey, and the inspection of steamboats. Four new bureaus were organized under his administration; those of the Controller of the Currency, of the Commissioner of Internal Revenue, of the Inter-State Commerce, and of that branch of the Secretary's office called the Currency Printing Division. In respect of one of these—that of the Inter-State Commerce—there were no precedents anywhere; but they all emerged from Mr. Chase's plastic hand in a state of great completeness at the very outset of their operations. Two of them had officers all over the country; two of them were more restricted in their spheres of action; but all required, in order to successful working, a careful attention to details both large and small. They worked harmoniously and efficiently from the beginning. It is not specially wonderful, therefore, that the work of organization performed by Mr. Chase excited Mr. Fessenden's great astonishment.

VIII. Mr. Chase's methods of labor while Secretary of the Treasury were characteristic. He arose in summer usually at six, and in winter not later than seven o'clock. He worked in his library until his breakfast-hour at half-past eight, either in dictating letters (his private correspondence was large), or in receiving visitors. After breakfast he went directly to his office in the department. By half-past nine, and sometimes earlier, he would be at his desk at work. He rarely, not once a week, except upon Cabinet days, moved from his seat till he arose at half-past five or six and often later, to return to his house.

The first business of the morning was to read his personal letters, and such official ones as required his particular attention, and dictate answers, or indicate briefly the answers to be returned, which were taken down in short-hand, and then written out at length for his signature. He dictated rapidly and answered everybody's letters, and did not often change his phraseology, except in cases of exceptional importance, when he would *slash* his original drafts without mercy. After answering the letters, he usually held brief audiences with the Assistant Secre-

taries, which had reference generally to the current work of the day. Then came the public audiences. He would see twenty to a hundred persons every day, upon all sorts of subjects connected with the public business. The time allotted to each caller was necessarily short, and Mr. Chase's manner was such that most persons felt the expediency of confining the talk to the matter in hand, and most of them did it. After these audiences were at an end, the regular departmental business of the day, with Assistant Secretaries and other Treasury officers, would begin, varied sometimes by interviews with financial gentlemen and such other persons as had special claims upon his attention. This part of the day's proceedings usually occupied two or three hours. In the afternoon the letters written at his dictation in the morning, and those prepared by the clerks in his office, together with the Treasury warrants and sometimes other papers, were presented for examination and signature. He read every letter and paper with scrupulous care, and frequently made alterations until the original was scarcely traceable. He was fond of brevity, and discarded all verbiage. He went over the warrants with an almost equal attention. He signed his name every day from five to seven hundred times; and, if any one will take the trouble to make his own signature even five hundred times a day at a sitting, for a fortnight or a month, he will discover how laborious a business it is. The clerks in the office who signed the "demand-notes," and who did no other work, averaged about 2,500 signatures a day, and the rapidest writers, with the shortest names, did not often exceed 3,000. And after the work of the day was done at the office, and dinner was over, and in the evening he had granted audiences to visitors in a social way, till nine or half-past nine o'clock, Mr. Chase would retire to his library and work two or three additional hours, and sometimes longer, before he sought his bed.

IX. This was the daily routine of his life, and it was occasionally necessary to work on Sundays, though he always did this with great reluctance, and never except under a strong conviction that it was unavoidable.

X. It was an inflexible rule with Mr. Chase never to transact business with ladies. I never knew him to depart from this rule. On one occasion, a rude and persistent woman office-

broker, of considerable personal attractions, literally thrust herself into his presence, and demanded an interview; but his refusal was so emphatic and his manner so stern that she retreated thoroughly frightened. On another occasion, Mrs. W., wife of an old acquaintance and herself intimate in Mr. Chase's family, and a lady of great elegance, boasted that she would make him forego his rule. She went to the office, and sent in her card. He sent back a very courteous message, explaining his regulation, and invited her at the same time to make known her wishes through the messenger. But Mrs. W. had no wish except to make him break his rule in her favor. Presently she sent her card a second time, and received again the same message. She then resolved upon another expedient. She gave the messenger at the office-door no opportunity to intercept her, except by an act of great rudeness, and deliberately opened it, and, stepping inside, asked the Secretary if she could have an interview. His reply was a stern and unmistakable "No!" She burst into tears and retreated; Mr. Chase, instantly full of regret, followed Mrs. W. into the hall, and seating himself at her side upon one of the sofas, expressed his sorrow at what had happened; repeated the rule he had prescribed for himself, and explained its necessity as he thought, and again asked her to state her wishes; but did *not* invite her into his office. However, a shrewd and intelligent young woman from New Hampshire once managed to get into his library before breakfast, and extorted from him a promise of a place before he was well aware of what he had done. He explained, after this young person had departed, his reason for his rule upon this subject. He said that no amount of statement or explanation was sufficient to convince a woman that to grant any particular request was either inexpedient or impossible; and he instanced the case of one poor wife, who, while he was Governor of Ohio, came to his house with her luggage and two or three children, and announced her fixed purpose to stay until she had procured the pardon of her husband, who was a convict in the penitentiary.

XI. Mr. Chase's steady and unwearying application in the Treasury Department was only a type of the habit of his life. He was equally laborious as student, teacher, lawyer, Senator,

Governor of Ohio, and Chief-Justice. He was no society man, and had a strong dislike for fashionable life, and seldom went out even upon those ceremonial occasions prescribed by the etiquette of official life at Washington. He liked the presence of visitors at his own table, but he cared very little to sit at the tables of others. He took scarcely any physical exercise till after an attack of paralysis made physical exercise a necessity; then he took a great deal. He was fond of simple and innocent games; croquet was a special favorite, and even that child's game called "parcheesi." He was also fond of chess, and played a very good amateur game, and did not like to be beaten. He *hated* cards, and all games of chance. I do not think he ever went to a theatre in his life. He was fond of books, and had accumulated a library of about two thousand volumes, and had among them twenty or thirty dictionaries and lexicons, and many atlases; but most of his books were characteristic of his mind: they were chiefly political and historical, and upon the law, with a very few of poetry and none of fiction. He was fond of reading, but the nature of his employments left him no time to indulge in it as a luxury. His knowledge of history was perhaps not extensive, but it was accurate. He was a good classical scholar, and read French and German with ease, and wrote both with correctness. He was desultory in keeping up his diaries. The publication of some parts of them he expressly prohibited, and many of them were of an unmistakable private character, and obviously never intended for the public eye. He loved a neat and elegant handwriting, and appointed several persons to office on the mere testimony of their chirography, nor did he make a mistake in doing so. His own hand was singularly graceful, when he was not driven for time. He wrote with great rapidity, and *never* made errors in spelling.

XII. Mr. Chase took a deep interest in military affairs, and studied them with careful attention. While Governor of Ohio, he had taken a good deal of pains in respect of the reorganization of the State militia, and came to Washington, therefore, with some valuable experience. It became evident, early in April, 1861, that the 75,000 three months' volunteers called out originally by the President's proclamation, would accomplish very little toward the suppression of the re-

bellion, and it was determined to call out a force of regulars and volunteers to take their places as rapidly as their terms should expire. At this time the magnitude of the rebellion was very imperfectly appreciated, and this second call was limited to 42,000 volunteers and 28,000 regulars. There was no actual law for it, but it was within the spirit of existing laws. In order to best shape the matter for submission to Congress, the President, with the concurrence of the Secretary of War, requested Mr. Chase to prepare the proper plans for the new organization; these plans to be in the form of military orders, to be laid before Congress at the extra session in July for the legislative sanction. With some diffidence Mr. Chase undertook their preparation. In a few days the orders were ready, and now stand as Nos. 15 and 16. When Congress met, they were made the basis of its legislation, and were substantially incorporated into the acts authorizing the employment of volunteers, and an increase in the number of regulars. There were important departures, however, from the plans proposed by Mr. Chase, which had some features peculiarly characteristic of his mind. I indicate two or three of these. The orders provided, for example, that in the original organization of both volunteers and regulars, one-third of the company officers should be appointed from the ranks, on the recommendation of the proper colonel, approved by the general commanding the brigade. The law, however, provided for no original selections from the ranks. The orders, also, while providing for the appointment of field and company officers of volunteers by the Governors of the respective States furnishing the troops, left all vacancies to be filled by the President, and so made him directly responsible for the efficiency of the volunteers, as well as the regulars. The law, however, provided for filling vacancies by the Governors of States; a provision which became a most fruitful source of demoralization. The orders provided, moreover, that one-half of all vacancies occurring in both the volunteer and regular service should be filled by promotion from the ranks. This provision was wholly omitted in the legislation of Congress, leaving the common soldier no opportunity for promotion, unless by the chance recognition or favor of the appointing power. The orders, it

will thus be perceived, contained provisions which secured much better opportunities for the private soldier, a more complete responsibility in the Government, and a higher probability of efficiency, than the laws under which almost the whole army organization, as it now exists, was created.

In addition to this labor, Mr. Chase was called upon, by the President and Secretary of War, to take a very considerable part in the measures thought necessary to prevent the success of efforts to plunge Kentucky and Missouri into rebellion; and to him was committed, for a time, the principal charge of what related to military matters in Kentucky and Tennessee, and he was very active also in promoting the military measures deemed necessary for the safety of Missouri. I greatly regret that it is not in my power to give details concerning these matters. They would show that Mr. Chase, though an amateur in the art of war, exercised a sound judgment. He was a careful and attentive student of military movements. No member of the Administration—although such studies were not strictly within the province of his department—was more extensively or more accurately informed than he was. He had copies of all the military maps issued by the War Department; he studied them daily, and knew them familiarly. He more than once expressed a regret that he had not chosen a military career; and that he would have made a vigorous and successful leader it is hard to doubt.

XIII. When Mr. Chase entered upon the duties of the Treasury Department, he brought with him only that limited financial experience which had attended upon his administration as Governor of Ohio. His reading upon financial subjects had not been extensive, although of course he had read more or less; but his reflections, and his observations in a practical way, had led him to entertain very definite and decided opinions upon some of the more important matters involved in public financial science. He believed in "incidental protection" to home industries, and, though he did not doubt the general correctness of the doctrines of free trade, he knew very well that, as a practical fact, there was no present prospect of the adoption of an unrestricted commercial intercourse between nations, however enlightened. Upon one vital point he was clear. It was this: that a

sound and efficient currency is indispensable to the welfare of every civilized community, and that the best practical currency would be one of coin, admitting the use of large notes for the convenience of commerce. Such a currency he thought to be attainable, however, only through the legislation of Congress, and the action of the Federal Government. "No general objection existed," he said, "to a mixed currency of coin, and notes exchangeable for coin at the will of the holder without loss; while all mere paper-money systems, pregnant with fraud and fruitful of ruin, justly incurred universal reprobation." These words are from his inaugural address in 1856.

"A leading object in all regulations of currency," he said, in his annual message for 1858, "should be to secure the interests of the masses of the people by such provisions as will insure to labor just compensation in actual value. This cannot be effected while the laborer is paid in paper, subject to continual fluctuations and all the hazards of financial disorder. Whatever can be constitutionally effected by State legislation, toward the exclusion of the smaller denominations of notes for circulation, and the substitution of coin in their place, should be earnestly attempted. . . . Looking to the manifest intent of the Constitution to protect the people from the evils of a paper currency, as well as to the specific powers granted to Congress, I cannot doubt the power of the national legislature to prohibit the circulation, as money, of any substitutes for coin. Nor can I doubt that the exercise of that power, by the gradual prohibition of notes of the smaller denominations, under twenty dollars, would be wise and salutary. . . . I see no reason, indeed—especially, if small notes be once excluded from circulation—why the business of banking may not be safely left as open and free, to all who desire to engage in it, as any other kind of business; care being taken that ample securities be given, in bonds of the State or of the United States, and by provision of an adequate specie-fund for the redemption of all notes in coin. Bank-notes, circulating as money, are debts due to the community at large, payable on demand; and it is the duty of the State, representing the community, to see that those debts are perfectly secured. Such securities are indispensable, and I submit whether the experience of the last few years does not suggest the expediency of requiring

similar securities—or, at least, of procuring efficient guards of some kind—insuring punctual payment of deposits for safe keeping.”

Mr. Chase sought to incorporate into the national banking system, so far as he was able to do it in the circumstances of the country, the thoroughly-sound principle enunciated in this extract.

His want of extensive financial experience and knowledge of “book-finance,” however, was more than compensated by the possession of a sagacious judgment and an independent will. From the beginning he consulted the leading capitalists and financial gentlemen of the country, and read every letter that came to him which contained a suggestion upon financial topics. He sought information from all quarters, thoroughly weighed all that was written or said to him, and was governed by his own judgment at the last. That he made mistakes may be admitted without detracting from the splendor of his success. He was none the less a great minister, whose fame is justly a part of the glory of his countrymen. What he accomplished was his own work solely, for he was compelled to conduct the finances with little or no help from the President or any of his associates in the Cabinet.

XIV. The greatest of Mr. Chase’s financial achievements was the national banking system, and its existence is to-day a monument of his indomitable and persevering will. When he first proposed it to Congress and the country, it had no friends and many and powerful enemies. The almost united banking capital of the country was actively hostile; old political prejudices against the United States Bank were revived against this system; the Democratic party was solid in opposition, and the Republicans were almost equally united against it. It received no consideration at all at the hands of the Congress in which it was first proposed by Mr. Hooper. But Mr. Chase was confident that its intrinsic merits must commend it to the ultimate approval of the people, and that its adoption was indispensable to financial success, and he urged it, with persevering earnestness, upon Congress and bankers, and upon influential journalists. A few fell in with his views; these brought others, and the opposition was gradually broken down. Public sentiment

rallied in its favor, and it was established in a wonderfully short time, without being made a party measure, without any energetic action in its support on the part of the national Administration, and without any appliance of corruption. In view of the vast influences hostile to it, and its want of party and administrative support, its success was an extraordinary triumph, and illustrated the genius, the will, and the tenacity of its great projector.

XV. Mr. Chase left the impress of his mind and will upon all that he touched. He was a born leader, and undoubtedly exercised a greater influence upon the destinies of his country than any other statesman of his generation. To join the antislavery movement and to exercise its practical leadership, were nearly simultaneous events. He soon led it from a position of mere assertion to one of practical action; and though it was long weak as respected numbers, it was soon important and even powerful as respected influence. Mr. Chase inspired it to activity and energy, and excited an early, wide-spread discussion of the slavery question, which rapidly modified public sentiment, and prepared vast numbers of the Northern people for that sort of constitutional antislavery action which was advocated by the independent Democracy, and, until the war began, was the bond of union among Republicans. It is true that the old parties still clung to old symbols, but the principle upon which to base a departure lay deep in the bosom of both. What was needed was an adequate occasion for its development. That occasion arose when the Democratic party, in 1854, repealed the Missouri prohibition. It was not a work of extraordinary difficulty at that time to organize a great party upon the avowed basis of slavery restriction and exclusion from the national jurisdiction. Mr. Chase warmly congratulated himself that the first stone cast at the "monster" of repeal went from his sling: and though, in the interval between the passage of the Nebraska Bill by the Senate and action upon it by the House, he hoped and believed it might be defeated, he was not over-confident, but with characteristic energy applied himself to the work of marshaling the elements of opposition to the great wrong; and of organizing them for prompt and efficient action. In Ohio, that organization was effected with astonishing rapidity. All efforts to divert public sentiment into

other channels were ineffective. The Whig party was utterly extinguished in the course of a few months, and the Democratic party was put into a position of hopeless and permanent minority. And this happened also in other Western States, though in none of them so overwhelmingly as in Ohio. In most of the States of the East—even in Massachusetts—Whiggery and Know-Nothingery clung to their idols in the fall elections of 1854, and some even in the fall elections of 1855, but both were broken down by the pressure from the West. And they were Ohio delegates in the national convention of the Know-Nothings who, in 1856, at Philadelphia, led the antislavery movement which divided and finally destroyed that organization. It may safely be said that Mr. Chase led the movement in Mr. Lincoln's Cabinet for emancipation, and he certainly urged it with a steadiness and pertinacity almost painful to the President. He was the early advocate of an extension of the suffrage to the enfranchised slaves; and lived to see organic changes which the boldest imagination, when he joined the antislavery movement, would have thought it madness to predict, and in all of them he was a principal and probably the most powerful agent.

XVI. Mr. Chase's political opinions were founded upon religious beliefs. He one day said to me that universal suffrage was a natural right which grew out of the obligation men were under to worship God. He was a Democrat, because democracy embodied, as he thought, the perfect equality of men before the law, the Christian doctrine of the universal brotherhood of mankind. He often quoted the noble description of William Allen, of Ohio, his predecessor in the United States Senate: "Democracy," said Mr. Allen, "is a sentiment not to be appalled, corrupted, or compromised. It knows no baseness; it cowers to no danger; it oppresses no weakness. Fearless, generous, and humane, it rebukes the arrogant, cherishes honor, and sympathizes with the humble. It asks nothing but what it concedes; it concedes nothing but what it demands. Destructive only of despotism, it is the conservator of liberty, labor, and property. It is the sentiment of freedom, of equal rights, of equal obligations. It is the law of Nature pervading the law of the land. The stupid, the selfish, and the base in spirit, may denounce it as a vulgar thing, but in the history of our race the democratic

principle has developed the highest moral and intellectual attributes of our nature. Yes: that is a noble and magnanimous sentiment which expands our affections, enlarges the circle of our sympathies, and elevates the soul of man, until, claiming an equality with the best, he rejects as unworthy of his dignity any political immunities over the humblest of his fellows." This was the democracy of the founders of the Democratic party, and it was that of Mr. Chase, to which he hoped to see the Democratic party of his own time honestly and practically conform itself.

But he recognized at the same time the obligation of obedience to law. This cannot be so well illustrated as by his own words in a letter to Theodore Parker, written in 1856, while he was Governor of Ohio:

"You have laid me under additional obligations," he said in that letter, "by sending me the 'Great Battle!' It is a fit characterization of the struggle in which you have dealt so many and such manful blows on the right side.

"But I have somewhat to complain of in your first speech. You say, on the supposition that the slaves are white, 'Do you believe Governor Chase would have said, 'No slaves outside of slave States, but inside of slave States just as much enslavement of Anglo-Saxon men as you please?'"

"My first objection to this, is the apparent assertion that I have said, 'Inside of slave States just as much enslavement as you please!' I never said that, for I never thought it. There is no spot on earth on which I would sanction slavery.

"My other objection is the intimation that my constitutional views on the slavery question are determined by considerations of the color or origin of the enslaved. God forbid! If every slave in the South were bleached to-morrow—if every drop of African blood could be by a miracle converted into purest Anglo-Saxon—the constitutional power of the General Government over slavery in the slave States would be no whit enlarged. If the General Government has not the power to abolish the slavery of the black man in the slave States, it certainly would have none to abolish the slavery of the white man. Indeed, not a few white men, to all practical intents and purposes, and some probably of pure Caucasian blood, are now slaves in the slave States.

“I adopt your motto very cheerfully and heartily, ‘No slavery anywhere in America. No slavery anywhere on earth!’ The latter is, you say, the ‘topmost’ idea. The first, then, is *not* topmost. My sentence, ‘No slavery outside of the slave States,’ also is not ‘topmost.’ But it is, to an earnest man, anxious to get to the top, quite as important. It is *fundamental*. The General Government has power to prohibit slavery everywhere outside of slave States. A great majority of the people now accept this idea. Comparatively few adopt the suggestion that Congress can legislate abolition within slave States. That proposition most men who have studied our institutions regard as including the doctrine of consolidation and subversion of State sovereignties, and other consequences dangerous to the rights of the people, and tending to bring on despotism. I say, then, take the conceded proposition and make it practical. Make it a living, active reality. Then you have taken a great step. Slavery is *denationalized*. The faith and practice of the national Government are on the side of freedom. Then, encouraged by national example, by the sympathies, the cheering words, and liberal aid of good men and patriots, let the men of the slave States organize for the enfranchisement of their own communities. By-and-by, and not far off, you will come to the second idea—‘No slavery in America.’ Then let the moral influence and wise action of the nation, wholly enfranchised, be made active on the side of universal freedom. . . .

“I don’t pretend to be a very wise or expert statesman ; but a roughly-trained, practical backwoodsman, who wishes to do something for truth, justice, and human progress, and who would prefer that what little he does or says should be so spoken of that nothing in his example, of word or deed, shall ever seem to contribute to the upholding of wrong.”

XVII. As a member of Mr. Lincoln’s Cabinet, Mr. Chase opposed all interference with freedom of the press and of speech. He was outspoken against the order under which Mr. Vallandigham was arrested, and those other orders of military commanders which suppressed the *Chicago Times*, and interfered with the free circulation of the *New York World*, the *New York Journal of Commerce*, and other newspapers, in their several departments. He did not like to see a suspension of the

writ of *habeas corpus*, and thought it to be an act to be resorted to only in a great necessity, and then in a way the least possibly offensive to public sentiment. In the fall of 1863, when the President and Secretary of War had determined to resist the processes of individual courts by military power, Mr. Chase disapproved so dangerous a method of procedure, and prevailed upon the President to adopt one less provocative of excitement and conflict, by a suspension of the writ uniform in its operation, and only sufficiently extensive to meet the particular exigency. When the abuse of the writ of *habeas corpus* by Federal as well as State courts was under discussion in the Cabinet in September, 1863, Mr. Chase took occasion to say that he had always regarded the writ as a vital safeguard of personal liberty, and its suspension as a measure of great gravity, to be justified only upon grounds of unavoidable public necessity.

XVIII. Mr. Chase was eminently successful as a lawyer. When he was elected to the Senate in 1849, if he was not at the head of the bar, he assuredly was second to no member of his profession in the West: He was not gifted as an orator; his utterance was somewhat thick, and his manner lacked in grace, but he was a skillful and successful advocate all the same, for he never went into court without thoroughly knowing his case—at any rate as thoroughly as it was possible to know it—in all its aspects, legal and other. It was his habit to brief his adversary's case as carefully as his own in all important causes. From an early period in his professional career his practice was confined to the Supreme Court of the State and of the United States. His arguments were distinguished for luminousness and method, and some of them even for eloquence, as will be perceived by reference to the great case of John Van Zandt.¹ The stately and sustained diction of that celebrated argument drew warm praises even from Daniel Webster.

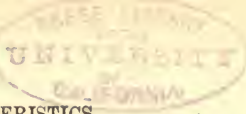
Fifteen years of continuous political life had a good deal obscured Mr. Chase's fame as a lawyer when he was appointed Chief-Justice in 1864, and his law-learning was somewhat rusted by long disuse, though he had not ceased to read more or less upon law topics, while his service in the Treasury was one in which reference to legal opinions was constantly recurring in

¹ See *ante*, page 56.

practice in a semi-judicial way. No sooner was he appointed, however, than he applied himself with characteristic diligence to his new duties. He became a second time a student of the law, and did not remit the severity of his application until paralysis struck him down.

The eight years of his judicial service were exceptionally eventful and important in the history of the Supreme Court. Many new questions—consequent upon the war—came up for adjudication. The court found itself in conflict with Congress on the one side, and the Chief-Justice felt called upon to maintain the freedom and independence of the judicial department as against the executive on the other. It is not within the scope of this book to go into his judicial career, further than as it concerned certain questions of financial interest; but it may be observed that he sustained, in his judicial action, his well-known principles touching the rights of States and the rights of men.

XIX. Mr. Chase's mental operations were not rapid, but they were safe and sure, and he seldom had occasion to retrace his steps. In his political speeches and public papers, he aimed but little at rhetorical effects, but only to persuade and convince. He was very clear and logical in statement; and was without passion and invective in the advocacy of his principles, for he believed them to be founded in truth, and he knew that the truth, though sometimes long obscured, must prevail at last. He disliked controversy. He was without vanity, though he had a strong sense of self-respect and of personal dignity. He was ambitious. Yes, he was ambitious even of the presidency. He was conscious of the possession of great powers, and he knew he would use them to promote the prosperity and glory of his countrymen. They who censure him for this, would censure every thing that inspires men to great deeds and to noble lives. . . . He did not take many persons into his affections, but no sacrifice was too great for those who gained them. He was trustful, however, of all men, communicating his thoughts without reserve to any who wished to know them. He was sometimes abused by professed friends, not because they betrayed him, but because they lied; for he had no secrets and there was nothing to betray. There is no act or utterance of



his, either by tongue or pen, which he might not exhibit to the whole world without a tinge of shame. There is certainly nothing in his public life, and no one knows of any thing in his private life, which will not bear the scrutiny of his worst enemy. He was little given to fault-finding with others. When a friend spoke with bitterness of a well-known public man who had been guilty of a mean act of petit treason¹ toward Mr. Chase, he gently reproved him. Again, when I wrote an article for publication in a newspaper which had falsely assailed Mr. Chase, and assailed the assailant, and showed him what I had written, he drew his pen through all but so much of it as was necessary to state the facts simply. Nevertheless, he criticised some of Mr. Lincoln's action and want of action with a great deal of freedom, though he never wavered in a genuine veneration for Mr. Lincoln's character, nor did he ever doubt the absolute integrity of Mr. Lincoln's motives. But he was eager and impatient for a vigorous prosecution of the war, that human lives and human energies might be spared, and unnecessary increase in public burdens stopped. Partisans may blame him for this, but patriots will not. Mr. Chase was fond of young men, and the young men about him bore for him a sincere affection. He showed his noble qualities even in respect of servants, for he rarely changed them, and they who nursed his children lived with him even at the time of his death. This is a rare thing in the Northern States of our country; it happened a great deal, of course, under the slave system. And his servants were taught frugality, and accumulated small properties under his careful advice and guidance.

XX. Mr. Chase accepted office as Secretary of the Treasury with a sincere reluctance, not only because its administration would be attended with great responsibilities and labor, but because it involved a permanent residence at the capital and an expensive method of life, and prevented him from engaging in pursuits which would enable him to add any thing to his small estate. He was in debt \$25,000; contracted chiefly in the purchase of a residence at Columbus, and in fitting it up for occu-

¹ This admirable "Christian statesman" was a social visitor at Mr. Chase's house, and professed friendship, while at the same moment he was privately inciting a well-known journalist to public denunciation of Mr. Chase. It is a comfortable thing to add that he afterward came to grief, as was to be expected.

pancy while Governor. He estimated in March, 1861, that after paying this indebtedness, he would have a clear property of about \$65,000. What he owned paid a yearly income of from \$3,500 to \$4,500, but out of this were to be paid taxes and cost of management—the bulk of it being in Ohio, and a small part in New York. But the depreciation of all kinds of property growing out of the near prospect of a civil war, made it impossible for him to pay his debts without a sacrifice which he felt he could not well afford to make. He expected, during the six years of his second senatorial term, by the exercise of economy, some practice of the law, and some sales, to pay his debts without serious loss. But this expectation was of course defeated by his appointment as Secretary of the Treasury. Under these circumstances he thought himself warranted in procuring a loan from New York friends—who would neither misunderstand nor misconstrue his application. These friends were Hiram Barney and Charles H. Marshall. Mr. Barney loaned him \$5,000, and Mr. Marshall \$20,000. His wish was to relieve his mind from anxiety and embarrassment, and his property from incumbrance, until he could make such disposition of portions of it as would enable him to pay his debts without the large sacrifice he would be compelled to make if he did not obtain a loan. But even if forced to sacrifices, he thought he might pay all, and still be worth \$50,000. Mr. Marshall and Mr. Barney were very willing to advance the sum he required, and did advance it, and took his notes; which, it need hardly be said, were faithfully paid as they matured, with interest.

Mr. Chase went out of the Treasury Department poorer than when he entered upon its administration; and though he might have made millions, had he so chosen, no doubtful penny ever came into his possession. His estate, when he died, was not worth more than \$100,000, perhaps even less; and that he was worth so much, at the end of a life of never-flagging labor, of patient economy, and of perfectly simple habits, was chiefly due to accumulations from his salary as Chief-Justice during nine years of even greater economy and more simplicity of life than he had formerly practised.

Just before the war, Mr. Chase had \$5,000 of unemployed money, which he intrusted for investment to his old friend

Joshua Hanna, of Pittsburg. Mr. Hanna invested it in stock of the Cleveland & Pittsburg Railroad Company, and, at the same time, invested a like sum of his own in the same stock. After the breaking out of the war, Cleveland & Pittsburg stock advanced rapidly in value, and when it had become worth 100 per cent. more than had been paid for it, Mr. Hanna sold out, and advised Mr. Chase to sell also. Mr. Chase acted upon Mr. Hanna's advice, and made \$5,000 by the transaction. He told me that if he had retained the stock twelve or fifteen months longer, he might have realized \$30,000 upon his small investment. However, he felt no regrets that he had not done so.

In 1867, a story was put in circulation in the papers to the effect that Chief-Justice Chase had accumulated a property of \$700,000. Of course the imputation was that he had made so large a fortune by a corrupt use of his office while Secretary of the Treasury. He was thoroughly indignant at this, and on the 17th of August, 1867, wrote me as follows :

“ A letter from Colonel Van Buren informs me of your note to the *World* in vindication of me against this libel. You did not let me know of this good deed of yours, but I thank you for it all the same.

“ Still, I am not willing to acknowledge any jurisdiction of anybody over my private affairs. What does it concern any one whether I am worth seven hundred dollars or seven millions if I have wronged nobody and misused no trust? I never made a cent by any use of public funds or by any knowledge acquired in a public capacity. After Congress confided in me great powers which would enable me, if so inclined, largely to affect values of all kinds, I wholly abstained from speculations of every sort—even from the most lawful and innocent transactions.

“ The general result of my business both professional and from investments more or less permanent, has been a gradual improvement in my condition, especially of late years as to income, for never having been able to live when Senator, Governor, and Secretary, on my salary, and practise a decent hospitality, I have always sought to convert unproductive property into productive, and less productive into more productive. The improvement in actual value is so slight, that I would willingly exchange all I have to-day for what I had in 1842. And my pri-

vate income at this time, though larger than when I became Governor of Ohio, in nominal amount, is less if measured by its purchasing power. I will very willingly take \$100,000 in five-twenties for the whole of my property, if any one will take it and pay my debts.¹

“Let my calumniators be challenged to the proof of a cent gained by any other than honest means, and then let their work be exhibited!”

XXI. No doubt Mr. Chase had faults; but they neither lessened his personal dignity nor alienated the affections of his friends. They venerated him most who knew him best. For they knew what manner of man he was: that he hated all things mean, or false, or unchaste; that he was blameless, just, truthful, abstaining from every evil deed; generous, fearless for right, and humane; honoring God, and loving his fellow-men.

¹ Mr. Chase's whole property, at that time, was not worth more than about \$80,000. The largest income he had in any one year, including his salary as Chief-Justice (until after Congress increased it in 1872 to \$10,500), was less than \$13,000 measured in paper money.

THE LAST SCENE OF ALL.

MR. CHASE was six feet two inches high, with a frame and figure proportioned to his height. He had a singularly impressive presence, quite indescribable by words. It was the natural unconscious expression of the will which dwelt within him. He had an unusually large head; blue-gray eyes, under massive brows; wide nostrils and heavy lips, but of that peculiar shape which shows the presence of great firmness. He was remarkably near-sighted, and was sometimes unable to distinguish intimate acquaintances, even across a room. He had a rapid walk, and, in going from one place to another, rarely stopped on the way; and was one of those few men who, even in crowds, attract general observation. When he used to pass through the halls of the Treasury, men *felt* his presence, though it was unannounced, and an involuntary hush always followed upon his appearance.

Incessant labors taxed his physical resources beyond their power to respond. As early as December, 1868, in a short letter to Mr. Whitelaw Reid, he said, "I am worked beyond what I thought possible, and I endure, and am well. How long?" The warnings of friends were vain; but, in 1869, he began to feel some alarm. He rapidly lost flesh, and, in the spring of 1870, he felt he could no longer disregard repeated indications of danger.

In the summer of that year he went West, and spent some time in Minnesota, with the hope that mental rest and physical exercise would restore what had been lost. He had spent his life in-doors; he was now imprudent in out-door exposure. However, he enjoyed the excitements of these new experiences, and thought he was receiving benefit from them, but they hastened the disaster he was seeking to escape.

In August he returned to the East, accompanied by Mr. and Mrs. Hoyt (who had been his companions in the West), and, upon arriving at Niagara Falls, spent a day or two at that place. They left Niagara, in the two o'clock afternoon train, on the 16th of August. About an hour afterward, Mr. Chase was observed suddenly to sway and fall in his seat, and to lose command of his speech. It was instantly perceived that he had been attacked by paralysis. The train was stopped, at Rochester, long enough for some brief medical consultation, but it was thought best—being in a Pullman car—to continue on to New York. On arrival in that city, August 17th, a medical examination developed that the attack involved the whole of the right side, from crown to toe; but that, although serious, it was not necessarily fatal. After remaining in New York about a week, he went to Narragansett, the country residence of Governor Sprague, where he remained until near the end of the following January. His improvement at Narragansett was surprisingly rapid: he was soon able to take daily out-door exercise, sometimes walking four to six miles in a day. He bent his great will to the work of recovery, though he was an entirely docile patient, and followed Dr. Perry's directions with a scrupulous exactness. Nothing could be more noticeable, however, as he began to recover his strength, than his eager impatience to get back again to work. Still, he very well knew the nature and danger of his sickness, and, so soon as he was able to do any kind of labor, he proceeded to set "his earthly house in order."

The change wrought in his personal appearance, by the fearful malady under which he suffered, was rapid and extensive. His hair grew white, and his figure became greatly attenuated; but, even in ruin, he retained his old impressiveness of presence. He was patient under suffering, and, though the natural impetuosity of his temper would sometimes flame out for a moment, there was something inexpressibly pathetic in his resignation, and the constantly gentle, uncomplaining way in which he spoke of his sickness.¹ There is no sight more ennobling than

¹ "It is one of the least pleasant thoughts connected with the close of Mr. Chase's life that it should have been sometimes clouded by malice or thoughtlessness. There sometimes came to him through stray newspaper paragraphs, or chance gossip, some evidence of the caprice of that cheap republican gratitude which endures only so

that of a strong man suddenly stricken down by calamity, bearing the stroke with patience.

At the close of January, 1871, he went to New York, and remained there, under treatment, until March, when he returned to Washington, after an absence of more than eight months.

In June he went to St. Louis Magnetic Springs, Michigan. He spent two or three weeks there. Thence he went to Wau-

long as the public's faithful servant is of use, and which, when there is a falter in the hand that was once so strong and ready, demands his dismissal. But it is to the credit of the American heart that most of us remembered the services of Salmon P. Chase, and that, as a people, we dwelt on the memory of this arduous and unselfish life while, perhaps, here was a newspaper gossiping about the 'succession,' or a lawyer grumbling because a case was delayed. These things, when they pierced the barriers solicitous relatives and friends raised around him, could be seen to affect him deeply, though he never confessed it. But he bore no malice for them. It was with no bitterness, then, but with a shrewd and kindly smile, that he sometimes said, when his health was inquired about, 'I'm not very well, but I'm a great deal better than some people wish I was.'

"His will was his great power. This faculty in him, probably more than any other, contributed to his success. It was dominating and indomitable; it yielded to no man and to no force; its persistency was measured only by the length of the task to be accomplished, and its firmness increased with the weight of interests that depended upon it, and while it no doubt shortened his life, it again prolonged it. The tension of the war was wonderfully sustained, the strong will ruled triumphant over the strong body; but it was a strain which could not last forever. Then followed the intense application to books and work which succeeded his accession to the bench, and the combined weight soon began to tell. All through these exciting and arduous periods he held himself firmly to his post. Then came the great shock that prostrated him, and first set the term beyond which he could hardly endure. At this, the will turned to repair its own ravages.

"All its old force was now bent in the opposite direction of recovering his health. His food, his hours of rising, exercise, retiring, his continuance at work were regulated with precision and the rules inflexibly kept. By this careful ministering, he slowly brought himself up to comparative strength, and finally fairly lifted himself upon the bench. It is a question whether his wisest course would not have been to pass the rest of his days in quiet; and there can be little doubt, from a number of his expressions, that had Congress passed a law permitting the retirement of judges at sixty-five upon their salaries, he would have seriously considered the wisdom of such a step. He certainly at one time felt an interest in legislation looking to that end. But while he was on the active roll, he was too proud to seem neglectful of his work, and too conscientious to receive even the disgraceful stipend the republic doles out to her servants, without rendering what equivalent he could. That was rendered scrupulously to the very last; and, considering the faithful industry of his whole career and the height and nobility of that memorable life and figure, there was, after all, something fitting in the sudden crash with which he went down."—
DEMAREST LLOYD, "*Home-Life of Salmon Portland Chase.*"

kesha, Wisconsin, to drink the waters of the Bethesda Springs. He derived some benefit from his stay at Waukesha, which lasted somewhat more than two months.

He began his return eastward in September, stopping several days at Chicago. He spent two days also at the Roman Catholic University of Notre Dame, at South Bend, Indiana, where he made a short address to the students; and a couple of days at Cleveland. From that city he went to the home of his old friend and co-laborer in the antislavery cause, Gerrit Smith, at Peterboro', New York, and spent nearly a fortnight in the house of that noble-hearted philanthropist.

He arrived again in Washington in October, so far recovered as to feel warranted in resuming his official labors, which he did, and occupied his seat in the Supreme Court during the whole of the term of 1871 and 1872, and also that of 1872 and 1873. He performed his full share of the regular business, and read a number of opinions, all of them showing that his mental faculties were as clear and vigorous as at any time in his life. He walked from his country-place, Edgewood—about two and a half miles from Washington—into the city and back again, almost daily, in all kinds of weather, and exhibited surprising physical vigor and endurance.

But toward the close of the term, in March and April, 1873, his strength manifestly diminished. "During the last few days he sat in court," says Mr. Lloyd, "a sudden weakness surprised him. His walk was not so firm; his breath hardly lasted the ascent of Capitol Hill, which his feet had trodden for a quarter of a century. His voice was weaker; his manner, always considerate, but sometimes abrupt through nervousness or illness, became gentler and kinder every day. His very silence was benignant. On the last day the court was in session, he relinquished his place to his venerable friend and associate, Justice Clifford, and remained seated at his side, for the first and last time of his life resting his head all day upon his hand. What thoughts oppressed him, or what shadow of the disaster so fast approaching drew its pall over his spirit, no man may know. In a little more than a week from that day his body lay in that very chamber robed in a more awful dignity than it had ever worn in life."



EDGEWOOD HOUSE.

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A few days after this, on Saturday the 3d of May, 1873, Mr. Chase left Washington for New York, with a view to visit Mrs. Hoyt in that city, and Mrs. Sprague at her home in Rhode Island, and some relatives in New England, and to proceed thence to Colorado, to spend a part of the summer in that Territory. He reached New York that same evening, and went directly to the house of his son-in-law, Mr. William S. Hoyt, on West Thirty-third Street. He showed no unusual signs of fatigue or weakness. On Sunday he listened to a sermon by Rev. John Hall, a Presbyterian clergyman, in the church at the corner of Fifth Avenue and Nineteenth Street. On Monday he was quite well; and walked out and made some brief visits, and some friends spent Monday evening with him. The talk was chiefly upon political topics, especially with reference to Southern affairs. He retired to his chamber at about half-past nine o'clock, apparently well and certainly quite cheerful. Before going to bed he wrote two characteristic letters. In one, addressed to Colonel Richard C. Parsons, at Cleveland, he said: "Since the adjournment, which came none too soon, I have made my way to New York, and am passing two or three days with Mrs. Hoyt. It seems odd to be so entirely out of the world in the midst of this great Babylon; but I am too much of an invalid to be more than a cipher. Sometimes I feel as if I were dead, though alive. I am on my way to Boston, where I am to try a treatment, from which great results are promised; but I expect little. The lapse of sixty-five years is hard to cure." In the second, addressed to his niece, Mrs. Alice Skinner Stebbins, of Boston, he said: "My dear Alice—I came here on Saturday, and will come on to Boston Wednesday or Thursday next, if you write me that you can receive me without the slightest inconvenience. Mind; I insist that you do not disturb yourselves in the least. If you have a spare room, I will gladly occupy it—nothing more. All I want from you is love. I crave affection and its manifestations, but I do not want to have my ease consulted, while those who consult it change any of their arrangements for that purpose. Do I make myself understood? Will you love me, and take no trouble about me? I shall have William with me: my young man, who was with me last summer. My love to Mr. Stebbins and to our cousins.

Most affectionately your uncle, S. P. Chase." Then, after reading a chapter in the Bible, as was his custom, and a few pages in a book of sermons, and night prayers, he lay down in the bed from which he never came forth a living man.

In the morning his attendant, William Joice, on entering the chamber, found Mr. Chase in an apparently calm and easy slumber. William opened one of the windows, and then turned again toward the sleeping Chief-Justice. He thought he saw Mr. Chase make an effort to speak. He went to the bedside, and, greatly alarmed at Mr. Chase's appearance, called for help. Medical assistance was immediately summoned; and upon examination it was found that Mr. Chase had sustained a second shock of paralysis, which, from its great severity, must soon prove fatal.

He lingered, unconscious, until about ten o'clock on the morning of the next day, May 7th, when he died without a struggle. His daughters and their husbands, Governor Sprague and Mr. Hoyt, were present, together with the medical attendants, Doctors Perry and Metcalf, Mr. Hiram Barney, Mr. Edwin Hoyt and the Chief-Justice's long-time faithful attendant, William Joice.

Although the Chief-Justice's death was not wholly unexpected, it was, after all, a great shock to the public, and occasioned a profound feeling throughout the country. Resolutions by public bodies, by courts and assembled members of the bar, and by private citizens, in all the cities and principal towns, showed that the nation felt a genuine sense of the greatness of its loss.

The body of the Chief-Justice lay in state in the Episcopal Church of St. George, in New York, from Friday morning, May 9th, until the evening of the next day. Several thousand citizens visited the church to look upon him for the last time; and most of them went because they honored him.

On Saturday afternoon funeral services were held in the same church. A vast congregation assembled; among them were the Vice-President of the United States, several of Mr. Chase's associates in the Supreme Court, members of the President's Cabinet, Senators of the United States, foreign ministers, members of the House of Representatives, officers of the army and navy, and distinguished citizens from all parts of the

country. The pall-bearers were Gideon Welles, a surviving associate in Mr. Lincoln's Cabinet, Gerrit Smith, Hamilton Fish, General Sherman, General McDowell, William M. Evarts, Charles O'Connor, Whitelaw Reid, William F. Havemeyer, Hiram Barney, and John J. Cisco. The Rev. Dr. Hall, to whose eloquent words only five days before the Chief-Justice had attentively listened, now delivered over his mortal part, a funeral discourse of great solemnity and impressiveness. His text was, "The grass withereth, the flower fadeth, but the word of our God shall stand forever."

That night the body was taken to Washington, where it arrived on Sunday morning the 11th of May. It was placed within the bar of the Supreme-Court room, upon the same catafalque upon which, eight years before, the body of President Lincoln had laid in state.

On Monday the closing funeral services were held in the Senate-chamber. The President and his Cabinet were in attendance, as were also a great number of other distinguished persons. The chaplain of the Senate, the Rev. Dr. O. H. Tiffany, delivered an oration over the body, beginning with the words, "The life of a great man is a great lesson; the death of a great man is a great loss; the dying of a great man is a mysterious lesson of woe."

From the Senate-chamber the body was borne to its temporary resting-place in the vault of the chapel in Oak-Hill Cemetery at Georgetown. The sidewalks along Pennsylvania Avenue and other streets were filled with people, and all the departments of government were closed and draped in mourning, and the flags on the public buildings and on many private ones were at half-mast. A hundred carriages followed the hearse. At the mortuary chapel was read the beautiful and impressive burial service of the Episcopal Church, ending with the Lord's Prayer and a benediction, and then, near sunset, the casket was lowered into the vault; and thus, from human sight forever, was hidden all that was mortal of SALMON PORTLAND CHASE.

NOTES TO CHAPTER LII.

General Garfield to Mr. Schuckers.

“WASHINGTON, April 20, 1874.

“IN the month of September, 1862, I was ordered to Washington by the Secretary of War, and remained in that city on military duty until the following January. During several weeks of September, October, and November, I was the guest of Mr. Chase, and was permitted to share his morning and evening studies and discussions on financial questions. He was at that time laying the foundation of the national banking system, and adjusting it to the financial machinery of the Government.

“It was a great privilege to be permitted to share his studies, to know the grounds on which his policy was based, and to watch its development as it grew into shape. He did not enter on the study in the spirit of dogmatism, but was willing to learn, from all classes of men, whatever would aid him in the solution of the great problem. It was his habit to invite to his house men of theoretical and practical knowledge, and to draw upon their studies and experience. I have a vivid recollection of many of those conversations, and to them I am able to trace many of the arguments by which Mr. Chase enforced his views in his annual reports and in his letters to Congress.

“Nothing impressed me more than the great reluctance with which he consented to a departure from the standard of value recognized by the Constitution. The pressing necessities of the war alone induced him to recommend the enlargement of the currency which was authorized about that time. I recollect his saying that, specie payments being suspended, the next best thing to specie was a bond whose interest was payable in gold and the principal finally redeemable in gold. About that time a device was adopted to prevent the counterfeiting of fractional currency, by the process of bronzing the paper on which the engraved impression was afterward printed. This bronze or gilt impression was in circular form, and on one occasion Mr. Chase, in answer to a gentleman who asked why this was done, said that, as he was in favor of specie payments, he was determined that his paper money should have at least a *metallic ring*.

“During the period to which I have referred, the principle of our several State bank systems formed an interesting topic of discussion; and each evening brought into the Secretary's library a group of brilliant men whose conversations and discussions were directed by him into the line of his studies. It was peculiarly interesting to me to see the plan grow under his hands, and to trace the additions and modifications that were made from time to time by the suggestions of the friends who gathered about him.

“It is worthy of remark that, during that period, I heard no expression of a desire or even a purpose to tolerate a continued suspension of specie payments. Every effort was made so to guard the paper issues that they should be speedily redeemed and the old standard restored.

“We cannot too frequently recur to that formative period, and to the necessities which compelled and the purposes which guided the Government in the policy then established. The national banking system was intended by Mr. Chase as a permanent reform of our currency; but it was all the while understood that the Government would, at the earliest possible moment, withdraw from the banking business, by ceasing to be a direct issuer of currency. The greenbacks were the result of the extremest necessity. The Secretary took occasion of this necessity, to reform the cur-

rency, and establish a permanent system of banking, based on the business of the country, which he believed would be a great national blessing.

"Besides his attention to public questions, he cultivated and enjoyed, with a keen relish, the companionship of books, and was familiar with the great masters of literature.

"I remember an incident which illustrated his intimate knowledge of Tennyson. In 1859, when he was about to retire from the governorship of Ohio, some friends were expressing their regret that the State should lose his services. One of the company said: 'We shall not lose his services. We look ahead—

"And trust the larger hope."'

"Mr. Chase, recognizing the quotation from Tennyson's 'In Memoriam,' instantly replied: 'I am glad you did not quote the whole line—

"And faintly trust the larger hope."'

"Few men realized more fully than he the truth, so well expressed by Emerson, that 'there is no hour of vexation which, on a little reflection, will not find diversion and relief in the library.'

"While I was with him, he frequently threw off the burdens of a weary day, by reading aloud, or repeating from memory, the exquisite verses of Tennyson, Coventry Patmore, and other masters of song. He exhibited a playful and childlike spirit in his hours of recreation, which was in curious and very interesting contrast with his severe exterior as a public man. I hope your book will give to the public that view of his characteristics as a reader and conversationalist with which only his intimate friends were acquainted.

"Hoping soon to see your volume in print, I am, very truly yours,

"J. A. GARFIELD."

Extract from Mr. Lloyd's Article, "Home-Life of Salmon Portland Chase," in Atlantic Monthly, November, 1873.

"During the latter years of his life, but before his paralytic attack, a yearning came over him, as it comes to so many lovers of Nature, to renew his old acquaintanceship with her in some retreat guarded from the busy sights and sounds of a city. The spot selected for his country-home was necessarily near enough to town to permit daily and convenient attendance at court, and yet was distant enough to withdraw him from bustle, and retired enough to shelter him from intrusion. It was no inconsiderable domain either; its fifty-five acres came to be dubbed familiarly 'The Duchy.' It lies about two miles from the city, directly north of the Capitol, and has long been known as a tract which it was proposed to turn into a summer residence for the President, at least one resolution to this effect having been introduced into the Senate before the war, with the design, it is said, of placing the new Executive mansion where the house of the Chief-Justice stood. This house, though built many years before, could hardly have been fashioned more to his tastes. Its dimensions were so generous that its building is said to have been interrupted for a time by lack of money, the father of the future owner admitting that he had 'agreed to pay for a house, but not,' said he, 'for a capitol.' It is a plain, massive, three-story brick house, with nothing of modern architectural frippery about it; a house of ample halls, broad staircases, lofty ceilings, elaborate and old-fashioned mouldings, and walls that might stand for centuries. But its site is its chief beauty. It rises boldly from the brow of a hill, which slopes rapidly down in front and on both sides. On either hand, the ground descends to rise again in hills, over which the

Chief-Justice spent many an hour in leisurely walks. In front, it falls abruptly down and rolls away toward the Potomac, between two gentle ranges of hills; this defile, widening as it advances, opens full upon the city, with its houses glistening clean and white in the sun, while the Capitol, in simple majesty, is the vanishing-point of the picture. It is a most beautiful view, and, unromantic as it is, has all the moods wilder scenes are so rich in. No vicissitude of storm or cloud can rob it of its beauty. In the mist and haze of morning, the bright, full glow of noon, the thickening gloom of dusk, it still held its charm; and, in all its phases, the Capitol, in which so much of the life-work of the veteran statesman had been done, was the centre around which the landscape seemed to group itself. In this beautiful spot he lived happily, free from care, though not from labor. He set himself, with all the eagerness of a convert, to learn the ways of farmer-life, watching with an enthusiast's care the advance of his fruits and crops, walking daily over his little territory to inspect its condition, and often pushing into the woods and out on the hills beyond. It was a simple and unostentatious life, with nothing to mar its quietude."

Rev. Dr. McMurdy to Mr. Schuckers.

"CHICAGO, September 20, 1873.

" . . . My acquaintance with Mr. Chase began with the first convention held at the capital of Ohio, for the formation of a new political party, in which he was the principal actor. Our intimacy continued until his death. Shortly after our second annual Liberty Convention in Ohio, he wrote me thus: 'Mr. — was wrong. We have nothing to gain for our cause from the ordinary political management of parties. Our principles, our cause, God, and the people, must be our reliances. We shall succeed simply because we are right, using only such means as are worthy of our cause. Great and prevailing our party may become, but let the period of its impurity—if it must come—follow the attainment of its great object.' . . . Again, and not long after, he wrote: 'Universal freedom should and will be accompanied by universal brotherhood, and unrestricted commercial intercourse. . . . There is a Christian view to take of every question usually regarded as merely financial or political. The precepts of the Great Master, and the welfare of the people, must ever be considered, to make our nation in all things the exemplar and the guide to a higher and nobler life among the nations.' Referring to the efforts for his nomination at Chicago in 1860, he wrote: 'I do not like, and cannot approve of some things. They are beyond my control. . . . However desirable the result to my friends and to me, it is valuable and available only as secured by the most elevated means. Personal success is only desirable to me with that of the principles and measures to which I have consecrated my life. . . . Office is only to be desired as a means to an end.' After his accession to a place in Mr. Lincoln's Cabinet, he wrote: 'God may humble us, and teach us our dependence upon Him, but I feel assured that He will make us a free and united people. He will teach us the Lenten lesson: *Undo the burdens and let the oppressed go free.*' When three stalwart rebel prisoners were brought into Washington from the first battle of Bull Run, as they passed by Willard's, missiles were hurled at them by some of the excited New York Zouaves, as it was supposed. The crowd became so furious that the guards bore their charge into the basement of the Treasury building for safety. The venerable Bishop McIlvaine, of Ohio, was walking with me, near the Treasury, and he said: 'This is not right; something must be done.' Impulsively I exhorted the crowd from the Treasury

steps, urging them to be orderly and quiet, and not to injure the persons of the prisoners, and appealing to their sense of honor and military propriety. Mr. Chase, hearing of this, wrote me: 'I am sorry I did not know at the time of your noble exertion. . . . How difficult to ever act according to rule and principle! We are prone to be carried away by the passions of the moment, and to forget that these are misguided men, under the influence of selfish and unpatriotic leaders, and educated under local influences and sentiments. Our prisoners must be treated with humanity, and under the promptings of an advanced Christian sentiment. If war cannot be prevented, its horrors may be mitigated, and its curse diminished.' When, as Secretary of the Treasury, he was sorely pressed to eject from office one who was greatly censured, he wrote: 'I know it would save me great annoyance to yield to their wishes; but — has been faithful to every trust reposed in him, and is free from all the charges alleged against him. I shall maintain his cause, and persist in being his unflinching friend.' Writing of the efforts made to bring his name before the Baltimore Convention, in 1864, he said: 'I will consent to the use of my name, if it shall be developed that I am the choice of the party, but I will not consent to its use beyond the ascertaining of the popular will, and in no case to distract the party and nation. I cannot use my official power to injure another or benefit myself politically.' And, after he was Chief-Justice, of certain strictures he wrote: 'I am not disturbed by the criticisms of my opinions and the imputations of unworthy motives. I leave my vindication to the calm judgment of the future. To one as familiar as yourself with my early views, you will see perfect consistency and agreement. Censure is the tax which a man pays for eminence in position.' And of the efforts to nominate him at New York, in 1868, he wrote: 'They may possibly be successful. For the sake of the country I trust they may be; for thus they will secure a new departure, and union and liberty will become the watchwords of the whole people, and growing evils will be checked.' In June, 1868, I inclosed him a note from a prominent Democrat, asking his political views, to be used by him among his Democratic friends. Mr. Chase sent me this laconic reply: 'Washington, June 24, 1868. MY DEAR DOCTOR: I am so much oppressed by correspondence that I can only take time to thank you for your recent note. You must excuse me from any exposition of my political faith at this time; but believe me, very sincerely yours, S. P. CHASE.' In the summer of 1872, he wrote me, that he prayed daily that when he had 'served God in my generation, that I may be gathered unto my fathers, having the testimony of a good conscience; in the communion of the Catholic Church; in the confidence of a certain faith; in the comfort of a reasonable, religious, and lowly life; in favor with and in charity with all the world.' And finally, not long before his death: 'I cannot confide in an impersonal idea, but in a personal God, whose touch I feel and whose love I know; the Good Shepherd whose rod and staff comfort me, and whose smile will light up the valley. . . .'

"Yours very truly,

R. McMURDY."

Miss Eliza Chase Whipple to Mr. Schuckers.

"BOSTON, June 29, 1873.

". . . My earliest recollections of my uncle, the late Chief-Justice, date back to the time when my grandmother Chase lived in Hopkinton, N. H.; and must have been when he was a student in Mr. Wirt's office at Washington. He was on a visit home, to attend a family reunion, at which I was present.

"This was the last visit he ever made his mother. He soon after went

to Cincinnati, where, when he was established in business, he made arrangements to have his mother and sister Helen come and live with him. But, alas! he was doomed to disappointment; for the mother of whom he was so fond and so proud (my grandmother was an exceedingly beautiful woman: I well remember her lovely face), died just two months before the time fixed for her departure from New England.

"My mother constantly corresponded with my uncle Salmon. She told me how, as a child, his love of reading would lead him to stray away from playmates, and seek some quiet place with little Bessie Marble—the daughter of a near neighbor—and read stories and poetry aloud to her. My mother told me that once when her father's friend, the late Jeremiah Mason, of Boston, was on a visit at Cornish, that gentleman and her father were out walking, and came unobserved upon little Salmon, who was utterly absorbed in his book (Rollin's 'Ancient History'). Grandfather said, 'Mason, there is a boy who would rather read than play any time.' To which Mr. Mason answered, 'A boy with a head like that will certainly make his mark in the world;' for my uncle, even as a boy, was noticeable for the massiveness of his head.

"Shortly after the death of his first wife I went with him to Ohio. His family then consisted of himself, his sister Helen, his little motherless child, Kitty, Jenny Skinner (another niece), and myself. He did a great deal of his law work at home, and was a very close student. He never retired until after ten o'clock; and then always had two long sperm-candles (there was no gas in those days) placed upon the table at his bedside, and when the morning came there would rarely be more than two or three inches of the candles remaining in the sticks. I think, if he had not been so close and continuous a student, he might yet be living.

"He was very strict at that time of his life. He abominated cards and waltzes, though he did not object to a plain quadrille. There was no going to the races or the theatre for any member of his family. He was very religious; and almost puritanical in his observance of the Sunday. He would not even allow us to write letters on Sunday.

"Shortly after the death of his second wife, he had what, I do not doubt from what I could learn, was a slight shock of paralysis. He was a good deal alarmed, for many of his relatives had died from that cause, and he at once made his will. He felt that he had inherited the disease. He was unconscious for a very short time, however, and suffered no permanently ill effects from the attack. . . .

"From your friend very truly,

"ELIZA C. WHIPPLE."

APPENDIX.

TABLE SHOWING THE HIGHEST AND LOWEST PRICE OF GOLD EACH DAY IN 1862.¹

	January.	February.	March.	April.	May.	June.	July.	August.	Sept'mbr.	October.	November.	December.
1..		103½-103½	102½-102½	101½-102	102½-102½	S.	108½-109½	115½-115½	116½-117	122-123½	129½-131½	128½-131½
2..		S.	S.	102-102½	102½-102½	103½-103½	108½-109½	115-115½	116½-116½	122½-123	S.	131-131½
3..		103½-103½	102-102½	101½-101½	102½-102½	103-103½	109-109½	S.	117½-118	125½-126	130-131	131-132
4..		103-103½	101½-102	101-101½	S.	103-103½	Holiday.	114½-115	117½-117½	125½-126	129-131½	133-134
5..	S.	103½-103½	102-102½	101½-102	103-103½	103-104	109-109½	114-114½	118-119	S.	131-132	131-132½
6..		103-103½	102-102½	S.	102-103	104-104½	S.	114-114½	118-119	125½-124½	131-132	130-132
7..		103-103½	102-102½	102½-102½	102-103	104-104½	110-110½	114-114½	118-119	123-123½	131-132	S.
8..		S.	S.	101-101½	102-103	S.	111-111½	112-114	118-119	124-124½	132-132½	131-131½
9..		103-103½	102-102	101-101½	103-103½	104-104½	113-116	112-112½	118-119	125-126	S.	132-133
10..		103-104	101-101½	101-101½	102-103	104-104½	115-117	S.	118-118	127-129	132-133½	132-132½
11..		S.	104-104½	101-101½	S.	103-104	114-116	112-113	118-118	128-128½	131-132	132-132½
12..		103-103½	101-101½	101-101½	103-103½	103-104	113-114	113-114	118-118	S.	131-132	131-131½
13..	103-103	104-104½	101-101½	S.	103-103½	105-105½	S.	114-114½	118-118	129-129½	131-132	S.
14..	102-103	104-104½	101-101½	101-101½	103-103½	105-105½	115-116	115-115½	118-118	131-133	131-133	S.
15..	102-102	104-104½	101-101½	101-101½	103-103½	106-106½	116-117	114-115	117-117	132-132½	131-132	131-132
16..	102-102	S.	S.	101-101½	103-103½	S.	116-117	114-114½	116-117	132-132½	S.	132-132½
17..	101-102	103-103½	101-101½	101-101½	103-103½	106-106½	117-118	S.	116-117	132-132½	132-132	132-132
18..	101-102	103-103½	101-101½	101-101½	103-103½	106-106½	119-119	115-115½	116-116	130-130½	130-131	132-132½
19..	S.	103-103½	101-101½	101-101½	103-103½	106-106½	118-118	114-115	116-117	S.	130-131	132-132½
20..	102-102	103-103½	101-101½	S.	103-103½	106-106½	S.	115-115	116-117	125-129	130-130	S.
21..	102-102	103-103½	101-101½	101-101½	103-103½	106-106½	119-120	115-115½	117-117	125-129	130-130	S.
22..	102-102	103-103½	101-101½	101-101½	103-103½	106-106½	119-119	115-116	S.	125-129	130-130	S.
23..	103-103	103-103½	101-101½	101-101½	103-103½	108-108	119-119	115-115½	117-118	133-133	130-130	132-132½
24..	103-103	103-103½	101-101½	101-101½	103-103½	108-108	117-118	S.	117-118	133-133	S.	132-132½
25..	103-103	S.	S.	101-101½	103-103½	108-108	114-116	115-115	118-119	130-131	130-130	132-132½
26..	103-103	103-103½	101-101½	101-101½	104-104	108-108	117-117	115-115	118-119	130-131	130-130	132-132½
27..	103-103	102-102	101-101½	101-101½	S.	108-108	117-118	115-115	120-120	S.	129-129	131-132
28..	103-103	102-102	101-101½	S.	104-104	109-109	116-117	115-115	120-120	S.	129-129	131-132
29..	103-103	102-102	101-101½	101-101½	104-104	109-109	115-116	115-115	121-121	130	Th'ksgr.	131-132
30..	103-103	.....	101-101½	101-101½	103-103	S.	115-116	116-116	S.	131-132	129-129	S.
31..	103-103	.....	S.	102-102	103-103	108-109	114-115	115-115	121-124	130-130	S.	132-133
		.....	.....	.....	103-103	.....	114-115	S.	.....	129-130	.....	133-133

¹ I am indebted to Messrs. B. K. Jamison & Co., bankers, of Philadelphia, for permission to use these tables, prepared by them.

TABLE SHOWING THE HIGHEST AND LOWEST PRICE OF GOLD EACH DAY IN 1864.

	January.	February.	March.	April.	May.	June.	July.	August.	Sept'm'b'r.	October.	November.	December.
1..	Holiday.	157½-157½	159-160	166½-168½	S.	.....	222-250	251-259	243-248½	190-193½	230-241½	225½-229
2..	151½-152	157½-157½	159½-161	166½-166½	176-177½	.....	230-250	256-258½	248½-254½	S. 191½	229½-246	230½-233½
3..	S.	157½-158	160½-161	S.	.....	.....	Holiday.	256½-258½	236-243½	189-191½	227½-236½	228½-231
4..	.....	158-.....	160½-161½	166½-166½	179½-179½	.....	.....	.....	S.	190-192½	231½-238½	S.
5..	151½-151½	157½-158½	161½-161½	167½-167½	177½-177½	S.	235-249	257½-261½	235-243½	189½-191½	235½-244½	227-229½
6..	151½-152½	.....	S.	168½-170	17½-176½	.....	248-261	259½-261½	240½-242	192½-197	S.	230-234½
7..	151½-152½	.....	161½-161½	170½-171	172½-172½	.....	262-273	S.	249½-249½	198-204	238½-245½	238-243
8..	151½-152½	158½-159½	162½-163½	169½-.....	169½-171	193-193½	266½-276½	252½-255½	235½-241	196½-203½	245½-249	239-242½
9..	.....	159½-159½	167-167½	169½-.....	S.	.....	260-275	252½-255½	218-228½	S.	246-260	239½-243
10..	S.	159½-159½	164½-.....	169½-.....	168-168½	198½-198½	S.	254½-255½	218-228½	196-199	243-253	234½-239½
11..	152½-152½	159½-159½	164½-164½	S.	174½-176½	.....	276-285	253½-256	S.	198½-203½	236½-244½	S.
12..	153½-154½	159-159½	160½-162	173½-175	173-174½	.....	271-282	255½-257½	213½-225	202-204½	242½-245	232½-237½
13..	153½-153½	159½-159½	S.	175½-175½	170-173½	.....	263½-273	254½-256½	217½-228	203½-209	S.	233-235½
14..	154½-154½	.....	160½-160½	176-177½	172-172½	.....	258-268	S.	223½-228	208-217½	243-246½	233-235½
15..	155½-155½	159½-160½	162½-162½	173-173½	173½-173½	.....	244-256	255½-256½	223½-229½	213½-220	223½-244	234½-237½
16..	155½-156½	160½-161	161½-162	171-171½	177-178	197½-.....	245½-261	255½-256	224½-228	S.	223½-240	233½-234½
17..	S.	159½-160	161½-161½	S.	177-178	196½-196½	S.	255½-257	220½-223½	218½-222½	218½-226	225½-230½
18..	159½-159½	159½-.....	163-.....	170½-.....	181-181½	195½-195½	254½-261	257-258	S.	206½-215	210-219	S.
19..	159½-159½	158-158½	162-.....	167-168	181½-181½	S.	258½-268½	257-257½	223½-236½	207½-211½	216-225½	212½-217½
20..	156½-157	159½-159½	S.	167-167½	181-.....	198-198½	261-263	257-257½	223-226	206½-211½	S.	230½-237
21..	156½-157	.....	.....	166½-167½	181½-.....	199-208	256½-260	256½-257½	220-222	207½-209	217½-221	222½-226
22..	156½-157½	159-.....	.....	173½-174	S.	210-230	250½-257½	256½-277½	216-222	209½-213½	224-229	221-224½
23..	156-156½	157½-157½	164½-165½	174½-177½	.....	205-223	253½-256	257½-258	220-222	S.	220½-223	230-232
24..	S.	157½-157½	164½-165½	.....	182½-.....	213-217	S.	254½-257	200-212	212½-216½	TN'ksg'g.	220-222
25..	157½-157½	158½-158	G'd F'd'y.	179-182½	184½-184½	214-220	255½-258½	254½-255	S.	214½-218½	216½-221½	Christm's.
26..	158-158½	157½-158	169½-169½	181½-184	183-183½	S.	257½-259	253½-256	195-198½	212½-217	219½-224½	Holiday.
27..	157-.....	.....	.....	181-181	186-186½	221-240	254-252	245-253	195½-195	214½-216½	S.	216-218
28..	157½-157½	.....	.....	177½-180½	186-.....	234-240	244-252	S.	195-205	215½-217½	220½-233½	216½-224
29..	156½-157½	159-159½	.....	.....	S.	235-250	250-258½	235½-245	194½-202	217½-221½	232-236½	222-225½
30..	156½-157½	.....	163½-164½	179½-180	.....	245-250	253-258	231½-236	191-194½	S.	227½-233	226-229½
31..	S.	.....	164½-.....	.....	190-.....	.....	S.	234-243	.....	221½-227½	.....	224½-227½

EULOGY ON MR. CHASE,

DELIVERED BEFORE THE ALUMNI OF DARTMOUTH COLLEGE, JUNE 24, 1874,

BY WILLIAM M. EVARTS.

MR. PRESIDENT AND GENTLEMEN, THE ALUMNI OF DARTMOUTH COLLEGE: When, not many weeks since, the committee of your association did me the honor to invite me to present, in an address to the assembled graduates of the college, a commemoration of the life, the labors, and the fame of the very eminent man and greatly honored scholar of your discipline, lawyer, orator, senator, minister, magistrate, whom living a whole nation admired and revered, whom dead a whole nation laments, I felt that neither a just sense of public duty nor the obligations of personal affection would permit me to decline the task. Yielding, perhaps too readily, to the persuasions of your committee that somewhat close professional and public association with the Chief-Justice in the later years of his life, and the intimate enjoyment of his personal friendship, might excuse my want of that binding tie of fellowship in a commemoration, in which the venerated college does dutiful honor to a son, and the assembled alumni crown with their affection the memory of a brother, I dismissed also, upon the same persuasion, all anxious solitudes, which otherwise would have oppressed me, lest importunate and inextricable preoccupations of time and mind should disable me from presenting as considerable, and as considerate, a survey of the eminent character and celebrated career of Mr. Chase as should comport with them, or satisfy the just exigencies of the occasion.

The commemoration which brings us together has about it nothing funereal, in sentiment or observance, to darken our minds or sadden our hearts to-day. The solemn rites of sepulture, the sobbings of sorrowing affection, the homage of public grief, the concourse of the great officers of state, the assemblage of venerable judges, the processions of the bar, of the clergy, of liberal and learned men, the attendant crowds of citizens of every social rank and station, both in the great city where he died, and at the national capital, have already graced his burial with all imaginable dignity and unmeasured reverence. To prolong or renew this pious office is no part of our duty to-day. Nor is the maturity or nurture which the college gives to those it calls its sons, bestowed as it is upon their mind and character, affected by the death of the body as is the heart of the natural mother; nor are you, his brethren in this foster care of the spirit, bowed with the same sense of bereavement as are natural kindred. The filial and fraternal relation which he bore to you, the college and the alumni, is hardly broken by his death, nor is he hidden from you by his burial. His completed natural life is but the assurance and perpetuation of the power, the fame, the example, which the discipline and culture here bestowed had for their object, and in which they find their continuing and ever-increasing glory. The energy here engendered has not ceased its beneficent activity, the torch here lighted still diffuses its illumination, and the fires here kindled still radiate their heat.

Not less certain is it that the spirit of this commemoration imposes no task of vindication or defense, and tolerates no tone of adulation or applause. The tenor of this life, the manifestation of this character, was open and public, before the eyes of all men, upon an eminent stage of action, displayed constantly on the high places of the world. No faculty that Mr. Chase possessed, no preparation of mind or of spirit, for great undertakings or for notable achievements, ever failed of exercise or exhibition for want of opportunity, or, being exercised or exhibited, missed commensurate recognition or responsive plaudits from his countrymen. His career shows no step backward, the places he filled were all of the highest, the services he rendered were the most difficult as well as the most eminent. If,

as the preacher proclaims, "time and chance happeneth to all," the times in which Mr. Chase lived permitted the widest scope to great abilities and the noblest forms of public service; and the fortunes of his life show the felicity of the occasions which befell him to draw out these abilities, and to receive these services. Not less complete was the round of public honors which crowned his public labors, and we have no occasion, here, to lament any shortcomings of prosperity or favor, or repeat the authentic judgment which the voices of his countrymen have pronounced upon his fame.

The simple office, then, which seems to me marked out for one who assumes this deputed service in the name of the college and for the friends of good learning, is, in so far as the just limits of time and circumstance will permit, to expose the main features of this celebrated life, "to decipher the man and his nature," to connect the true elements of his character and the moulding force of his education with the work he did, with the influence he wielded in life, with the power of the example which lives after him, and always to have in view, as the most fruitful uses of the hour, his relations to the men and events of his times, and, not less, his true place in history among the lawyers, orators, statesmen, magistrates of the land. *Vera non verba* is our maxim to-day; truth, not words, must mark the tribute the college pays to the sober dignity and solid worth of its distinguished son.

Born of a lineage, which on the father's side dates its American descent from the Puritan emigration of 1640, and on the mother's, finds her the first of that stock native to this country, the son of these parents took no contrariety of traits from the union of the blood of the English Puritans and the Scotch Covenanters, but rather harmonious corroboration of the characteristics of both. These, sturdy enough in either, combined in this descendant to produce as independent and resolute a nature for the conflicts and labors of his day, as any experience of trial or triumph, of proscription or persecution suffered or resisted, had required or supplied in the long history of the contests of these two congenial races with priests and potentates, with principalities and powers. Nothing could be less consonant with a just estimate of the strong traits of this lineage, than which



neither Hebrew, nor Grecian, nor Roman nurture has wrought for its heroes either a firmer fibre or a nobler virtue, than to ascribe its chief power to enthusiasm or fanaticism. Plain, sober, practical men and women as they were, there was no hard detail of every-day life that they were not equal to, no patient and cheerless sacrifice they could not endure, no vicissitude of adverse or prosperous fortune which they could not meet with unchecked serenity. If it be enthusiasm that in them the fear of God had cast out the fear of man, or fanaticism that they placed "things that are spiritually discerned" above the vain shows of the world of sense, in so far they were enthusiasts and fanatics. In every stern conflict, in every vast labor, in every intellectual and moral development of which this country has been the scene, without fainting or weariness they have borne their part, and in the conclusive triumph of the principles of the Puritans and their policies over all discordant, all opposing elements, which enter into the wide comprehension of American nationality, theirs be the praise which belongs to such well-doing.

The son of a farmer—a man of substance, and of credit with his neighbors, and not less with the people of his State—-young Chase drew from his boyhood the vigor of body and of mind which rural life and labors are well calculated to nourish. Several of his father's brothers were graduates of this college, and reached high positions in Church and State. An unpropitious turn of the commercial affairs of the country nipped, with its frost, the growing prosperity of his father, whose death, soon following, left him, in tender years, and as one of a numerous family, to the sole care of his mother. With most scanty means, her thrift and energy sufficed to save her children from ignorance or declining manners; maintained their self-respect and independence; set them forth in the world well disciplined, stocked with good principles, and inspired with proud and honorable purposes. To the praise of this excellent woman, wherever the name of her great son shall be proclaimed, this, too, shall be told in remembrance of her: that a Christian's faith, and a mother's love, as high and pure as ever ennobled the most famous matrons of history, stamped the character and furnished the education which equipped him for the labors and the triumphs of his life. One cannot read her letters to her son

in college without the deepest emotion. How many such women were there, in the plain ranks of New England life, in her generation! How many are there now! Paying marvelous little heed to the discussion of women's rights, they show a wonderful addiction to the performance of women's duties.

His uncle, Bishop Chase of Ohio, assumed, for a time, the care and expense of his education, and this drew him to the West, where, under this tutelage, he pursued academic studies for two years. At the end of this time he returned to his mother's charge, entered the junior class of Dartmouth College, and graduated in the year 1826, at the age of eighteen. The only significance, in its impression on his future life, of this brief guardianship of the Western Bishop, was as the determining influence which fixed the chief city of the West in his choice as the forum and arena of his professional and public life. After spending four years in Washington, gaining his subsistence by teaching, a law-student with Mr. Wirt—then at the zenith of his faculties and his fame—studying men and manners at the capital, watching the new questions then shaping themselves for political action, observing the celebrated statesmen of the day, conversant with the great Chief-Justice Marshall and his learned associates on the bench of the Supreme Court, and with Webster, and Binney, and other famous lawyers at its bar, he was admitted to practice, and, at the age of twenty-two, established himself at Cincinnati, transferring thus, once and forever, his home from the New England of his family, his birth, his education, and his love, to the ruder but equally strenuous and more expansive society of the West.

While yet of tender years, following up the earlier pious instruction of his mother, and his own profound sense of religious obligations under the inculcation of the Bishop, he accepted the Episcopal Church as the body of Christian believers in whose communion he found the best support for the religious life he proposed to himself. When he left your college he had not wholly relinquished a purpose, once held, of adopting the clerical profession. His adhesion to the Christian faith was simple and constant and sincere, and he accepted it as the master and rule of his life, in devout confidence in the moral government of the world, as a present and real supremacy over the race of man

and all human affairs. He was all his life a great student of the Scriptures, and no modern speculations ever shook the solid reasons of his belief. When he entered the city of Washington, fresh from college, "the earnest prayer of his heart was, that God would give him work to do, and success in doing it." When he was laying out the plans of professional life, on his first establishment at Cincinnati, his invocation was, "May God enable me to be content with the consciousness of faithfully discharging all my duties, and deliver me from a too eager thirst for the applause and favor of men." All through the successive and manifold activities of his busy and strenuous life, when, to outward seeming, they were all worldly and personal, the same predominant sense of duty and religious responsibility animated and solemnized the whole.

At this point in his life we may draw the line between the period of education for the work he had before him and that work itself. What Mr. Chase was, at this time, in all the essential traits of his moral and intellectual character—in his views of life, its value, its just objects and aims, its social, moral, and religious responsibilities; in his views of himself, his duties, obligations, prospects, and possibilities; in his determinations and desires—such, it seems to me from the most attentive study of all these points—such, in a very marked degree, he continued to be at every stage of his ascent in life.

What, then, shall we assign as the decisive elements, the controlling constituents, of character—and what the assurance of their persistence and their force—which this youth could bring to the service of the State, or contribute to the advancement of society and the well-being of mankind?

These were simple, but, in combination, powerful, and adequate to fill out worthily the life of large opportunities which, though not yet foreseen to himself, was awaiting him.

The faculty of reason was very broad and strong in him, yet without being vast or surprising. It seized the sensible and practical relations of all subjects submitted to it, and firmly held them in its tenacious grasp; it exposed these relations to the apprehension of those whose opinion or action it behooved him to influence, by methods direct and sincere, discarding mere ingenuity, and disdaining the subtleness of insinuation. His educa-

tion had all been of a kind to discipline and invigorate his natural powers; not to encumber them with a besetting weight of learning, or to supplant them by artificial training.

His oratory was vigorous, with those "qualities of clearness, force, and earnestness, which produce conviction." His rhetoric was ample, but not rich; his illustrations apposite, but seldom to the point of wit; his delivery weighty and imposing.

His force of will, whether in respect of peremptoriness or persistency, was prodigious. His courage to brave, and his fortitude to endure, were absolute. His loyalty to every cause in which he enlisted—his fidelity in every warfare in which he took up arms—were proof against peril and disaster.

His estimate of human affairs, and of his own relation to them, was sober and sedate. All their grandeur and splendor, to his apprehension, connected themselves with the immortal life, and with God, as their guide, overseer, and ruler; and the sum of the practical wisdom of all worthy personal purposes seemed to him to be, to discern the path of duty, and to pursue it.

His views of the commonwealth were essentially Puritan. Equality of right, community of interest, reciprocity of duty, were the adequate, and the only adequate, principles with him to maintain the strength and virtue of society, and preserve the power and permanence of the State. With these principles unimpaired and unimpeded he feared nothing for his countrymen or their government, and he made constant warfare upon every assault or menace that endangered them.

It was with these endowments and with this preparation of spirit, that Mr. Chase confronted the realities of life, and assumed to play a part which, whether humble or high in the scale and plane of circumstance, was sure to be elevated and worthy in itself; for the loftiness of his spirit for the conflict of life was

"Such as raised
To height of noblest temper heroes old
Arming to battle."

Such a character necessarily confers authority among men, and that Mr. Chase was ready, on all occasions arising, to assert his high principles by comporting action was never left in doubt.

Whether by interposing his strong arm to save Mr. Birney from the fury of a mob of Cincinnati gentlemen, incensed at the freedom of his press in its defiance of slavery; or by his bold and constant maintenance in the courts of the cause of fugitive slaves in the face of the resentments of the public opinion of the day; or by his fearless desertion of all reigning politics to lead a feeble band of protestants through the wilderness of anti-slavery wanderings, its pillar of cloud by day, its pillar of fire by night; or as Governor of Ohio facing the intimidations of the slave States, backed by Federal power and a storm of popular passion; or in consolidating the triumphant politics on the urgent issue which was to flame out into rebellion and revolt; or in his serene predominance, during the trial of the President, over the rage of party hate which brought into peril the coördination of the great departments of Government, and threatened its whole frame—in all these marked instances of public duty, as in the simple routine of his ordinary conduct, Mr. Chase asked but one question to determine his course of action, "Is it right?" If it were, he had strength, and will, and courage to carry him through with it.

In the ten years of professional life which followed his admission to the bar, Mr. Chase established a repute for ability, integrity, elevation of purpose and capacity for labor, which would have surely brought him the highest rewards of forensic prosperity and distinction, and in due course, of eminent judicial station. In this quieter part of his life, as in his public career, it is noticeable that his employments were never common-place, but savored of a public zest and interest. His compilation of the Ohio Statutes was a *magnum opus*, indeed, for the leisure hours of a young lawyer, and possesses a permanent value, justifying the assurance Chancellor Kent gave him, that this surprising labor would find its "reward in the good he had done, in the talents he had shown, and in the gratitude of his profession."

But this quiet was soon broken, never to be resumed, and though the great office of Chief-Justice was in store for him, it was to be reached by the path of statesmanship and not of jurisprudence.

If it had seemed ever to Mr. Chase and his youthful contemporaries, that they had come upon times when, as Sir Thomas

Browne thought two hundred years ago, "it is too late to be ambitious," and "the great mutations of the world are acted," the illusion was soon dispelled. It has been sadly said of Greece in the age of Plutarch, that "all her grand but turbulent activities, all her noble agitations spent, she was only haunted by the spectres of her ancient renown." No doubt, forty years ago, in this country, there was a prevalent feeling that the age of the early settlements and, again, of our War of Independence, had closed the heroic chapters of our history, and left nothing for the public life of our later times, but peaceful and progressive development, and the calm virtues of civil prudence, to work out of our system all incongruities and discords. But what these political speculations assigned as the passionless work of successive generations, was to be done in our time, and, as it were, in one "unruly right."

Mr. Chase had supported General Harrison for the presidency in 1840, not upon any very thorough identification with Whig politics, but partly from a natural tendency toward the personal fortunes of a candidate from the West, and from his own State, in the absence of any strong attraction of principle to draw him to the candidate or the politics of the Democratic party. But, upon the death of Harrison and the elevation of Tyler to the presidency, Mr. Chase, promptly discerning the signs of the times, took the initiative toward making the national attitude and tendency on the subject of slavery the touchstone of politics. Politic and prudent by nature, and with no personal disappointments or grievances to bias his course, he doubtless would have preferred to save and use the accumulated and organized force of one or the other of the political parties which divided the country, and press its power into the service of the principles and the political action which he had, undoubtingly, decided the honor and interests of the country demanded. He was among the first of the competent and practical political thinkers of the day, to penetrate the superficial crust which covered the slumbering fires of our politics, and to plan for the guidance of their irrepressible heats so as to save the constituted liberties of the nation, if not from convulsion, at least from conflagration. He found the range of political thought and action, which either party permitted to itself or to its rival, compressed

by two unyielding postulates. The first of these insisted, that the safety of the republic would tolerate no division of parties, in Federal politics, which did not run through the slave States as well as the free. The second was that no party could maintain a footing in the slave States, that did not concede the nationality of the institution of slavery and its right, in equality with all the institutions of freedom, to grow with the growth and strengthen with the strength of the American Union. Nothing can be more interesting to a student of politics than the masterly efforts of patriotism and statesmanship, in which all the great men of the country participated, for many years, to confine the perturbations of our public life to a controversy with this latter and lesser postulate. Seward with the Whig party, Chase with the Democratic party, and a host of others in both, tried hard to conciliate the irreconcilable, and to stultify astuteness, to the acceptance of the proposition that slavery, its growth girdled, would not be already struck with death. Quite early, however, Mr. Chase grappled with the primary postulate, and through great labors, wise counsels, long-suffering patience, and by the successive stages of the Liberty party, Independent Democracy, and Free-Soil party, led up the way to the Republican party, which, made up by the Whig party dropping its slave State constituency, and the Democratic party losing its Free-Soil constituents, rent this primary postulate of our politics in twain, and took possession of the Government by the election of its candidate, Mr. Lincoln.

This movement in politics was one of prodigious difficulty and immeasurable responsibility. It was so felt to be by the prime actors in it, though with greatly varying largeness of survey and depth of insight. In the system of American politics it created as vast a disturbance as would a mutation of the earth's axis, or the displacement of the solar gravitation, in our natural world. This great transaction filled the twenty years of Mr. Chase's mature manhood, say, from the age of thirty to that of fifty years. He must be awarded the full credit of having understood, resolved upon, planned, organized, and executed, this political movement, and whether himself leading or coöperating or following in the array and march of events, his plan, his part, his service, were all for the cause, its prosperity, and its

success. To one who considers this career, not as completed and triumphant, not with the glories of power, and dignities, and fame which attended it, not with the blessings of a liberated race, a consolidated Union, an ennobled nationality which receive the plaudits of his countrymen, but as its hazards and renunciations, its toils and its perils, showed at the outset, in contrast with the ease and splendor of his personal fortunes which adherence to the political power of slavery seemed to insure to him, and then contemplates the promptness of his choice and the steadfastness of his perseverance, the impulse and the action seem to find a parallel in the life of the great Hebrew statesman, who, "*by faith*, when he was come to years, refused to be called the son of Pharaoh's daughter," and "*by faith*, forsook Egypt, not fearing the wrath of the king."

The first half of this period of twenty years witnessed only the preliminaries, equally brave and sagacious, of agitation, promulgation of purposes and opinions, consultations, conventions, and political organizations, more and more comprehensive and effective. All this time Mr. Chase was simply a citizen, and apparently could expect no political station or authority till it should come from the prosperous fortunes of the party he was striving to create. Suddenly, by a surprising conjunction of circumstances he was lifted, at one bound, to the highest and widest sphere of influence, upon the opinion of the country, which our political establishment presents—I mean the Senate of the United States. The elective body, the Legislature of Ohio, was filled in almost equal numbers with Whigs and Democrats, but a handful of Liberty party men held the control to prevent or determine a majority. They elected Mr. Chase. The concurrence is similar, in its main features, to the election of Mr. Sumner to the Senate, two years afterward, in Massachusetts. Much criticism of such results is always and necessarily excited. The true interpretation of such transactions is simply a transition state from old to new politics, wherein party names and present interests are unchanged, but opinions and projects and prospects are taking a new shape, and the old mint, all at once, astonishes everybody by striking a new image and superscription, soon to be stamped upon the whole coinage. The part of Mr. Chase in this election, as of Mr. Sumner in his own, was elevated

and without guile. His term in the Senate brought him to the year 1856, and was followed by two successive elections and four years' service as Governor of Ohio, and a reëlection to the Senate. In these high stations he added public authority to his opinions and purposes, and gained for them wider and wider influence, while he discharged all general senatorial duties, and official functions as Governor, with benefit to the legislation of the nation and to the administration of the State.

As the presidential election approached and the Republican party took the field with an assurance of assuming the administration of the Federal Government, and of meeting the weighty responsibility of the new political basis, the question of candidates absorbed the attention of the party, and attracted the interest of the whole country. When a new dynasty is to be enthroned, the *personality* of the ruler is an element of the first importance. In the general judgment of the country, and equally to the apprehension of the mass of his own party and of its rival, Mr. Seward stood as the natural candidate, and upon manifold considerations. His unquestioned abilities, his undoubted fidelity, his vast services and wide following in the party, presented an unprecedented combination of political strength to obtain the nomination and carry the election, and of adequate faculties and authority with the people for the prosperous administration of the presidential office. Second only to Mr. Seward, in this general judgment of his countrymen, stood Mr. Chase, with just enough of preference for him, in some quarters, over Mr. Seward, upon limited and special considerations, to encourage that darling expedient of our politics a resort to a *third* candidate. This recourse was had, and Mr. Lincoln was nominated and elected.

The disclosure of Mr. Lincoln to the eyes of his countrymen as a possible, probable, actual candidate for the presidency came upon them with the suddenness and surprise of a revelation. His advent to power as the ruler of a great people, in the supreme juncture of their affairs, to be the head of the state among its tried and trusted statesmen, to subordinate and coordinate the pride and ambition of leaders, the passions and interests of the masses, and to guide the destinies of a nation whose institutions were all framed for obedience to law and per-

petual domestic peace, through rebellion, revolt, and civil war; and to the subversion of the very order of society of a vast territory and a vast population, finds no parallel in history; and was a puzzle to all the astrologers and soothsayers. It has been said of George III.—whose narrow intellect and obstinate temper so greatly helped on the rebellion of our ancestors to our independence—it has been said of George III., that “it was his misfortune that, intended by nature to be a farmer, accident placed him on a throne.” It was the happy fortune of the American people, that to the manifest advantages of freedom from jealousies of any rivals; and from commitment, by any record, to schemes or theories or sects or cabals, pursued by no hatreds, beguiled by no attachments, Mr. Lincoln added a vigorous, penetrating, and capacious intellect, and a noble, generous nature which filled his conduct of the Government, in small things and great, from beginning to end, “with malice to none and charity to all.” These qualities were indispensable to the safety of the Government and to the prosperous issue of our civil war. In the great crisis of a nation struggling with rebellion, the presence or absence of these personal traits in a ruler may make the turning-point in the balance of its fate. Had Lincoln, in dealing with the administration of government during the late rebellion, insisted as George III. did, in his treatment of the American Revolution, upon “the right of employing as responsible advisers those only whom he personally liked, and who were ready to consult and execute his personal wishes,” had he excluded from his counsels great statesmen like Seward and Chase, as King George did Fox and Burke, who can measure the dishonor, disorder, and disaster into which our affairs might have fallen? Such narrow intelligence and perversity are as little consistent with the true working of administration under our Constitution as they were under the British Constitution, and as little consonant with the sound sense as they are with the generous spirit of our people.

By the arrangement of his Cabinet, and his principal appointments for critical services, Mr. Lincoln showed at once that nature had fitted him for a ruler, and accident only had hid his earlier life in obscurity. I cannot hesitate to think that the presence of Mr. Seward and Mr. Chase in the great offices of State

and Treasury, and their faithful concurrence in the public service and the public repute of the President's conduct of the Government, gave to the people all the benefits which might have justly been expected from the election of either to be himself the head of the Government and much else besides. I know of no warrant in the qualities of human nature, to have hoped that either of these great political leaders would have made as good a minister under the administration of the other, as President, as both of them did under the administration of Mr. Lincoln. I see nothing in Mr. Lincoln's great qualities and great authority with this people, which could have commensurately served our need in any place, in the conduct of affairs, except at their head.

The general importance, under a form of government where the confidence of the people is the breath of the life of executive authority, of filling the great offices of state with men who, besides possessing the requisite special faculties for their several departments and large general powers of mind for politics and policies, have also great repute with the party, and great credit with the country, was well understood by the President. He knew that the times needed, in the high places of government, men "who," in Bolingbroke's phrase, "had built about them the opinion of mankind which, fame after death, is superior strength and power in life."

Of the great abilities which Mr. Chase, in his administration of the Treasury, exhibited through the three arduous years of that public service, no question has ever been made. The exactions of the place knew no limits. A people, wholly unaccustomed to the pressure of taxation, and with an absolute horror of a national debt, was to be rapidly subjected to the first without stint, and to be buried under a mountain of the last. Taxes which should support military operations on the largest scale, and yet not break the back of industry which alone could pay them; loans, in every form that financial skill could devise, and to the farthest verge of the public credit; and, finally, the extreme resort of governments under the last stress and necessity, of the subversion of the legal tender, by the substitution of what has been aptly and accurately called the "coined credit" of the Government for its coined money—all these exigencies and all these expedients made up the daily problems of the Secretary's

life. We may have some conception of the magnitude of these financial operations, by considering one of the subordinate contrivances required to give to the currency of the country the enormous volume and the ready circulation without which the tides of revenue and expenditure could not have maintained their flow. I refer to the transfer of the paper money of the country from the State to the national banks. This transaction, financially and politically, transcends in magnitude and difficulty, of itself alone, any single measure of administrative government found in our history, yet the conception, the plan, and the execution, under the conduct of Mr. Chase, took less time and raised less disturbance than it is the custom of our politics to accord to a change in our tariff or a modification of a commercial treaty. Another special instance of difficult and complicated administration was that of the renewal of the intercourse of trade, to follow closely the success of our arms, and subdue the interests of the recovered region to the requirements of the Government. But I cannot insist on details, where all was vast and surprising and prosperous. I hazard nothing in saying that the management of the finances of the civil war was the marvel of Europe and the admiration of our own people. For a great part of the wisdom, the courage, and the overwhelming force of will which carried us through the stress of this stormy sea, the country stands under deep obligations to Mr. Chase as its pilot through its fiscal perils and perplexities. Whether the genius of Hamilton, dealing with great difficulties and with small resources, transcended that of Chase, meeting the largest exigencies with great resources, is an unprofitable speculation. They stand together, in the judgment of their countrymen, the great financiers of our history.

A somewhat persistent discrepancy of feeling and opinion between the President and the Secretary, in regard to an important office in the public service, induced Mr. Chase to resign his portfolio, and Mr. Lincoln to acquiesce in his desire. No doubt, it is not wholly fortunate in our Government that the distribution of patronage, a mixed question of party organization and public service, should so often harass and embarrass administration, even in difficult and dangerous times. Mr. Lincoln's ludicrous simile is an incomparable description of the

system as he found it. He said, at the outset of his administration, that "he was like a man letting rooms at one end of his house, while the other end was on fire." Some criticism of the Secretary's resignation and of the occasion of it, at the time, sought to impute to them consequences of personal acerbity between these eminent men, and the mischiefs of competing ambitions and discordant counsels for the public interests. But the appointment of Mr. Chase to the chief-justiceship of the United States silenced all this evil speech and evil surmise.

There is no doubt that Mr. Chase greatly desired this office, its dignity and durability both considered, the greatest gratification, to personal desires, and the worthiest in public service, and in public esteem, that our political establishment affords. Fortunate, indeed, is he who, in the estimate of the profession of the law, and in the general judgment of his countrymen, combines the great natural powers, the disciplined faculties, the large learning, the larger wisdom, the firm temper, the amiable serenity, the stainless purity, the sagacious statesmanship, the penetrating insight, which make up the qualities that should preside at this high altar of justice, and dispense to this great people the final decrees of a government "not of men, but of laws." To whatever President it comes, as a function of his supreme authority, to assign this great duty to the worthiest, there is given an opportunity of immeasurable honor for his own name, and of vast benefits to his countrymen, outlasting his own brief authority, and perpetuating its remembrance in the permanent records of justice, "the main interest of all human society," so long as it holds sway among men. John Adams, from the Declaration of Independence down, and with the singular felicity of his line of personal descendants, has many titles to renown, but by no act of his life has he done more to maintain the constituted liberties which he joined in declaring, or to confirm his own fame, than by giving to the United States the great Chief-Justice Marshall, to be to us, forever, through every storm that shall beset our ship of state—

"Like a great sea-mark, standing every flaw,
And saving them that eye it."

In this disposition, Mr. Lincoln appointed Mr. Chase to the

vacant seat, and the general voice recognized the great fitness of the selection.

I may be permitted to borrow from the well-considered and sober words of an eminent judge, the senior Associate on the bench of the Supreme Court—words that will carry weight with the country which mine could not—a judicial estimate of this selection. Mr. Justice Clifford says: “Appointed, as it were, by common consent, he seated himself easily and naturally in the chair of justice, and gracefully answered every demand upon the station, whether it had respect to the dignity of the office, or to the elevation of the individual character of the incumbent, or to his firmness, purity, or vigor of mind. From the first moment he drew the judicial robes around him he viewed all questions submitted to him as a judge in the calm atmosphere of the bench, and with the deliberate consideration of one who feels that he is determining issues for the remote and unknown future of a great people.”

Magistratus ostendit virum—the magistracy shows out the man. A great office, by its great requirements and great opportunities, calls out and displays the great powers and rare qualities which, presumably, have raised the man to the place. Let us consider this last public service and last great station, as they exhibit Mr. Chase to a candid estimate.

And, first, I notice the conspicuous fitness for judicial service of the mental and moral constitution of the man. All through the heady contests of the vehement politics of his times, his share in them had embodied decision, moderation, serenity, and inflexible submission to reason as the master and ruler of all controversies. Force, fraud, cunning, and all lubric arts and artifices, even the beguilements of rhetoric, found no favor with him, as modes of warfare or means of victory. So far, then, from needing to lay down any weapons, or disuse any methods in which he was practised, or learn or assume new habits of mind or strange modes of reasoning, Mr. Chase, in the working of his intellect and the frame of his spirit, was always judicial.

It was not less fortunate for the prompt authority of his new station, so dependent upon the opinion of the country, that his credit for great abilities and capacity for large responsibilities was already established. Great repute, as well as essen-

tial character, is justly demanded for all elevated public stations, and especially for judicial office, whose prosperous service, in capital junctures, turns mainly on moral power with the community at large.

Both these preparations easily furnished the Chief-Justice with the requisite aptitude for the three relations, of prime importance, upon which his adequacy must finally be tested; I mean, his relation to the court as its presiding head, his relation to the profession as masters of the reason and debate over which the court is the arbiter, and his relation to the people and the State in the exercise of the critical constitutional duties of the court, as a coördinate department of the Government.

In a numerous court, that the Chief-Justice should have a prevalent and gracious authority, as first among equals, to adjust, arrange, and facilitate the coöperative working of its members, will not be doubted. For more than sixty years, at least, this court had felt this authority—*potens et lenis dominatio*—in the presence of the two celebrated Chief-Justices who filled out this long service. Their great experience and great age had supported, and general conformity of political feeling, if not opinion, on the bench, had assisted, this relation of the Chief-Justice to the court.

When Mr. Chase was called to this station, he found the bench filled with men of mark and credit, and his accession made an exactly equal division of the court between the creations of the old and of the new politics. In these circumstances the proper maintenance of the traditional relation of the Chief-Justice to the court was of much importance to its unbroken authority with the public. That it was so maintained was apparent to observation, and Mr. Justice Clifford, speaking for the court, has shown it in a most amiable light:

“Throughout his judicial career he always maintained that dignity of carriage and that calm, noble, and unostentatious presence that uniformly characterized his manners and deportment in the social circle; and, in his intercourse with his brethren, his suggestions were always couched in friendly terms, and were never marred by severity or harshness.”

As for the judgment of the bar of the country, while it gave its full assent to the appointment of Mr. Chase, as an elevated

and wise selection by the President, upon the general and public grounds which should always control, there was some hesitancy, on the part of the lawyers, as to the completeness of Mr. Chase's professional training, and the special aptitude of his intellect to thread the tangled mazes of affairs which form the body of private litigations. The doubt was neither unkind nor unnatural, and it was readily and gladly resolved under the patient and laborious application, and the accurate and discriminating investigation, with which the Chief-Justice handled the diversified subjects, and the manifold complexities, which were brought into judgment before him. In fact, the original dubitation had overlooked the earlier distinction of Mr. Chase at the bar in some most important forensic efforts, and had erred in comparing, for their estimate, Mr. Chase entering upon judicial employments, with his celebrated predecessors, as they showed themselves at the close, not at the outset, of their long judicial service. I feel no fear of dissent from the profession in saying that those who practised in the Circuit or in the Supreme Court while he presided, as well as the larger and widely-diffused body of lawyers who give competent and responsible study to the reports, recognize the force of his reason, the clearness of his perceptions, the candor of his opinions, and the lucid rhetoric of his judgments, as assuring his rank with the eminent judges of our own and the mother-country.

But, in the most imposing part of the jurisdiction and jurisprudence of the court; in its dominion over all that belongs to the law of nations, whether occupied with the weighty questions of peace and war, and the multitudinous disturbances of public and private law which follow the change from one to the other; or with the complications of foreign intercourse and commerce with all the world, which the genius of our people is constantly expanding; in its control, also, of the lesser public law of our political system, by which we are a nation of republics, where the bounds of State and Federal authority need constant exploration, and require accurate and circumspect adjustment; in its final arbitrament on all conflicts and encroachments by which the great coördinate departments of the Government are to be confined to their appropriate spheres; in that delicate and superb supremacy of judicial reason whereby the Constitution confides

to the deliberations of this court the determination, even, of the legality of legislation, and trusts it, nevertheless, to abstain itself from law-making—in all these transcendent functions of the tribunal the preparation and the adequacy of the Chief-Justice were unquestioned.

Accordingly, we find in the few years of his service, before his decline in health, in the crowd of causes bred by the civil war, which pressed the court with novel embarrassments, and loaded it with unprecedented labors, that the Chief-Justice gave conspicuous evidence, in repeated instances, of that union of the faculties of a lawyer and a statesman, which alone can satisfy the exactions of this highest jurisdiction, unequalled and unexampled in any judicature in the world. To name these conspicuous causes merely, without unfolding them, would carry no impression; and time fails for any demonstrative criticism upon them.

There are two passages in the judicial service of Mr. Chase which, attracting great attention and exciting some difference of opinion at the time of the transactions, invite a brief consideration at your hands.

The first political impeachment in our constitutional history, involving, as it did, the accusation of the President of the United States, required the Chief-Justice to preside at the trial before the Senate, creating thus the tribunal to which the Constitution had assigned this high jurisdiction. Beyond the injunction that the Senate, when sitting for the trial of impeachments, should be "on oath," the Constitution gave no instruction to fix or ascertain the character of the procedure, the nature of the duty assigned to the specially-organized court, or the distribution of authority between the Chief-Justice and the Senate. The situation lacked no feature of gravity—no circumstance of solicitude—and the attention of the whole country, and of foreign nations, watched the transaction at every stage of its progress. No circumstances could present a greater disparity of political or popular forces between accuser and accused, and none could be imagined of more thorough commitment of the body of the court—the Senate—both in the interests of its members, in their political feeling, and their pre-judgments; all tending to make the condemnation of the President, upon all superficial

calculations, inevitable. The effort of the Constitution to guard against mere partisan judgment, by requiring a two-third vote to convict, was paralyzed by the complexion of the Senate, showing more than four-fifths of that body of the party which had instituted the impeachment and was demanding conviction. To this party, as well, the Chief-Justice belonged, as a founder, a leader, a recipient of its honors, and a lover of its prosperity and its fame. The President, raised to the office from that of Vice-President—to which alone he had been elected—by the deplored event of Mr. Lincoln's assassination, was absolutely without a party, in the Senate or in the country; for the party whose suffrages he had received for the vice-presidency was the hostile force in his impeachment. And, to bring the matter to the worst, the succession to all the executive power and patronage of the Government, in case of conviction, was to fall into the administration of the President of the Senate—the creature, thus, of the very court invested with the duty of trial and the power of conviction.

Against all these immense influences, confirmed and inflamed by a storm of party violence, beating against the Senate-house without abatement through the trial, the President was acquitted. To what wise or fortunate protection of the stability of government does the people of this country owe its escape from this great peril? Solely, I cannot hesitate to think, to the potency—with a justice-loving, law-respecting people—of the few decisive words of the Constitution which, to the common apprehension, had impressed upon the transaction the solemn character of trial and conviction, under the sanction of the oath to bind the conscience, and not of the mere exercise of power, of which its will should be its reason. In short, the Constitution had made the procedure *judicial*, and not *political*. It was this sacred interposition that stayed this plague of political resentments which, with their less sober and intelligent populations, have thwarted so many struggles for free government and equal institutions.

Over this scene, through all its long agitations, the Chief-Justice presided, with firmness and prudence, with circumspect comprehension, and sagacious forecast of the vast consequences which hung, not upon the result of the trial as affecting any per-

sonal fortunes of the President, but upon the maintenance of its character as a trial—upon the prevalence of law, and the supremacy of justice, in its methods of procedure, in the grounds and reasons of its conclusion. That his authority was greatly influential in fixing the true constitutional relations of the Chief-Justice to the Senate, and establishing a precedent of procedure not easily to be subverted; that it was felt, throughout the trial, with persuasive force, in the maintenance of the judicial nature of the transaction; and that it never went a step beyond the office which belonged to him—of presiding over the Senate trying an impeachment—is not to be doubted.

The President was acquitted. The disappointment of the political calculations which had been made upon, what was felt by the partisans of impeachment to be, an assured result, was unbounded; and resentments, rash and unreasoning, were visited upon the Chief-Justice, who had influenced the Senate to be judicial, and had not himself been political. No doubt, this impeachment trial permanently affected the disposition of the leading managers of the Republican party toward the Chief-Justice, and his attitude thereafter toward that party, in his character of a citizen. But the people of the country never assumed any share of the resentment of party feeling. The charge against him, if it had any shape or substance, came only to this: that the Chief-Justice brought into the Senate, under his judicial robes, no concealed weapons of party warfare, and that he had not plucked from the Bible, on which he took and administered the judicial oath, the commandment for its observance.

Not long after Mr. Chase's accession to the bench there came before the court a question, in substance and in form, as grave and difficult as any that its transcendent jurisdiction over the validity of the legislation of Congress, has ever presented, or, in any forecast we can make of the future, will ever present for its judgment; I mean the constitutionality of that feature and quality of the issues of United States notes during the war, which made them a legal tender for the satisfaction of private debts. This measure was one of the great administrative expedients for marshaling the wealth of the country, as rapidly, as equally, and as healthfully, to the energies of production and industry, as might be, and so as seasonably to meet the immeas-

urable demands of the public service, in the stress of the war. That it was debated and adopted, with full cognizance of its critical character, and with extreme solicitude that all its bearings should be thoroughly explored, and upon the same peremptory considerations, upon which the master of a ship cuts away a mast or jettisons cargo, or the surgeon amputates a limb, was a matter of history. Mr. Chase, as Secretary of the Treasury, with a reluctance and repugnance which enhanced the weight of his counsels, approved the measure, as one of necessity for the fiscal operations of the Government, which knew no other seasonable or adequate recourse. Upon this imposing and authoritative advice of the financial minister, the legal-tender trait of the paper issues of the Government was adopted by Congress, and without his sanction, presumptively, it would have been denied.

And now, when, after repeated argument at the bar, and long deliberations of the court, the decision was announced, the determining opinion of the Chief-Justice, in an equal division of the six associate justices, pronounced the legal-tender acts unconstitutional, as not within the discretion of the political departments of the Government, Congress, and the Executive, to determine this very question of the necessity of the juncture, as justifying their enactment.

The singularity of the situation struck everybody, and greatly divided public sentiment between applause and reproaches of the Chief-Justice, as the principal figure both in the administrative measure and in its judicial condemnation. But soon, a new phase of the unsettled agitation on the merits of the constitutional question, drew public attention, and created even greater excitement of feeling and diversity of sentiment. The court, which had been reduced by Congress under particular and temporary motives, hostile to the appointing power of President Johnson, had been again opened by Congress to its permanent number, and its vacancies had been filled. A new case, involving the vexed question, was heard by the court, and the validity of the disputed laws was sustained by its judgment. The signal spectacle of the court, which had judged over Congress and the Secretary, now judging over itself, gave rise to much satire on one side and the other, and to some coarseness of contumely as

to the motives and the means of these eventful mutations in matters, where stability and uniformity are, confessedly, of the highest value to the public interests, and to the dignity of government.

Confessing to a firm approval of the final disposition of the constitutional question by the court, I concede it to be a subject of thorough regret that the just result was not reached by less uncertain steps. But, with this my adverse attitude to the Chief-Justice's judicial position on the question, I find no difficulty in discarding all suggestions which would mix up political calculations with his judicial action. The error of the Chief-Justice, if, under the last judgment of the court, we may venture so to consider it, was in following his strong sense of the supreme importance of restoring the integrity of the currency, and his impatience and despair at the feebleness of the political departments of the Government in that direction, to the point of concluding that the final wisdom of this great question—*inter apices juris*, as well as of the highest reasons of state—was to deny to the brief exigency of war, what was so dangerous to the permanent necessities of peace. But a larger reason and a wider prudence, as it would seem, favor the prevailing judgment, which refused to cripple the permanent faculties of government for the unforeseen duties of the future, and drew back the court from the perilous edge of *law-making*, which, overpassed, must react to cripple, in turn, the essential judicial power. The past, thus, was not discredited, nor the future disabled.

I have now carried your attention to the round of public service which filled the life of Mr. Chase with activity and usefulness, and yet the survey and the lesson are incomplete without some reference to a station he never attained, to an office he never administered; I mean, to be sure, the presidency. It is of the nature of this great place of power and trust, and the necessity of the method by which alone it can be reached, to present to the ambition and public spirit of political leaders, and to the honest hopes and enthusiasm of the great body of the people, an equally frequent disappointment. This is not the place to insist upon the reasons of this unquestionable mischief, nor to attempt to point out the escape from them, if indeed the problem be not, in itself, too hard for solution. To

Mr. Chase, as to all the great leaders of opinion in the present and perhaps the last generation of our public men, this disappointment came, and in his case, as in theirs, brought with it the defeat of the hopes and desires of a large following of his countrymen, who sought, through his accession to the presidency, the elevation of the Government, and the welfare of the people.

That the range and dignity of Mr. Chase's public employments and the large capacity, absolute probity, and unbounded energy which he had shown in them, justified his aspiration to the presidency, and the public calculations of great benefit from his accession to it, may not be doubted. In this state of things it is obvious, that he would necessarily be greatly in the minds of men, as a candidate for the candidacy, and this, too, whether they favored or opposed it, without any implication of undue activity of desire, much less of effort, on his part, to obtain the nomination. But, it was not in the fortunes of Mr. Chase's life to take the flood of any tide, in the restless sea of our politics, which led on to the presidency. In 1860 there was no principle and no policy of the Republican party which could tolerate the postponement of Mr. Seward to Mr. Chase, if a political leader was to be put in nomination. In 1864 the paramount considerations of absolute supremacy, which dictated the reëlection of Mr. Lincoln, would endure no competition of candidates in the Republican party. In 1868, when each party seemed, in an unusual degree, free to seek and find its candidates where it would, Mr. Chase was Chief-Justice, and no issue of the public safety existed, which alone, in the settled convictions of this people, would favor a political canvass by the head of the judiciary.

In a just view of the office of President, as framed in the Constitution, which he only, in the whole establishment of the Government, is sworn "to preserve, protect, and defend," and of the rightful demands of this people from its supreme magistracy, I am sure most people will agree that Mr. Chase possessed great qualities for the discharge of its high duties, and for the maintenance of good government in difficult times. These qualifications I have already unfolded from his life. If, indeed, the great hold over the Government, which the Constitution secures to the people by the election of the Presi-

dent, and his direct and constant responsibility to popular opinion, and the full powers, thus safely confided to him, in the name and as the trust of the people at large—if this hold is to be exercised and preserved in its appropriate vigor, it can only be by the election to the presidency of true leaders of the political opinion of the country. In this way alone can power and responsibility be kept in union; and any nation which, in the working of its government, sees them divorced—sees power without responsibility, and responsibility without power—must expect dishonor and disaster in its affairs.

I have, thus, with such success as may be, undertaken to separate the thread of this individual character and action from that woven tapestry of human life, whose conciliated colors and collective force make up one of the noblest chapters of history. I have attempted to present in prominent points, passing *per fastigia rerum*, the worth, the work, the duty, and the honor which fill out “the sustained dignity of this stately life.” From his boyhood on the banks of this fair river—famous as having given birth and nurture to three Chief-Justices of the United States, Ellsworth, Chase, and Waite; through his first lessons in the humanities in beautiful Windsor, his fuller instruction in the lap of this gracious mother, his loved and venerated Dartmouth; through his lessons in law and in eloquence at the feet of his great master, Wirt, his study of statesmen and government at the capital; through his faithful service to the law, that jealous mistress, and his generous advocacy of the rights, and resentment of the wrongs, of the unfriended and the undefended; through his season of stormy politics with its “estimations of joys and fears;” through the crush and crowd of labors and solitudes which beset him as minister of finance in the tensions and perils of war; through all this steep ascent to the serene height of supreme jurisprudence, this life, but a span in years, was enough for the permanent service of his country, and for the assurance of his fame. “*Etenim, Quirites, exiguum nobis vitæ curriculum natura circumscripit, immensum gloriæ.*”

If I should attempt to compare Mr. Chase, either in resemblance or contrast, with the great names in our public life, of our own times, and in our previous history, I should be inclined to class him, in the solidity of his faculties, the firmness of his

will, and in the moderation of his temper, and in the quality of his public services, with that remarkable school of statesmen, who, through the Revolutionary War, wrought out the independence of their country, which they had declared, and framed the Constitution, by which the new liberties were consolidated and their perpetuity insured. Should I point more distinctly at individual characters, whose traits he most recalls, Ellsworth as a lawyer and judge, and Madison as a statesman, would seem not only the most like, but very like, Mr. Chase. In the groups of his cotemporaries in public affairs, Mr. Chase is always named with the most eminent. In every triumvirate of conspicuous activity he would be naturally associated. Thus, in the preliminary agitations which prepared the triumphant politics, it is Chase and Sumner and Hale; in the competition for the presidency when the party expected to carry it, it is Seward and Lincoln and Chase; in administration, it is Stanton and Seward and Chase; in the Senate, it is Chase and Seward and Sumner. All these are newly dead, and we accord them a common homage of admiration and of gratitude, not yet to be adjusted or weighed out to each.

Just a quarter of a century before Mr. Chase left these halls of learning, the college sent out another scholar of her discipline, with the same general traits of birth, and condition, and attendant influences, which we have noted as the basis of the power and influence of this later son of Dartmouth. He played a famous part in his time as lawyer, senator, and minister of state, in all the greatest affairs, and in all the highest spheres of public action; and to his eloquence his countrymen paid the singular homage, with which the Greeks crowned that of Pericles, who alone was called Olympian for his grandeur and his power. He died with the turning tide from the old statesmanship to the new, then opening, now closed, in which Mr. Chase and his cotemporaries have done their work and made their fame. Twenty-one years ago this venerable college, careful of the memory of one who had so greatly served as well as honored her, heard from the lips of Choate the praise of Webster. What lover of the college, what admirer of genius and eloquence, can forget the pathetic and splendid tribute which the consummate orator paid to the mighty fame of the great statesman?

What mattered it to him, or to the college, that, for the moment, this fame was checked and clouded, in the divided judgments of his countrymen, by the rising storms of the approaching struggle? But, instructed by the experience of the vanquished rebellion, none are now so dull as not to see that the consolidation of the Union, the demonstration of the true doctrine of the Constitution, the solicitous observance of every obligation of the compact, were the great preparations for the final issue of American politics between freedom and slavery.

To these preparations the life-work of Webster and his associates was devoted; their completeness and adequacy have been demonstrated; the force and magnitude of the explosion have justified all their solitudes lest it should burst the cohesions of our unity. The general sense of our countrymen now understands that the statesmen who did the most to secure the common government for slavery and freedom under the frame of the Constitution, and who in the next generations did the most to strengthen the bonds of the Union, and to avert the last test till that strength was assured; and, in our own latest times, did the most to make the contest at last become seasonable and safe, thorough and unyielding and unconditional, have all wrought out the great problem of our statesmanship, which was to assure to us, "Liberty and Union, now and forever, one and inseparable." They all deserve, as they shall all receive, each for his share, the gratitude of their countrymen, and the applause of the world.

To the advancing generations of youth that Dartmouth shall continue to train for the service of the republic, and the good of mankind, the lesson of the life we commemorate, to-day, is neither obscure nor uncertain. The toils and honors of the past generations have not exhausted the occasions nor the duties of our public life, and the preparation for them, whatever else it may include, can never omit the essential qualities which have always marked every prosperous and elevated career. These are energy, labor, truth, courage, and faith. These make up that ultimate wisdom to which the moral constitution of the world assures a triumph.—"Wisdom is the principal thing; she shall bring thee to honor; she shall give to thy head an ornament of grace; a crown of glory shall she deliver to thee."

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