

THE LIBERATION AND RESTORATION OF THE SOUTH.

S P E E C H

OF

HON. J. M. ASHLEY, OF OHIO,

IN THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

ON THE

30th DAY OF MARCH, 1864.



Mr. SPEAKER:—

The hour has come in which Congress must deal with the great crime of the nineteenth century. The leading conspirators must be punished by punishments commensurate with their terrible deeds. Every loyal citizen of the United States will expect this, of those to whom, they have, at this time confided the destinies of the nation. They will demand that this great crime be so dealt with, that the Government shall obtain "indemnity for the past and security for the future." As one of the Representatives of the loyal people of Ohio, I demanded at the beginning of the rebellion, and I demand now, that it shall be so dealt with, that a like crime from the same cause shall in the future be impossible.

The proper disposition by Congress of the causes which produced the rebellion, and all questions intimately connected with it, have given me, as they doubtless have given every loyal man, great anxiety.

The question before us is, how shall the States whose governments have been usurped or overthrown, be re-established and their loyal citizens be re-invested with all the rights, privileges and immunities of citizens of free States in the American Union.

This is indeed a question of transcendent

importance—one, with which the mere politician has as little fitness as disposition to grapple. To meet and properly dispose of it, demands the highest order of statesmanship. The untried problem of re-establishing loyal State governments over vast districts of country, so long in rebellion, involves the gravest responsibility, and presents questions of constitutional power which have never before been discussed, as they must now be discussed, by the National Congress. I am free to confess that from the first my anxiety has been, not so much how to conquer the rebels, as how to secure an honorable and enduring peace after they were conquered. This is a question, which, until its final settlement will demand the serious consideration of the ablest statesmen in the nation.

It may be an unwelcome question to many gentlemen in this House. I doubt not that it is, I have reason to know that it was an unwelcome question to many in the last Congress, but whether welcome or unwelcome, it cannot now be disposed of or excluded from these halls as it was two years ago by parliamentary strategy and congressional dodging.

The logic of events is forcing the nation inward with such rapidity that we cannot, of we would, evade this question, and many

gentlemen are now prepared to act, who were opposed to all action two years ago. Thanks to our heroic army, the rebellion is now so far suppressed, that the question of reconstruction is forced upon and demands our immediate consideration. All can now see that it ought not to have been delayed so long, and I am sure, all will agree, that it cannot longer be neglected, without great injustice to the loyal people of the rebellious districts.

At the outbreak of the rebellion, practical men saw and urged the importance and necessity of an Act of Congress to provide temporary Governments of some kind, for the districts of country in rebellion; to authorize the loyal citizens residing therein, as soon as the rebellion was sufficiently suppressed to reorganize State governments, where they had been usurped or overthrown, and to guarantee to them State governments, republican in form, as prescribed by the National Constitution. The bill from the Select Committee now before the House, recognizes fully and clearly the authority of Congress to pass all laws which are necessary and proper to carry into practical effect that constitutional guarantee. The authority to legislate on this subject, once admitted, whether under the war powers or peace powers of Congress;—the only questions which can possibly divide the unconditional Union men in Congress, or throughout the country, will be as to matters of detail. It will be noticed that the Committee have sought to avoid the adoption of any especial theory, in the bill which they have presented. Whether the rebel usurpation has destroyed the constitutional governments of the seceded States, or whether those State governments are simply suspended or in abeyance by reason of the abdication of their officers, or whether by the acts of treason and rebellion on the part of their citizens and constituted authorities, the States thus in rebellion have committed State suicide, the Committee have thought best to leave to the determination of each member for himself. Hence, no report is submitted with this bill. For the same reason, no report accompanied the bill submitted by me on this subject two years ago, with the approval of a majority of the Committee on Territories. The sovereignty of the United States, and the power of Congress under the Constitution, to legislate for the districts of country in rebellion, is fully recognized by this bill. All that I have ever contended for touching the question of Congressional power is here admitted. Determining from the outbreak of the rebellion, that slavery should die, I have sought only for such Congressional action as would restore the rebel States to the

Union, with freedom as their fundamental law. For this purpose, I then insisted and now insist, that until such time as the loyal citizens, in each of the rebellious States, are numerous enough to maintain a State government, and shall adopt a Constitution prohibiting slavery forever, they ought to be treated and governed as citizens of the United States, residing within the National jurisdiction, on National territory, without State Governments. With me this has been from the first the all important point. Practically, this idea pervades the entire bill before us. I care not whether the power to govern the districts of country, declared by the President's proclamation to be in rebellion, after they shall have been subjugated, is derived from the war powers or the peace powers of Congress. I believe either to be Constitutional and sufficient. I believe we may establish either temporary military Governments, or temporary civil Governments. Certainly, Congress may, as the representative of the sovereign power of the nation, pass such laws as in its opinion, may be necessary to secure the rights and liberties of the loyal people in those States, whose Governments have been destroyed by traitors. To this end Congress may, by authority of the National Constitution, prescribe such conditions for the restoration of the States, whose Governments have been usurped or overthrown, as will best secure the peace and stability of the nation, and guarantee to such States Republican Governments. Believing that this can be done in no way so safely and so well as by organizing and recognizing new State Governments, as provided for by this bill, I am in favor of its passage.

Mr. Speaker, In attempting a solution of the difficulties which environ us on this question of reconstruction, I have sought only for the adoption of such measures as would secure the *safe* and *speedy* restoration to the Union of all States in rebellion, on a basis that would command the approval of the ablest statesmen of the country. I have had and now have no *theory* that I will not yield to accomplish this most desirable result. I believe it to be the imperative duty of Congress to lay deep the foundation of our proposed action on this subject. I believe it to be our duty to declare, in the most solemn manner, that if hereafter any State shall renounce its allegiance to the national Constitution and appeal from the decision of the ballot-box to the arbitrament of the sword, it shall be subjugated by the sword, and all its prerogatives as a State be forfeited, until such time as Congress provides for its reorganization, or until its loyal citizens shall, in the exercise of their inherent rights of self-government, call a

convention and adopt a new State Constitution, republican in form, in conformity with and subject to the Constitution of the United States, and be recognized or re-admitted by Congress to exercise their proportionate part of the governing power of the country.

Mr. Speaker, I can give my support to this bill and defend it, only on the assumption that there are no Constitutional State Governments in the rebel States. Are there any such State Governments? I hold that there are not. I hold that a State may forfeit its right as part of the supreme governing power of the Republic. I think this proposition cannot be successfully controverted. A majority of the electors of any State in this Union may, unquestionably, alter or abolish their written Constitution and refuse to establish another in its stead. If they may, as all concede, do this, then the abolition of a State Constitution, in the manner prescribed by the organic or statute law of the State, and the adoption of a new Constitution, renouncing their allegiance to the United States, would terminate their right, under the Constitution, to exercise any part of the governing power of the nation. If, then, a State of this Union may, by the action of its citizens, forfeit its rights under the Constitution to exercise part of the sovereign power of the nation, or in any way cease to maintain such a State Government as can be recognized by Congress under the Constitution; the assumption that "a State once a State is always a State," is a fallacy as pernicious as it is false.

I trust that no argument is needed at this late day to refute the illogical and sophistical reasoning which was so prevalent in this Hall and throughout the country during the Congress immediately preceding the rebellion. It will be remembered that it was then, and is now to some extent, maintained that if any one or more States withdrew from the Union by the action of a majority of its qualified electors, "for reasons, the sufficiency of which, before God and the great tribunal of human history, they alone should be the judge," that their action in so doing in conformity with the laws of their own State, destroyed the Government of the United States, and left each State free to act for itself as an independent nation.

It was only those who were indoctrinated with the false theory that the United States were a Confederated Government and not a nation, or who were blinded by the Calhoun doctrine of State-rights, who set up for answer to this shallow assumption, the claim "that a State once a State is always a State."

I lay it down as a proposition, which I do

not believe can be controverted, that the constitutional relations of a State to the National Government may terminate, and the State cease, as a political organization, to be a State invested by the Constitution with part of the sovereignty of the nation in one of the following modes:

1st. By successful revolution and the establishment of an independent Government.

2. By the conquest of a foreign power.

3. By the treaty-making power, whereby one or more States, or any part of a State may be ceded to a foreign nation.

4. By acts of treason and rebellion on the part of the constituted authorities of a State sustained by a majority of its citizens.

5. By the refusal of a majority of the electors in a State to perform their duties as citizens, and by prohibiting the minority from exercising the functions of a State Government under the Constitution.

Other modes might be named, and have doubtless suggested themselves to gentlemen who have examined the subject. These, however, will suffice to illustrate the views I desire to present.

The first and second propositions will not be disputed. All will concede that by successful revolution or by conquest States may cease to be members of the Union.

There may be some who will deny that by the treaty-making power, the Government of the United States can cede one or more States or any part of a State to a foreign power. Those who claim that "a State, once a State, is always a State," will doubtless deny any proposition at war with this theory. The power, however, to acquire and to cede territory, is an attribute of sovereignty fully recognized by the civilized Governments of the world. John Quincy Adams declared, in a speech delivered by him in the House of Representatives, many years ago, that a State could constitutionally be ceded to a foreign power. If one State may be ceded, then two or more States, or any part of a State, may be ceded. In settling the disputed boundary between Great Britain and the United States, Mr. Webster negotiated a treaty ceding to Great Britain part of the State of Maine, which the Senate of the United States ratified, and it became and is to-day the law of the land. If that treaty had ceded all the territory included within the limits of the State, save one hundred acres, would the families occupying the remaining territory have the right to assume the government of the State, and put the machinery of a State Government in operation, elect themselves to office, and send Senators and Representatives to Congress? If "a State, once a

State, is always a State," this right would be unquestionable, and they would assuredly be clothed with that power. It is said, if there be but *ten* or even *two* loyal citizens in any State which by the votes of a majority of its legal electors has, in the manner prescribed by law, abolished its State Government, established a new and hostile Government, and made war against the United States to maintain it, that the *two* or *ten* citizens remaining loyal, or professing loyalty, are, by virtue thereof, invested with the entire power of the State Government, as it existed before the Rebellion; that, indeed, the old Constitution survives the action of the majority which has abolished it and adopted a new one; and that the *two* or *ten* loyal men may, under it, elect and inaugurate officers from their own number, and thus, while assuming that the acts of the majority are null and void, hold within themselves and perpetuate the existence and Government of the State.

What wonder that we have had such blundering in Virginia and Louisiana on this question of re-construction, when we have loyal men claiming to be statesmen in the Senate and House of Representatives, misleading themselves and the country with such transcendental propositions as that which assumes that "a State, once a State, is always a State," and that *ten* men may set up and maintain a State Government in a State, which half a million of men have voted to abolish.

But I desire, more particularly, to call the attention of the House to the fourth proposition, that the Constitutional relations of a State to the National Government may be terminated, by the action of its constituted authorities, sustained by a majority of its citizens, in abolishing their State Constitution, establishing a new one, and making war upon the Supreme Government, to maintain the new Government thus established. I claim, that a State, which is guilty of such action, divests itself of all rightful authority to participate in and be part of the Government which it is seeking to destroy, just as every citizen who commits treason, forfeits his right to citizenship, property and life. The territory constituting the State is still within the national jurisdiction and constitutes part of the national territory, its citizens, though in Rebellion, are still citizens of the United States, and under the Constitution they owe a paramount allegiance to the National Government; but the State, having been converted by the treason of its rulers and citizens into an engine of war for the destruction of the nation, has justly and legally forfeited all its rights as an organized political community, invested

with part of the sovereignty of the nation.

Whatever part of national sovereignty was by the Constitution and Laws of the United States vested in such State, lapsed by virtue of its treason and rebellion, or the treason and rebellion of its citizens, and remains in the supreme Government. Gentlemen have asked, with an air of apparent gravity, "when did these States cease to exist? Was it on the passage of their secession ordinances? If not, at what precise period of time did they cease to be States, and get out of the Union?" I answer that the territory and people constituting the State have not and cannot "get out of the Union," as gentlemen are pleased to term it; that is, they cannot withdraw themselves and the territory of the State from the Constitutional jurisdiction of the National Government, except by successful revolution; but when a majority of the electors of any State, in compliance with the spirit and forms of their organic or statute law, change their State Constitutions and Governments, and renounce their obedience to the National Constitution, their State Governments cease from that very hour. Gentlemen must remember that this is not a rebellion on the part of the majority, or indeed any part of the people of the rebel States, against the constituted authorities and former recognized Governments of those States, but a rebellion on the part of the constituted authorities, and a majority of the people of those States, against the Government of the United States. If it were a rebellion of a minority, or even of a majority of the people of those States, against their old State Government and constituted authorities, as well as a rebellion against the National Government, the old State Governments would remain, if their Constitutions had not been abolished, and their constituted authorities had remained loyal; but their State Governments would be in abeyance, while the rebel insurgents held possession of the State. The Constitutions and Governments of all the rebel States, however, having been changed or abolished in the manner prescribed in the organic or statute laws of said States by the will of a constitutional majority of their qualified electors, surely no lawyer will claim that a legal State Constitution and Government exists in any of those States, such as can be recognized by Congress or any department of the National Government. When such a change of their Constitutions and Governments was effected, their constitutional relations to the National Government ceased. They then ceased to be States of this Union as political organizations, invested by the Constitution and Laws of

the United States, with part of the governing power of the Republic, but the territory and people remain as before, legally subject to the Laws and Constitution of the United States.

If this theory be not the true one, then all that the conspirators in Congress from the rebel States needed to have done and all they need do in case of another rebellion, is to remain in the Senate and House, and insist that the States which they represent, though waging war against the National Government to destroy it, are still States, endowed with part of the sovereign power of the country, and that as representatives from these States, they have the constitutional right to retain their seats as part of the governing power of the country.

Sir, if the conspirators and rebel chiefs could have known that a doctrine so fatal as this to our very existence as a nation, would have been seriously maintained by loyal men in the midst of this great rebellion; if they could have known that men claiming to be statesmen, would assert as a principle that "a State, *once a State, is always a State,*" and that the minority of its citizens had the constitutional right to send full delegations of Senators and Representatives to Congress, though a majority, with the constituted authorities of the State, were in rebellion against the National Government; if they could have been made to believe that the Thirty-Seventh Congress would have insisted that this minority in any of the rebel States, without an organized civil Government, recognized by Congress, had the right to fill these Halls with their Representatives, on condition of swearing fealty to the Government, without regard to the number of their constituency, so that they ranged anywhere from *ten to one or two* hundred professedly loyal voters for each member of Congress:—I say, if the conspirators and rebel chiefs could have anticipated all this, they would doubtless have materially changed their programme, and every vacant chair in Congress would have been filled from the outbreak of the rebellion to this hour, with the open or secret enemies of the Government, all laboring for its destruction.

Mr. Speaker, I know, and alas, we all know, too well, that Southern statesmen, for the past thirty years, have had good reason to be familiar with the stupidity of Northern Representatives in Congress; but, sir, I venture the assertion that no Southern man, in the maddest hour of his passionate contempt for the North, ever conceived that Northern men would be guilty of the stupidity of claiming to-day, that South Carolina, or any other rebel

State, has a State Government in existence, which entitles it under the National Constitution, to exercise part of the governing power of this nation. Gentlemen may insist as long and pertinaciously as they please, that States cannot dissolve their political relations to the National Government, and that when they are once States, they are always States. The fact that States, with the approval of a majority of their citizens, have abolished their State Constitutions, renounced their allegiance to the National Constitution, and made war upon the National Government to destroy it, is as notorious as the fact that our armies are engaged in putting down the rebellion. I hold that no act of rebellion and levying war on the part of the constituted authorities of a State, and no ordinance of secession passed by a State Legislature or a convention in any State, with the approval of every elector in it, can legally or constitutionally affect the rightful jurisdiction of the National Government over the people and territory of such State, but such ordinances of secession and acts of rebellion and levying war on the part of the constituted authorities of said State, sustained by a majority of its citizens, destroys, as a matter of fact, the political organization known and recognized as a State by the National Constitution, and no State thus in rebellion can maintain constitutional relations to the General Government, until it is re-organized by the loyal people, subject to and in conformity with the Constitution and Laws of the United States. Before they are thus re-organized, and until Congress recognizes them as States, and admits their Senators and Representatives, the governing power heretofore lodged in them as political organizations, having, by their acts of treason and rebellion, lapsed, remains in the people of the States which are faithful to the National Constitution.

When I first advanced this theory in 1861, and again by the bill introduced by me in March, 1862, professedly loyal editors were not wanting in my own State, who were so narrow-visioned as to charge me with endorsing the doctrine of secession. Indeed, the minority of my own committee submitted two reports to this House at the first regular session of the last Congress, making substantially the same charge. It might be both amusing and instructive at this time to review those reports, did time permit. I ask, gentlemen, if there can be any greater contrast between the doctrine of secession and that which I then claimed and now claim, as rightfully belonging to the supreme sovereign power of the nation. I held then, and hold now, that the Gov-

ernment of the United States has the constitutional right to maintain its authority over every State, in defiance of State secession and State rebellion. The object of the bill introduced by me, more than two years ago, was to aid in enforcing this right. That is the object of the bill now before us. Gentlemen who can discover in this a recognition of the right of secession are evidently remarkable logicians, and should be known at once to the great masters, in order that their names may be embalmed with those who "were not born to die."

The leading ideas embodied in the bill reported by me from the Committee on Territories, in the last Congress, and at which many gentlemen on the other side professed to be so greatly shocked, have all been adopted, as they know, as part of the policy of the Government. Even the liberation of millions of slaves by proclamation has been accomplished, and many of these liberated slaves have had the plantations of their rebel masters given to them for homesteads in accordance with the policy indicated in that bill, and yet, the nation "still lives."

The National Government not only lives, but it is powerful enough to put down the rebellion, and these rebel State Governments. Having done this, it will doubtless find constitutional power to prescribe such conditions as shall keep them down and maintain its supreme authority over every citizen and every foot of the national territory, until such time as the loyal citizens of each State shall reconstruct new State Governments, with republican Constitutions, and they shall have been recognized by Congress.

I might fortify my position still further if it were necessary, by showing that both the Executive and Legislative branches of the Government have, by their repeated acts, recognized the fact, that the old Constitutional State Governments were destroyed or had been abolished in all the so-called seceded States. There are many clever theories on this subject, one is that these State Constitutions and Governments still exist, notwithstanding they have been abolished by the action of their citizens and the new State Governments are at war with the National Government. This legal crotchet possesses the minds of some gentlemen who insist that the old Constitutions and Governments still remain, because the action of the majority is illegal, and therefore null and void. To this I interpose the stern fact that a majority of the legal electors have abolished their State Governments, and that there are no Governors, Judges or Legislators recognized by the National Constitution in those States, that, therefore,

those States, as political organizations, are dead. Gentlemen may parade before us the ghosts of these dead States, and call them living and palpable, but they are no more States with Constitutions and laws which can be recognized by Congress, than the artificial ghosts which are used to illustrate the drama are the ghosts of departed saints or sinners. The State organization, with its Governors, Judges, and Legislators, and its written Constitution, is gone. Philosophically speaking, perhaps, as Mr Brownson suggests in the January number of his Quarterly, there must be, with every people, sufficiently numerous and intelligent to maintain a Republican Government, an unwritten, before there can be a written Constitution, and in this sense a Constitution may be said to exist in every State. But all the rebel States have written Constitutions. They may not now faithfully reflect the unwritten Constitution of the people in the rebel States. We shall see how that is when they come to act under the provisions of this bill, in reorganizing their State Governments, and making another written Constitution. If the action of the constituted authorities of the rebel States, sustained by a majority of their electors, in abolishing their State Constitutions and Governments, has not changed the legal relations of these States to the United States, then the National Government has no legal cause of complaint against these States. The fact is, however, despite all theories, that the Constitutional relations of these States to the National Government are changed, and there is not a day passes in which this stern fact is not in some way acknowledged by every Department and officer of the Government.

I need not elaborate the fifth proposition. It will not be denied that the majority of the legal electors of a State may refuse to maintain a State Government, that they may refuse to send Senators and Representatives to Congress, and may prohibit the minority from exercising the functions of a State Government, by abolishing the State Constitution; by refusing themselves to establish, or to permit others to establish another in its stead. The Government of the United States cannot compel the people of a State against their wishes to maintain and perform the functions of a State Government under the Constitution. They cannot compel the people of a State to send Senators and Representatives to the National Congress, and the only alternative left to the Governments of the United States, when State Constitutions are abolished, or the people refuse to maintain State Government, subject to the Constitution and laws of the United States, is for Congress, representing the supreme sovereignty of the

nation, to provide by law for the protection of the lives and property of its citizens, and for governing the territory formerly within the local jurisdiction of the State until such time as a Constitutional State Government can be formed and recognized by Congress. And here, sir, I dismiss this part of my subject.

Mr. Speaker, I do not claim that this bill is perfect. Under the circumstances, however, I believe it is the best we can get. I do not think it safe beyond question, to authorize the organization of State Governments, when only one-tenth of the electors are loyal to the United States. I admit that this provision was in the bill, introduced by me in the early part of the present session. I incorporated it in the bill, to make it harmonize with the President's suggestion, and not because it had the sanction of my own judgment. As a member of the Committee, charged with the subject of providing for the re-organization of Constitutional State Governments by the loyal citizens in the rebel States, I have sought to secure the best bill I possibly could. It is not all I could desire, but I do not intend to offer any amendment to it, but if an amendment is offered, increasing the number of loyal electors required to organize a State Government, I shall feel obliged to vote for it. I believe the democratic idea the better one, that the *majority* and not the *minority* ought to be vested with the organization and Government of a State. Certainly it is safer to trust a State Government to the maintenance of a *majority* than to *one-tenth* claiming to be loyal, while *nine-tenths* are openly disloyal.

In answer to many objections which have been urged by distinguished gentlemen, who have written me on the subject of the *ten per cent* law, I will say, that the loyal *one-tenth* are I represent all the inhabitants, loyal and disloyal, in the State; that representation in Congress is not based upon the number of *electors* or loyal citizens in any State, but upon the whole number of inhabitants. Formerly in the South, *three-fifths* of all the slaves were included in the enumeration. Since the emancipation of the slaves, the *three-fifths* representation used in the Constitution is practically abolished, and each emancipated slave will hereafter be enumerated as an inhabitant. That there is no injustice to the No. in allowing the old representation in Congress from the rebel States. That *one-tenth* of the population, known as the *three-fifths* free and slave, not counted in the enumeration, will now be added, and *three-fifths* of four millions will probably exceed the number of whites killed or driven from the Southern States.

If we should undertake to apportion Representatives in Congress, from the several States upon the number of loyal electors, we should find, I fear, a number of districts in the North quite as disloyal as many in the South.

I believe that the safety of the Government, and justice to loyal men, demand that we should put the entire authority of reconstructing new State Governments in the rebel States into the hands of loyal men and none others. If it is deemed safe to entrust ten per cent of the number of electors in each State in 1860, with this power and responsibility, so be it. If we invest them with this power, they must represent at the ballot-box, and in all the offices, State and National, the entire population of those States, loyal and disloyal, including all the colored inhabitants.

There are some other points in the bill, which I am prevented from noticing for want of time.

Mr. Speaker, If we would avoid all possible complications, and the danger of another conspiracy and rebellion, let us provide, before this Congress adjourns, by law, for the re-establishment, of Republican Governments, by the loyal citizens, in the rebel States. A subject of so much importance, must not be left to the caprice or whim of a military commander.

Mr. Speaker, Suppose the doctrine be adopted, that "a State, once a State, is always a State," and that a small minority claiming to be loyal, may at any time, and in any part of a State, occupied by our forces, call a mass convention of those favorable to organizing a new State Government, and when the convention is assembled, it selects a Governor and State officers, and authorizes them to assume the functions of a State Government, either under the old Constitution, as was done in Virginia, or under a Constitution proclaimed by martial law, as was recently done in Louisiana, and that the Governor thus chosen proceeds to issue his proclamation for the election of a Legislature, and members thereof, in pursuance of said proclamation, are elected in some half dozen counties of the State, and convene and organize as the Legislature of the State, and frame a law apportioning the State into Congressional Districts, and elect two United States Senators, and appoint a day upon which Representatives are elected to Congress, and send their electoral vote here for President and Vice-President next winter, what action would this House take upon such a condition of things? If five or six or more of the rebel States, in which we have a military force, should by the action of a few hundred men, thus organize and send their electoral vote here, and claim,

as they would, that it should be counted, would this House consent to it? Suppose the electoral vote thus sent here should change the result of the Presidential election—and if counted elect a President in sympathy with the rebels; or suppose there were three Presidential candidates before the people, and that the votes of these assumed State organizations are so cast as to defeat an election by the people, and make it necessary for the House to select the President, do not gentlemen know that the excitement which attends such a contingency would exceed in violence anything ever witnessed in this country, and that it might terminate in another rebellion? Are not gentlemen apprehensive that the conspirators of the South, driven to desperation, may undertake to accomplish their purpose by some such scheme as this? And is not our present unguarded and loose manner of reorganizing the rebel States well calculated to invite the rebels to just such an effort as I have suggested. I frankly confess that I am not entirely free from apprehension. Gentlemen may reply that we have a majority of the States as now represented in Congress, and that, therefore, there can be no danger. To this I rejoin, that every State so reorganized will have its Senators and Representatives here next winter, demanding admission, and if the Executive Department of the Government has "recognized them as the true Government of the State," there will be danger that a majority of this House would vote to admit them as members as they did in the last Congress. I desire, therefore, to guard against any possible contingency of the kind now. If we pass this bill, such a conspiracy cannot possibly succeed.

I think I may safely speak for a large majority on this side of the House, when I declare that never by their authority or consent will a single electoral vote from any rebel State for President or Vice-President be counted in this Hall until that State shall have re-organized a State Government, Republican in form, and it has been recognized by Congress. In other words, before one of the so-called seceded States can be permitted to re-assume any part of the governing power of the country, it must first resume its Constitutional relations to the National Government in conformity with and subject to the Constitution of the United States. The State Governments which have been overthrown or destroyed, must be replaced by new Governments, organized by the loyal people, and these new Governments can only become Constitutional Governments when thus organized and recognized by Congress.

This is certainly a point about which

there ought to be no dispute among loyal men. I lay it down as a principle, from which we ought not to depart, and which we cannot safely yield, that this whole question of re-construction, whether under the war powers or the peace powers of the Government, is a question confided by the Constitution expressly to Congress, and not to the President or to any General charged by him with the execution of military orders. I desire the House and the country to understand that, by since we sanction every assumption of doubtful Constitutional power by any Department or officer of the Government. The dominant party in Congress ought to remember that it is making history, and will be held responsible in history, for every dangerous precedent established with its consent. It ought not to be forgotten that every act of the Executive and Congress becomes a precedent, to be revived hereafter if occasion offers, by those who shall then be charged with the administration of the Government. I may be deemed over-anxious on this subject. But, sir, know the power of example, and I much prefer that the President and every officer appointed by him shall do no act, unless clearly authorized by the Constitution, or by act of Congress.

I prefer that before any doubtful Constitutional power is exercised by the President or any officer of the Government, the question shall be submitted to Congress for its decision and advice. I think we ought to demand the establishment of this rule, and insist on its strict observance by the President and every Department of the Government. However real we may be as partisans to apologize for justify the assumption of doubtful Constitutional power by those endowed thus with authority; as a Representative I am unwilling that the President of my own choice, or any officer of his appointment, should exercise any power which would condemn if exercised by a political opponent.

Mr. Speaker, I have the most unlimited confidence in the President. His patriotism, no man can doubt who knows him as well as I do. That he does not intend to assume any of the prerogatives of Congress I know. He is the last man in the world whom I would suspect using unwarranted power for personal selfish ends. And precisely here is the danger. We have no fear, because who know him confide implicitly in his honesty of purpose, and believe that he intends every act for the public good. We ought not to forget, Mr. Speaker, the precedents, which every Department of this Government are now making, to be used hereafter by ambitious and wicked men for very

different purposes. The safe way is the better way. And that is for every Department of the Government to keep strictly within the limits prescribed for it by the Constitution and laws of the United States. Many gentlemen seem to act as though the President, during the continuance of the war, could assume the entire war power of the Government, and that our functions as Representatives were suspended until the close of the war, except to act as mere recording scribes. I protest against such an assumption, and against that silence which might be interpreted into an assent to it. It is true that the President of the United States is made, by the Constitution, Commander-in-Chief of the Army and Navy, and in that capacity, he may issue such orders, to the officers and men, as he may deem proper to accomplish the *military* object sought by Congress when declaring or recognizing war, but legally he can issue such orders *for no other purpose*. In addition to this, every order must be in strict conformity with those rules and articles of war, which have been or may be enacted by Congress, or with the well known laws of war as recognized by civilized nations. The President can make no new rule or article of war. That, sir, is a prerogative which belongs to Congress alone. The idea which I wish to impress upon the minds of gentlemen is this, that Congress, by the express terms of the Constitution, is invested with the war-making power of the Nation. Whatever rules and articles of war it adopts must be enforced. Whatever it declares shall not be done, as an act of war, cannot properly be done.

The President, in time of war, is authorized to do many acts by virtue of the power vested in him by the Constitution as Commander-in-Chief; by the rules and articles of war enacted by Congress, and by the laws of war recognized by civilized nations, which he cannot do as a civil Chief Magistrate. As a civil Chief Magistrate, he cannot confiscate property or emancipate slaves by proclamation. But in time of war, by the laws of war, as Commander-in-Chief he may confiscate enemies' property and emancipate all slaves. He may govern the country which he conquers by martial law, until Congress shall otherwise direct. But I have failed to find any power conferred by the Constitution, or by the rules and articles of war, or by the laws of war, authorizing the President to establish, without the direction of Congress, civil State Governments over conquered territory, or to re-organize new State Governments, or to prescribe what kind of Constitutions the loyal citizens should adopt, before he will recognize them as States restored to the Union.

I believe this entire power is vested by the Constitution in Congress, and not in the President. Congress is not only the war-making but the law-making power of the country. In time of war and in time of peace, Congress must exercise the sovereign power of the country, or there is no safety for the future of this Nation and for Republican institutions.

Mr. Speaker, I do not object so much to some things which have been done, or the objects sought to be accomplished, as I do to the manner in which they have been done. I do not intend, quietly, to permit the President or any head of a Department, or any General in charge of an army, to assume the legislative functions of the Government. A great question, such as the one before us, of the organization and restoration of States to civil life, and power, with free Constitutions, cannot safely be entrusted to any power but Congress. And, sir, that is where the Constitution has placed it. In addition to this, sir, I object to any effort at forestalling the action of Congress by the military power. I object to precipitating great civil questions of the magnitude and importance of this, upon the people of the rebel States, before the loyal resident citizens are prepared to meet them, and are properly organized to insure success. I object to it, because, whether the re-constructed State Governments are satisfactory or not to the unconditional Union men of those States or of Congress, as the Representatives of the Nation we are placed in a position where we must either refuse to recognize the States so re-organized, and recognized by the military authorities in command, as the Constitutional Governments of such States, or we must quietly submit to the assumption of authority by the military power and by the Executive Department of the Government, which belongs alone to Congress.

Suppose the Convention in Louisiana organize a Government obnoxious to a majority of the unconditional Union men of that State, and either refuse to submit the Constitution to the loyal people for their approval or rejection, or if it be submitted, it is submitted as the Kansas Lecompton Constitution was submitted, and the openly disloyal and pro-slavery conservative elements, claiming to be loyal, are permitted to vote for it, thus securing a majority in its favor. If the General in command, and all the Departments of the Government, except Congress, treat the officers of a State Government thus organized as the Constitutional Government, what shall Congress do? Submit to it and admit their Senators and Representatives, or reject them? I should like to ask gentlemen, if

Congress should refuse to admit them and refuse to recognize the new Government, as the Constitutional Government of the State, whether the electoral vote of that State, if sent here, either under the old State organization or under the new one, thus constituted and recognized, would by the authority of this body be counted, and the governing power of the country, to that extent, be placed in the hands of a mere handful of men controlling a State government which we refused to recognize? Suppose further, that all the Departments of the Government but this House should recognize the new organization, and that the Senate should admit its Senators as they have done in the case of East Virginia, while we refused admission to their members elected to this House, would the electoral vote be counted if sent here? Would this new Government be the Constitutional Government of the State until recognized by Congress—I mean by the concurrent action of the Senate, House, and President? Gentlemen, who examine this subject, cannot fail to see the complications and difficulties in which we may be involved unless some uniform policy regarding the re-organization of States is adopted by Congress and strictly observed by the Executive Departments of the Government.

(Here the hammer fell.)

Mr. GRINNELL. I move that the gentlemen have leave to proceed.

Leave was granted.

Mr. ASHLEY. The President, in his late proclamation, says:

“And I do further proclaim, declare and make known, that whenever, in any of the States, of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina and North Carolina, a number of persons not less than one-tenth in number of the votes cast in such States at the Presidential election of the year of our Lord one thousand eight hundred and sixty, *having taken the oath aforesaid*, and not having since violated it, and being qualified voters under the election law of the State, existing immediately before the so-called act of secession, and excluding all others, *shall re-establish a State Government*, which shall be republican, and in no wise contravening said oath, shall be recognized as the true Government of the State.”

“Shall be recognized as the true Government of the State,” by whom? The fair interpretation of the language used is that the State, when organized in conformity with the provisions of the proclamation, will be recognized by the President. The country so understands the proclamation. And yet I can speak authoritatively, when I say that the President does not in-

tend to do anything of the kind without the concurrence of Congress. If the rebel States still retain their political organizations under their old Constitutions, neither the President or any General in command, can by proclamations or orders change those State Constitutions. If the old State Constitutions and Governments of the rebel States are destroyed, then neither the President or any General under him, can, with the military power, establish civil State Governments with such Constitutions as they may dictate, without consent of Congress.

The military power and the civil power must not be confounded. Above all it must not be forgotten that Congress alone is clothed with the war power and the civil legislative power of the Nation.

Mr. Speaker, suppose the Union men, by unwise divisions and personal ambitions are defeated in the coming Presidential election, and by such division a President is elected by the opposition. Would gentlemen on this side of the House quietly sit here, and permit a pro-slavery President, with the entire military power of the country, and one-tenth of the local population of the rebel States, professing to be loyal, to re-organize State Governments, and recognize them as the Constitutional Governments of these States, without the consent of Congress? No, sir. From an hundred men, now on this floor, a protest would come in the name of an outraged people, protesting against such an usurpation of the prerogatives of Congress, and against such a flagrant violation of the Constitution. Why would we all cry out with one voice, if such a scheme for re-organizing the rebel States was in process of enforcement by an opposition President? The answer is easy. We would not submit to it, because we would be certain that with such power in the hands of their President, they would re-establish slavery and the old Slave State Governments in every rebel State, and thus bring back many of the traitors to the vacant seats here. Of course, sir, we would all protest; and as I would protest then, so I protest now, against the adoption of any policy by the Executive or Military Departments of the Government on this question of reconstruction, until it shall first have had the sanction of Congress. Sir, I want no precedent established by this Administration, touching the exercise of doubtful Constitutional power, which I would object to if adopted by an opposing Administration. Whatever power I claim for an Executive of my own choice, I am willing to concede to another who is not my choice.

Mr. Speaker, Let us keep every Department of the Government strictly within its Constitutional limits, and in the future we

shall not be driven to the disgraceful necessity of apologizing for or repudiating our own acts, before we can with any show of propriety or fairness arraign those, who, though following our precedents, are doing so for different purposes.

Mr. Speaker, If a President may, because war exists, civil or foreign, exercise any of the powers conferred by the Constitution on Congress, whether relating to the civil or military administration of the Government, an ambitious and unscrupulous President, can find pretext enough for precipitating the nation into either a foreign or civil war, as was done in the case of Mexico, and with the Mormons. Then following such precedents as we are establishing by our silence, the Executive could assume to exercise almost every function of the Government under the plea of necessity, and the right conferred by the admitted war powers of the Government. Suppose the pro-slavery States rights party of this country should elect a President, and a majority of this House, this year, owing to causes such as I have suggested, (which may Heaven forbid;) and they should conspire, as it is not at all unlikely they would, to reinstate the old order of things, assume the confederate debt, re-enslave all persons emancipated by the President's Proclamation or by Congress, and restore all confiscated estates to their former owners, would they long want a pretext for continuing this war, or involving the country in another civil war, if thereby, their President could assume unlimited power, and with the army and ten per cent of the voting population, without regard to its loyalty, revive the old State Constitutions, and obtain their recognition by the Executive branch of Government, as the Constitutional Governments of these States without the consent of Congress?

I confess, sir, I believe there are thousands of men in the North to-day, who stand ready at any opportune moment to enter into just such a conspiracy. If gentlemen will recall what has transpired in this country since the days of Tyler, Calhoun and Texas annexation, especially during the Administrations of Polk, Pierce and Buchanan, they will not find it difficult in my judgment to reach the conclusion, that either of these Administrations, if in power, in 1865, would cordially have entered into just such a conspiracy as I have delineated. Do gentlemen say that this is impossible. I answer, by repeating what I have said before to the people of my own, and indeed, of every district in which I have spoken, that I fear an attempt will be made, if the pro-slavery party of this country elect a President of their peculiar faith, to accomplish all I

have depicted, and the confederate rebel debt will be the lever power, employed for that unholy purpose. If they should succeed in an election, no man need predict, what they will not attempt. The country has not yet forgotten how the Texas annexation scheme was bought through Congress, by the leaders of this pro-slavery rebellion. They had but *ten millions* of dollars in bonds to operate with, worth from *five to seven* cents on the dollar, annexation and assumption made them par. In this new political and financial scheme, the conspirators will have three or four thousand millions of dollars in confederate bonds, with which to effectuate their purposes. Sir, when I remember what infamous, God-defying acts, the American Congress, under the lead of the present pro-slavery rebels, has been guilty of, in days that are past, I shudder when I contemplate the terrible ordeal through which the nation, in its process of regeneration, must pass, after the close of the war.

Mr. Speaker, I have already, in passing, referred to the action of General Banks in Louisiana. Let me call the attention of the House and the country to his unwarrantable and indefensible assumption of civil authority in that State. In the first place, against the protest, and in defiance of the well-known wishes of the only organization known to the country, or recognized by the unconditional Union men of Louisiana, General Banks issues an order for an election on the 22d of February last, of State officers, under the old State organization and pro-slavery Constitution. If the old pro-slavery Constitution and State Government of Louisiana are to be thus re-established and recognized in defiance of the wishes of the loyal men of that State and without the sanction of Congress, this House ought to understand it. For myself I enter my protest against any such assumption of civil authority by the military power. Let us look a little farther into the matter. After ordering an election for State officers under the old Constitution, which, if acquiesced in by Congress, will legally revive the old order of things in that State, General Banks issues another order directing that an election shall be held for delegates to a convention, for the purpose of amending the Constitution of the State so that it may conform to something—it is difficult to say what. The following is his order upon the subject:

"In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to

a convention for the revision of the Constitution will be held on the first Monday of April, 1864."

Whence did General Banks derive authority to issue such an order? Certainly not from Congress, nor from the laws of war, as recognized by civilized nations, nor from any rule or article of war known to our military code. If the power to issue the order is not derived from either of these sources, then the action of General Banks is a most wanton and defenceless assumption of military power, as well as an outrage upon the only organized body of men known and admitted by all to be free State men. As a military commander in the service of the United States, he may govern a conquered people by martial law until Congress or the people, in the exercise of loyal, popular sovereignty, recognize a civil Government, subject to the Constitution of the United States, without interference or coercion from him, by the military force under his command. But neither General Banks or the Commander-in-Chief, can, by martial law, proclaim a Constitution for the civil Government of any State. General Banks, however, declares in this extraordinary proclamation, that "*the fundamental law of Louisiana is martial law.*" If any gentleman can enlighten the House or the country about this matter, he will entitle himself to the lasting gratitude of all loyal men. Will any gentleman tell me how "martial law" can become the fundamental law" of any organized civil State Government, known to the Constitution of the United States? I hold that neither General Banks, or any other General in command of a department, has authority to order an election, for State officers in any of the rebel States, under any fundamental law whether it be martial law or civil law. Still less has he any show of power or excuse for ordering an election of delegates to a Constitutional convention, if there is an existing fundamental law in the State.

If the State officers who have been elected by General Banks' orders assume the functions of civil Government, they will undoubtedly be recognized as officers under the old State Constitution of Louisiana, whatever General Banks may say about martial law, as the fundamental law of the State. If they are not officers of the civil Government of Louisiana then the late election was a farce, for martial law does not provide that the people or any part of the people, over whom it is operating, shall, themselves, select the officers to administer and exercise it. I undertake to say, that if these recently elected State officers are installed into office and recognized by Congress, such recognition will legally re-establish the old State Constitution and Slave code of Lou-

isiana. In addition to this the State Government, thus established and recognized by Congress may legally refuse to submit to or recognize the validity of any new State Constitution adopted by the convention ordered by General Banks to be elected in April, after the State officers elected under the old Constitution are inaugurated and invested with the civil Government of the State. They undoubtedly will refuse to recognize the action of that convention, unless it be in conformity with their wishes, because they can properly claim, that the old State Constitution, having been revived and recognized by their election, and inauguration, it provides the *manner* in which it may be amended. In order to obtain an early recognition of the assumed State organization under martial law, the newly elected Governor may, if he sees fit order an election for members of the State Legislature and Congress instanter, and I shall not be surprised if we have Senators and Representatives applying here for admission from the Government thus organized by the military power, before we adjourn. If such should be the case and they are admitted before the action of the Constitutional convention is submitted to the loyal people for their approval, and the present State officers accept and recognize that Constitution if adopted by the people as the Constitution of the State, these officers may, if they choose, legally disregard the action of that convention, and remain under the old Constitution. If they should do this what remedy would be left to us? If Congress should recognize this assumed State Government, before the Constitutional convention now ordered by General Banks, to be elected should assemble, or before it had adopted and submitted a Constitution to the loyal electors of the State for their approval, its whole power under the newly elected officers *could* and *might* be used to defeat the wishes of the free State men, and if desired by the present State officers this would be a better way of accomplishing their purposes than by refusing to accept the Constitution formed by the convention and adopted by the people. I have no doubt that the officers of this assumed State Government could, if they were recognized by Congress, defeat the adoption of a free State Constitution in Louisiana if they desired to do so. I do not say that they will attempt it, should Congress recognize them, for I do not know them. I only say that they could easily do so, if they preferred the old Constitution to the new one.

Gentlemen will readily see the necessity of avoiding such complications—and all must agree that the safer and better way is to have new State Constitutions adopted and approved by the loyal people and by

Congress before elections for State officers are ordered by any one, and before we admit either Senators or Representatives in Congress from any of the rebel States.

I hope we will have no such difficulty in Louisiana as I have suggested. I have always had such a high appreciation of the character and ability of General Banks, that I regret very much that I have felt it to be my duty to say what I have of his acts touching the re-organization of the State. I cannot, however, shut my eyes to the fact that the policy adopted by Gen. Banks affords every inducement for the secret enemies of the Government, by uniting with the conservative faction opposed to a free State, to bring about just the condition of things I have described. I trust we are not to have in Louisiana a repetition of the Missouri troubles.

If Gen. Banks, instead of ordering an election for State officers under the old Constitution of Louisiana, had listened to the free State men and ordered an election of delegates to a convention to amend the old Constitution of Louisiana, or to make a new one for the State, the loyal men of the nation might have tolerated such an unauthorized assumption of power on his part. As it is, loyal men are compelled to protest against it, not only because of his exercise of power for which there is no law, and his disregard of the wishes of the free State men, but because of the difficulties and complications which a repetition of such acts in other States may bring upon us. Here is what the free State men of Louisiana say on this point:

Resolved, That this Free State General Committee, not relinquishing its judgment that the only true path to reconstruction is a convention to form a new constitution before any election for State officers; and not renouncing its lawful claim to have slavery abolished immediately, without the dangers of any futile scheme of gradual emancipation; and not yielding its assent to the idea that the election of seven executive officers can, by proper use of terms, be styled the civil Government of Louisiana; but, nevertheless, recognizing the patriotic duty of endeavoring to place in office men whose opinions are in harmony with the wants of Louisiana and the spirit of the age, will take part in the elections."

The farce of an election was gone through with, and of course the men representing an organization, whose loyalty never was questioned, were defeated, and the candidate of Gen. Banks was elected. It could not well have been otherwise. A military commander who announces that "*martial law is the fundamental law of the State*," and that all must vote, would not find it very difficult to elect any one he might

designate, especially when the aggregate vote did not exceed *ten or eleven thousand*, with three candidates in the field. Hahn's whole vote in the State, as claimed by his friends, is only 6,171, less than one-fourth of the vote of my Congressional district.

There are fifty-four Parishes in the State, only twelve of which are under our control.

Of the number who voted for Hahn—I have been credibly informed that over 1,000 were employed in the Quartermaster's Department; about 550 are policemen in the city of New Orleans; city laborers 1,100, and other city officers 100; some 1,600 were soldiers claiming to be citizens of Louisiana. The acting Mayor of New Orleans was removed by General Banks, and one appointed who could and would control the votes and influence of the 550 policemen, city laborers and city officers. With all the military power of the department; to support Hahn; with the votes of all the Government employees, the Louisiana soldiers and policemen, his entire vote in the twelve Parishes is but 6,171, and yet this insignificant vote is paraded before the country, and unblushingly called the voice of the entire State of Louisiana, which, in 1860, gave a vote of over 50,000. Hahn had hardly as many votes in the entire State as Mrs. General Beauregard had sympathizing rebel mourners in attendance upon her funeral in the city of New Orleans, in a day or two after this election.

I have said nothing of Gen. Bank's orders and treatment of the freedmen of Louisiana. God knows I have no desire to say a word, that I ought not to say, but I cannot remain silent when such irregularities are being committed. I am heart sick of this pandering to rebels and slaveholders. When Gen. Butler was in command at New Orleans, no recognized free State man complained of his masterly administration. The rebels and slaveholders, however, made day and night hideous with their howling. And Gen. Butler was removed. Since Gen. Banks has been in command, there has not been a rebel or pro-slavery complaint, but frank and manly protests come to us from well known Union men, who have been tried as by fire and whose loyalty was never tainted, by taking an oath to support the rebel Government or by voluntarily defending and justifying it. This simple fact tells its own story, and I need not add another word.

Mr. Speaker, let us see to it, that there is no repetition of these acts by any other General in an attempt to organize a civil Government for a rebel State, without the express authority of Congress. Enact this bill as a law, and you insure the liberation,

regeneration, and restoration of the South. Refuse to pass it, and the loyal men of the South are left to the mercy and caprice of military rulers. Professed loyalists and open-throated rebels, who have been guilty of every crime, will conspire together to crush the free State men as they did in Missouri. The amnesty oath will be taken by thousands who will at once strike hands with perjurers, robbers, and murderers to destroy the men who have, from the first, been faithful to the Constitution and the Union.

Mr. Speaker, the war ended, I feel confident that the wily enemy will attempt to regain by diplomacy much that he has lost by an appeal to arms. Therein sir, as I apprehend lies our danger. The nation, anxious for peace, will eagerly listen to the voice of the returning prodigal, until like the song of the Syren, it will, as of yore, lull many loyal but too confiding men into a plausible but delusive security. Cunningly devised schemes of adjustment, declared by their authors to be "honorable to all parties" will be thrust upon us, and every form of sophistry employed to conceal their deformities, and extol their merits.

Let us meet these issues now, and meet them like men. Let us define clearly and unmistakably the policy of the Government on all questions touching the re-construction and restoration of the rebel States to the Union, and thus render forever impossible, all humiliating compromises.

The truly loyal men of the North and the South, will expect and demand this of us. They will demand that their heroic sacrifices and sufferings shall not have been all in vain. And sir, such a people have the right to make such a demand. Their will must be consulted—must be obeyed. I know that obedience to it, will make freedom and justice, the prominent elements of every newly organized State.

Mr. Speaker, I believe, I may safely say, that never in the history of any Nation, has there been grander exhibitions of patriotism and heroism, than have illustrated every battle-field of this terrible rebellion. Why sir, when I go through my own district and hear the simple and touching story told in almost every household, about fathers and sons, husbands and brothers, who have gone into the army, that the Republic might live, I am proud of my country, and thank God, that I belong to such a heroic race.

Mr. Speaker, I have witnessed, when aiding to fill our armies, many beautiful and imposing, though touching and heart-rending scenes. It is the same story of devotion and valor everywhere. The scene

which I have in my mind's eye has its counterpart everywhere throughout the North. The picture is daguerreotyped upon the mind and soul of every man whose heart has been in this struggle. In one of the agricultural counties of my district, around the domestic hearth, before a blazing fire, is gathered a family group. They have just returned from a war meeting, and are engaged in serious and thoughtful discussion. The question is, how many can be spared from home—how many can volunteer to go and fight for their country? At length, amid the contending struggles of patriotism, duty and affection, it is settled. Two brothers make the stern resolve. Quietly and methodically they prepare for their uncertain absence. When that is done, they enter their names as volunteers, and await, and that not long, the orders which summon them to the field. The day of parting comes. At the railroad station are gathered fathers, mothers, brothers, sisters, and friends to bid these and other brave spirits farewell. The approaching train is crowded with other volunteers who rend the air with shouts as they catch a glimpse of the new recruits—shouts which modify, perhaps, but cannot entirely repress the tears and sobs of those who are now about to part, and possibly, forever. The last shake of the hand is given, the last kiss imprinted upon manly brows, the last farewell uttered, the train moves swiftly away, and this patriotic family, who have given up their sons, turn to wend their steps to their now less cheerful home. Let us accompany them, and strive to realize their condition. Listen, as they gather around the evening altar, to the prayer which from heart and lip ascends to the God of nations and of men—a prayer that the country may be saved, and that the precious lives of the beloved ones who have gone to fight for it may be spared, and they, in due time, restored to their family and home.

One phase in the scene we are contemplating is over. Time has healed the poignancy of the sorrow which attended the parting, and the household moves on in accustomed routine. Weeks have elapsed. A flash along the wires announces a battle in which the absent ones have participated; but, alas, it is too meagre to allay their anxiety. Away for miles, over a bad and frozen road, haste a company on horseback to get fuller details from the papers. Behold, with what trembling anxiety the father glances along the column of killed and wounded to see if the name of either of his sons is there. And when the dread intelligence is found, go now to that bereaved family circle, and witness the more than Roman fortitude, with which it is ac-

cepted, and tell me, in what former period of human history, the world has afforded a more exalted exhibition of valor and patriotism. Sir, these are common scenes.

Thousands of homes thus bereft, have uttered no complaint, but have sent forth other sons to bleed and die, perhaps, or perish by disease, in some future campaign of this dreadful struggle. Nor has the voice of complaint yet reached us from the battle-field—from the hospital, or from the horrible dens of the Libby or Belle Island, ten fold worse than either. Our fellow-citizens have only asked that the war might be prosecuted with vigor, until the rebellion was effectually broken, and a triumphant peace was achieved.

At such a time, amid such scenes, and in the presence of such a people, how indefensible; how criminal, is all personal and partisan strife. Sir, when I witness, as I must, wherever I go, such scenes as I have so poorly delineated, my heart is filled with the deepest sympathy and sorrow, and I involuntarily ask myself what there is, that can ever compensate for all this affliction; this endurance and this self-sacrifice. There is but a single answer. Nothing, absolutely nothing, but the entire regeneration of the Republic, by making "Liberty and Union, one and inseparable." That the earnest men of this great nation will accomplish this work, I have never doubted. To me it is the simple logic of the contest. I have believed from the first that it must come, because I have believed that Providence would bring to naught the councils of the wicked and the crafty. Indeed I contemplate the future of this struggle with rapture. The clouds which to the eyes of many have darkened our political horizon, for three years have all had their silver linings for me. No hour

has been dark enough to cause me to feel one throb or to utter one wail of despair. My hope has been that justice would at last triumph, and the progress we are making assures me that it will. I advocated from the first the emancipation of all slaves, because I believed ideas were more formidable than armies, justice more powerful than prejudice, and truth a weapon mightier than the sword. Thank God, that as a nation and people, after three years of war and mourning we are beginning to comprehend our duty and to feel in this life-struggle for national existence, that

"The laws of changeless justice bind
Oppressor and oppressed,
And close as sin and suffering joined,
We march to Fate—abreast!"

I have believed that as a nation we should grow stronger and gain victories only as we become manly and just, and that at last liberty would emerge triumphant from the conflict, changing Constitutions, customs, and laws, to meet the requirements of a higher and better civilization, and that thus emerging, she would vivify by her magic touch every desolate waste, and cause to bloom every spot consecrated by the blood of her fallen sons. Anything short of this would be hollow mockery, with it accomplished,

"Who will mourn that in these dark days
His lot is cast?
God's hand within the shadow lays,
The stones whereon His gates of praise
Shall rise at last.

* * * * *

Turn and 'o'erturn, O, outstretched Hand,
Nor stint, nor stay;
The years have never dropped their sand
On mortal issues vast and grand,
As ours to-day."

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