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Speeches of Daniel W. Voorhees.



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Geo. W. Moore

*Geo W Moore*





SPEECHES  
OF  
DANIEL W. VOORHEES

OF INDIANA

EMBRACING HIS MOST PROMINENT

FORENSIC, POLITICAL, OCCASIONAL, AND  
LITERARY ADDRESSES

COMPILED BY HIS SON

CHARLES S. VOORHEES

WITH

A SHORT BIOGRAPHICAL SKETCH

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CINCINNATI  
ROBERT CLARKE & CO., PRINTERS

1875

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## BIOGRAPHICAL SKETCH.

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THE publisher of this work having committed to the writer the task of prefacing the book with some explanatory remarks and a short biographical sketch of Hon. Daniel W. Voorhees, it is deemed proper to state at the outset, that, for many years past, Mr. Voorhees has received, from all parts of the Union, many letters requesting copies of one or another of his speeches. For example, his speech in defense of John E. Cook, in Virginia, in 1859, has been in constant demand ever since that time; and now, after the lapse of fifteen years, scarcely a week passes without a request to Mr. Voorhees by letter, often from the most remote parts of the Union, for a printed copy of that speech. The same is true of the defense of Mary Harris in Washington City, the defense of Harry Crawford Black in Maryland, and a number of literary and Congressional addresses.

These, with other considerations, induced the publisher to believe that a volume of Mr. Voorhees' speeches was a desideratum with the reading public, especially with young professional men, politicians, and persons of a literary turn of mind. Besides, it was certain that the "Old Guard," Voorhees' constituents for so many years—such constituents as no other man ever had—would be pleased to see published in permanent form, those speeches that had delighted, instructed, and encouraged them, in days gone by.

The publisher having promised a biographical sketch, fulfills his promise more literally than he intended. After many importunities, he has had very little help from Mr. Voorhees, nothing more than a few dates, etc., he insisting, in his modest

and princely way, that he had not done or said anything of sufficient importance for a biography. But the writer of this sketch, having known Mr. Voorhees intimately for nearly two decades, is able to give some particulars of his life and public services.

Daniel W. Voorhees was born on the 26th of September, 1827, in Butler county, Ohio, and was only about two months old when his parents moved to Fountain county, Indiana, where they now reside. His father, Stephen Voorhees, was born in Mercer county, Kentucky, in 1798. He emigrated, when young, to Butler county, Ohio, and in December, 1827, removed to Fountain county, Indiana, on the farm on which he now lives.

D. W. Voorhees' grandfather, Peter Voorhees, was born in New Jersey, and soon after the close of the Revolutionary War, emigrated to Kentucky. Peter Voorhees' wife was born in Bryant's Station, then a fort. Her name was Van Arsdale. Her father, Luke Van Arsdale, fought gallantly at the battle of Blue Licks, and distinguished himself in several Indian battles under the celebrated Col. Daniel Boone.

His great grandfather, Stephen Voorhees, for whom his father was named, was a Revolutionary soldier, under Washington, and fought at Princeton, Monmouth, and other celebrated fields.

Mr. Voorhees' ancestors, on the father's side, came from Holland, and the original name was Van Voorhees. *En passant*, Mr. Voorhees fires with indignation whenever anything is said to the disparagement of the Hollanders, and he always dwells with enthusiasm upon the valor and genius of the Dutch Republic. Mr. Voorhees' mother, Rachel Elliott, was born in Baltimore county, Maryland. She is still living, and is a lady of superior natural endowments and great sensibility. Her people were originally from the north of Ireland. She was married to Stephen Voorhees in 1821, and D. W. Voorhees was their third child.

The subject of this sketch was raised on a farm about ten miles from Covington, in Fountain county. There he remained and helped to open a large farm, until he was sent to college in

1845. This farm life of Mr. Voorhees has always been of great value to him in his public career. It has enabled him to get close to the hearts of the people, and often in his political speeches, while discoursing on public affairs, in a manner entirely satisfactory to the severest literary critics, he has given the most apt, witty, and humorous illustrations from farm life, that made the sun-browned sons of toil feel that "Dan" was with them and of them.

It was in 1845 that he entered college at the Asbury University, at Greencastle, Putnam county, Indiana, where he was graduated in 1849. Here it was that he married his wife, and from the time of his first entrance into college, Putnam county has always stood by him through good or evil report. His college life gave ample warrant for his future career. Shortly after he left college, the writer of this sketch heard from one of the professors of the institution, Prof. Larrabee, a glowing account of Mr. Voorhees as "a natural orator," coupled with a prediction that he would "take rank with the first men of the nation."

Immediately after leaving college Mr. Voorhees went into the law office of Lane & Wilson, at Crawfordsville, Indiana, as a student of law. The following spring, he settled at Covington, Indiana, the county-seat of Fountain county. Hon. Edward A. Hannegan, formerly a United States Senator from the State of Indiana, being a casual listener to a "Fourth of July speech" by Mr. Voorhees, then a raw stripling, immediately proposed a law partnership, which was accepted, and Mr. Voorhees, in April, 1852, went into Mr. Hannegan's office. In June, 1853, Mr. Voorhees was appointed prosecuting attorney of the Circuit Court by Gov. Joseph A. Wright, in which position he made a fine reputation as a criminal lawyer, and broke up a "nest" of notorious malefactors, whose headquarters were in Lafayette, Indiana.

In 1856, Mr. Voorhees was nominated by acclamation, on motion of Hon. John Pettit, as the Democratic candidate for Congress in his district. Two years before, the Republican candidate had carried that district by a majority of two thou-

sand six hundred and nineteen. In this contest, in 1856, Mr. Voorhees was beaten by Hon. James Wilson, a very talented Republican, by a majority of only two hundred and thirty votes.

In November, 1857, Mr. Voorhees, at the earnest solicitation of the accomplished Judge Huntington, removed to Terre Haute, in Vigo county, Indiana, situate on the Wabash river, one of the most charming and enterprising cities in the West, with a population, at the present time, of nearly thirty thousand inhabitants.

In April, 1858, he was appointed United States District Attorney for the State of Indiana, by President James Buchanan. in which position he still further increased his reputation as a lawyer and an orator.

In the Congressional elections of 1860, 1862, and 1864, Mr. Voorhees was successful; but in the election of the last-named year, although his majority was six hundred and thirty-four, yet the "temper of the times" was such that his election was successfully contested by his opponent, Hon. Henry D. Washburn.

In 1866, Mr. Voorhees refused to become a candidate for Congress, but he was elected to that position in 1868, and again in 1870. In 1872, he was defeated for Congress by Horace Greeley, in the name of Hon. Morton C. Hunter.

As a precursor of the late war, the "insurrection, treason, and murder" at Harper's Ferry, Virginia, in which old John Brown, John E. Cook, and others were concerned, and for which they were convicted and hanged in 1859, will always stand prominent in the history of the country.

At that time the gifted and gallant Ashbel P. Willard was Governor of Indiana. He was the champion of the Indiana Democracy. With sorrow and dismay his friends learned that the John E. Cook arrested with old "Ossawatomie Brown" was a brother of Governor Willard's wife! Here was a seeming dilemma. But there was no dilemma with the chivalrous Willard; he was not the man to turn his back on a brother or a friend. His first thought was "Dan Voorhees;" but Voorhees was not



in the capital. He was in Vincennes trying an important government cause. Willard sent a messenger for him. The business was made known to Judge Michael F. Burke, then on the circuit bench, who immediately continued the cause, and Mr. Voorhees at once went to Indianapolis to see Governor Willard.

Before he met Governor Willard, he was accosted by several friends, who advised him not to go to Virginia to defend Cook. He listened to all they had to say, and then asked: "When does the next train go East? I am going to defend my friend's brother without regard to consequences." He went that day, and took a prominent part in that celebrated trial. The result is well known. While old John Brown was convicted of murder *and* treason, Mr. Voorhees succeeded in having a Virginia jury bring in a verdict against John E. Cook for murder *only*; bringing the case within the constitutional power of the governor in the exercise of the pardoning prerogative—which, however, the governor, Hon. Henry A. Wise, refused to extend, and John E. Cook was hanged with the other prisoners.

This trial, however, was the beginning of Mr. Voorhees' national reputation. His speech was listened to, by the vast audience, with the most rapt attention, and was received with the most unqualified approbation. He was the recipient of the most enthusiastic congratulations. The speech was published all over the country, and, like the author of "Childe Harold," he might truly have said, "I awoke one morning and found myself famous."

From this time forward, Mr. Voorhees has held a conspicuous place in the eyes of the public. At the bar, on the "stump," and in the halls of Congress, he has been a man of mark. The speeches here collated will speak for themselves. However highly they may be appreciated by strangers, it is certain that no correct estimate can be formed of Mr. Voorhees by those who have never met him, and never heard him speak.

In the famous trial of Mary Harris, in Washington City, for killing Adoniram J. Burroughs, the jury, after having been in consultation fifteen or twenty minutes, returned a verdict of

acquittal. The trial of Harry Crawford Black, at Frederick City, Maryland, indicted for killing the seducer of his sister, terminated in a verdict of "not guilty," after the jury had been absent from the court-room one hour and five minutes.

Of Mr. Voorhees' Congressional career, his political principles, and his powers as a parliamentary orator and statesman, the speeches here presented will afford a good illustration.

From the sobriquet so generally applied to Mr. Voorhees, of the "Tall Sycamore of the Wabash," it will be understood that he is of high stature. He is about six feet one inch tall, and weighs over two hundred pounds. He is of fair complexion, dark-gray hazel eyes, and carries himself very erect. He was married early in life, in 1850, to a most estimable lady, Miss Anna Hardesty, of Greencastle, Indiana.

This volume is now committed to the public, with the hope that some contribution is thus made to the forensic and political literature of the country, and something done to perpetuate the fame of a distinguished gentleman, whose name will long be remembered in the annals of the State and Nation.

A. B. CARLTON.

TERRE HAUTE, IND., *January, 1875.*

## DEFENSE OF JOHN E. COOK.

[An argument delivered at Charlestown, Virginia, November 8, 1859, upon the trial of JOHN E. COOK, indicted for treason, murder, and inciting slaves to rebel, at the Harper's Ferry insurrection.]

WITH THE PERMISSION OF THE COURT—

*Gentlemen of the Jury:*—The place I occupy in standing before you at this time is one clothed with a responsibility as weighty and as delicate as was ever assigned to an advocate in behalf of an unfortunate fellow-man. No language that I can employ could give any additional force to the circumstances by which I am surrounded, and which press so heavily upon the public mind as well as on my own. I come, too, as a stranger to each one of you. Your faces I know only by the common image we bear to our Maker; but in your exalted character of citizens of the ancient and proud Commonwealth of Virginia, and of the American Union, I bear to you a passport of friendship and a letter of introduction.

I come from the sunset-side of your western mountains—from beyond the rivers that now skirt the borders of your great State; but I come not as an alien to a foreign land, but rather as one who returns to the home of his ancestors, and to the household from which he sprang. I come here not as an enemy, but as a friend, with interests common with yourselves, hoping for your hopes, and praying that the prosperity and glory of Virginia may be perpetual. Nor do I forget that the very soil on which I live in my western home was once owned by this venerable Commonwealth as much as the soil on which I now stand. Her laws there once prevailed, and all her institutions were there established as they are here. Not only my own State of Indiana, but also four other great States in the North-west, stand as enduring and lofty monuments of Virginia's

magnanimity and princely liberality. Her donation to the general government made them sovereign States; and since God gave the fruitful land of Canaan to Moses and Israel, such a gift of present and future empire has never been made to any people. Coming from the bosom of one of these States, can I forget the fealty and duty which I owe to the supremacy of your laws, the sacredness of your citizenship, or the sovereignty of your State? Rather may the child forget its parent, and smite with unnatural hand the author of its being!

The mission on which I have visited your State is to me, and to those who are with me, one full of the bitterness and poison of calamity and grief. The high, the sacred, the holy duty of private friendship for a family fondly beloved by all who have ever witnessed their illustrations of the purest social virtues, commands, and alone commands, my presence here. And, while they are overwhelmed by the terrible blow which has fallen upon them through the action of the misguided young man at the bar, yet I speak their sentiments as well as my own when I say that one gratification, pure and unalloyed, has been afforded us since our melancholy arrival in your midst. It has been to witness the progress of this court, from day to day, surrounded by all that is calculated to bias the minds of men, but pursuing with calmness, with dignity, and impartiality the true course of the law and the even pathway of justice. I would not be true to the dictates of my own heart and judgment did I not bear voluntary and emphatic witness to the wisdom and patient kindness of his honor on the bench; the manly and generous spirit which has characterized the counsel for the prosecution; the true, devoted, and highly professional manner of the local counsel here for the defense; the scrupulous truthfulness of the witnesses who have testified, and the decorum and justness of the juries who have acted their parts from the first hour of this court to the present time—I speak in the hearing of the country. An important and memorable page in history is being written. Let it not be omitted that Virginia has thrown around a band of deluded men, who invaded her soil with treason

and murder, all the safeguards of her constitution and laws, and placed them in her courts upon an equality with her own citizens. I know of what I speak, and my love of truth and sense of right forbid me to be silent on this point.

Gentlemen, I am not here on behalf of this pale-faced, fair-haired wanderer from his home and the paths of duty, to talk to you about technicalities of law born of laborious analysis by the light of the midnight lamp. I place him before you on no such ground. He is in the hands of friends who abhor the conduct of which he has been guilty. But does that fact debar him of human sympathy? Does the sinful act smite the erring brother with a leprosy which forbids the touch of the hand of affection? Is his voice of repentance and appeal for forgiveness stifled in his mouth? If so, the meek Savior of the world would have recoiled with horror from Mary Magdalene, and spurned the repentant sorrow of Peter, who denied him. For my client I avow every sympathy. Fallen and undone, broken and ruined as he is by the fall, yet, from the depths of the fearful chasm in which he lies, I hear the common call which the wretched make for sympathy more clearly than if it issued from the loftiest pyramid of wealth and power. If He who made the earth, and hung the sun and moon and stars on high to give it light, and created man a joint heir of eternal wealth, and put within him an immortal spark of the celestial flame which surrounds his throne, could remember mercy in executing justice when His whole plan of divine government was assailed and deranged; when His law was set at defiance and violated; when the purity of Eden had been defiled by the presence and counsels of the serpent—why, so can I, and can you, when the wrong and the crime stand confessed, and every atonement is made to the majesty of the law which the prisoner has in his power to make.

Let us come near to each other and have a proper understanding. I am laboring with you for an object. I think I know something of the human heart, and of the leading attributes by which it is governed throughout the world.

By virtue of those attributes, I feel that we may annihilate the distance that separates our homes, sweep away all blinding excitement, and sit down together and reason upon this most tragic and melancholy affair as becomes citizens of the same government, proud of the same lineage, actuated by the same interests, and forever linked to the same destiny. You are not merely impaneled in your capacity as jurors to pass upon the life of this erratic youth before you, but the nation can not be divorced from a deep and permanent interest in your deliberations. The crime for which the law claims his life as forfeit is one connected with a question of the weightiest national import—a question which, without any fault of yours, has rudely strained and shaken the bonds which embrace and hold together the States of this Union. This trial is incident to that question, and must be met in the face of the whole nation, and in the view of the American people, as a matter of universal interest and concern. The very nature of the offense now under discussion lifts us all to a point of observation on which statesmen and patriots have long bent their anxious looks. And the pressing, ever present, and determined question of the hour which now sits with you in the jury-box, and will retire with you to your deliberations on your verdict, is, how shall you most fully meet the requirements of the American people at large; best conduce to the peace and repose of the Union; allay the rushing winds that are abroad on the face of the great deep; say peace, be still, to the angry elements of passion and treasonable agitation, and at the same time do all your duty as honest and conscientious men administering the laws of your State?

If it shall be in my power, in some measure, to point out the course by which these great objects may be attained, I shall mark this, otherwise sad day on which I address you, as the brightest to me in the calendar of time. And, further, if these objects are to be attained on your part by invoking into your midst, and following the winning counsels of the meek-eyed and gentle angel of mercy—if you can faithfully discharge your oath as jurors, and, at the

same time, best meet the obligations which rest upon you as American citizens, by tempering the bitter cup, which justice commends to the lips of the prisoner with the ingredient of clemency, I know you, by the universal law of the human heart, will rejoice in such an opportunity, and join in the public and private happiness which will flow from your verdict. By the help of God, and appealing to Him for the purity of the motives which animate my breast, I now proceed to demonstrate such a course as both just and wise in the case of John E. Cook.

First of all things, gentlemen of the jury, is your duty to Virginia. Whatever she requires at your hands, that you are to give. Your first love belongs to her; she is the matron who has nursed you, and the Queen Mother to whom you owe allegiance. As an advocate and defender at home of the doctrines of the State-rights men of the school of 1798, I do not come here to ask you to abate one jot or tittle of your affection and jealousy for the honor and interest of Virginia. Indeed, were such an invocation necessary, which I know it is not, I would invoke you by the great names of your history, by the memory of your ancient renown, by the thrilling associations of the classic soil on which we stand, and by the present commanding attitude which your Commonwealth holds before the world, to be true and loyal to what she has been, what she is, and what she hopes to be.

But how stands Virginia in reference to the assault which was made upon her citizens and her soil at Harper's Ferry on the 17th day of October, 1859; and what vindication does she need at your hands for the outrage? Are the circumstances such as to require of her re-enactment of the Mosaic law, repealed by the benign teachings of the Nazarene on the shores of Galilee? Is she required to say, in a stern and inexorable spirit:

“And if any mischief follow, then thou shalt give life for life.

“Eye for eye, tooth for tooth, hand for hand, foot for foot.

“Burning for burning, wound for wound, stripe for stripe?”

Not so. She asks nothing of the kind at your hands. Punishment has already been swift and sure. The measure of her vengeance for the great wrong committed against her is full, and her vindication is ample before the world. She met her invaders on the spot, and those who lifted their hands against her are, most of them, in the graves to which Virginians consigned them; a few bound in her prisons, and a few others wanderers and fugitives on the face of the earth. The executive and citizens of your State guided the bolt, which fell upon this mad offspring of a loathsome fanaticism, and the invasion perished at a single blow. And in the spirit of the answer of Cush to King David, I would say to you: “The enemies of the State of Virginia, and all that rise against her to do her hurt, be as these men are.” But as the great King of Israel rose up and went to his chamber, and wept over the untimely fall of Absalom, the rebellious son of his own loins, who had lifted his paricidal hand against the life of an indulgent father, may not the world commend a similar emotion in the breast of a jury of Virginians over the sorrowful fate of the youthful prisoner at the bar! You will probably say that the lives of your citizens have been sacrificed. I answer that it is lamentably true; but it is also true that life has been taken already to atone for life; that the blood of murderers, older and wiser than the prisoner, has been poured out in response to the cry of the blood of your citizens from the ground.

You will say that your State has been polluted by the foot of the traitor. I answer that the footstep rested but for a moment on your border, and was swept away by a whirlwind of patriotic indignation. You will say that your law has been violated; your dignity and honor as a free people insulted. I answer that, alas! it is too true; but I answer, also, that it is equally true that your laws have been fully, thoroughly, and justly vindicated. Here in this court, again and again, the sword of justice, wielded by an even hand, has fallen upon the miserable remnant



of the confederated band who impiously mocked the integrity of the American Union by assailing the institutions of Virginia. The leader stands at the foot of the gallows, and its heights will expiate many crimes against the peace and laws of the country—not least amongst which is the crime of enlisting young men, such as the prisoner, in a cruise of piracy against you and me, and all law-abiding citizens of this happy Union. Let the leader of the mutiny on ship-board perish; but if it appears that young men have followed false guidance, and been bound in the despotism of an iron will, order them back to duty, and give them one more chance to show whether they are worthy of life or death. Virginia can thus afford to act. It is one of the chief blessings of power that it can extend mercy to the weak, and the crown jewel of courage is magnanimity to the fallen.

But there is another point on which Virginia, though mourning for the death of her citizens, has triumphantly met the aspersions and calumnies of the enemies of her domestic institutions by reason of the late outbreak at Harper's Ferry. The institution of domestic slavery to-day stands before the world more fully justified than ever before in the history of this or, indeed, perhaps, of any other country. The liberator, urged on by false and spurious philanthropy, deceitful and sinister in its origin, and selfish and corrupt in its practice, came into your midst to set the bondsman free, and though violence tore him from his master, though liberty was sounded in his ear, though a leader was proclaimed to lead him to the promised land, though an impiously self-styled Moses of deliverance came in the might of the sword and placed arms of bold attack and strong defense in his hands, yet what a spectacle do we behold! The bondsman refuses to be free; drops the implements of war from his hands; is deaf to the call of freedom; turns against his liberators; and, by instinct, obeys the injunction of Paul by returning to his master! Shall this pass for nothing? Shall no note be made of this piece of the logic of our government? Shall the voice of the African himself die unheard on the question of his

own freedom? No. It shall be perpetuated. It shall be put in the record.

The slave himself, under circumstances the most tempting and favorable to his love of freedom, if he has any, surrounded by men and scenes beckoning him on to vengeance, to liberty, and dominion, with the power of life and death over his master in his hands, and the world open before him, with the manacle and chain, which was never forged or welded except in the heated furnace of a riotous and prurient imagination, stricken from his body, turns eagerly and fondly to the condition assigned him by the laws, not merely of Virginia, not merely of legislatures and law-makers, but by the law of his being, by the law which governs his relation to a white man wherever the contact exists, by the law which made the hewers of wood and drawers of water under a government formed by God himself, and which, since the world began down to the present time, has made the inferior subordinate to the superior whenever and wherever two unequal races have been brought together. Let this fact go forth to the country. Let it be fully understood by those men and women who languish and sigh over the condition of your institutions that their sympathy is repudiated, and that they themselves are despised by both races in the South. This, too, Virginia has proven.

Is there anything left to be done by your verdict in peremptorily taking the life of the prisoner, and offering it a sacrifice to heal the wrongs of your State? I humbly conceive that Virginia in no respect needs such a sacrifice. This much I think I have shown.

And now let us turn to the prisoner. If Virginia, through you, can afford to be clement, your inquiry will then be, is the object on whom you are asked to bestow your clemency worthy to receive it? I know the field on which I now enter is filled with preconceived ideas, but in the spirit of truth I shall explore it, and by the truth of what I say I am willing that my unfortunate client may be judged by you, and, moreover, by that God in whose presence no hidden things exist, and before whom, at no distant day, you and I shall stand with him and see him and

know him as he is, and not as we see him and know him now, encompassed by the dread and awful calamities of the present hour.

Who is JOHN E. COOK? He has the right himself to be heard before you; but I will answer for him. Sprung from an ancestry of loyal attachment to the American government, he inherits no blood of tainted impurity. His grandfather an officer of the Revolution, by which your liberty as well as mine was achieved, and his gray-haired father, who lives to weep over him, a soldier of the war of 1812, he brings no dishonored lineage into your presence. If the blood which flows in his veins has been offered against your peace, the same blood in the veins of those from whose loins he sprang has been offered in fierce shock of battle and foreign invasion in behalf of the people of Virginia and the Union. Born of a parent stock occupying the middle walks of life, and possessed of all those tender and domestic virtues which escape the contamination of those vices that dwell on the frozen peaks, or in the dark and deep caverns of society, he would not have been here had precept and example been remembered in the prodigal wanderings of his short and checkered life. Poor deluded boy! wayward, misled child! An evil star presided over thy natal hour and smote it with gloom. The hour in which thy mother bore thee and blessed thee as her blue-eyed babe upon her knee is to her now one of bitterness as she stands near the bank of the chill river of death and looks back on a name hitherto as unspotted and as pure as the unstained snow. May God stand by and sustain her, and preserve the mothers of Virginia from the waves of sorrow that now roll over her!

Not only the ancestry of John E. Cook, but all with whom his life is now bound up, stand before the country as your friends, and the friends of the constitution as handed down to us by the valor and wisdom of Washington. I will not shrink from the full and absolute recognition of my position. You and I, gentlemen of the jury, can have no secrets in this case from one another. We will withdraw the curtains, and look each other fully in the face.

A citizen of the State in which I live,\* who, by virtue of his brilliant and commanding intellect, and because of his sound and national principles, has been placed at an early period of his life in the highest position in the power of a State to give, is here beside me, and wears near his heart a sister's likeness to this boy. And there is not in the wide world, on the broad green face of the earth, a man, whose heart is not wholly abandoned to selfish depravity, who will not say that his presence here is commanded by honor, love, duty, and fidelity to all that ennobles our poor, fallen race. Let poor, miserable, despised, loathed, spurned, and abhorred miscreants cavil and revile at this proud act of painful duty. The true and eternal impulses of the human heart, the world over, constitute our appellate court.

But the Governor of the State of Indiana needs neither vindication nor defense as a statesman of catholic opinions, nor as a man fully appreciating the duties of domestic life. Rather do I allude to his presence here and his position on the agitating questions of the day, to show that something else besides ancestral inheritance or the teachings of family connections has given the fatal bias to the prisoner's mind, which led him away from the worship of his own household gods, and into the communion of idolators, aliens, and enemies of the pure faith of an American citizen. And it seems to me, in view of the services which those who love this boy have rendered to their country, and in view of their devotion to the true construction of the constitution and the injunctions of our fathers, I might rehearse and quote to you with propriety a passage from the history of the latter years of the wisest king Israel ever had :

“For it came to pass when Solomon was old that his wives turned away his heart after other gods ; and his heart was not perfect with the Lord his God as was the heart of David, his father. For Solomon went after Ashtoreth, the goddess of the Zidonians, and after Milcom, the abomination of the Ammonites.

“And Solomon did evil in the sight of the Lord, and went not fully after the Lord as did David, his father.

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\*Gov. Ashbell P. Willard.

“And the Lord was angry with Solomon because his heart was turned from the Lord God of Israel which had appeared unto him twice.

“And had commanded him concerning this thing that he should not go after other gods; but he kept not that which the Lord commanded.

“Wherefore the Lord said unto Solomon, forasmuch as this is done of thee, and thou hast not kept my covenant and my statutes which I commanded thee, I will surely rend the kingdom from thee, and will give it to thy servant.

“Notwithstanding, in thy days I will not do it for David, thy father’s sake.”

The king, who was forgiven, and spared not merely his life, but his kingdom also, and his glory during his lifetime because of the loyalty of his father who had gone before him, was old and very wise and full of experience. The prisoner before you has done no more than to disobey your covenants and statutes, and pleads that it has been done in the early morning of life, his first offense, and under the baneful influence of a school of philosophy which he once thought sincere and right, but which he now here, once and forever, to you, and before the world, renounces as false, pernicious, and pestilential. Shall man be more intolerant than God? Shall you be less merciful than He, in whose presence your only plea will be mercy! mercy! mercy! Will you say you dare not recommend mercy to John E. Cook, when divine examples and the appeals of your own conscience are on your side? I will never believe it until the appalling fact is announced by you.

But let us advance. I have spoken of Cook, his parentage, and connections. Again comes the question, who is he? And now I proceed to answer it with reference to the transactions at Harper’s Ferry, and with reference to the facts of the case. Let us spread broad and wide before us the moving panorama of evil which reaches its denouement at Harper’s Ferry.

There are hearts and feelings woven in the destiny of the prisoner which will be relieved and solaced as far as

truth dragged up from the depths of this misfortune can relieve and solace them. In an evil hour—and may it be forever accursed!—John E. Cook met John Brown on the prostituted plains of Kansas. On that field of fanaticism, three years ago, this fair and gentle youth was thrown into contact with the pirate and robber of civil warfare. To others whose sympathies he has enlisted I will leave the task of transmitting John Brown as a martyr and hero to posterity. In my eyes he stands the chief of criminals, the thief of property stolen—horses and slaves—from the citizens of Missouri, a falsifier here in this court, as I shall yet show, and a murderer not only of your citizens, but of the young men who have already lost their lives in his bloody foray on your border. This is not pleasant to say, but it is the truth, and, as such, ought to be and shall be said. You have seen John Brown, the leader. Now look on John Cook, the follower. He is in evidence before you. Never did I plead for a face that I was more willing to show. If evil is there, I have not seen it. If murder is there, I am to learn to mark the lines of the murderer anew. If the assassin is in that young face, then commend me to the look of an assassin. No, gentlemen, it is a face for a mother to love, and a sister to idolize, and in which the natural goodness of his heart pleads trumpet-tongued against the deep damnation that estranged him from home and its principles.

Let us look at the meeting of these two men. Place them side by side. Put the young face by the old face; the young head by the old head. We have seen somewhat of the history of the young man. Look now for a moment at the history of the old man. He did not go to Kansas as a peaceable settler with his interests linked to the legitimate growth and prosperity of that ill-fated Territory. He went there in the language of one who has spoken for him since his confinement here, as the Moses of the slaves' deliverance. He went there to fulfill a dream, which had tortured his brain for thirty years, that he was to be the leader of a second Exodus from bondage. He went there for war and not for peace. He went there to call around

him the wayward and unstable elements of a society in which the bonds of order, law, and religion were loosened, and the angry demon of discord was unchained. Storm was his element by his own showing. He courted the fierce tempest. He sowed the wind that he might reap the whirlwind. He invoked the lightning and gloried in its devastation. Sixty summers and winters had passed over his head, and planted the seeds of spring and gathered the harvests of autumn in the fields of his experience. He was the hero, too, of battles there. If laurels could be gained in such a fratricidal war as raged in Kansas, he had them on his brow. Ossawatimie was given to him, and added to his name by the insanity of the crazy crew of the North as Napoleon conferred the names of battle-fields on his favorite marshals. The action of Black Jack, too, gave him consideration, circumstance, and condition with philanthropists of bastard quality, carpet knight heroes in Boston, and servile followers of fanaticism throughout the country. His courage is now lauded to the skies by men who have none of it themselves. This virtue, I admit, he has—linked, however, with a thousand crimes. An iron will, with which to accomplish evil under the skillful guise of good, I also admit to be in his possession—rendering his influence over the young all the more despotic and dangerous.

Imagine, if you please, the bark on which this young man at the bar and all his hopes were freighted, laid alongside of the old weather-beaten and murderous man-of-war whose character I have placed before you. The one was stern and bent upon a fatal voyage. Grim-visaged war, civil commotion, pillage and death, disunion and universal desolation thronged through the mind of JOHN BROWN. To him law was nothing, the Union was nothing, the peace and welfare of the country were nothing, the lives of the citizens of Virginia were nothing. Though a red sea of blood rolled before him, yet he lifted up his hand and cried forward. Shall he now shrink from his prominence, and attempt to shrivel back to the grade of his recruits and subalterns? Shall he deny his bad pre-eminence, and say that he did not incite the revolt which has involved his

followers in ruin? Shall he stand before this court and before the country, and deny that he was the master spirit, and gathered together the young men who followed him to the death in this mad expedition? No! his own hand signs himself "Commander-in-chief," and shows the proper distinction which should be made between himself and the men who, in an evil moment, obeyed his orders. Now turn to the contrast again and behold the prisoner. Young and new to the rough ways of life, his unsandaled foot tender and unused to the journey before him, a waif on the ocean, at the mercy of the current which might assail him, and unfortunately endowed with that fearful gift which causes one to walk as in a dream through all the vicissitudes of a lifetime; severed and wandering from the sustaining and protecting ties of kindred, he gave, without knowing his destination or purpose, a pledge of military obedience to John Brown, "Commander-in-chief."

Gentlemen of the jury, there is one character which, in the economy of God's providence, has been placed upon the earth, but perhaps has never been fully drawn, and is most difficult to draw. It is the character of him who glides down the stream of life in a trance, dreams as he floats along, and sees visions on either shore. Realities exist in this world, no doubt. Practical views are certainly the best. But that impalpable, airy, and unsubstantial creations of the busy imagination come now and then, and lure the children of men to chase the "Will-o'-the-wisp" over the dangerous morass of life, is as true as that we have our allotted pilgrimage of threescore years and ten. Who has not beheld the young man of strict moral culture, impressed with high principles of right, and gifted with good intellect, start out upon the dusty and well-beaten highway, which millions have trod before him, only to turn aside at the first inviting grove of pleasure, the first call of some fanciful wood nymph, or to follow over the falls of ruin and death some meandering stream whose beautiful surface caught his eye? To such a one right and wrong are utter abstractions, and have no relation whatever to things that exist. Give to such a mind a premise,



however false, and from it will spring a castle in the air with proportions as true and just as the most faultless architecture ever framed by mathematical skill. Some lay the foundation of their actions on the rock and are never overthrown. Some build upon the shifting sand, and fall when the storm comes. But in each instance the building may be the same in its symmetry. So with the deductions of the mind. All depends, not upon the reasoning, but upon the basis on which thought rests, and which supports the edifice of our conclusions. The enthusiast and visionary takes his stand-point, and fixes the premises of his conduct from caprice and the circumstances which have obtained the ascendancy over his mind. That such has been the character and such the conduct of the prisoner, without one spark of malignity of heart, or a single impulse of depravity, all the evidence in this case clearly establishes.

Some general ideas gilded over by the alluring title of freedom were held out to him by Brown, and formed the basis of what seemed to him duty and honor. If ever man charged with crime was lifted up by the evidence of his case above the ignoble traits of the ordinary felon, the prisoner is thus distinguished. Instead of the eager and willing bandit, anxious to join a hoary leader bent on mischief—instead of the outlaw in mind and character gloomily and fiercely pondering revenge against his fellow-men for fancied or real injuries—we see from the evidence a kind though wayward heart, a cheerful, obliging, though visionary mind. With children everywhere he has been a favorite; and since little children crept upon the knee of the Savior eighteen hundred years ago, they have been the most infallible judges of a gentle and affectionate heart. Amiability and sweetness of temper he has carried with him through the world; and he brings that trait now before you to show that strong inducements and powerful incentives must have been brought to bear in order to engage him in an enterprise so desperate as that for which his life is now so sadly imperiled. What motive controlled him to this action? A crime without a motive can not

exist. Was it a motive of bloodshed? His character forbids the thought. Was it the motive of disloyalty to a government cemented by the blood of his ancestors, and defended by all who are near to him by ties of kindred? Not a syllable of proof warrants such a conclusion. Was his motive robbery or unholy gain? Other fields are more inviting to the land pirate; but the thought of plunder never crossed a mind like his. One answer, and one alone, is to be given to all these questions. John Brown was the despotic leader and John E. Cook was an ill-fated follower of an enterprise whose horror he now realizes and deploras. I defy the man, here or elsewhere, who has ever known John E. Cook, who has ever looked once fully into his face, and learned anything of his history, to lay his hand on his heart and say that he believes him guilty of the origin or the results of the outbreak at Harper's Ferry.

Here, then, are the two characters whom you are thinking to punish alike. Can it be that a jury of Christian men will find no discrimination should be made between them? Are the tempter and the tempted the same in your eyes? Is the beguiled youth to die the same as the old offender who has pondered his crimes for thirty years? Are there no grades in your estimation of guilt? Is each one, without respect to age or circumstance, to be beaten with the same number of stripes? Such is not the law, human or divine. We are all to be rewarded according to our works, whether in punishment for evil, or blessings for good that we have done. You are here to do justice, and if justice requires the same fate to befall Cook that befalls Brown, I know nothing of her rules, and do not care to learn. They are as widely asunder in all that constitutes guilt, as the poles of the earth, and should be dealt with accordingly. It is in your power to do so, and by the principles by which you yourselves are willing to be judged hereafter, I implore you to do it!

Come with me, however, gentlemen, and let us approach the spot where the tragedy of the 17th of October occurred, and analyze the conduct of the prisoner there. It is not true that he came as a citizen to your State and

gained a home in your midst to betray you. He was ordered to take his position at Harper's Ferry in advance of his party for the sole purpose of ascertaining whether Colonel Forbes, of New York, had divulged the plan. This order came from John Brown, the "Commander-in-chief," and was doubtless a matter of as much interest to others of prominent station as to himself. Cook simply obeyed—no more. There is not a particle of evidence that he tampered with your slaves during his temporary residence. On the contrary, it is admitted on all hands that he did not. His position there is well defined. Nor was he from under the cold, stern eye of his leader. From the top of the mountain his chief looked down upon him, and held him as within a charmed circle. Would Cook have lived a day had he tried to break the meshes which environed him?

Happy the hour in which he had made the attempt even had he perished, but, in fixing the measure of his guilt, the circumstances by which he was surrounded must all be weighed. At every step we see him as the instrument in the hands of other men, and not as originating or advising anything.

His conduct toward that elegant and excellent gentleman, Colonel Washington, is matter of sore regret to his friends, and also to himself. It is the one act most difficult of all others to reconcile with the well-known character of the man. But even there his offense is palliated by the dictatorship which governed him. At the first glance we see a high-toned gentleman's hospitality abused. This has been used to aggravate his acknowledged offenses. But the truth is, that when Cook first visited Colonel Washington's house and received from him various acts of kindness, the thought that soon he was to be ordered back over that threshold in a hostile manner, had never entered his brain. The act was not Cook's but Brown's. The mere soldier is never punished for the outrages of his commander. And when you allow that the prisoner's great error was the enlistment under the leadership of Brown in the first place, then you must admit that everything else has followed in

logical sequence. Obedience and fidelity to a leader in a false and pernicious cause are entitled to offset, in some measure at least, the evil that has flown from them. But the prisoner took certain weapons hallowed by great and sacred associations from the possession of Colonel Washington. Ah! in this he is once more consistent with the visionary and dreamy cast of his mind. The act was not plunder, for he pledged their safe return to their owner, and has faithfully kept that pledge to the full extent of his power. But his wayward fancy was caught with the idea that a spell of enchantment hung around them, and that, like the relics of a saint, they would bless and prosper any cause in which they were invoked. The sword of Frederick the Great and the pistols of Lafayette linked to the name and family of Washington! With what a charm such associations would strike the poetic temperament of a young enthusiast embarked in an enterprise presenting to his perverted imagination the incentives of danger and glory; and if a new order of things was to be inaugurated, and storm and revolution were to shake the country and the world, like the heart of the Bruce, or the eagles of Napoleon, these warlike incentives of heroes were to fascinate and allure followers, and hallow the battles in which they were lifted. The mind of the prisoner is fully capable of dreaming such dreams, and nursing such visions.

But it has been said that Cook left the scene at Harper's Ferry at an early hour to avoid the danger of the occasion, and thus broke faith with his comrades in wrong. Even this is wholly untrue. Again we find the faithful, obedient subaltern carrying out the orders of his chief, and when he had crossed the river and fulfilled the commands of Brown, he did what Brown's own son would not do—by returning and exposing himself to the fire of the soldiers and citizens for the relief of Brown and his party. We see much, alas! too much, to condemn in his conduct, but nothing to despise; we look in vain for an act that belongs to a base or malignant nature. Let the hand of chastisement fall gently on the errors of such as him, and reserve

your heavy blows for such as commit crime from motives of depravity.

Up to this point I have followed the prisoner, and traced his immediate connection with this sad affair. You have everything before you. You have heard his own account of his strange and infatuated wanderings up and down the earth with John Brown and his coadjutors; how like a fiction it all seems, and yet how lamentably true; how unreal to minds like ours; how like the fever dream of a mind warped and disordered to the borders of insanity does the part which the prisoner has played seem to every practical judgment! Is there nothing in it all that affords you the dearest privilege which man has on earth—the privilege of being merciful? Why, the very thief on the cross, for a single moment's repentance over his crimes, received absolute forgiveness, and was rewarded with paradise.

But, gentlemen, in estimating the magnitude of this young man's guilt, there is one fact which is proven in his behalf by the current history of the day which you can not fail to consider. Shall John E. Cook perish, and the real criminals who for twenty years have taught the principles on which he acted hear no voice from this spot? Shall no mark be placed on them? Shall this occasion pass away, and the prime felons who attacked your soil and murdered your citizens at Harper's Ferry escape? The indictment before us says that the prisoner was "seduced by the false and malignant counsels of other traitorous persons." Never was a sentence written more just and true. "False and malignant counsels" have been dropping for years, as deadly and blighting as the poison of the Bohun Upas tree, from the tongues of evil and traitorous persons in that section of the Union to which the prisoner belongs. They have seduced not only his mind, but many others, honest and misguided like him, to regard the crime at Harper's Ferry as no crime, your rights as unmitigated wrongs, and the constitution of the country as a league with hell and a covenant with death. On the skirts of the leaders of abolition fanaticism in the North is every drop of blood

shed in the conflict at Harper's Ferry ; on their souls rests the crime of murder for every life there lost ; and all the waters of the ocean could not wash the stains of slaughter from their treacherous and guilty hands.

A noted Boston abolitionist (Wendell Phillips), a few days ago, at Brooklyn, New York, in the presence of thousands, speaking of this tragic occurrence, says: "It is the natural result of anti-slavery teaching. For one, I accept it. I expected it." I, too, accept it in the same light, and so will the country. Those who taught, and not those who believed and acted, are the men of crime in the sight of God. And to guard other young men, so far as in my power, from the fatal snare which has been tightened around the hopes and destiny of John E. Cook, and to show who are fully responsible for his conduct, I intend to link with this trial the names of wiser and older men than he ; and, if he is to be punished and consigned to a wretched doom, they shall stand beside him in the public stocks ; they shall be pilloried forever in public shame as "the evil and traitorous persons who seduced him to his ruin by their false and malignant counsels."

The chief of these men, the leader of a great party, a senator of long standing, has announced to the country that there is a higher law than the constitution, which guarantees to each man the full exercise of his own inclination. The prisoner before you has simply acted on the law of Wm. H. Seward, and not the law of his fathers. He has followed the Mahomet of an incendiary faith. Come forth, ye sages of abolitionism, who now cower and skulk under hasty denials of your complicity with the bloody result of your wicked and unholy doctrines, and take your places on the witness stand. Tell the world why this thing has happened. Tell this jury why they are trying John E. Cook for his life. You advised his conduct and taught him that he was doing right. You taught him a higher law and then pointed out to him the field of action. Let facts be submitted. Mr. Seward, in speaking of slavery, says: "It can and must be abolished, and you and I must do it." What worse did the prisoner attempt?

Again, he said, upon this same subject, "Circumstances determine possibilities;" and doubtless the circumstances with which John Brown had connected his plans made them possible in his estimation, for it is in evidence before the country, unimpeached and uncontradicted, that the great senator of New York had the whole matter submitted to him, and only whispered back, in response, that he had better not been told. He has boldly announced an irrepressible conflict between the free and slave States of this Union. These seditious phrases, "higher law" and "irrepressible conflict," warrant and invite the construction which the prisoner and his young deluded companions placed upon them. Yet they are either in chains, with the frightful gibbet in full view, or sleep in dishonored graves, while the apostle and master-spirit of insurrection is loaded with honors and fares sumptuously every day. Such is poor, short-handed justice in this world.

An old man, and for long years a member of the National Congress from Ohio, next shall testify here before you that he taught the prisoner the terrible error which now involves his life. Servile insurrections have forever been on the tongue and lips of Joshua R. Giddings. He says "that when the contest shall come, when the thunder shall roll and the lightning flash, and when the slaves shall rise in the South, in imitation of the horrid scenes of the West Indies, when the Southern man shall turn pale and tremble, when your dwellings shall smoke with the torch of the incendiary, and dismay sit on each countenance, he will hail it as the approaching dawn of that political and moral millennium which he is well assured will come upon the world." The atrocity of these sentiments chills the blood of honest patriots, and no part of the prisoner's conduct equals their bloody import. Shall the old leader escape and the young follower die? Shall the teacher, whose doctrines told the prisoner that what he did was right, go unscathed of the lightning which he has unchained? If so, Justice has fled from her temples on earth, and awaits us only on high to measure out what is right between man and man.

The men who have misled this boy to his ruin shall here receive my maledictions. They shrink back from him now in the hour of his calamity. They lift up their hands and say, Avaunt! to the bloody specter which their infernal orgies have summoned up. You hear them all over the land ejaculating through false, pale, coward lips, "Thou canst not say I did it," when their hands are reeking with all the blood that has been shed and which yet awaits the extreme penalty of the law. False, fleeting, perjured traitors, false to those who have acted upon your principles, false to friends as well as country, and perjured before the constitution of the Republic—ministers who profess to be of God who told this boy here to carry a Sharpe's rifle to Kansas instead of his mother's Bible—shall this jury, this court, and this country forget their guilt and their infamy because a victim to their precepts is yielding up his life before you? May God forget me if I here, in the presence of this pale face, forget to denounce with the withering, blighting, blasting power of majestic truth, the tall and stately criminals of the Northern States of this Union.

The visionary mind of the prisoner heard from a member of Congress from Massachusetts that a new constitution, a new Bible, and a new God were to be inaugurated and to possess the country. They were to be *new*, because they were to be anti-slavery, for the old constitution, and the old Bible, and the God of our fathers, the ancient Lord God of Israel, the same yesterday, to-day, and forever, were not on the side of abolitionism. Is there no mitigation for his doom in the fact that he took his life in his hand, and aimed at that which a coward taught him, but dared not himself attempt. Base, pusillanimous demagogues have led the prisoner to the bar, but while he suffers—if suffer he must—they, too, shall have their recreant limbs broken on the wheel. I will not leave the soil of Virginia, I will not let this awful occasion pass into history, without giving a voice and an utterance to its true purport and meaning, without heaping upon its authors the load of execration which they are to bear henceforth



and forever. Day after day and year after year has the baleful simoon of revolution, anarchy, discord, hostility to the South and her institutions, swept over that section of the country in which the lot of the prisoner has been cast. That he has been poisoned by its breath should not cut him off from human sympathy; rather should it render every heart clement toward him. He never sought place or station, but sought merely to develop those doctrines which evil and traitorous persons had caused him to believe were true. Ministers, editors, and politicians—Beecher, Parker, Seward, Giddings, Sumner, Hale, and a host of lesser lights of each class—who in this court-room, who in this vast country, who in the wide world who shall read this trial believes them not guilty as charged in the indictment in all the counts to a deeper and far more fearful extent than John E. Cook. Midnight gloom is not more somber in contrast with the blazing light of the meridian sun than is the guilt of such men in comparison with that which overwhelms the prisoner. They put in motion the maelstrom which has engulfed him. They started the torrent which has borne him over the precipice. They called forth from the caverns the tempest which wrecked him on a sunken reef. Before God, and in the light of Eternal truth, the disaster at Harper's Ferry is their act, and not his. May the ghost of each victim to their doctrines of disunion and abomination sit heavy on their guilty souls! May the fate of the prisoner, whatever it may be, disturb their slumbers and paralyze their arms when they are again raised against the peace of the country and the lives of its citizens!

I know by the gleam of each eye into which I look in this jury-box, that if these men could change places with young Cook, you would gladly say to him, "Go, erring and repentant youth, our vengeance shall fall on those who paid their money, urged on the attack, and guided the blow." Let me appeal to you, gentlemen of the jury, in the name of Eternal truth and everlasting right, is nothing to be forgiven to youth, to inexperience, to a gentle, kind heart, to a wayward and peculiar though not vicious character, strangely apt to be led by present influences? I

have shown you what those influences, generally and specially, have been over the mind of the prisoner. I have shown you the malign influence of his direct leader. I have shown you, also, the "false and malignant counsels" in behalf of this sad enterprise, emanating from those in place, power, and position. It might have been your prodigal son borne away and seduced by such counsels, as well as my young client. Do with him as you would have your own child dealt by under like circumstances. He has been stolen from the principles of his ancestors and betrayed from the teachings of his kindred. If he was your own handsome child, repentant and confessing his wrong to his country, what would you wish a jury of strangers to do? That do yourselves. By that rule guide your verdict; and the poor boon of mercy will not be cut off from him. He thought the country was about to be convulsed; that the slave was pining for an opportunity to rise against his master; that two-thirds of the laboring population of the country, North and South, would flock to the standard of revolt; that a single day would bring ten, fifty—yea, a hundred thousand men—to arms in behalf of the insurrection of the slaves. This is in evidence. Who are responsible for such terribly false views? and what kind of a visionary and dreaming mind is that which has so fatally entertained them? That the prisoner's mind is pliant to the impressions, whether for good or for evil, by which it is surrounded, let his first interview in his prison with Governor Willard, in the presence of your senator, Colonel Mason, bear witness. His error was placed before him. His wrong to his family and his country was drawn by a patriotic, and, at the same time, an affectionate hand. His natural being at once asserted its sway. The influence of good, and not of evil, once more controlled him as in the days of his childhood; and now here before you he has the merit at least of a loyal citizen, making all the atonement in his power for the wrong which he has committed. That he has told strictly the truth in his statement is proven by every word of evidence in this cause.

Gentlemen, you have this case. I surrender into your

hands the issues of life and death. As long as you live, a more important case than this you will never be called to try. Consider it, therefore, well in all its bearings. I have tried to show you those facts which go to palliate the conduct of the prisoner. Shall I go home and say that in justice you remembered not mercy to him? Leave the door of clemency open; do not shut it by a wholesale conviction. Remember that life is an awful and a sacred thing; remember that death is terrible—terrible at any time, and in any form.

“Come to the bridal chamber, Death!  
 Come when the mother feels  
 For the first time, her first-born's breath;  
 Come when the blessed seals  
 That close the pestilence are broke,  
 And crowded cities wail its stroke;  
 Come in consumption's ghastly form,  
 The earthquake's shock, the ocean's storm;  
 Come when the heart beats high and warm  
 With banquet, song, and dance, and wine,  
 And thou art terrible. The groan,  
 The knell, the pall, the bier,  
 And all we know, or dream, or fear  
 Of agony, are thine.”

But when to the frightful mien of the grim monster, when to the chill visage of the spirit of the glass and scythe, is added the hated, dreaded specter of the gibbet, we turn shuddering from the accumulated horror. God spare this boy, and those who love him, from such a scene of woe.

I part from you now, and most likely forever. When we next meet—when I next look upon your faces and you on mine—it will be in that land and before that Tribunal where the only plea that will save you or me from a worse fate than awaits the prisoner, will be mercy. Charity is the paramount virtue; all else is as sounding brass and a tinkling cymbal. Charity suffereth long, and is kind. Forbid it not to come into your deliberation; and, when your last hour comes, the memory that you allowed it to plead for your erring brother, John E. Cook, will brighten

your passage over the dark river, and rise by your side as an interceding angel in that day when your trial as well as his shall be determined by a just but merciful God.

I thank the court and you, gentlemen, for your patient kindness, and I am done.

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This noted cause was conducted by Hon. D. W. Voorhees, of Indiana; Hon. Jos. E. McDonald, of Indiana; Lawson Botts, Esq., of Virginia; Thomas Green, Esq., of Virginia, for the defense.

The prosecution was under the management of Hon. Andrew Hunter, of Virginia.

## THE AMERICAN CITIZEN.

[An address delivered before the literary societies of the University of Virginia, at Charlottesville, July 4, 1860.]

*Ladies and Gentlemen:*—We stand to-day in an august and venerable presence. The associations by which we are surrounded are connected with a great and unparalleled age. The scenes on which our eyes rest call up before the mind with vivid power the early and the exalted days of the Republic. The soil on which we tread teems with classic memories. The sky that bends above us is the same that once drew the gaze of the philosophers of American liberty and American science. The barren mountains that sleep off yonder in the dim blue distance are fruitful and luxuriant in the bright and beautiful historical pictures which the youths of America, whether they be dwellers on the Aroostook or the Mississippi, have treasured away in their lessons taught by the wintry fireside. The rivers that encircle the eastern slope of a mighty continent, and that roll away from these plains to the ocean, murmur a song of everlasting praise to the deeds of immortal renown which were once enacted on their shores. All around us breathes the fame of grand and wonderful achievements. The very air is redolent of the rich odors of a short, though felicitous, blessed antiquity.

We turn our faces around toward the past. We look along down the fleeting years of little more than an ordinary lifetime, and we see the young and struggling institutions of our country arise from chaos and civil conflict. The birthplace of distinguished merit, of genius, of him who serves his country and his race in an eminent capacity, has ever been the theme of faithful commemoration. But what shall be said of the spot where the prin-

ciples of a great free government were born—where the throes of constitutional liberty were first felt in a definite form—where the volcanic ideas were first engendered, which tore, as by a mighty eruption, an ancient monarchy in twain, and made the dissevered fragments overshadow the colossal proportions of the parent trunk? We ponder over our answer in awe-struck silence, for we are in and about that place. The ground whereon we tread is holy, and the burning bush from which was spoken the independence of the American people, is blazing in full view of us from where we stand. These walls are full of a strange, touching eloquence. Freedom of action, freedom of thought, and a generous love of science and letters, constituted the trinity at whose shrine the illustrious patron of this institution paid his devotions. The spirit of a regenerated, progressive era in the history of mankind is here. It becomes us, therefore, to gather in upon our minds the elements of the moral, political, and philosophic world which surround us. And, as for me, I bow with reverence before the genius of the place and the hour, and acknowledge with profound sensibility the honor that attaches to the position in which I stand.

But not only the wonderful and gigantic proportions of the past arise at this hour, like the shadowy, though splendid creation of some fabled enchanter. The present—the living, breathing present, with its arteries of action interlacing the globe; with its pulses of life beating high and bounding with an irresistible energy; its great heart throbbing beneath the weight of the destiny of the human race—it, too, is here, and demands the recognition of practical minds. We may not ignore it. It is the lineal descendant and legitimate offspring of those days wherein the arts of war and peace first assumed to act for American interests, guided by American valor and wisdom.

The importance of the present epoch in the history of the world is, however, simply the importance which attaches to the condition and probable destiny of that universal hero of all earthly dramas—man himself. I propose to-day to discuss him in one of his present and most important rela-

tions to the age in which we live—to God and to the human race—as THE AMERICAN CITIZEN. And though I come here from a young and distant State—a province, as it were, of Rome in her ancient days—peopled but yesterday by the progressive spirit of the race and the age to which we belong, yet the bond of our citizenship is a joint inheritance, and links us together in a firm and fraternal alliance. I come to you with the grand hailing sign, not of distress, not of peril and disaster, not of shuddering, affrighted and appalled extremity, but of liberty, of peace, of glory, and of hope: I, TOO, AM AN AMERICAN CITIZEN.

It is not merely, however, for the purpose of calling to mind the luster which attaches throughout the earth to the idea of American citizenship, that I have chosen that theme on this occasion. It is true that everywhere beneath the sun, on the high seas, and in the midst of the desert, wherever the insatiate thirst for knowledge or gain has lured the children of civilization, the magic power of the American name is never invoked in vain. It is true that, wherever the human heart, galled by tyranny, feels the faintest aspiration for freedom, there the image of our laws and our civil polity appears as a heavenly visitant. It is true that the Roman, when sinking beneath the scourge, made his appeal for relief and protection to a government unequal to that which, having her seat of empire here in the west, reaches forth her hands to the uttermost parts of the earth to protect the humblest citizen that ever reposed on her bosom. All this is true, and the patriotic heart fondly dwells on these rich and fascinating evidences of national renown. And, like the care-worn and heavily-burdened traveler, who turns aside from the wearisome highway, and revels for a season amidst seductive groves, refreshing fountains, and shaded lawns, so might we dispose of weighty and serious thoughts, and give ourselves to exultation and honest pride over the political, physical, moral, and mental greatness of the land we inhabit. But the times we live in, the scenes by which we are surrounded, are mixed with gloom as well as glory. The precise moment of time to-day which we occupy is too fearfully

fraught, too ominously filled with grave, grand, and terrible interests to the American people, and indeed to the friends of liberty throughout the world, to admit of anything but a severe and candid scrutiny into the solemn duties, as well as the privileges; the imposing responsibilities, as well as the pleasures, of the American citizen. The hour draws nigh in which the pure and lofty love of country, for which our fathers were famed, will be in anxious demand. The American citizen, in his full and proper development, and moving in the grand sphere which the constitution marks out for him, is equal to the high mission whereunto he is called—the perpetuation of liberty, regulated by law. Let us look briefly at the nature of the trust reposed in his hands.

Government is a social necessity. While each successive generation of mankind has acknowledged and acted on this fact, yet every people and every age have had their distinctive principles as the basis of the institutions by which they were governed. The history of human government is one over which the student and the philosophic statesman ponder long and wonder much. Since the world began, all the powers of man, good as well as evil, have been concentrated on the stupendous problem of governing himself and his fellow-men. He was born in a paradise, and another of celestial splendor and eternal duration awaits him, if he shall happily pass the mystic river that flows between the two worlds, that were given to him from the beginning. He is the bright, supreme intelligence of this beautiful sphere; he is linked to endless ages by the immortality of mind, and is allied to Deity by the divine origin and destiny of the soul; he is the master-piece of the handiwork of Him who conceived the flaming sun, when all was dark, and bade it shine a full realization of his conceptions,—who measured the just proportions and laid the architrave of hemispheres and continents before matter had emerged from chaos,—who bade the imperial ocean seek its bed, who reared the mountain and sunk the valley, and put all nature under the supremacy, not of chance, blind as fate, but of Order, the



vicegerent of Jehovah on earth. Such is man, such the source whence he came, and such is the destiny that awaits him. No wonder that this government has engaged, not only the deep and protracted solicitude of himself, but even also of the Author of his being, who promulgated that great code of laws in the midst of the lightnings on Sinai, which have withstood all revolutions, and have neither been repealed, nor amended, nor loosened from the pedestal of majestic authority on which they rest.

But even the strong hand and paternal reasoning of God himself could not prevent from arising, in the breasts of His own people, a desire for change in the institutions which governed them, and which they knew to be of divine ordainment. All subsequent time, all subsequent human experience, has been a reiteration of the principle of restless discontent, which caused Israel to murmur against the constitution and laws of the fathers, and demand a king. Not that I mean here to state, that the tendency of the race, when acting under enlightened impulses, is toward despotism, or the government of a single-sceptered hand, but that revolution has been the order of the world. Change has always been the desire of man's heart. He has never ceased to recognize the imperious necessity of government, but its forms have been as changing and diversified as the capricious movements of a dream. He who tells you that stability has ever been attained in the principles or the practice of any government hitherto established by the children of men, or, indeed, that permanence has ever marked any of the works of human hands, has read the history of his race in vain. It is not so: and I allude to the fact to show that struggling systems of political institutions have forever been jarring against each other, have alternately triumphed and alternately fallen, have forever been engaged in conflict—whether at the Red Sea or at Marathon, whether at Thermopylæ or at Yorktown. This fact, which comes down to us with all the sanction of universal history, commends itself with overwhelming force to the American citizen who fondly imagines that to his government has been issued the sublime

edict, *Esto perpetua!* May it be so. May the broken column and desecrated temple never mark the downfall of American freedom. But the murky gloom of the political heavens—the angry ocean of human passion which now imperils the landmarks of the constitution—the voice of hoarse sedition, which, like the boding cry of birds of ill omen, now fills the land—the harsh sounds of unnatural, fratricidal strife between the tribes of one covenant—all admonish us that the hour for idle wishes and vain entreaties, addressed to some imaginary genius of concord, has passed away, and that action—bold, honest, and patriotic action—on the part of the citizen, can alone guarantee a long lease of life to the present form of the American government.

This universal instability in the political institutions of men has stamped history with its striking diversity. Mental ingenuity and mental power have examined, grasped, adopted, and discarded every theory, built on every basis, and, in turn, destroyed their own creations. In the vast and complicated annals of the past, we behold all the multiplied forms in which human government has been attempted. But in all its thousand shapes, there have been but two contending principles in behalf of which men have enlisted their minds in council and their arms in action. The unlawful assumption of power by those who hold authority, has been waging an unbroken contest with the rightful sovereignty of political institutions from the earliest dawn of history to the present time. Liberty and despotism have been the two great opposing forces which have convulsed the world, torn down old systems and planted new ones, and marked the world's highway of progress with fields of battle. Their struggles for the supremacy have never ceased. It is in the heart of man to grasp at power. Dominion is sweet, and the earth and the sea, with all that in them dwell, have not sufficed, in their subserviency to fill the measure of man's ambition, to govern. Alexander the Macedonian, following the gilded meteor of conquest through all the domain of the East, and, at last, pausing upon the Indus to weep, because the limits

of the earth were smaller than the boundaries of his imperial desires, was simply the illustration and type of that love of power which is inherent in the human heart. A crown with its jewels, a scepter, and the robes of royalty, have never failed to lure the daring mind, unchastened by the love of legal liberty, to tempt the dangerous heights of sole supremacy. But, on the other hand, resistance to the power of one over many, to the spirit of royal domination, and to the absorbing prerogatives of kingly rule, has been obstinate, fierce, and perpetual. The love of power is shared by all alike, and the laboring millions of a government cherish it as dearly as he who wears away his days, and consumes his nights in feverish longings after the fleeting emblems of temporal greatness. Freedom from the impositions and restraints of one supreme will has been the wholesome object sought in almost every popular revolution in which mankind ever engaged. We may exhaust ourselves in the exploration of past ages; we may travel back beyond the area of Christ, and ascend still higher up the stream of time beyond the flood, and there, by the dim, mysterious twilight of oriental history, scan the traces of ancient conflicts; we may take our stand at a period two thousand years ago, and with the clear light of a high civilization streaming around us, contemplate the contending parties of Greece—Athens, with her democracy and her aristocracy, in a perpetual struggle, with varied results, and Sparta, torn by rival parties; we may turn and survey Rome in the days of her greatness, when she was the full perfection of a political power, with her Gracchi and Tribunes of the people arrayed in high and fierce contest with the advocates of royalty and centralized power; we may sadly watch the expiring agonies of Roman liberty, and behold Brutus slay Cæsar at the base of Pompey's statue, in a mad attempt to reinstate the fallen fortunes of the republic; we may then leave the banks of the yellow Tiber, as did the genius of liberty veiled and mourning, and cross over the dark ages, the gulf in which centuries lie buried; we may take our stand at Runnymede, and witness *Magna Charta* wrenched from the unwilling

hand of the tyrannical and perfidious John ; we may stand on the soil of France, and shrink aghast and horror-struck from the gory memories which arise on every hand as awful witnesses of the bloody baptism which that nation underwent in the Reign of Terror; we may call to mind the Dutch Republic—heroic and glorious little Holland—maintaining, in the midst of strife within, and of European despotism without her borders, a free government more than two hundred years ago; we may appeal to all nations, to the living and the dead, wherever the sun has looked down on a people enlivened by a sense of their rights, and we find the same opposing principles, the same elements at war, the same parties in contest—liberty forever lifting its bright and radiant crest against the haughty pretensions of defiant despotism.

But the success of freedom as a practical and substantial fact, as an acknowledged and palpable measure for the promotion of human happiness, has only been achieved by one distinct race of the human family. Free government, occupying the wholesome medium ground between anarchy and the licentious violence of the unrestrained populace on the one hand, and rigid tyranny on the other, has been aimed at and sought after, but never fully attained until the Anglo-Saxon race laid its hand on the destinies of the world, and became the champion of liberalized civilization. Plato, it is true, dreamed of his perfect government. Utopia arose as a vision of primeval purity, peace, and order. He saw men moving among their fellows in obedience solely to the higher attributes of our nature, and utterly insensible to the passions which thirst for pleasure and power. He witnessed the elevating and sacred precepts of his almost divine philosophy reduced to daily practice, by the citizens of this fanciful republic. Law and liberty moved in exquisite harmony, and no jarring sounds were heard to issue from the various spheres of well-regulated action. But all this was simply the beautiful creation of a philosopher's genius. He, alone, beheld it, and that with the far-reaching glance of inspiration. The world never saw anything of the kind. The great tide of action and busy

life has rushed on in its fierce, headlong course, guided by no system of such beneficence as was displayed to the view of the Grecian sage. But, after the world had experimented and failed—after philosophers had dreamed their dreams, and awakened to find them vanished—a new and mighty race gradually emerged from the rude condition of nature, and gradually became the patron of science, the friend of letters, the nurse of Christianity, and the defender of constitutional freedom. To that race the American citizen belongs, and his time may be usefully employed, and his attention profitably engaged for a brief space, in contemplating its history and its powerful characteristics.

I hold nothing in common with that false and pernicious system of political ethics, which proclaims as its favorite dogma, the unqualified equality of the whole human family. The social fabric, wherever it has been reared, has always had its virulent and determined enemies, seeking, under the specious guise of good, to implant evil in its constitution, and to undermine and drag down the pillars of its virtue and wisdom. Our age and our nation can claim no exemption from this class of destroyers. Seizing upon some isolated expression of the founders of our government, and perverting it totally from its original application—losing sight of, or studiously misrepresenting the circumstances under which it was originally uttered—we see men in our midst, forgetful of the proud lineage of the American citizen, and seeking to debase and tarnish the armorial bearings of the great race to which he belongs, advance the doctrine and urge the theory of absolute human equality. It is time that the great minds that dressed naked liberty in the habiliments of the American constitution and confided her to the care and sleepless vigilance of the Anglo-Saxon race on this continent, should be vindicated from the odium which would justly attach to their memories if they had denied the superiority of the race for whom they made this government.

Abstract equality is visible in none of the works of God. Inanimate creation presents an endless variety. One star differeth from another star in glory. The heavens

that declare the glory of God, and the firmament that showeth His handiwork, display to the eye of the astronomer, planets, spheres, orbs, and worlds, scattered in marvelous and prolific profusion through their azure fields and awful depths, but an individuality marks each from the other—fiery Mars and lovely Venus, ringed Saturn and majestic Jupiter, Arcturus, Orion and the Pleiades with their “sweet influences,” have each and all their separate, distinguishing characteristics. The broad face of the great globe on which we stand presents also one vast panoramic view of change, diversity, inequality. Our minds grow dizzy in the attempt to grasp an idea of that Omnipotence, capable of producing a measureless universe, and yet, with detailed accuracy, creating no two things of exact equality. The traveler who has been the pilgrim of every land, and whose adventurous foot has touched every shore, who has traversed every plain, scaled every mountain, crossed every river, navigated every sea and ocean, has been lured from spot to spot, and from clime to clime, because new scenes break upon his vision at every step, because each object he beholds has its novelty, though he may have gazed upon thousands of its species before.

Animal life is full of the same wonderful lesson; but the most striking feature of the grand system of inequality designed and accomplished by the great Author of all, is furnished by that highest perfection of animal existence—man himself. The inequalities of the human race are the more striking and numerous because of man’s various endowments. We pause with solemn wonder at the versatility of the creative power when we try to call to mind the countless throng of human beings who have heretofore peopled the earth, together with its millions who now people it, and reflect that in mere physical conformation no two were ever alike—were ever equal. But the great inequality which marks one branch of the human race from another, which distinguishes one people from another, consists in those immortal parts—the intellect and the moral attributes, which elevate their possessors to the social grade of angels, or drag them down to the compan-

ionship of the damned. Let us raise ourselves to the full conception of this question. Let us measure, to some extent at least, the inequalities which exist between the different races of the earth. Let us especially determine the due supremacy which belongs to our own race, and thus vindicate the wisdom of our ancestors and the policy of the American Republic. In the light of history, we see the Anglo-Saxon race for twenty centuries steadily asserting and maintaining its right, in the face of all opposing forces, to assume the guardianship of the best and dearest interests of humanity. What though its origin is in the wild mountains of Scandinavia and amidst the dark Druid oaks of Britain; yet within the breasts of that yellow-haired, fair-faced, and blue-eyed race were the germs of a greatness and a power which mocked at the strength of the gates of Rome, and humbled the pride of civilized Europe before the American continent was discovered. It arose from the fresh, untamed regions of Northern Europe with all the newness of life—with the bounding energy of a youthful giant. The oriental races had played their several parts, and had each contributed something to the slow and halting progress which the world was painfully making in those infant ages of history. The Chaldeans had watched the stars and studied the dim rudiments of astronomy from the hills and plains of the eastern hemisphere; the Pharaohs and Ptolemys had developed a high order of mechanism and reared the Pyramids, built the temple of Memnon and carved the Sphynx; the Hebrew race had given warriors, statesmen, poets, and sages to the world, and had been the medium through which the awful presence of Deity was manifested on earth; the Persian hosts had swarmed over toward Southern Europe to subject it to the vassalage of Xerxes and his successors; Atilla and Alaric had scourged the nations, and sunk forever, leaving nothing save the crimson sign of strife and battle to mark their presence on earth; the land of Pericles had reached its acme of fame, and all the great republics of ancient days whercin liberty, science, and elegant literature were supposed to dwell, had

grown to their full stature and were hastening to their downfall, when the tall and magnificent forms of our remote progenitors first became visible to the eye of the analyst and the historian. The effete and worn-out races of the East were no longer the controlling agencies of human affairs. Their labors and their discoveries were scattered along the shores of time, like fragments from the bosom of the stormy ocean, and these were left for the new race to ponder over, and appropriate in the enterprise of regenerating the world. A second commencement toward the ultimate destiny of man had to be made when the world slowly awakened from the lethargy of the middle ages, and the race to which you and I belong stood ready to assume the task. The former principal races of the earth existed then as they exist now, simply as the shrunken mementos of their once all-absorbing grandeur; and the superiority which must exist somewhere amongst the tribes of men declared itself with the blood of Edward the Confessor, and Alfred the Law-giver. Since then, what do we behold? Shall the mock philanthropist and spurious reformer tell, and convince the enlightened world, that this race of which I speak shall be recognized only as equal to those who have stood still, or whose foot-prints point backward toward ignorance and original barbarism? In the establishment of governments shall the predominant race of the earth abjure and annihilate the eternal distinctions and inequalities, which were decreed from the beginning of time between superior and inferior races?

The entire supremacy of the Anglo-Saxon race in all useful achievements will not be questioned by the enlightened student. It has justly won this proud distinction. Its trophies exist in every department of human thought and action. The wisdom of the Chaldeans is obscure and forgotten, while the philosophic wand of Newton rolled back the curtains of the universe, and exposed the great arcana of its mysteries to the gaze of men as long as men shall exist and matter retain its present form. Homer invaded the heathens' Elysium, and bor-



rowed thence his heroes for a song of the warlike deeds of Ilium; but his counterpart of the sixteenth century—blind, sublime Milton—rose to the familiar presence of angels, soared with an even and unshaken wing through the celestial world, and then turned from the daylight glories above, and explored the dismal vaults, and walked unharmed over the burning marl of hell. Euripides, Sophocles, Virgil, Horace, and Juvenal dwelt upon all the chords of the human heart, that were then known to respond to the invocations of genius; but from the loins of the Anglo-Saxon race, there sprang a wayward bard on the banks of the Avon, who has supplanted them all, and transcended their combined glories—who stands as the acknowledged high-priest and interpreter of the mysteries, the sorrows and joys of human nature in its loftiest and in its lowliest moods, and will so stand forever more. Socrates, Zeno, Aristotle, and their disciples, both in Greece and in Rome, philosophized and laid down laboriously wrought rules of moral conduct and mental progress; but the world was startled and awakened with a sense of new being, and a revolution swept over the universal mind of civilization, when Francis Bacon launched his *Novum Organum* upon the tide of time. Cicero was eloquent, and immortalized the forum and the senate of Rome by his defense of the liberal principles of his country; Demosthenes filled the world with the majestic music of the Grecian tongue; but greater themes have hallowed the lips and inspired the genius of Burke, of Chatham, of Curran, and of Henry, than ever awakened the thinking powers of classic ages. Lycurgus and Solon inscribed their laws, as they imagined, for endless durability, and Justinian prepared his Pandects for universal application; but the Common Law of England has proved the basis of a superstructure beneath whose shadow all other systems have dwarfed, and abandoned their hold on human affairs. Sylla and Marius, and Cæsar, and Pompey, and other conquerors of the olden time without number, wrote their names with their swords high up on the canvas of fame; but ever since our ancestors stormed the walls of the Imperial City,

and climbed her Capitol Hill in triumph, the blood of the Tudors and the Plantagenets has been the steadiest, the coolest, the boldest, and the bravest that ever joined in the shock of battle. The ancestry of the American citizen has achieved greatness and glory in every field of mental, moral, and physical action, and it remains only for him to be true to the supremacy which has already been won and which all history concedes.

But this western hemisphere, this great American continent is the chief theater for the display of the vast power and resources of the Anglo-Saxon race. And as if there should be a fitness and a propriety in the chain and connection of human events, the discovery of the New World was made by the descendants of those Northern tribes who first desolated Southern Europe, and then permanently peopled its most beautiful portions. The ancient Castilian of Spain has the blood of the marauding Vikings in his veins; and Columbus discovered the land where his far-away kindred should perfect the glory of the race.

The early settlement of the American colonies presents a sublime spectacle. A superior people, full of the wisdom and experience of an advanced stage of civilization, taking possession of the country in the name of human progress, could not fail to stamp the era as one distinguished in important results. Certain great laws of nature—laws born of the will and knowledge of God himself—controlled the conduct of the American citizen, in his first settlement upon this continent. An aboriginal race was here. A people of remote origin, and long prescriptive title to the soil, were in possession of all the land that lies between the two oceans. But the same fundamental principle which governed the settlement of Canaan by the children of Israel, and which operated, under the direct sanction of God, to exclude and exterminate, and to reduce to subserviency, the various aboriginal tribes of that chosen spot, produced precisely the same results when American colonists landed at Jamestown and at Plymouth. But one race was ever designed to participate in the labors, the duties, and the privileges of one government. I speak of

racés distinct from each other, by their origin, their mentality, their moral tendencies, and with distinct reference to their physical characteristics.

The Indian vanished into the shades of the forest as the white man enlarged the boundaries of civilization. The law of total extermination was against him and his; and the decree that he should give place to the pale-faced conqueror was written in sole and special reference to the inevitable relation which distinct and unequal races bear toward each other when Israel was commanded to cast out the "seven nations greater and mightier" than Israel herself—greater and mightier in numbers, wealth and extent of possessions, but not linked to a superior and immortal destiny. The experiment of commingling the blood of separate races, or of combining their energies in the control of a single government, met the disapprobation of the Almighty, and has disgracefully failed wherever it has been attempted. Extermination was more desirable to the haughty Red man than subserviency; but that the philosophy and teaching of all ages, as well as the wisdom of God himself, sanction and justify the existence of a dependent and vassal condition on the part of an inferior toward a superior race, when the two are brought in contact, no well-informed and impartial mind will deny. This, too, is a natural and inevitable result of the irreconcilable inequalities of the human race. It is founded on a principle coeval with the birth of man. We can not turn a leaf of history on which are written the achievements of the best and brightest eras of civilization without finding the bondman as one of its developments. I know that the experiment of equalizing distinct races has been and may be made again. But compare for a moment the condition in all respects, and the progress of the North American Republic, with the sunken and degraded population and fallen fortunes of the Southern portion of this hemisphere. The reflective mind needs but a glance. We would sicken to dwell long on the blighting effects of a total disregard of a natural, supreme law of humanity. Let those who will cavil at the positions which I have assumed, find the de-

lights, the prosperity, and the national glory of the system amidst the jarring, discordant scenes of the mongrel races of Mexico, Central and South America. To my mind it is sufficiently clear that the founders of our colonies, and afterward of our federal government, wisely framed and fashioned our institutions for themselves and their posterity, and proclaimed no equality, entered into no partnership, and divided no civil rights with any other race. The American citizen who superintended the early labors that were bestowed on the question of our liberties and the construction of our constitution, never asserted that all men were created equal in the sense which modern conspirators against the peace of the nation attach to those memorable words. The withdrawal by a portion of the subjects of Great Britain from their allegiance to their prince, on account of heavy grievances committed against them, and not against their British fellow-subjects, was the object at which our fathers aimed when that phrase was given by them to the world. They asserted their own equality to the other citizens of the British realm, and they appealed to arms against the unjust discriminations which were made against them by a corrupt Parliament and an imbecile king. They did more. They asserted for themselves the right to become their own rulers, and denied the superiority any longer of that branch of their own blood which they had left behind them on the isles of Great Britain. They asserted their right to become their own noblemen, their own aristocracy, and their own king. This was one of the species of equality which they proclaimed. But looking out upon the grand future which was awaiting the work of their hands, they asserted still another kind of equality which will forever be a question of the first magnitude with their posterity—the equality of American citizenship. With an eye on the temple whose beautiful proportions were gradually rising, and remembering all the time for whom it was being constructed, they proclaimed the lawful inmate of that temple free from the despotic forms of government which then darkened the whole face of the globe, and equal to all others whose

rights were thus recognized. A reasonable and sensible construction of the declaration of our independence as a nation, can only be arrived at in the light of the circumstances which surrounded its production and adoption. It had reference to the causes which called it into existence, and the purposes it was designed to accomplish. If it was intended as a sweeping assertion of universal human equality, it stands in the face of six thousand years of testimony to the contrary: and if it was intended as a broad charter under which all men within the jurisdiction of its operations could claim their freedom and become free, then it stamps its author and its advocates as falsifiers of their own words, and is itself the greatest failure in the history of human efforts. But if, on the contrary, it receives its just purport, its palpable meaning as a declaration of civil rights, on behalf of those whose rights were invaded, and who were solemnly reclaiming them from the grasp of power, then it stands in harmony with the facts which preceded as well as those which succeeded its adoption, and should be venerated by rising generations as the grand enunciation of the principles of freedom which made us a free people.

We have thus seen the necessity of government, and the various shapes and phases it has assumed under the willful and restless spirit of man. We have seen the eternal conflict, throughout all changes and revolutions, between the principle of liberty and the iron force of despotism. We have seen the inequalities of the human race, and witnessed freedom choosing for her guardian and defender the superior branch of that race. We have seen the theater of human greatness and national excellence transferred by slow marches, moving as the great cycles of time move, from the gorgeous and luxurious plains of the ancient seats of empire, from the banks of the Euphrates and the Indus, from the banks of the Nile, from the shores of the dark Euxine, from the waters of the Mediterranean, from the regions of the swift and arrowy Rhone and the dark rolling Danube—yea, in a powerful measure, from the very banks of the Thames itself—to the banks of the Potomac

and the Mississippi. And we have seen, at last, a government here assume shape and form, founded on the philosophic relation which exists between the different races that inhabit this continent, and dedicated to the freedom and equality of its citizens.

We might here, perhaps, appropriately pause and reflect upon the position which that government has so quickly attained before the world. Strange, strange, and without a parallel: alone, solitary, and without a peer in all history, has been the career of American progress. It is a mystery which the tongue is too feeble, and our language too barren, adequately and fully to interpret. It seems as fabulous as the palace of Aladdin; and yet it bears a moral too vast and overwhelming for human comprehension. The statesman with his proudest periods, and the poet with his sublimest passages, have dwelt upon the sudden and brilliant promotion of the American government to the foremost rank, and, indeed, far in advance of the foremost rank of nations. But, in the presence of the great fact itself, in the presence of the living glory, all description fails, and eulogy falls weak and baffled to the ground. The voice of our brief history drowns and stifles all other voices that may be raised in its behalf, as the voice of the ocean would overwhelm the song that was uttered in its praise on the beach. Liberty has not merely conferred unequalled civil rights on the American citizen, but, like Briareus of old, it has touched with a hundred hands all the springs of human progress. The physical improvement of the country has especially obeyed its gigantic impulse. The ancient works of scientific labor, the Egyptian Pyramids, the Roman Aqueducts, the Appian Way, and the Temple of Ephesus sink into utter insignificance when compared with the industrial glories of this young Republic. But, however delightful it may be to the American to dwell upon the various developments of his country, yet there are other questions of vital and pressing interest which more properly commend themselves to his consideration at the present juncture of our affairs. Let us not boast so much upon what has already been done, but let us rather address our-

selves to some of the more important duties of the American citizen, on the full performance of which depends the future welfare, yea, the very existence of the Republic.

Other ages, other people, and other countries have, as we have seen, achieved excellence in a high degree in the various fields of human action; but the peculiar form and character of the American government stand alone, without a model in the past—the discovery and accomplishment of our own race, our own age, and our own country. To embrace many governments in one, to deal with independent and distinct sovereignties, and procure their acceptance of a constitution framed for their government, in an associated capacity, was the delicate task which fell to the hands of our fathers. Similar attempts, it is true, have been made in the history of the world, but the American Union is the first confederation of States in the annals of mankind where the attributes of sovereignty were allowed to remain in its individual members. Centralization of power has been the bane of every confederation of which history gives any account, and the brightest displays of learned statesmanship which this or any other age ever beheld were made by the founders of this government, in originating and adopting the means whereby that rock of shipwreck and disaster might be forever avoided. Their success is now admitted, if the present and future citizen shall faithfully adhere to the doctrines then enforced and agreed upon by the architects of the American Union. And the strong tendency which was displayed, in the early history of our government, toward an unjust absorption of the powers of the States by the federal government, and which again discovers itself in the most odious forms, after an apparent slumber of years, demands of the citizen fully to comprehend what those doctrines were. If this Union, through fanaticism and licentious sectional hate, shall perish, shall therefore American liberty itself fail? I am aware that such is the usual consequence attributed to the destruction of this confederacy. It may be true. No eye can foresee the correct results of such an appalling disaster; but when the original compact of States shall

have failed of its purpose, if fail it must, to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," why may not the rights of freemen find sanctuaries in the several States? They were the first governments of this country, and delegated, but never surrendered beyond the power of reclamation, certain of their own powers, duly and carefully specified, to the federal government in trust, and to be exercised strictly in obedience to that sacred deed of trust—the constitution. Who shall say when the trustee becomes unfaithful, and all the methods recognized in the different departments of the government have been exhausted in vain, to compel the performance of the conditions on which the trust was created, that each State of this Union may not reinvest itself with all its original rights, privileges, and powers? This double chance for the American citizen to perpetuate his freedom is the chief glory and crowning virtue of our complex, and at the same time simple and beautiful system of government. If the force of numbers, inflamed by the wicked and heretical spirit of aggression upon established constitutional rights, should ever strike down any one or more of these States by the usurped authority of the general government, then it remains for such States themselves to lift up and reinstate fallen liberty. Deny this right to the State, and you destroy its boasted sovereignty, and open up the road to a tyranny, guided by prejudice and passion, more galling to its victims and more destructive of their happiness, than the hand of a sanguinary despot ever inflicted. This is no new principle that I am asserting—it is not for its novelty that I advance it here, but it involves rights of such magnitude to the citizen—rights strenuously questioned by a large class of evil spirits, who now surround the political cauldron and invoke a charm of direful import to the Republic—that it should be more boldly and firmly advanced now than ever before. The struggles of freedom, the advancement of the liberal arts, the development and supremacy of the Anglo-Saxon race, the settle-



ment of the American colonies, their resistance to the demands of George III., the wisdom of the early patriots who discovered a new and mighty science of human government, all, all are in vain, if legal rights may be destroyed, and sacred privileges invaded—the bond of our Union perverted, in these latter days, into an instrument of torture and degradation; if these things may happen, and all in the name of liberty and equality, and there be no lawful mode to arrest evils so monstrous. But the American citizen is not left helpless and without resources in the face of such sad contingencies, which, alas! may be hovering nearer the present crisis of public affairs than the hopeful lover of his country is willing to realize. He looks to the doctrine of the rights of the States and invokes the name and memory of Jefferson, who declared the independence of the people, and taught them how to maintain it from the insidious assaults of sedition and treason, as well as from open enemies.

State equality is a necessary accompaniment of State sovereignty. That each State of the Union affords its citizens an absolute equality in every respect, under the American constitution, with the citizens of every other State, is a fact founded upon the spirit of justice which controlled the foundation of this confederacy. This kind of equality is an especial object of assault in these days of degenerate patriotism. The greedy avarice and insatiate demands of the descendants of a bigoted and speculating class now seek to absorb the right to think, the right to act, and the right to possess and enjoy, for, and in the place of, and to the exclusion of all who exist outside of their malignant circle. This fact constitutes the paramount evil of the hour. These arrogant assumptions must be rebuked, crushed, and destroyed, or this Union is no longer a Union, and will perish as a wonderful evidence of what genius and patriotism can create, and what the restless and corrupt fanaticism of man can destroy. This Union was founded upon the principle that each member was its own domestic ruler, and that its neighbor should neither seek to unsettle its domestic institutions nor strive to cast a

blight and a mildew over its reputation by becoming a common slanderer before the world. On the land, in the broad territories, on the high seas, and wherever American citizens may rightfully go, there goes also an absolute equality in the enjoyment of life, liberty, and property. The citizen of South Carolina may meet the citizen of New York, the citizen of Indiana may meet the citizen of Virginia, the citizen of Florida may meet the citizen of Maine; but who dares assert that they do not meet as equals in the eye of that constitution which was made as much for the one as for the other. Shall that school of false philosophy and spurious statemanship which upholds universal human equality deny the equality of the citizenship of the Republic?

Recent legislation and attempted legislation, as well as the wide-spread promulgation of the most dangerous dogmas, give great significance to this question. It embraces the whole theory from which American citizenship derives its value. It goes further. It involves, as a living, vital issue now upon us, the continuation of our present form of government. The proud heart wherever it beats, recoils with horror, or rather swells with indignant emotion, at the thought that the star of the State whose pride and honor is its own, shall ever grow dim and blaze with an inferior and unequal luster to the stars which signalize the other States on the flag of the Union. If such a degradation could have been foreseen, what State would have hazarded its honorable existence and tempted its melancholy fate by joining the compact and signing the covenants of the constitution? Not one. If some sage with the gift of second-sight could have risen on the floor of the convention, whose labors developed the American constitution, and there announced, as a vision, which less than a century would make real, that a party pretending patriotism would organize itself upon the doctrine of the inequality of the States, would proclaim the chief end of political labor to be the discrimination through the power of the federal government against the vested, legal rights of a section; if such an announcement had been made and

its truth foreseen, the American Union would never have had a place in history. The convention would have adjourned without day, and its delegates returned to their States, there to establish liberty exposed to no such future calamity and curse. Yet that curse is already upon us; and one of the duties of the American citizen is to study its nature fully, and if possible avoid its manifest purpose.

I shall not here invade the arena of political discussion. I shall not advance the views of the partisan; but the general principles which affect a nation's welfare, and the vicious results of diseased opinions which assail the fundamental laws and virtues of a free people, are not unworthy of mention on the most solemn and exalted occasions. No interest that appertains merely to earth is of such sublime consequence to the American as the maintenance of his birthright in the equal enjoyment of legal liberty. I shall endeavor to point out the chief danger to that birthright and the arch-enemy to that sacred enjoyment. The rapid growth of the country, the increasing avenues to wealth and promotion, the vast number of internal and external questions of policy, the political revolutions which sweep over the nation, presenting endless and overwhelming temptations to call forth the worst passions of men, have all combined to beget that most dangerous and revolting pest to human society and foe to public peace and virtue—THE SEDITIOUS CITIZEN. Within that phrase is embraced the nature of the evil with which the friends of the American Union are now assailed. No open violence yet grasps at unlawful power, no Cæsar has crossed the Rubicon, but the air grows dark with the elements of sedition, and a vast conspiracy is gathering force to usurp the seats of power at the Capitol over the torn and dishonored fragments of the constitution. The seditious citizen glories in the billows of popular fanaticism which roar around him, and rejoices in sight of the fatal lee-shore on which the Union is drifting. No cry of horror escapes his lips. He rather jeers at the warning voice of others. He seeks with insane fury to grasp with his own hand the helm of the vessel to hurl her more swiftly and surely on to de-

struction. He professes to mock at calamity, and laugh at fear. It would be the first and most natural supposition of a patriot's heart that such a citizen would sink down, a powerless and despised victim to public scorn.

"But in seditions bad men rise to honor,"

and what was written of the days of Cleon and Alcibiades is made true in American history. Instead of ostracism, not the ostracism of the shell, for its banishments fell on a worthier class, but the ostracism of strong contempt and abhorrence, we see the seditious citizen receiving the senatorial robe, and from that high and once sacred eminence, we hear him vex the ear of the nation. He is not satisfied with his government. He clamors for change. He does not boldly proclaim the necessity of revolution or amendment to the constitution. That would be too manly for his character. He prefers to plunder his fellow-citizens of their rights, by false constructions and cowardly evasions. He is not content that peace and fraternal affection should remain an undisturbed inheritance to the descendants of those who laid the foundations of the Union in love with one another. But in the paths of danger, or probable combat, he never ventures. He is content to incite the deluded disciples of his creed to follow its logical and inevitable results to the extent of blood and civil war, but that is not the part of the drama of sedition in which he personally appears. In order to establish unkind relations between different sections, and foster jealousy and vindictive rivalry between kindred blood, he prostitutes his time in the base and ignoble pursuit of materials on which to found systematic and elaborate calumny. The slander of States of historic renown and unimpeached devotion to the laws, he rolls as a sweet morsel beneath his tongue. He is eminently gifted with that quality which would drag angels down—not that he has the power or even the desire to soar into their places, but he grows pale in the envy of superior excellence, and delights in the abasement of virtue. Not satisfied with calumniating States

and denying their equality, he reviles statesmen of spotless integrity and approved wisdom, and seeks to impair their usefulness, by casting a blight over their fame. Nor do the dead escape his fangs. He preys with accursed avidity on those great and good names, whose possession is the nation's truest wealth and brightest glory. He drags them from their dread abode, and consumes the night and wastes the day in torturing their virtues into frailties for an indecent exhibition. Miltiades died within a year after the battle of Marathon, of a gangrened wound, and in a prison where his ungrateful countrymen had placed him; but the seditious citizen of the United States, in the august assemblage of senators, declares Washington a pirate in the practices of his domestic life; Madison a barbarian; Jackson, Clay, and Calhoun robbers and foes to Christian civilization. Ingratitude and injustice to the living is an evil sufficiently deplorable, but the willful slander of the dead is the lowest depth of baseness to which the mind of a dastard can descend. If the seditious citizen visits foreign lands, he goes not as the generous patriot, whose home-sick heart bounds with proud emotion when he sees the ample folds of the flag of his country floating in undiminished splendor. He goes rather as the carping defamer of American institutions, and wins his way to the ante-chambers of despotism by pronouncing American freedom a failure. He ransacks ancient libraries, and burrows amongst the curiosities of literature, to find strange materials with which to embellish and adorn a malicious libel against the land that gave him birth. He digs up the forgotten opinions of men no wiser than himself, and flaunts them in the face of the world as the conclusive evidences of truth. And to what end is all this? For what purpose are all these labors? There is but one answer. To create sectional enmity, to beget animosity, to degrade the citizens of one section of this government in the eyes of the citizens of another section, and thus destroy that sense of American equality which alone can preserve the union of the States, are the mournful and calamitous objects on which the seditious citizen fastens all the powers

of his will, and toward which he summons all his energies and intellectual resources. His chief delight, and the most gratifying consequence of his labors, is to embroil in sanguinary strife the brethren of one race, one language, and one worship. History has given over to an infamous immortality the names of a few citizens of Jerusalem who played the same part in the hour when dangers of mortal extremity assailed the city of David; when Titus environed the city with the deep squadrons and long drawn out legions of Rome; when the walls were broken day by day; when famine, gaunt and frightful, sent its devouring pangs amidst the beleaguered hosts within; when the dead lay piled upon the dead, and the holy rites of sepulture were abandoned; when fire burst from the gaping earth; when unearthly sounds were heard and unearthly visitations experienced; when the Jew and the Roman stood still and paused, by mutual consent, in their work of slaughter, to gaze in awful amazement at fiery squadrons charging each other in the clear vaults of heaven above them; when the doom of the Jewish nation and the fulfillment of prophecy were betokened with marvelous certainty,—yet, in the midst of all this, the seditious citizen traversed the streets, usurped the places of authority, and inflamed a bitter warfare—revolting scenes of carnage—between the tribes of the same covenant, exposed to the same destiny. The historian of remote periods, when carefully collecting the materials for the history of the present age of the American Republic, will preserve its seditious citizen as a species of the same God-defying madness—the same shocking specimen of a cruel and insane fanaticism. Though dangers environ the Union and encompass the constitution on all sides; though the laws are broken down and scorned beneath the foot of the traitor; though brother has lifted his hand against brother; though society itself is menaced with violent disruption; though “the custom of fell deeds” seems prevalent; though “domestic fury and fierce civil strife” threaten to pervade all the confines of this hitherto happy country,—yet with a felon’s voice we hear him invoking more and more the bitterness and sectionalism which have already

produced this startling condition of public affairs. In the name of liberty, France was smitten with a curse, and Arnold called upon her name to justify him in his infamy; but the seditious citizen of the American government of the present day, with the same sweet sound on his polluted tongue, seeks to inaugurate scenes of deeper horror than those through which Madame Roland passed to the scaffold, and to perpetrate a treason, in comparison with which the treason of Arnold would become commonplace and insignificant. We are told that the ancient god Ixion, in seeking the embraces of Juno, embraced a cloud, and from this unnatural embrace the Centaurs sprang in their malice and their deformity. We see something similar in this practical age, without seeking it in the pages of Grecian mythology. The seditious American citizen, who holds public station, embraces a corrupt and stormy fanaticism, and a brood of frightful and depraved theories and revolting actions instantly spring up, and,

“With wide Cerberian mouths full loud,”

harass and shock the patriotism of the country.

And against the evil tendencies of the present hour, what have we to oppose? What is our remedy for principles more pernicious than the plague? Where is the patriot's house of refuge? Reason, argument, and peaceful remonstrance are thrown away upon the authors of sedition. We can appeal to the patriotism of the country, to the popular sense of justice, to the law-abiding spirit of the citizen who loves the institutions of his fathers. We can hold up to our countrymen the sacred constitution, hallowed by the sublime reminiscences of the past, and gathering increased glory and consequence in view of the approaching future. We can point them to the rents which the thrusts of seditious citizens have made in that holy instrument, and appeal to the lovers of their country, wherever they may be, to revenge the desecration. We can oppose wise counsels to the ravings of fanaticism, and brotherly love to sectional strife. We can appeal to the American citizen to allow the house which his fathers built to stand forever—that though

divided it may be in its domestic economy, yet it is not divided unto its fall. We can do all this, and we can hope that our labors will bring forth the fruits of peace. But if the evil hour must come, if patriotism is to be humiliated and treason exalted, if the schemes of the seditious citizen are to triumph, and civil strife and commotion are to cumber this fair land, then may some Brutus avenge the cause of liberty in the Capitol; and may the authors of our ruin be the first to sup full of its horrors!

But we will turn away from this gloomy theme, and refresh ourselves with more pleasing pictures. If, in the wisdom and mercy of Divine Providence, this government is permitted to survive the baleful principles of the present crisis, serene skies and a peaceful calm await us in the future. The patriot will take hope, and the conspirator will shrink away, baffled, into an odious oblivion. Good omens will cheer us, and the Anglo-Saxon race will rush forward again on the bright track of American progress.

The expansion of the Republic is a natural law of its healthy existence. That principle is now paramount to all other questions of national policy which remain to be developed, except the question of the preservation of the Union itself. In the past, it has steadily met the requirements of the age; but the future of this government, if it shall happily have a future, is to be one wide theater of expansion. Opposition has always stood in the way of this doctrine; but we have only to look at the map of the United States to vindicate it in its former practical results. But for that construction of the constitution which gave to it its expansive force, this hour the very heart and central portion of our confederacy, the spot where St. Louis sits, the commercial queen of the mighty West; the Mississippi, and its western and southern tributaries; Florida, and the borders of the Gulf of Mexico; New Orleans, with its floating palaces, freighted with the staple articles which link together the commerce of two worlds; San Francisco and California, the city and State of magical, golden growth—would all be in the possession of foreign powers, owned by foreign governments, and governed by the bayo-



nets of Europe. Who would now tear out the chapters of our history which record these territorial acquisitions? But if this Union shall escape its perils, if the constitution shall survive its enemies, our future will be to our past as is the meridian sun to the gray struggling dawn of the morning. There is a destiny in the pathway of this Union such as the eye of man never beheld, nor the heart of man conceived. Allowing no more than that this young government shall double its present lifetime, and what a future rises before the mind! Who shall paint the Republic of that period? Who shall speak of its commerce, and number its ships that go down to the sea? Who shall portray its cities—its Tyres, its Sidons, its Carthages, and its Romes? Who shall count their wealth, and image forth in this age the splendors that shall await on that? Who shall attempt to reckon the myriads that shall then inhabit our plains, our valleys, and our mountains? Who shall foretell the improvements of science, and the triumphs of man over the world of nature around him? Who will take the map now, and draw the boundaries of this Republic when age shall have given it the full stature of vigorous manhood?

But we will wait for no distant future to accomplish much of that destiny which I have suggested. It is now rising and becoming visible to the eyes of the present generation. The expansive principle of this government has hitherto mainly followed the track of the sun into the imperial possession of the West, but it is now wooed into the embrace of softer climes and more fruitful fields. "The South! the South! the South!" shall henceforth be the watchword of American expansion. The law of political gravitation points in that direction, and the South herself should not lose the golden opportunity which the spirit of the age holds out to her. The whole patriotism of the country responds to the course of manifest destiny. I speak not of that manifest destiny which moves without law, but of that which is to be achieved by law. The spirit of American liberty and American progress is abroad upon the waters of the Gulf of Mexico, and Span-

ish tyranny is trembling in its presence. This spirit has touched the shores of Cuba, and will never be driven from her soil until the wisdom of American statesmanship has achieved her acquisition. This question has arisen in the pathway of progress, and we can not ignore or go round it. It must and will be met in a practical form. The day for argument is past and gone. The whole civilized world beholds, though it may not acknowledge, the right and the national necessity which exists on the part of the American government to the ownership of the key to the gulf. Action, action—lawful, but unyielding action—should now characterize the policy of the American citizen in his relation to that glorious, though oppressed island.

But, is this all? Are there no other concerns of vast national import under the southwestern horizon? Ah! what giant events are there awaiting the ripening process of a few eventful years. In vain we may turn our faces from them, or shut our eyes to the shadows which they cast before in their coming. In vain, too, will be open opposition to their approach. The greatest acts in the drama of American development are yet to come, and the curtain will as surely rise upon them, as years come and go with the changing seasons. Look to Mexico! Lost, fallen, dissevered, bleeding at every pore, the prey of domestic assassins, the sport of bloody-handed factions, her neck beneath the heel of alternate beggarly usurpers, her fields drenched with the blood of her own veins; chained to the rock of semi-barbarism with the links of despotism festering in her flesh, like the links of the lame Lemnian, and the Promethean vulture of civil war forever consuming her vitals. Her experiment of government in every form has proved a failure. Instead of peace, order, and happiness to the citizen, misrule, like the destroying angel, fills all her borders with desolation and death. This condition of affairs can not last. There is no corner of the earth, where the Anglo-Saxon blood has penetrated, dark enough for such scenes to have a long duration. Much less will they continue their ghastly round within the immediate sphere of American influence and American

advancement. Step by step we have approached, in the past history of the country, the attitude which we now sustain toward Mexico. It has not been sought, neither could it have been avoided. The onward march of human affairs, the tendency of the American mind in that direction, the philosophy of political motion, the irresistible superiority of the Anglo-Saxon blood, have all conspired to bring this government to look upon the destiny of Mexico as linked to her own. There are those within the hearing of my voice, many, I doubt not, who will witness the joining of those destinies in one, and will behold the land of the Aztecs carved into American States. Examine your maps. Commence at the mouth of the Rio Grande; trace along down through the waters of the Bay of Vera Cruz, around that high headland of Yucatan, down through the Caribbean Sea, across the tropic of Cancer into the Gulf of Darien: cross the isthmus there, into the Gulf of Panama; follow up the Pacific coast through twenty-one degrees of latitude to the boundary line of the treaty of 1854; and all within those limits is fastened to the interests and wrapped up in the destiny of American institutions by the great God, whose hand shapes the continents of the earth and scoops out its oceans, gulfs, and harbors. The great law of self-defense and national security—a law of nations paramount to all other laws—calls imperatively for the practical recognition of this fact in the diplomacy and legislation of the government. The waters of the Gulf of Mexico, on its northern and eastern coast, now wash the borders of five States of this Union, and its tide rises to the wharf of the commercial metropolis of the South. Over on the opposite side lie the distracted States of Mexico, and lower down, those of Central America. They would constitute an easy acquisition to any European power with sufficient boldness to defy the Monroe policy of this government, and from that line of coast, the hostile armaments of all Europe could be equipped in sight of American soil. If the American Union shall be preserved, its wisest statesmen will be the first to look steadily

and boldly to these facts, and to shape the policy of the nation toward its lawful and inevitable expansion.

*Gentlemen of the Societies of Washington and Jefferson* :— You are surrounded to-day by no ordinary circumstances. An epoch in the history of liberty has been reached, which will be forever memorable in the annals of coming time. As you leave these venerable walls and start out to meet life with its rugged issues, the great and imperious question of the hour, which will first salute you, will be the preservation of that constitutional liberty which the fathers of the Republic provided for the enjoyment of their posterity ; and second to that, will be the consideration of that destiny which awaits the Anglo-Saxon race on this continent. You are born to a mighty responsibility as well as to a rich inheritance. You spring from a race unto whom is given dominion, power, and exaltation over the other races of the earth. The blood of a conquering, governing race is in your veins, and brings with it the responsibility which attaches to the leadership in the concerns of earth's supremest moment. You are of the lineage of Washington, who led the army of independence, whose great heart resisted the appalling adversities of the Revolution, who stood upon the banks of the Delaware and above the roar of the elements heard the call of patriotic duty, who led his little column to the mouth of the cannon at Trenton ; who led the feeble colonies, like Moses at the head of the tribes in the wilderness, but who, more favored than the great captain of Israel, was permitted from the plains of Yorktown to enter into the possession of liberty ; who stands now and will stand forever as a sublime and unapproachable example of virtue and love of country. He was born in the county of Westmoreland, and in the State of Virginia, but the whole Anglo-Saxon race from all the four quarters of the globe points to his matchless life as an evidence of its superiority, and humanity itself assumes new dignity because the name of Washington has been written in her records. You are of the same lineage, too, of the great philosopher of liberty, of Thomas Jefferson, who studied the

principles of government as he did the eternal truths of science, who loved freedom in an excess of devotion, who drafted the fundamental doctrines of our national existence, who foresaw more clearly than any other statesman of that day the grandeur of the future upon which American institutions were advancing, who laid aside the robes of office more honorable than the imperial purple and turned to the genial pursuit of letters, laid these foundations where we stand, and entitled himself to the epitaph which marks the grave of the author of the declaration of civil and religious freedom and the patron of learning in the western world. To your hands, in common with the young generation to which you belong, will soon be committed the interests which were bequeathed to you by the patriots and sages of American antiquity. Each one of you will assume ere long the high and responsible character of an American citizen, active in the varied scenes which now checker the public affairs of the nation. You will never, however, forget your birthright, the pure blood of your ancestors, nor the destiny which awaits the American Union preserved in its justice and in its equality. Nor will you ever forget the loyal influences of this great State on whose bosom you have reposed while here drinking, in inspiring draughts from her crystal fountain of learning. Virginia teaches no doubtful lesson on the subject of her devotion to the constitution and the Union. Happy are they who sit at her feet and learn wisdom from her precepts! She is rich in historical renown. She rocked the cradle of the Union and defended the infant Hercules from the grasp of the serpent. Within her bosom repose the ashes of those most illustrious in the cause of liberty since the song of Miriam arose as a song of deliverance on the banks of the Red Sea. The curious traveler threads his way amongst the tombs of Westminster Abbey, and on either hand sleep kings, conquerors, princes, poets, statesmen, historians, and philosophers. In that solemn pile genius rests from its brilliant triumphs, and its exquisite sorrows and eloquence and learning hallow the spot with the glory of intellectual excellence. But

the modest eminence of Mount Vernon and the quiet heights of Monticello contain more precious dust than was ever treasured away in the "storied urn" of human greatness or the royal sepulcher of kings. The soil of this ancient and revered commonwealth is rich with the shrines of the mighty. Her children have been the tall spirits of the earth, and every valley and every mountain is full of thrilling memories. The drama of the Revolution closed within her borders. The spirit of American liberty here first took assurance of safety, and a permanent existence. But the historian who records the various and exalted glories of Virginia will find in her loyalty and devotion to the Union and the constitution as it now is, something of more priceless value, a jewel of more radiant luster, than any of the historical glories with which she is so richly decorated. Whatever hereafter may be the policy reluctantly adopted by Virginia, no one can charge her with a willing and ready desertion of the established order of things. A wonderful scene is presented to us as we look back on the strange events which have recently convulsed the nation. Sedition sent an armed force against her border. Fanaticism sought to give the flesh of her citizens a prey to the eagles, and her houses to the torch of the incendiary. Murder was inaugurated as a virtue on her soil, and her domestic institutions were assailed with a sectional hate which rejoiced in the prospect of a carnival of blood. The barriers of State sovereignty and the safeguards of State equality were broken down at the behests of the seditious citizen. The mother of States and of statesmen was the first to feel the unnatural and ungrateful blow of a monstrous conspiracy against the constitution. In that hour of bitterness, in that day of her calamity, when her wrongs were fresh and her wounds were bleeding, the messenger of a new Union, the bearer of despatches from a sister State of the South, came to Virginia, and tempted her in the moment of her severest temptation, in the very wilderness of her sufferings, to abandon the temple of her ancient worship. It was true that the old Union of the fathers had not afforded her protection against criminal

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**outrage.** It was true that war had been proclaimed against her by the consistent followers of a prevalent sectional fanaticism. It was true that the equality of American citizenship was stricken down on the soil which gave it birth. But remembering her early struggles and sacrifices, calling to mind the precious memories which bind her to the American Union, yearning for the return of fraternal harmony, and hoping all things, Virginia turned her back on the tempter to disunion, and announced her determination to appeal once more to the holy spirit of justice and peace which has not finally taken its flight from the country. This proud act of magnanimous forbearance will never grow dim. It will be treasured up and recalled to the honor of this illustrious Commonwealth through every vicissitude of her fortunes. The full measure of her duty has been performed, and the blood of disunion can never be found on her skirts. May each State profit by her example! May her wise precepts govern the public mind as in the days of Madison and Henry! May Union never be destroyed; but in any event and under all circumstances, may the American citizen be true to his race, and true to liberty as it is recognized in the American constitution!

## THE LIBERTY OF THE CITIZEN.

[A speech delivered in the House of Representatives on the 18th of February, 1863, on "An act to indemnify the President and other persons for suspending the privilege of the writ of habeas corpus, and acts done in pursuance thereof."]

MR. SPEAKER:—The American people will learn with amazement that the bill now under consideration has once passed this House without debate. It returns here now with amendments made by the Senate, and the Chairman of the Committee of Ways and Means [Mr. Stevens], with an obedient majority at his command, sought on Thursday last to again secure the action of this body upon the momentous and vital principles which it involves, without permitting a single word of discussion. And I hold my position on this floor to-day, not because the proscriptive majority on the opposite side of this chamber concede the freedom of debate, but because a manly, determined minority enforced it by a resort to those rules of parliamentary law which were made for their protection. Let this fact be understood. Let it go into history as a part of the condemnation which there awaits the party now in power, that the voice of the people, speaking through their representatives, has been stifled in this hall during the present session, on questions which overturn and revolutionize the principles of republican government. The unholy spirit of despotism dreads the doctrines of free speech, and cowers in silence and in darkness. The spirit of liberty lives in an atmosphere vocal with the contests between truth and error, and invites the humblest citizen of the government to exercise his judgment freely and without restraint upon all questions of public interest.

Mr. Stevens: When this bill was called up, I felt no dis-



position to discuss it; and I said that unless some gentleman wanted to discuss it, I would ask for the vote. I then said that, as some gentlemen wanted to discuss it, I would move to postpone it.

Mr. Voorhees: I give the gentleman the benefit of his statement. I had information, however, from those who visited him at his seat, of a very different character; and the proceedings on this floor by which debate was obtained, gave convincing proof that my information was correct.

Sir, the bill now before the House has no parallel in the history of this or any other free people. It is entitled "An act to indemnify the President and other persons for suspending the privilege of the writ of habeas corpus, and acts done in pursuance thereof." But it embraces even more than its startling title would indicate. It gives to the Executive and all his subordinates not merely security for crimes committed against the citizen in times past, but confers a license to continue in the future the same unlimited exercise of arbitrary power which has brought disgrace and danger to the country. I propose, to the best of my ability this day, to show that neither indemnity for the past nor impunity for the future can be bestowed on those who have violated, and who propose further to violate, the great and fundamental principles of constitutional liberty.

Sir, the proper division and lawful exercise of the powers of a government, constitute a question of supreme and paramount importance. It stands pre-eminent over all others. No people in the history of the world ever long maintained security from the foot of the oppressor who lost sight of this fundamental truth. The sentinel who stands guard over the citadel of popular liberty can only protect and defend his sacred trust by keeping his vigilant eye steadily fixed on the movements of power. Every attempt to divert his attention by proclaiming other and more important objects, or by lulling him to sleep at his post, comes from an enemy to free government. Every attempt to convince the public mind that there may be higher duties for the citizen to perform than to preserve inviolate the

inalienable rights of person, property, and the pursuit of happiness, is an assault upon the existence of this Republic and a sacrilege against God.

To measure out the metes and bounds of power, and establish them by constitutional landmarks sufficiently plain and strong to resist the encroachments of executive authority, has been the lofty purpose of every friend of freedom who has left his name to illuminate the annals of human conduct. Such names belong to the people, and are household deities around the humble hearthstones of those who eat their bread in the sweat of their faces, and find safety alone in the well-defined limits of the laws under which they live. The surveyor with his chain can run the lines and plant the corner-stones along the borders of kingdoms, empires, states, and territories; but statesmen and philosophers have taxed all the hours since the dawn of civilization with the efforts of incessant industry in circumscribing and restraining the lawless and impatient spirit of power. Vast armies have been marshaled and great battles fought; the earth has been turned from its primeval peace and purity into one mighty sepulcher, and the sky has been rent with the voice of mourning in order to appease the lust of conquest and to extend the physical boundaries of a country to a mountain, a river, or an invisible, air-drawn line, which is disputed by armed force; but one drop of blood from the veins of John Hampden or Joseph Warren, one handful of dust from the graves of Saratoga or Camden, one expiring sigh from the lips of Bozaris or Winkelreid, one relic from the plains of old Platea or Marathon, is more valuable and more glorious in the cause of human progress, and more acceptable in the presence of infinite justice and eternal right, than all the wars of invasion and subjugation with which the world has resounded from Issus to Austerlitz. I bow before the shrine which liberty has erected to the names of Washington and of Algernon Sidney, of the elder Brutus and of Thomas Jefferson. I invoke their memories and the guidance of their spirits while I denounce a measure which surrenders back to the hands of power all those grand

achievements in the cause of human freedom which have rendered their names immortal.

Sir, we live in the midst of storm and revolution. A memorable epoch in history is transpiring in our view. The air is dark with the elements of strife and change. The convulsions which have signalized the past are being reproduced in the present. The murderous roar of cannon, the sanguinary crash of war, and the pallid, appealing faces of the dead mark our time and our country as they have marked all climes and ages heretofore. History is being rewritten; and what man has done, man is doing again. I see nothing new in the calamities which now assail the destiny to which we aspire. We are treading over again the footsteps of generations which have passed away. Mutation and change is the order of the world. Stability and permanence in the works of human hands is the Utopian dream of abstract speculation. The different forms which governments have assumed to redeem society from chaos constitute no exception to this remark. On the contrary, all history stands as an awful witness to the fact that no government has ever yet been established which has been exempt from the fierce blasts of human passion and human ambition.

But instability and tempestuous struggles do not necessarily roll backward, or even check the wheels of progress. Great principles are immortal. They can not die. The forms in which they are incased may perish and decay to dust; but, like the liberated soul, truth puts on new glories in every phase of her existence. Our course is onward, like the mighty river, to the ocean of destiny. I believe in the steady advancement and ultimate civilization of the world by the benignant power of a higher and purer gospel than that of hate or of force. The trinity which presides over my belief is composed of those handmaidens of God—liberty, charity, and justice. With faith in these, the American people, though assailed by those painful convulsions which no nation ever escaped, though desolated and heavy in heart, and weeping over departed glories and joys, may yet look off across the dark and angry face of

the waters, and in the distance behold the star of peace and honor, and around it clustering the heavenly constellation of individual and national happiness. But if this people refuse, from this time forward, to be led by these principles, an abyss of horror awaits our speedy entrance, as terrible to the upright soul of a free-born American citizen as the flaming depths where the lost angels writhe in agony. The world, it is true, will not stand still. Some other people more worthy the high trust will take up the cause of constitutional government; but we will be dropped in gloom and despair by the wayside.

Sir, times like the present are always full of danger to the rights of the people. In an hour like this, if we expect to retain the institutions of liberty, an increased degree of vigilance is required; for, when the elements of political organization are in commotion, and disorder pervades the whole face of affairs, bad men in authority unbridle the spirit of tyranny in their breasts, and leap over the walls of constitutional restraint. Such periods in history have been the rich harvests of despotism. When the thunder rolls along the sky, and midnight gloom increases the terrors of the storm, the savage beasts of the desert go forth and raven for their prey. The rulers of the nation do the same. Benjamin was a ravening wolf, and stands as the emblem of unlawful and sanguinary power. Seditions and civil wars are the unhappy occasions for the exercise of this baleful propensity which high official station so generally begets in the heart of man. And, Mr. Speaker, the mournful evidences are thick and fearful on every hand, whichever way we turn, that the public confusion which now reigns in our own once peaceful land has brought with it to us this pernicious evil in its most frightful and aggravated forms. Disaster has followed disaster in terrible and startling rapidity to a people who, two short years ago, had never tasted the cup of humiliation or sorrow. Our territorial grandeur has been torn and disputed by the sword, homes have been desolated and filled with the bitterness of death, debt and taxation tower up like a gloomy specter in our midst and cast an appalling shadow over the hopes

of the present and of future generations of labor for more than a hundred years to come; but such scenes have not softened the heart of executive authority, tempered the insatiable lust of personal domination, or stayed the hand of official trespass and oppression any more in the administration of the American Republic than they have in the administration of governments of former ages. The usurper seizes the moment when the constitution of his country is weakened by some deadly peril to assist in breaking it down. He watches the opportunity when the laws are unsettled to trample them under his feet and substitute his own imperious and unhallowed will in the place of their well-defined and peaceful operations.

Mr. Speaker, on the 24th day of last September, the President of the United States, in a few brief lines published in the newspapers and styled a proclamation, declared that the people of this country were under martial law, and that all civil rights and remedies touching their personal liberties were suspended. The blow was sudden, quick, and radical. It was a piece of the inevitable logic of executive encroachment. Tyranny has its rules of action as well as other systems of wrong. Chicanery, fraud, and subtle, obscure false-dealing characterize its attempts when it does not feel secure in the more daring efforts. But this act of the President and his Cabinet is the unblushing assumption of power which has ceased to respect or fear the constitution or laws which the people have made, and which these servants of the people have sworn to support. It throws aside all disguise, tears off its veil, and displays the horrible features of despotism to American citizens. Will any member of this House dispute the correctness of the terms which I employ? Let us divest ourselves of all passion and resentment. Let us take a calm view of facts and principles, as history will do, and, by the steady light of truth and reason, let us examine and discover, if we can, what the administration now in power has done in behalf of the constitution of the fathers, and in behalf of the cause for which this Republic was founded.

The object for which our ancestors revolted from the

British empire, and enacted that sublime tragedy of history, the American Revolution, was to secure to the citizen more liberty and personal security than he possessed under the jurisdiction of the British crown. Their complaints were not against the constitution of England, but against a weak king and a wicked ministry, who violated it in order to oppress the subject. They studied the dangerous nature of a lawless executive during seven years of grief, of bitterness, and of blood. When day dawned on their independence, the great secret of free government was no longer a secret to them. They had learned it, and learned it forever in the high and holy inspiration of battles fought for the inherent right to govern themselves. Their wisdom then succeeded their swords, and the American constitution became the offspring of the American Revolution, and inherited all its ideas. In immediate view of the unparalleled struggle which had just closed, and of the causes which produced it, the constitution of the United States came forth from the hands of its framers, the great missionary of freedom to the citizens of this chosen land first, and afterward to the whole earth. This is the spirit with which it was born, and such the purpose for which it was set apart. It is an old maxim of law, that every instrument shall be construed and interpreted according to the intention of those who made it. This maxim was followed until these modern days have engendered not merely a spirit of false construction, but of open and audacious usurpation, such as never haunted the disordered brain of George III., even in his hours of madness. I am not about here to enter into an elaborate discussion of the various primary functions of the constitution. It is the text-book of the people's happiness and security, and they know it by heart; but in order that the dangers which now assail it, here in the house of its pretended friends, may be more plainly seen, I may be allowed to dwell a moment on some of its simplest, but most important features.

By the letter and by the spirit of the constitution, this is peculiarly and emphatically a popular government. The

people make every part of it, uphold the entire fabric, and control its whole economy. It is true that the constitution makes three departments, in which the powers of the government are placed, but the voice of the people is supreme over them all. The executive can make no law, annul no law, change no law. He is not responsible for the laws as he finds them. They are made by the people in their legislative capacity, and he is simply their servant to execute their will thus expressed. The department of the judiciary was created to interpret and pronounce the meaning of law; and if the law, as thus declared by the courts, is not in accordance with the popular wishes, it is to be corrected by new legislation. But one department can not invade or coerce the other, when each confines itself to its constitutional boundaries. These rules are very old and very familiar, but they assume a new and wonderful significance in the light of present events. They are like the face of an old friend beheld unexpectedly under terrible and startling circumstances. I do not allude to them at this time because I suppose they are new to the humblest mind in the land. I allude to them, however, sir, for the purpose of asserting, as I do here now in my place as a representative of the people, that the present executive of this government has usurped the powers of the judicial and the legislative departments of the constitution to an extent which is totally subversive of republican institutions, and not to be borne by a free people. I make the charge, and will submit the proof to my candid countrymen.

It will not be denied on this floor, or elsewhere, that the suspension of the writ of *habeas corpus* by proclamation, to which I have alluded, closed the civil courts of this country, from one ocean to the other, against the trial of any one arrested by the order of the President or his subordinates. It gave access to the vaults of the prison, but not to the bar of justice. It is a part of the nature of frail man to sin against laws, both human and divine, but God himself secures him a trial before punishment, and tyrants alone repudiate the justice of the Almighty. To deny to

an accused person the right to be heard in his defense, is pre-eminently the attribute of the worst ages of brutal despotism. Condemnation without trial, and punishment without limitation, is the exact definition to my mind of the most atrocious tyranny that ever feasted on the groans of the captive, or banqueted on the tears of the widow and the fatherless. And yet on this spectacle of horror and of shame American citizens have been gazing for more than a year! The great bulwark which generations in bloody toil have erected against the wicked exercise of unlawful power, has been torn away with a parricidal hand. Every citizen in this Republic—the farmer at his plow, the mechanic in his shop, the merchant at his counter; every calling and profession in life, from the proud man in his mansion to the good man in his cabin—all stand this day naked and exposed, utterly and entirely at the mercy of one man, and of the fawning minions who crouch before him for pay. I state a fact in the hearing of the country, and wherever my feeble words may penetrate, witnesses will rise up and solemnly attest its truth.

It would be the natural supposition of every intelligent mind, that an argument to prove that there is a warrant in the constitution for this state of affairs, would be an insult to the genius of the Revolution in which our liberties were won, an outrage on the memory of the great dead of that period, and a mockery to the common sense of the world. But the spirit of abject servility, which always invites the arrogant assumptions of power and precedes the downfall of liberty, is performing its loathsome office on every hand. We hear on every side the old cry of the courtier and the parasite. At every new aggression, at every additional outrage, new advocates rise up to defend that source of patronage, wealth, and fame—the department of the executive. Technical and obscure rules, cunningly devised special pleas, and skillful and deceptive sophistry, all combine, in the hands of the supporters of this administration, to tear away from the people the protection of the laws of their own making. Such assistance has always waited on the most malignant efforts of tyranny. Nero had his poet



laureate, and Seneca wrote his defense for the murder of his mother. The present dark hour affords ample evidence that human nature is the same that it was two thousand years ago.

Amid the opening scenes of this disastrous and deplorable war, the President suspended the operations of the writ of *habeas corpus* in certain unsettled and afflicted cities and portions of the country. This was, in my judgment, without authority of the constitution; but the people bore with heroic patience their own wrongs rather than add to the disorder and calamities of the nation. But this partial assault on the principles of free government is rendered insignificant in view of the daring and gigantic stride taken in September, and which the blandishing tongue of flattery and adulation commend and sustain in the American Congress, and in the face of the American people. With this last act in the mournful tragedy of national honor, and, I fear, national existence, I shall more especially deal at this time.

Sir, I might content myself as to the power of the President to suspend the writ of *habeas corpus* by resting upon judicial precedent. I might declare to this House and to the country, in the language of that eminent jurist, late Justice of the Supreme Court of the United States, Benjamin Rand Curtis, of Massachusetts, that "the only judicial decisions which have been made upon this question have been adverse to the power of the President." I might array negative upon negative, and cite in support of my position the great names of judicial history, before whose glory in the higher walks of useful fame among men the most exalted names of to-day would be as the feeble sparks of the glow-worm in vain competition with the blazing sun at its meridian. I might show from the recorded transactions of the past that the nineteenth century and the land of much vaunted freedom have produced a President and a Cabinet who, in a species of delirium, have defied, spurned, and sought to crush and humiliate the legal decisions of centuries made in behalf of personal security and personal independence—decisions which salute the eye

of the wayfarer and down-trodden of every age and of every clime like light-houses on the stormy beach, beckoning the mariner in the midst of darkness and despair to the shelter of a peaceful harbor. I might do all this, and it would seem that it would be ample enough; but it would be no more than has already been done with far more ability than belongs to my humble powers. All the world knows these things. Even the representatives who misrepresent the people on the other side of this chamber know all this, and shrink and tremble before the application which future history will make of past history. I wish, however, to dwell for a few moments amidst the historical associations of this immortal writ of human freedom and human progress. I wish to scan its purpose and discover its spirit. I wish to inquire what causes produced it. I wish to see why it was ever thought of in connection with civil government. What did it propose to accomplish? What did it oppose, and what did it favor? Who have been for it, and who have been against it? The answers to these questions, drawn from history, will, according to my mode of reasoning, throw immense light on the question of the power of any executive officer to suspend its operations and deprive the people of its benefits.

Sir, the history of the progress of liberty, next to the history of the Christian religion, is the most sublime and instructive lesson taught in the annals of the world. Its fortunes, indeed, have been various, but no season of adversity has ever sufficed to quench the vestal fires which burn on its altars. And in all the terrible struggles with which it has jarred the nations and liberated the people, its sole antagonist has been the principle that to one man belongs the right to govern the many. Kings, and the courtiers of kings, who talk of the divine right to the possession and exercise of power, have been the enemies which liberty has had to encounter. Every contest it ever waged has been to put restraint and control on the will, the pretensions, the authority of one man. Every battle fought beneath its banners, in all the four quarters of the earth, has been fought to resist and repel the arrogant and unlawful claims of

power made by one man. Every law which was enacted in its interests, from the laws of God on Mount Sinai to the present hour, has been enacted to protect the masses from the ravages and oppressive hand of one man. This has forever been the issue, and it is the issue now.

When the light of liberty faded away in the sky of Southern Europe, and the Grecian and Roman glory went down in the gloom and night of despotism, ages of darkness followed, over whose paralyzed faculties the spirit of absolutism held undisputed supremacy. But liberty had made one grand epoch. It had built a monument of law, literature, science, and art, which still stands, and will forever stand, towering up on the background of history like some awful pyramid against the distant sky. The statesman, the philosopher, the poet, the artist, and the historian, all bend reverently before the grand achievements of that age of liberty. Then came, however, that mysterious tomb of a thousand years, in which the principles of free government slept. But it was not the sleep of death. Liberty found its resurrection at the hands of that great race from whose loins the American citizen has descended. It awoke with returning consciousness on the soil of our ancestors, at the touch of Edward the Confessor and Alfred the Lawmaker. But it awoke simply to renew the struggles of the past with its ancient foe. One man in the robes of office, loving power with a selfish love, and exercising it in disregard of law, met the genius of liberal institutions at every step on this side of the dark ages, as well as in the days of Tiberius and Philip of Macedon. The struggle has never ceased. The people grasped at power; for to them the possession of power is freedom. Crowned heads claimed it as their right; for to them it was the gratification of a passion more consuming than all others that ever corroded the human heart—the avarice of dominion—the lust for personal supremacy. The safety of the people lay in written laws judicially interpreted, and this they soon learned. Kings sought to govern by proclamations which suspended or disregarded law. Hence arose those glorious efforts to fix the boundaries between the ruler and the cit-

izen—to put restraint on the one, and give security to the other, which constitute the chief glory of England and the just pride of Englishmen. Why did the British barons meet at Runnymede? Why is the name of that spot immortal? What causes produced that wonderful assemblage in the month of June, and in the year 1215? Why is it that we talk to-day of that event transpiring more than six hundred years ago with the familiarity which belongs to an event of yesterday? Sir, the old contending principles were there brought face to face, and a great landmark was erected in behalf of personal liberty and against the abuse of power, as high as the heavens and as enduring as the earth. The people confronted King John, who had been arresting citizens without charge, and punishing them without trial, and made him to record an oath before angels and men that he would forever abandon the practice of such outrages. This was *Magna Charta*. These were the causes which produced it. It became a perpetual law, and every English monarch, from John to Victoria, has sworn, in express form of words, as a part of the coronation oath, to support it. Listen, sir, to its old-fashioned and homely, but most glorious text:

“No freeman shall be taken or imprisoned, or disseized or outlawed, or banished or anyways destroyed, nor will we pass upon him, nor will we send him, unless by the lawful judgment of his peers, or by the law of the land.

“We will sell to no man; we will not deny to any man either justice or right.”

This was the voice of a people in whose minds a clear perception of legal forms had not yet dawned; but it was the clear, high voice of liberty, which, when once spoken, never ceases to echo and resound from age to age, until the angel shall close the book of time. I love to listen to its pealing strains. No music this side of the winged cherubim of God is so sweet to my ear. I contrast it with the harsh, discordant notes of the executive usurpations of the present hour, and the abject tones of those who feed on the smiles of executive favor. I turn away from the sad omens

which surround us to renew and strengthen my faith in the ultimate success of free institutions, by contemplating the scenes through which they have already passed. I turn away from the sight of expiring liberty in this land to assure myself, by a contemplation of other days, that it can not altogether die.

Mr. Speaker, we can not overestimate the value of the victory obtained by the popular will over the doctrine of the one-man power when the Great Charter was extorted from England's perfidious king. Every enlightened lover of human freedom has borne testimony to the importance of this grand achievement. The great Earl of Chatham, in pleading the cause of constitutional liberty in 1770, paid tribute to it as follows:

“It is to your ancestors, my lords—it is to the English barons, that we are indebted for the laws and constitutions we possess. Their virtues were rude and uncultivated, but they were great and sincere. Their understandings were as little polished as their manners; but they had hearts to distinguish right from wrong; they had heads to distinguish truth from falsehood; they understood the rights of humanity, and they had spirit to maintain them.

“My lords, I think history has not done justice to their conduct. When they obtained from their sovereign that great acknowledgment of national rights contained in *Magna Charta*, they did not confine it to themselves alone, but delivered it as a common blessing to the whole people.”

Sir James Mackintosh dwells upon it in glowing periods. Says that brilliant historian and statesman:

“Whoever, in any future age or yet unborn nation, may admire the felicity of the expedient which converted the power of taxation into the shield of liberty, by which discretionary and secret imprisonment was rendered impracticable, and portions of the people were trained to exercise a larger share of judicial power than ever was allotted to them in any other civilized State, in such a manner as to secure, instead of endangering, public tranquillity; whoever exults at the spectacle of enlightened and independent assemblies, which, under the eye of a well-informed nation,

discuss and determine the laws and policy likely to make communities great and happy; whoever is capable of comprehending all the effects of such institutions, with all their possible improvements, upon the mind and genius of a people, is sacredly bound to speak with reverential gratitude of the authors of the Great Charter. To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England upon the esteem of mankind."

Why, Mr. Speaker, has *Magna Charta* been thus esteemed by the wisest minds of the world to be worthy of such lofty encomiums? Why does it tower up with such magnitude over all other considerations in the construction of free governments? The answer is very simple, plain, brief. It is because, in the language of Hume, the historian—

"This famous deed either granted or secured very important liberties and privileges to every order of men in the kingdom—to the clergy, to the barons, and to the people."

It is immortal and dear, sir, to all people, and more especially to the American people at this time, because, in the discussion of its principles, Hallam declares:

"From the era, therefore, of King John's charter it must have been a clear principle of our constitution that no man can be detained in prison without trial."

It is an authority in point to-day against the daily practices of those who now administer the affairs of this Republic, because Sir James Mackintosh has pronounced its crowning glories, which fill the world with grateful admiration, to be "those essential clauses which protect the personal liberty and property of all freemen, by giving security from arbitrary imprisonment and arbitrary spoliation."

Such, sir, are its claims upon the dearest affections of mankind. It was born in the hearts of a proud, free race, and its mission on earth was to confront and resist that pernicious dogma of tyrants, that the liberties of the people can in any event be left to the control of any solitary individual, whether he be called czar, emperor, king, or president. And, in every contest with its enemy, it has been

eventually victorious. The people of England compelled their sovereigns to solemnly ratify it more than thirty times in the space of four hundred years.

But, bearing in mind the causes which produced *Magna Charta*, and the great object it was designed to accomplish, let us take another step in the history of the progress of personal liberty and personal security. In 1627 commenced that wonderful English revolution which fills so many memorable and bloody pages of history. It commenced over the old question of power. The king arrested Hampden, Darnel, and other citizens for refusing to pay certain taxes, and threw them into prison. They applied to the court of king's bench for the writ of *habeas corpus*, in order that it might be known whether their commitment was "by the law of the land," and upon what charge it was made.

"The writ was granted; but the warden of the Fleet made return that they were detained by a warrant from the privy council, informing him of no particular cause of imprisonment, but that they were committed by the special command of his majesty."

We have had many such returns in this land of freedom, during the past year, and every mind will suggest the ready parallel by a simple change of names. But in the days of Charles I., more than two hundred years ago, our ancestors did not allow the subject to drop at the haughty bidding even of a king. They met the issue. Bold and fierce discussion followed, until the unwarranted arrest and imprisonment of five Englishmen gave rise to the famous PETITION OF RIGHT, which was a clear and explicit affirmation of the principles of *Magna Charta*, and an application of them to existing grievances. I quote that portion of it which so forcibly reminds us of the high and sacred rights which have been stricken down by the present administration in our own midst:

"III. And whereas, also, by the statute called 'the Great Charter of the Liberties of England,' it is declared and enacted that no freeman may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but

by the lawful judgment of his peers, or by the law of the land.

“IV. And in the eighth and twentieth year of the reign of King Edward III., it was declared and enacted by authority of Parliament that no man, of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death without being brought to answer by due process of law.

“V. Nevertheless, against the tenor of said statutes, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause showed, and when, for their deliverance, they were brought before your justices, by your majesty’s writs of *habeas corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your majesty’s special command, signified by the lords of your privy council, and yet were returned back to their several prisons without being charged with anything to which they might make answer according to law.”

The king signed new guarantees of liberty to meet these complaints, but, in an unhappy hour for him, broke his royal word, and again trespassed upon the rights of the people. The struggle again commenced, and raged until Charles I. fell beneath the ax of the executioner; and that mysterious and unexplained enigma of history—Oliver Cromwell—triumphed over him in the name of popular right and constitutional government. And, though the practical fruits of this mighty revolution were for long years turned to dust and ashes upon the lips of England, yet the public mind of the world had learned a grand and overwhelming lesson. The English people taught mankind of every age and of every country that no sanctity of prerogative, no dignity of blood, no prescriptive customs, no pageantry of royal state, no bayonets surrounding the palace, can protect one man in plundering the multitude of their personal liberties. It is a lesson, sir, which the humblest



American citizen knows by heart to-day and treasures up as an everlasting inheritance.

But there was another great period in history in which our ancestors developed their devotion to the progress of liberty, to the principles of *Magna Charta*. In 1689 another member of the house of Stuart, forgetful of the fate of his father, possessed himself of the atrocious instruments of oppression, and attempted to subvert the laws and liberties of his kingdom. But the spirit which brought Charles I. to the block exiled James II., and changed the dynasty forever from the house of Stuart. And the same causes, the same aggressions against the personal rights of the subject which produced the PETITION OF RIGHTS under Charles I., produced the BILL OF RIGHTS under James II. It was the same venerable issue, and is contained in the following sections :

“1. That the pretended power of suspending laws by regal authority, without consent of Parliament, is illegal.

“2. That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.”

Mr. Speaker, we have here, then, the three grand acts in the sublime drama of English liberty; and the unity of immortal principle which pervades and sustains them all is so complete that Lord Chatham consolidated them in his mind, and proclaimed them to be “the Bible of the English constitution.” Their inspiration was confined, however, to no nation and to no age. Their application to civil rights was as universal as mankind itself. They speak in tones of hope, of dignity, and of manhood to every heart, worthy to be free, which beats beneath the sun. They constitute a frowning and defiant bulwark against arbitrary and despotic power, but a radiant and smiling angel of liberty, peace, fraternity, and security to the toiling millions whose strong arms uphold the wealth, the commerce, the progress, and the civilization of the world. And when the next great struggle in behalf of constitutional liberty for the citizen against the unlawful assumption of power by one man, which startled the nations in 1776, had closed in

triumph on the soil of Virginia—where the voice of Patrick Henry first aroused it—the material for those clauses of the American constitution which secure the personal independence and personal rights of the citizen, was ready and ample, a rich inheritance of the past, and only needed to be reasserted in the form of an organic law. Our constitution is simply one more denial recorded in history of the power to transcend the written law in order to reach and injure the citizen in the enjoyment of life, liberty, and property. It is simply one more declaration, added to those already made, that the people possessed an inherent power to protect themselves against their old enemy—executive usurpation. It was a solemn protest, in the name of human nature, that one man should have the liberties of this people within his control no more forever. It was the promulgation of Magna Charta, the continuation of the Petition of Right, the extension of the Bill of Rights, and a concentration of them all. Here are the noble, familiar sections, the due observance of which alone renders American citizenship more valuable than the condition of the slave on his plantation:

“ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be invaded, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

“ART. V. No person shall be held to answer a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

“ART. VI. In all criminal prosecutions the accused shall

enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

I have thus, sir, given a brief and summary view of the results which have attended a contest between free principles and the abuse of power for more than six hundred years in England and America. I have endeavored to point out the issue which has at all times been involved. It will be observed, however, that all these great instruments, which stand as beacon lights of liberty along the pathway of the last six centuries, and from which I have so freely quoted, are only declaratory of what the rights of man are, and depend for their execution on an additional agency in the policy of government. *Magna Charta*, as I have shown, declared a mighty principle in the science of just government, and it has been repeated over and over again many times since, and at last finds a polished and detailed embodiment in the American constitution; but something more is necessary and indispensable in order to carry it out and confer its practical benefits on mankind. The barons said that the executive should not take, imprison, or punish any citizen of the realm, except according to the law of the land; the subjects of every English king have repeated it, and the framers of our constitution assert the same thing with great particularity and care in the sections which I have just read; but what would all this be worth if no means had been provided to enforce this often reiterated principle of liberty? It would simply stand as an expression—a sublime one, it is true—in favor of immutable justice and right; but without the machinery of some active process of administrative law, it would be powerless to extend succor to the oppressed.

Therefore, all the proud declarations against the infringement of personal liberty by the executive, from Runny-

mede to the present hour, have been accompanied by that messenger of speedy justice, the writ of *habeas corpus*. It executes what they declare. It gives motion and efficacy to the laws of a free government. It is the active agent by which the will of the people, as expressed in the constitution and laws made for their own protection, is enforced. Without it, the tyrant may laugh to the winds every doctrine of *Magna Charta*, every provision of our own constitution. Without it, an executive ruler is beyond legal restraint or coercion, and can with impunity substitute his own will for the constitution and the laws. Without it, arbitrary power may roam over the rights of the people, like the wild boar in the rich vineyards of Gaul, and tear and rend its victims with pleasure.

Sir, the *habeas corpus* is the life of liberty. It is of ancient origin. It was born amid the opening struggles of our remote ancestors in behalf of popular freedom. It was recognized at once by a race unwilling to accept the doom of slaves to be a law of necessity. It sprang from no statute. It depends for its existence on no enactment. It is one of those high, unrepealable laws which liberty writes on the hearts of all her worshipers, and which, without the aid of legislation, became a part of the common law of England, simply because of that rule of God's providence, which prescribes an eternal fitness of things. It is, perhaps, older than *Magna Charta* itself. Hallam, in his History of the Middle Ages, referring to the period when the great charter was obtained, says :

“Whether courts of justice framed the writ of *habeas corpus* in conformity to the spirit of this clause, or found it already in their register, it became from that era the right of every subject to demand it.”

And again, this great author says :

“From earliest records of the English law no freeman could be detained in prison except upon a criminal charge or conviction, or for a civil debt. In the former case it was always in his power to demand of the Court of King's Bench a writ of *habeas corpus ad subjiciendum*, directed to the person detaining him in custody, by which he was en-

joined to bring up the body of the prisoner, with the warrant of commitment, that the court might judge of its sufficiency, and remand the party, admit him to bail, or discharge him, according to the nature of the charge."

This law, thus described, the American colonies inherited and possessed from the earliest period of their settlement. It took no legislation to bestow on them its blessing, for, as an eminent law-writer observes :

"And it must now be taken as a settled axiom of American law, that the territory of the colonies was claimed by right of occupancy or by finding it "desert and uncultivated;" and that the common law of England first obtained in that part of the empire as a law personal to the English-born colonists."

And, in the formation of our constitution, our fathers assumed that it already existed in all its ancient force and benevolent mission, and simply made the following provision against its suspension :

"That the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

And now, Mr. Speaker, in view of the historical grandeur of this writ; in view of the duties which belong to its nature to perform; in view of the evils which it alone can restrain; in view of the causes which produced it, and in view of the abuses against which it is leveled, I am filled with wonder and amazement that any healthy intellect has ever been found to entertain the opinion that it was in the power of the executive department of any government to suspend its privileges and deny to the people its protection. It came into existence to compel English kings to obey the principles of *Magna Charta*, and it is the only means, this side of the sword, by which an American president can be made to obey the constitution; and yet the air is filled with a clamorous cry that these kings and this president can escape this obedience by nullifying, with a single word, the only peaceful means which the people possess to enforce it. It is the only legal means by which the American citizen can resist and antagonize the most infamous out-

rages against personal rights; and yet the doctrine is daily proclaimed here and elsewhere that it is wholly left to the executive to determine whether he will be resisted at all, or whether he will enjoy the spectacle of a people devoted to liberty imploring, not the law, but his clemency, through the iron grates of prisons, with less legal redress for their wrongs than the dusky slaves of the Carolinas. The writ of *habeas corpus* was originated for the sole purpose of controlling one man and his subordinates; and yet it is claimed, in this enlightened age, that very man can control it. It has been the master of every executive since it was known among men; but in these modern days the majority of the American Congress assert that the President of the United States has become its master. You might as well lock the convict in his cell and give him the key, and expect to find him there when you return, as to expect the executive ruler of a nation to abide within the limits of constitutional restraint when the people have surrendered to him the only engine of power which they hold over the question. You might as well expect an enemy who had laid siege to a city to refrain from entrance when the gates were thrown open and the sword delivered up, as to expect official station to respect at all times popular rights when all their safeguards are abandoned to their ancient enemy. Sir, the very purpose, the single object for which the writ of *habeas corpus* has survived the lapse of centuries and rocked the world with revolutions, would be utterly defeated if the President of the United States can suspend its operations and paralyze it by his touch. It might as well never have adorned the pages of jurisprudence. It becomes a useless, an idle thing by such a construction. It is only needed when the executive attempts to deprive the citizen of his liberty contrary to law; and according to the construction of the supporters of this administration, that attempt need never fail, for it is within the power of the President to remove every obstacle which stands in his way by the suspension of this writ.

Let this construction be maintained, and the cause of liberty recedes back into the twilight dawn from which it

emerged nearly a thousand years ago. Then there was no law for the king except his arbitrary will; and there will be no other law here now for the President. Every effort made in behalf of free government will have been made in vain. The barons will have assembled in vain. John Hampden, on the plains of Chalgrave, will have died in vain. Our own martyred host, robed in glory, who fell for freedom on the battle-fields of the Revolution, will have tasted the bitterness of death in vain. The lights which have been hung up over our heads by the wisdom and the sufferings of the past will all be stricken down. *Magna Charta* will fall from its exalted sphere like a falling star, and our own constitution, like the eagle towering in his pride of place, will be by a mousing owl hawked at and killed. The gloom of absolutism will once more fill the sky, and it will only be left to American citizens to creep around in its shadows as secret and stealthy mourners at the tomb of liberty. One man's supremacy, the everlasting foe to free institutions, will be complete. In the place of written constitutions and laws, we will enjoy the government of one mind and one will, embittered and swayed by the passions and prejudices which make their home in every frail mortal breast. No, sir. This darling writ of the people, which has caused the venerable statesman to abound in warm and swelling periods of eulogium, and the cool lips of the judge to indulge in unwonted judicial eloquence; this guardian of every home; this saint in every freeman's calendar; this friend of every fireside; this key to every dungeon; this Messiah of the law, which comes to redeem the lost, and to visit those that are sick and in prison, was not born to be suspended and crucified at the command of some ruling Cæsar. The people who made it, and who own it by the title of a hundred battles fought for its principles, can alone, through their representatives, say when they are willing to waive for a season its protection, and enact its temporary suspension. Not only is this the law, as decided by every court in the history of English and American jurisprudence, but it is also

the law as decided by every maxim of reason, by every principle of political philosophy.

If I err, Mr. Speaker, in asserting that the Parliament alone in England, and the Congress alone in the United States, can judge of the necessity and exercise the power of suspending the writ of *habeas corpus*, I err in most noble company. I am but following, at an humble distance, in the footsteps of those whose illustrious names have long since become proverbs of wisdom and justice. If I am lost and going astray in the doctrines I have enunciated to-day, I am consoled with the reflection that I am wandering with Blackstone, with Hale, with Mansfield, with Coke; that I share my delusion with Kent, with Story, with John Marshall. If I am insensible at this time to the claims of modern political lawyers, it is because my mind is absorbed in the contemplation of the teachings of those whose names are of the immortal few not born to die. If I turn a deaf ear on this occasion to the arrogant pretensions of provost marshals and police officials, the representatives of executive usurpations, it is because I prefer to fix my attention upon a lofty and virtuous class, the latchets of whose shoes they are not worthy to unloose. If I am to be denounced for my utterances here, in behalf of liberty and justice, by the eager servility of the hour, the storm will spend its fury in vain on my head, sustained and protected as I am by the unanimous voice of those whom mankind has been taught to revere as benefactors of the human race. My eye shall not be withdrawn from the constitution as the guardian of liberty. I will not turn away from the written law, judicially expounded, for any consideration of earthly importance. It is to me the star that hovered over the cradle of liberty in its infancy, the spirit which upheld and strengthened it when tempted in the wilderness, and the power which will roll away the stone from its tomb if it should ever again be betrayed and put to death.

I belong, sir, to a profession which is glorious in history. I rejoice that I have spent some of the days of my manhood in the study of a science in the adornment of which Erskine and Curran, Webster and Grimke, spent their



lives. The legal profession has had much to bear in the hostile criticism provoked by an unworthy class who inhabit the vestibule of her temple, and allure to their meshes the unwary pilgrims who seek her shrine for substantial relief. The artful trickery of ignoble minds has been assigned as an attribute of the profession of the law, and its lower walks; that pestilential brood which swarms around the base of the pedestal of honorable fame, has, to the casual observer, sanctioned such a view. But this is all unjust. There is an atmosphere near the sun in which the great jurists of twenty generations dwell. They have been the forerunners of legal liberty. They have never hung upon the skirts of governmental progress. Other professions have formed technical barricades against the advance of popular freedom, and questioned the divinity of the people; but those who have drunk deep from the fountains of that "perfection of reason," English and American law, recognize the voice of the people as the voice of God. It is matter of record that the legal profession has been the patient, the toiling, and the inspired handmaiden of liberty. I might dwell upon its services, and recall the circumstances, in historical order, which will forever commend its fame to the lovers of free institutions, if the fleeting hour assigned to me would allow. But these things will all suggest themselves to the student of the law and the student of history. I pause, however, to inquire whether my brethren of the law have forgotten the examples of the past; whether the exalted chivalry of the profession is dead? Do you stand by power with its robes of purple, or do you stand by the oppressed in destitution? Is your motto the scepter of exaggerated and bloated authority, or is it the farmer at his plow-handle, in grand though humble demand for his right as a free man under the constitution? The mission of the law, as the chosen apostle of freedom, has always been to succor the oppressed, the feeble, the suffering and the poor, and to minister, in the spirit of the great Master, to those whom Christ blessed upon the mountain of Olives. Sir, for me, my way is chosen. I shall turn my back on the blandishments of ex-

ecutive power, and, though prison, though death assail me in the pathway of duty, I shall follow the examples and the precepts of old, and vindicate alike the dignity of my birth and the honor of my profession by defending the privileges of the people. To me this is a labor of love. My whole nature responds to its burning appeal. Wherever the spirit of unlawful aggression has been repelled; wherever tyranny has been defied and resisted; wherever honest, upright manhood, in whatever condition found, has asserted its right to a glorious sovereign equality, there my heart has paid a devout pilgrimage, and prayed for the success of every effort which tends to enlarge the liberty of the citizen,

But, sir, the blow has fallen, and I turn to survey for a few moments its ghastly consequences. In defiance of all law, in contempt of the judiciary, in derision of the teachings of history, and in scorn and mockery of the holy principles of personal liberty, the writ of *habeas corpus* stands suspended. The will of the executive has for more than a year been the sole law of the land to which the outraged citizen has been permitted to appeal. The constitution with its harmonious machinery of justice has been set aside, and the exact principle of a supreme and irresponsible despotism has reigned in its stead. Nor has this been the mere naked assertion of an unwarranted and dangerous power on the part of the executive, unaccompanied by those revolting scenes which always distinguish an arbitrary from a free government. It has borne to the lips of the American people a fruit, in horrible abundance, more bitter and deadly than the Dead Sea apples of Sodom and Gomorrah. Sir, how shall I dwell upon the deep humiliation, the open shame which this Republic has suffered in the imprisonment of its loyal and faithful citizens? How shall I fashion my tongue to speak in the hearing of a free people, in the presence of their representatives, surrounded on all hands in this hall by the symbols of liberty, and looking on the benignant face of the Father of his Country, of deeds enacted in our midst which recall to the mind in all their frightful detail the mournful stories of the dungeon

which have been wafted to us across the ocean, and which come down to us from the ages of chaos, night, and cruelty? Shall I stop to count over in a melancholy array the names of those who, without crime, without criminal charge, with no law but the law of hideous violence, have been seized by the rapacity, the felonious rapacity of this administration, and buried out of sight of home, friends, and justice? The list would be a long one, and would start tears afresh around a thousand firesides. This task, however, must be assigned to the impartial pen of history. A book will some day take its place upon the shelves of our libraries commemorating the wounds which liberty has received in this enlightened age, in the wrongs and outrages inflicted on American citizens. I am to-day dealing with the principle which is involved, and a few instances of the licentious abuse of power will illustrate the bold attempt which has been made to subvert the liberties of this government.

No age, no sex, no condition in life, has been exempt from invasion, unlawful arrest, and imprisonment. I speak simply what every man in the hearing of my voice knows to be true. I have seen the ministers of the gospel of a peaceful Savior on their way to prison, leaving wife, children, and congregation a thousand miles behind, for preaching peace on earth and good will toward men. One, the Rev. Mr. Bundy, as I am informed by my friend from Illinois [Mr. Allen], living in his district, was dragged away from the open grave of his child, over whose remains the burial services had not yet been closed; denied the privilege of returning to his house to take a final leave of another member of his family then dying, and hurried, like an atrocious and dangerous criminal, to the safe-keeping of a cell. I have seen the upright and conscientious lawyer seized by the loathsome instruments of oppression; forbidden to console a sick wife, the mother of his children, with a single word at parting, and conveyed by furtive and rapid movements to a distant and arbitrary military tribunal, because he had dared, as became a freeman, to declare what he conceived the law to

be. I have seen men who had been trusted and honored in public life by those who had known them most intimately in every relation, arrested in my own State for no offenses known to any law, and without warrant, without commitment, made to eat "the bread which captives' tears have watered" in every age of despotism. In the month of October last, I met three friends, distinguished citizens of Indiana, who six years ago served as senators together in her legislature. I met them, sir, serving together in the same prison a term of imprisonment which had no other duration or limit, no other beginning or end, no other cause or conclusion, no other condition or circumstance to support it, than the mere arbitrary, unlawful, unenlightened, and audacious will of one man here in Washington City. Sir, as I stood in their guarded room, listened to the story of their wrongs, and looked out upon the sunshine and the air—and the flag of the white man's freedom floating in the distance—strange thoughts possessed my mind, and strange visions arose before me. A new sensation penetrated my heart. I seemed to dwell for awhile beneath the shadow of the Bastille, and hear the cries and groans which finally rent its walls. The dungeons of Austria opened around me, and the prayers of their victims for liberty seemed to fill all space and all time. The damp vaults of Venice and the fearful caverns of the Spanish Inquisition yielded up their horrible secrets. The Tower of London—that melancholy tomb of genius and of beauty—the imperious form of Henry VIII., the headsman's ax, the reeking block, all became distinct to my view; and I looked, as it were, face to face, into the frightful, appalling countenance of tyranny. I studied its ferocious and revolting features in the light of historical associations. But when I came to reflect on all this, and reason from cause to effect, I found that precisely the same terrible principle of oppression which has disgraced the past, and filled other countries with tears and blood, was triumphing in my very presence. I turned away, and took my "appeal from tyranny to God."

But, sir, the people of this whole country and of the

civilized world have beheld worse scenes than even these enacted in our midst. This House has been invaded. The principle of popular representation, on which the theory of this government is based, has been assailed in the illegal and brutal arrest of two members of the American Congress. The honorable gentleman from Maryland [Mr. May] early fell a victim to the spirit of executive usurpation, which has since spread like an evil shadow over the entire land. He had dared, in an hour of envenomed popular frenzy, to raise his voice in this hall, and assert, in no suppliant tones, his rights as a representative. He had dared to assert that the constitution of the country was binding in all its provisions, in time of peace as well as in time of war, and that his allegiance was due to it, and not to the party which had ascended into power by trampling it under their feet. In the exercise of his undoubted prerogative as a legislator, and in accordance with his sense of duty as a citizen, he had brought forward measures here looking to a speedy and peaceful solution of that unnatural strife which has turned our rivers to blood and lined our once fraternal borders with a thousand miles of graveyards—not the sweet resting-places of those who lie down to sleep together in peace at the close of happy lives, but where hostile specters will forever haunt the dismal scenes and vex the air with shrieks of undying hate. For these acts of duty as a representative, and these acts alone, sir, the honorable gentleman from Maryland was arrested and made to feel the iron of helpless captivity enter his soul. The sanctuary of his home was invaded at midnight, that fit hour for the assassination of liberty, by an unknown band of armed men, who searched every privacy of domestic life, and then tore him with violence from a young and delicate family, with that total indifference to agony and despair which so well becomes the callous agents of crime. He was thrust into prison, and became the recipient of all those odious indignities which it is the trade and calling of jailers and turnkeys to inflict on noble minds and exalted natures. He languished inside of the bars of iron and the bayonets of sentinels until the caprice of the ex-

executive threw open the doors of his cell and told him to go. As he was arrested without charge, guilty of no offense, imprisoned without authority of law, punished without trial, so he was released from confinement without an explanation and without a hearing under the constitution. This case, in a few brief sentences, comprises the ultimate point of a wanton and reckless despotism. And what I have said of it applies in principle with the same force to the case of the honorable gentleman from Illinois [Mr. Allen]. Both are representatives of the people on this floor, and both have been subjected to punishment due alone to criminals by the arbitrary and lawless edict of one man for the exercise of their opinions. Sir, do we live in a republic or an absolute monarchy? Is this an American Congress or a Roman Senate in the most abject days of the Roman empire? Is this an assembly of freemen or a French assembly in the days of Louis XIV.? How much more are we expected to bear? What deeper degradation is to be inflicted on us? If one member of this body can be arrested for his opinions, and made to feed on the damp vapors of a living tomb during the pleasure of the executive, so can all the rest of us who do not, with bated breath and words of whispered humbleness, bow ourselves with eastern adulation at the footstool of power. If these things are to be borne, the hour for a Cromwell has arrived, and these walls will never again resound with the voice of liberty. Let the lictors advance and bind us with cords and scourge us in the open market-places as the unworthy successors of a nobler and prouder race. Let the pilgrim of future times visit not this dishonored hall, but go and linger in the old and deserted one, and draw inspiration from the glorious memories which hover over it. The voices of the mighty dead, in behalf of freedom of opinion, freedom of speech, freedom of the press, and the supremacy of the constitution, yet seem to echo from its venerable walls; and its place in the history of the progress of liberty is as secure as the battle-field of Bunker Hill.

Sir, am I to be told that there was cause for the arrest and imprisonment of these gentlemen? Who dares to say

so? Why were they not tried for their offenses, and, if guilty, punished? Who will assert that the thousands who have been imprisoned without authority of law, and discharged without trial, were criminals? If they were, a double infamy awaits the executive and the agents of his usurpations, for liberating upon society unprosecuted and unpunished offenders against the laws. If they are the dangerous criminals which they are daily described to be, then this administration has corruptly compounded with felony, and made itself a party to treason, by refusing to bring them to justice, even when the criminals themselves protested against being liberated without a trial. But, sir, I deny their guilt in every instance; and, in doing so, I plant myself on the plain precepts of the laws of God and man. I have but little indulgence for this constant assumption of guilt against citizens who have courted trials, and whom you have not dared to try. The presumptions are all in favor of innocence where just laws prevail. They are in favor of guilt before trial only in the minds of tyrants. But, whether guilty or innocent, not one single provision of the constitution has at any time or place been complied with in the treatment of citizens arrested by government officials.

In violation of the constitution, American citizens have been arrested for using the freedom of speech.

In violation of the constitution, their houses have been forcibly entered.

In violation of the constitution, their papers have been searched.

In violation of the constitution, their persons have been seized with armed violence.

In violation of the constitution, they have been deprived of liberty without due process of law.

In violation of the constitution, they have been held to answer infamous accusations without presentment or indictment of a grand jury.

In violation of the constitution, they have been denied the right to a speedy and public trial by an impartial jury.

In violation of the constitution, they have been carried

out of the State and district in which their offenses, if any, were committed.

In violation of the constitution, they have been kept in ignorance of the nature and cause of the accusations against them.

In violation of the constitution, they have not been confronted with the witnesses against them.

And, in most supreme and wicked violation of the constitution, they have been denied counsel for their defense, and informed, in all the insolence of a fanatical disregard of every principle of humanity as well as law—

“That the general government will not recognize any one as an attorney for political prisoners, and will look with distrust upon all applications for release through such channel, and that such applications will be regarded as additional reasons for declining to release such persons.”

Sir, I challenge the worst ages of the most profligate and corrupt despots for a more intolerable picture of personal outrage than is here presented. In prisons, in dungeons, in cells, in solitude, and desolation of heart, citizens of this free country are threatened with increased punishment if they resort to the only possible mode of approaching those in power to obtain information or trial with a view to liberty. Many new offenses, unknown to the constitution and the laws, have been created by the proclamation of the executive, and to these it must be added that it is a crime for an innocent man, overpowered by unlawful force, and wearing away his life in prison, to employ counsel to secure for him the benefit of the laws of the land. Sir, posterity will hold in remembrance the authors of these outrages—the President and his Cabinet—in order to execrate the prostitution which they have made of their high offices to the overthrow of the constitution. When they retire from their exalted positions, and descend to the quiet walks of private life, where the voice of partisan applause and interested flattery will no longer reach their ears and shut out truth from their consciences, let them spend the evening of their days in pondering over the wretchedness they have so needlessly and wantonly caused. Let them



recall the tears of bitter grief, bereavement, and shame, which they have caused delicate and tender women to weep, as they implored their jailers in vain for relief against outrages which the pen blushes to record. Let them visit the mad-house, and listen to the shrieks and cries of their inmates, as they pour forth their wailings from the shattered dome of thought, and in that saddest sight which earth can present—a mind in ruins—behold a portion of their handiwork, which will accompany their names into history. And if dreams come to them in their slumbers, let them dream of the poor suicide, who communed in solitude with his sad heart until his room became filled with shadows and impalpable forms, which mocked his agony and despair, and who, to escape from his unlawful imprisonment, launched his naked soul into the mysterious realms of the infinite, and appeared for trial before a compassionate God. Let them awaken to hear the heart-broken sobs of the widow, and the pitiful lamentations of the fatherless. Let them make some atonement for the grief they have inflicted by looking into all the detailed horrors which their system of infernal outrage has brought on unoffending men and women. I speak not in malice; I wish evil to no man on earth. I feel pain to know that I inflict it. But if I could forbear to speak with indignant emphasis on this subject, I would feel that the bond of sympathy which binds me to my suffering fellow-men had been broken asunder. I would feel that my heart was an outlaw from the sacred precepts of the divine Nazarene who pronounced the merciful blessed because they showed mercy.

But it is said that this system of open disregard for the constitution, and the arrests which have been made under it, have been necessary to the stability and existence of the government. All the world knows that this is false. Neither insurrections nor invasions have taken place in the loyal States of the Union. The courts of justice have never for a moment been disturbed in the discharge of their duties by any of the circumstances attending this civil war. Every function in the machinery of government has been free to act. Does this administration distrust the entire judiciary

of the country, the clerks, the sheriffs, and the juries? And in what way has the whole body of the people shown that the safety of the Republic requires that they should have a master? Sir, I scorn to pursue this thought. I spurn from me, at once and forever, this base, false, and dangerous plea of necessity. What is there to Americans worth preserving, if the principles of liberty, the doctrines of the constitution, shall perish? We hear much stormy declamation about the life of the nation being in peril. It is true it is sadly imperiled on all sides. But does mere land and water, mere extent of soil, constitute the life of this nation? No, sir; immortal liberty is its life—the soul which animates the body—and without which the mere form of our government will be a cold and lifeless corpse. We are asked to make war on this vital principle, and submit to its destruction, in order to preserve the Union. You might as well ask me to drive the dagger into my own heart in order to preserve my life. I recognize no such monstrous folly? The constitution is my country, and I have no country outside of its provisions. When you require me to destroy it, or consent to its destruction, in order to save my country, you require a paradox which is the natural offspring of that unreasoning fanaticism which shares so largely in the origin of our melancholy national disasters.

I will stop here to denounce this argument of necessity as the uniform plea of tyrants who have sought to destroy liberty in all ages of the world. The children in our schools are familiar with this truth. It has passed into a proverb, and has the sanction of universal human experience. But in close connection with this familiar household word of Star Chamber oppression, another and kindred maxim of unlimited monarchy has been thrust upon the country by the supporters of the administration now in power. Loyalty has received a new definition. The doctrine of the Tudors and the Stuarts has been revived, and now once more struts forth in the habiliments of royalty on the stage of men. A prominent citizen of my own State, occupying temporarily a high official position, has announced that loyalty to the government no longer consists in obedience

to the laws in support of the constitution, and in devotion to the flag, but in a blind, abject, unquestioning, and unreasoning obedience to the measures of those who are in power. He fails to perceive how an American citizen can be faithful to his allegiance unless he concedes the principle that the king can do no wrong. He has studied this heresy, doubtless, in European courts, and desires to transplant it to these shores. And if it should bloom here, it would be as the deadly upas-tree, under whose blighting shadow every green and beautiful thing dies. All civil rights would perish. The courts would stand adjourned to meet no more. The scales of justice would be broken and thrown away. The temple of Janus would stand wide open, and war, the sport of kings and the ruin of the people, would waste the country forever. The sovereign voice of the masses would be silent and stifled in their throats. It would be dangerous to think; and children would no longer be educated to enlighten their minds, but simply to develop their muscles, with which, as slaves, to work for the tax-gatherer, or as gladiators to enter the arena of ambitious wars. The prison-houses would overflow with all who dared to remember that they were once free, and death, in its most appalling aspects, would hold high carnival on the gibbet. And over all, and supreme above all check, restraint, or responsibility would reign the sovereignty of one man.

Sir, need I ask whether the public mind of this country is ready to receive calmly and submit to the plain and inevitable consequences of such astounding principles? Are American citizens ready to surrender all, all, absolutely all that renders life a blessing and redeems their citizenship from being a by-word and a reproach? I will not insult the proud ancestry from which we sprung; I will not mock the memory of the dead who have died for liberty on both hemispheres; I will not impeach the purity of the blood which flows in American veins by reiterating this question. It has been answered more than a thousand times already in council and in the field, by the great race to which we belong, and the American people are ready to

answer it again. Our remote ancestors beat down the walls of Rome and humbled the pride of the world's mistress into the dust. They broke the Roman yoke which Cæsar placed on their necks, and turned and trampled to death the nation which had penetrated their misty regions, and awakened them to a sense of their power and their destiny. Their descendants for two thousand years, in all the wonderful vicissitudes of history, have chafed under and resented and resisted the insolent spirit of encroachment, invasion, and usurpation against their civil and their religious liberties. They have met the degrading demands of executive tyranny at their thresholds, in whatever forms they have been advanced. Sir, this is the race of liberty. I solemnly and earnestly commend the study of its glorious and exalted history to those who are this day trifling with the majestic principles of personal independence, which it has secured to the world by its wisdom and its blood. It has stood as the iron-mailed champion of constitutional government; it has borne the banners of the cross and planted Christian civilization on every shore and beneath every sky; it has poured the beams of the useful sciences into the dark and waste places of the earth; it has carried the refinements of the arts to the savage forests, and caused the wilderness to be transformed into the abode of learning and genius; it has thronged every ocean with commerce; it has spoken the great emporiums of trade into existence; it has defied every barrier of nature to resist its adventurous spirit; it has played with the fiery elements of the physical world, and used them as obedient servants in the grand march of its gigantic progress; and in the midst of all this, and under all circumstances, it has waited on the fortunes and espoused the cause of liberty with the unmeasured devotion of a knight-errant of chivalry and the undaunted courage of the Lion Heart. Such a race will take no step backward. It will submit to no diminution of its glory. It will surrender none of its high prerogatives. Revolutions and changes may retard its progress for a brief season, but they can no more defeat its ultimate success in all that is great in conception and sublime in

execution, than the storm which lashes the waves into fury and annihilate the ocean. My faith, which brightens the future to my eyes, is founded on the blood which the American people have inherited from this lofty race. It will never bend the servile knee to executive dictation. It wears an erect port and an elevated crest. It has defied the insolence of power in every age of its history, and it defies it now. Yes, sir; the American people have suffered the outrages of executive usurpations, and they have solemnly and deliberately uttered their defiance. The voice of barons, the voice of John Hampden, and the voice of Patrick Henry, crying, "Give me liberty, or give me death," were all concentrated in the voice of the people of this country, as expressed at the ballot-box in the recent elections.

Much has been said in regard to the meaning of these popular expressions. There are many issues before the country, and I shall not at this time seek to interpret at length the public will on any other than the one I have endeavored to discuss to-day.

It is true, however, that this administration stands condemned by the people in every essential particular. It no longer possesses the public confidence. It is waging a war which it is no longer pretended is to restore the Union as our fathers made it. The constitutional rights of the States have been abolished by proclamation, and that portion of the slaves which are not to be liberated by the sword are to be paid for by direct taxation. A war thus conducted is a fraud on millions of voters who have hitherto sustained it. Its failure as a remedy for our national calamities is palpable and absolute, even if war, under any circumstances, could have brought us a restoration of the Union. These and kindred questions were decided in certain and distinct tones at the ballot-box in October and November; but I can do no more than give them a passing allusion on this occasion.

But on the question of the integrity of the constitution and the protection which it affords to the citizen, the voice of the people comes to our ears with a sound equally plain

and clear. It rang out from the cities and plains, the mountains and the prairies, in stern denunciation of every infringement which this administration has made of that holy instrument, and in favor of the preservation of civil liberty, whatever else might perish. It demanded not only that the prison-doors should roll back and the victims of despotism be yielded up to the guardianship of the law, but it demanded also, in the sovereign and imperious tone of a free people, that the audacious and dangerous principle on which arbitrary arrests have been made, and speedy and public trials denied, shall be at once and forever abandoned, in the most open and explicit manner.

Now, sir, will the people give any second warning on this subject? They intend to be obeyed. They know themselves to be masters, and not slaves. If the peaceful admonition of the ballot-box goes unheeded; if the reasonable and earnest remonstrance of an enlightened and patriotic people is lost on those who seem drunken and mad with power; if the insane wickedness which has ruled this Congress, and launched the present administration on its schemes of ruin, can not be reached and restrained in its destructive career by the popular voice coming up here in all its impressive grandeur, then the sword—the sword, sir—must once more, in the annals of the world, determine the ancient issue, so often baptized in blood, between the absolute power of one man and the inalienable, indestructible rights of the masses. I speak plainly. The time for words without meaning has gone by. You may pass this bill to protect the executive and his agents, in the exercise of arbitrary power, from the consequences of their own acts. You may place them above all responsibility. You may elevate them above the law, and say that it shall have no claims on them for the violations it has suffered. You may say that the victims of their barbarous oppression shall be dumb in their presence. You may say that the citizen shall have no legal redress for his wrongs. You may sanctify power and outlaw liberty. Sir, no such law can be enforced. It will not, for one moment, be obeyed. The courts will obey the constitution, and so will the peo-

ple; but they will treat such a law as this as an intruder and a miscreant on the statute-book, and bid it defiance. Sir, we must look the reality in the face, though we shudder at its terrible features. We are treading on the thin crust of a flaming volcano. There is coming woe and disaster in the very air around us. The tremor of the approaching earthquake is visible in the ground on which we tread. The signs of the devastating whirlwind are gathering in the angry sky over our heads. Already the deep mutterings of its wrath can be heard in the distance. Will you stand still in stubborn mutiny against the raging elements of popular indignation, which injustice and political debauchery have aroused, and be crushed? There is but one pathway of escape and safety. It is the pathway on which the light of the constitution is shining in all its original luster. It is the pathway of the fathers, in which the foot-prints of Washington and the sages of that hallowed period are yet plainly visible. It is the pathway of justice, of truth, and of honor. It is the pathway of constitutional freedom, and leads to national life, union, and peace.

Mr. Speaker, I am done. I take leave of this subject. A greater or more important one to every generation of men, in my judgment, was never submitted to the consideration of a legislative body. I have confined myself to the discussion of a single issue; but the principles which govern it are imperishable—instinct with eternal life, clothed with immortality. The proudest works of human hands decay, the brightest models of human wisdom grow old and give place to others; governments are rocked to and fro by fierce revolutions, and fall to the earth to rise again in some new form; we all hasten on in our brief journey, soon to take up our abode in the silent Necropolis—the city of the dead; but LIBERTY, LIBERTY—that divine emanation from the bosom of God to the soul of man—will survive every mutation, every shock, every change. But if we expect to retain the illumination and glory of its presence on these shores; if we expect to transmit to our posterity the exalted and priceless blessings which

it bestows ; if we expect to escape the reproach of being false to the great trust which our fathers reposed in our hands for present and for future ages ; if we would avoid the utter and absolute overthrow of every principle which has signalized this government as a republic, and not a despotism ; if we, standing here on this narrow isthmus of time which divides the living and the dead, with the graves of our ancestors stretching back into the past, and the advancing footsteps of rising generations coming up in the future, would flee from the just and awful condemnation of both, we must return—return without delay—to the plain, the safe, and the immutable precepts of the constitution. Let those who control the administration now in power give over their wanderings into dangerous latitudes. Let them hastily retrace their steps, and take their stand within the limits of the law. Let them abandon their impious claim of power outside of the provisions of the constitution. Let them purge their minds of that madness which dares to treat American citizens as slaves. Let this be done, and public confidence will once more brighten the face of the country, and a new strength will spring up from a sense of public security. Let this be done, and, though deep and dark calamities may overtake us, yet the primary and fundamental object for which this government was founded—the establishment of liberty—can not be defeated. If, however, the present policy is to be pursued ; if there is to be no change in the destructive career which now usurps and supplants the constitution and the laws, then I declare my solemn belief that a scene of ruin is near at hand in this once favored country, more mournful than that over which Marius wept on the plains of Carthage, and more terrible than the picture of desolation which marked the destruction of the holy city of David.



## THE CONSCRIPT ACT.

[A speech delivered in the House of Representatives, February 23, 1863, on the Conscription Bill.]

MR. SPEAKER :—It is either my good fortune or my bad fortune never to have been a member of a legislative body until I took my seat in this Congress. Consequently I may not be so familiar with the rules of propriety that obtain among members of deliberative bodies as others who have had more experience. But I must confess, Mr. Speaker, that, with my limited experience, I have observed the course of this debate with amazement, and with some degree of honest indignation.

This debate was opened by the gentleman from New York [Mr. Olin], with a lecture to this side of the House, informing us how he desired we should discuss this question. He expected us to observe certain rules and maxims laid down by him for the government of our minds and of our tongues. He informed us what we were to say, and in what spirit we were to say it. Our deportment was his especial care. He gave us that kind of warning beforehand that schoolmasters sometimes indulge in when their pupils are about to be paraded on exhibition before the public. We were desired to behave ourselves and to pursue a certain line of conduct marked out for us in advance by his magisterial authority. The air of a testy, domineering pedagogue pervaded the style and substance of all his remarks.

Now, sir, with all the respect that I have for the position which the gentleman from New York occupies as Chairman of the Military Committee, allow me to inform him plainly to his face that I know of nothing in his position, nothing in his principles, nothing in his talents, nothing

in his character, that entitles him to make, or justifies him in attempting to make for me, or for any member of the minority on this side of the House, any rule of conduct on any subject whatever. Those which he has laid down to govern this discussion will not find respectful consideration at my hands, much less adoption.

After him comes the strap and button gentleman from Pennsylvania [Mr. Campbell],\* who howled forth his threats on this floor like some angry animal in pursuit of prey. He tells us what will happen to us both here and hereafter. He consigns us all, benevolently and charitably, to eternal condemnation and special damnation. That is very kind of him. Possibly it has affected somebody's nerves. Doubtless it did affect his own. I must say, however, that it did not affect mine at all, except as a gush of harsh and discordant sound is always more or less jarring to my nervous system. It passed by this side of the House as mere wind, somewhat unpleasant and disgusting, but entirely harmless. I submit that the military and malicious gentleman from Pennsylvania has no right thus to afflict and annoy the persecuted minority in this hall.

After him, in the order of debate, on the other side, comes that strange and eccentric gentleman from Ohio [Mr. Bingham], who so often holds this House and these galleries in listening and wondering suspense and attention. In his private intercourse he is one of the kindest and most amiable gentlemen whom I ever had the good fortune to meet; but on this floor a stranger would take him to be, not merely Cato the Censor, for, I believe, Cato was very dignified, and certainly the gentleman from Ohio hardly ever is [laughter], but some furious actor in a play, whose part required him to scold and rave at every human being who was so unfortunate as to fall beneath his dreadful scowl. He is stormy and terrible to those who know him not, but to those who know him well, gentle as summer, and as tender as the dove who woos his mate. I am apologizing for his manner to those who do not understand him. His terrific outbreaks here against the minority may be regarded as a sort of pleasant episode to the grave pro-

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\*Mr. C. always appeared in full military uniform.

ceedings of this House, a little ridiculous, but perfectly innocent. It is only his manner that is severe, not his matter. He tells us what will be tolerated, and what will not be tolerated, how we shall behave, what we shall say, what will be worthy of us, and what unworthy of us. He starts out by telling us that the language of the distinguished gentleman from Ohio [Mr. Vallandigham], who held spell-bound this House from the position in which I stand, with one of the ablest arguments I ever heard, was all unworthy of a member of this body. Who constituted him a judge of his colleagues? Where does he find the authority to arraign his peers on this floor? Sir, there is but one reply to language and conduct like this. We reject with scorn your unmasked advice; we spurn your offensive lectures; we despise your puerile threats; we defy the malice which actuates them; we hold you and your outrageous insolence in sovereign and most unmitigated contempt. While you keep within the rules of propriety and of duty all will be well; but whenever you step out of them, as you have to-night, you have my answer.

Sir, it ill becomes gentlemen who have met with repudiation at the hands of their people; who, for their policy and conduct on this floor, have been rejected by their own constituents, and who stand condemned before the country, to come here and lecture Democratic members. In common decency you ought to keep silent, as mere cumberers of the ground, whose days are numbered. Popular majorities have been piled up against you by thousands and tens of thousands. Loyal people have spoken your knell; the funeral bell has been tolled over your political graves by patriotic hands; the grass is growing green on the sod which covers you. And yet you dare come here and lecture living men! We bear in our bodies political vitality; you are political ghosts, specters from political grave-yards, where the people buried you last fall, and wrote on your tombstones, "No resurrection." How dare you lecture the living, who yet stand on the shores of time, and who have something to do with earthly affairs? [Laughter.] I invoke the spell of decency and of regard for propriety, and,

in the name of that spell, I exorcise these spirits, and tell them, "down, down, to whence you came." [Laughter.] The old man whom Dante saw in his vision of hell, "hoary white with eld," sitting

"Beside the woeful tide of Acheron,"

is waiting for you below—

"Crying, woe to you, wicked spirits! hope not  
Ever to see the sky again. I come  
To take you to the other shore across,  
Into eternal darkness there to dwell  
In fierce heat and ice. And thou who there  
Standest, live spirits! stand apart and leave  
These who are dead."

You talk about what is worthy and unworthy. Shall I accept gibbering and squeaking political ghosts, who will troop home on the 4th of March to the vast charnel house of repudiated politicians, as my masters? I own but one master in this government—it is the sovereign people. I represent a loyal and magnificent constituency. They know me well—

"They are to my faults a little blind,  
But to my virtues very kind."

We live somewhat according to the Scriptures, for we love one another. What I fail in works as their representative they credit to good intentions. To them, in grateful memory of the past, I acknowledge my responsibility to-night. It is their right to approve or condemn. I accept no verdict, however, on my principles or my conduct at the hands of the fossil remains of a dead party, which, when alive, was not even respectable. Before my constituents I stand ready to be judged. They have already judged me. They have judged my Democratic friends, too, who sit around me. They have judged my Democratic colleagues from the State of Indiana. We have passed the popular ordeal, as you have; and while you have been made to ferry the melancholy flood—the river Styx—with the grim ferryman, which poets write of, unto the kingdom of perpetual night, to return to the living land no more in the flesh, we stand here renewed

and strengthened by the life-giving power of popular approval—the embodiment of the popular will.

And we return here not as we first came. When I first entered this hall, eighteen months ago, I came with a small majority compared to that which sends me to the next Congress. Look at the smiling faces of Democratic members around me. They have all told the increase of their majorities by thousands. Not one but what met approval at the hands of those whom he represented. The one or two defeats over which we mourn were accomplished by a change of districts. Are men who come here so indorsed, to sit quietly and allow you, whom the people utterly repudiate, to shake your fingers in our faces and tell us our duties? Sir, while I do not desire, as a member of this House, to indulge in anything but courtesy in my intercourse with its members; while it is pleasant always to me to meet my political opponents with nothing but personal kindness; while I desire the proceedings of any legislative body with which I may be connected to proceed without a single jar—yet when men so far forget our rights and their duties, so far forget the proprieties of this place, so far abuse their privileges as representatives as to indulge in the strain of remarks which we have heard to-night, I should be wanting in self-respect if I did not rebuke it, and resent the spirit which dictates it.

Now, Mr. Speaker, let us examine some of the questions that have been before the House in this debate. We have reached a grave and melancholy crisis in the history of this war; we have reached a sad and momentous crisis in the history of our country, and it becomes us standing here, at the close of the 37th Congress, to look back and indulge in some reminiscences of the past. Let us look back to the circumstances which surrounded the inauguration of this war. Let us recall the principles then announced by this administration. Let us recall the pledges which it gave that this war should be prosecuted solely to sustain the constitution, and thus preserve the Union as it came to us from our ancestors; and then let us look at the present. Let us behold the working of the new abolition,

corrupt system which has been adopted for its prosecution. In this way we can plainly determine why is it that this terrible crisis has been reached; why is it that a conscription bill to force soldiers into the field is now engaging the attention of this body? Sir, let the gentlemen here remember, as the people of the country well remember, the unanimity with which that unparalleled uprising of the people took place, when this baleful and most disastrous war first came upon us. It was then announced that the only purpose was to preserve the constitution and restore the Union under the constitution. That was the object, and none other, which rallied the people by hundreds of thousands. I remember well the first time I lifted my voice in this hall. It was just one year ago. In that speech I rehearsed the pledges which every department of the government had given to the people, and on which an army was raised for the prosecution of this war. I read the inaugural of the President, in which he said he had no power nor inclination to touch the institution of slavery in the States, and that the fugitive slave law must be executed. I read from his message to the extra session of Congress in July, in which he reiterated the statements of his inaugural on these important questions. I rehearsed the teachings of the Cabinet, and especially of the distinguished Secretary of State, who had spoken voluminously upon these and kindred subjects. They were all to the same purpose. I recalled the announcement of distinguished generals in the field sustaining the doctrine proclaimed by the President and the Cabinet. All announced then that this war was to be prosecuted within, by virtue of, and for the purpose of restoring the constitution of the country. I saw, even then, however, ugly symptoms, clouds already gathering in the sky portending that all these pledges were to be broken. The gentleman from Massachusetts [Mr. Elliot] had introduced his resolutions looking to the entire overthrow of the institution of slavery in connection with the prosecution of the war. The gentleman from Pennsylvania, the the Chairman of the Committee of Ways and Means [Mr.

Stevens], had also introduced his celebrated resolutions. I, therefore, at that time read these pledges of the government against the radical tendencies, which I saw developing as rapidly as the administration dared. I used, upon that occasion, the following language, on which I look back with pleasure to-night :

“ Mr. Chairman, I am amazed, utterly amazed, when I contrast the present with the past on this subject. All is changed, at least so far as Congress is concerned. Pledge upon pledge has been made by every department of the government in the opening stages of this conflict. The national faith has been plighted at home and abroad in the most binding and obligatory manner, that the domestic laws and customs of the seceded States were not to be violated, that slavery was not to be abolished, that savages were not to be let loose. . . .

“ An army, however, of six hundred thousand men now stands banded together under the stern control of military discipline. In that, I suppose, the object of conservative pledges is accomplished, and the time has arrived for the fulfillment of the purposes of this war, according to the view of abolitionists. They demand now that all these pledges shall be broken.” . . .

Mr. Speaker, one by one all these fatal demands of extreme, unconstitutional abolitionism, have been granted by this administration. Every conservative pledge by which a mighty army was obtained, has been broken—every one. The people who rallied under your pledges solemnly given, and filled the ranks of your army, have been deliberately deceived. They trusted you once, and you have been false to them. This is the reason why a new army can not be raised from a willing people. This is the reason why you seek to establish a despotism by this bill, in order to fill the ranks of the army by force. This is the reason why Republican members themselves admit that, loyal as are the people of the country, you can not get another volunteer. A confiding people believed, when they drew their swords, that it was to uphold the principles of the constitution ; they believed they were following the ark of the living:

God through the wilderness, to uphold and protect it from the hands of idolators. This House told them, the President told them, the Cabinet told them, their leading generals told them, that when the army was once raised, it should be used to sustain the old glory, the old flag, to give us back the Union and the constitution as they were in the beginning. But they have been cruelly betrayed, and hence, Mr. Speaker, to-night, this conscription bill. Had this war been conducted for the constitution, no coercion would have had to be practiced upon the people of the North; no conscription bill would now be needed. If the people did not feel—if they did not know that they have been deceived and their confidence used for corrupt and unlawful ends; if they did not feel that their blood had been taken for purposes never contemplated by them; if they did not feel that their first-born had been stricken down in battle to carry out purposes which were hidden from them when they were seduced by false promises into the ranks—if the people were not deeply impressed with all this, you would not now have a bill before this House authorizing, in violation of the constitution, the exercise of a despotic, a conscriptive, a coercive power over the loyal people of the country to get another army. You have destroyed the public confidence, and that is the reason why you are now resorting to this measure.

Mr. Speaker, I have heard much hostile criticism, and listened to many assaults made on the minority of this House, because of the party spirit which it is alleged we have shown. We came here feeble, it is true; we came surrounded by the flames of popular frenzy, equal almost to the flames through which the three Hebrew children walked in the days of old. The smell of fire, however, is not, I believe, on our garments. We have been wonderfully preserved thus far from the malignant machinations of those who persecute the faith of the fathers.

Sir, when this memorable and mischievous Congress first met, your watchword of falsehood and delusion was "no party." All party spirit was to be banished. All party purposes were to be abandoned. Party schemes and party



principles were all to be laid aside, and perfect unity was to prevail in the North for the preservation of our blessed Union. No former party platforms were to be considered. A universal sacrifice was to be made of them all for the good of the country. You quoted the words of the great Douglas in his dying hour to support you in your enormous imposition upon the people. Sir, Mr. Douglas, in his life, was ready, as he would be now if he were alive, to sink all party, to yield every other consideration upon earth, for the good and for the salvation of the country. And the Democratic party, true to his dying admonitions on this subject, has brought forward not one party measure in this Congress—not one. Put that in your list of articles to be remembered in that long Siberian banishment to which you hasten. We have kept the injunction of the dying chieftain. But how has it been with you, so loud in professions and so empty of even decent works? With the admonition of Douglas upon your lips, you have trampled under foot all the principles held most dear by him. You have insulted him in his grave. You have mocked the memory of his whole public life. You have poured out your crocodile tears and lifted up your spurious grief over his death only to take shelter under his great name for the purposes of popular deception. You are false and offensive mourners at our funeral. Stand aside, and let the friends of the great dead surround his bier; and, for fear you will again deceive the country, I will this night tear off your masks, and let your sinister countenances and your miserable and unholy purposes be seen in their true light. It is a work that has been needed on this floor for a long time, and I take some reproach to myself that it has not been done before. I would feel this reproach more, however, if I was not conscious that you had saved yourselves, in a great measure, by suppressing discussion by a cowardly resort to the rules of this House.

Sir, when you came here crying “no party,” your first act of legislation was to engraft on the statute-book the very soul and vitality of the Chicago platform, a law to carry out a principle against which Stephen A. Douglas

warred until he died. In hot haste you carried out the principle of intervention in the Territories. You abolished slavery in them all. You passed a Wilmot proviso everywhere. Loudly and furiously protesting against any party measures, with one felonious grab you took all that your party ever dared openly to contend for. If we gently hinted that this was bad faith, we were silenced by the clamorous cry of the whole pack yelling after us that we were traitors. If we ventured to suggest that you were taking advantage of a dark hour and stormy night in the history of our poor country to cheat the public mind in regard to your ultimate designs, we were cried down instantly by mercenary throats and venal and corrupt newspapers. You carried out the Chicago platform, but you did not stop there. You continued your cry of "no party! no party!" But what was the next measure? You launched out a little further into the sea of abolitionism. One of the pet schemes of the Abolition party proper has been for a quarter of a century the abolition of slavery in the District of Columbia. You seized upon it and brought it forward in the name of no party. When the minority denounced it, when the venerable and distinguished statesman from Kentucky [Mr. Crittenden] appealed to you to forbear, we were informed by such models of patriotism and Unionism as the gentleman from Illinois [Mr. Lovejoy] and the gentleman from Pennsylvania [Mr. Stevens], that the loyalty of the Democracy and the border State members was sorely questioned and narrowly suspected. You carried it out by your well-drilled majority, and you thereby taxed my constituents and yours, Mr. Speaker [Mr. Colfax in the chair], to buy the black chambermaids, barbers, and broken-down boot-blacks in this city. You made them free, it is true, but their freedom has been to them a curse and not a blessing, as the daily pictures on these streets amply testify. It was necessary, however, I suppose, for the vigorous prosecution of the war, that white men should be taxed to pay for black men, and to support them in idleness and vice. And if I raise my voice against the taxing of my constituents for such infamous purposes, I am

told that it is no time now for any party spirit. Perhaps you are correct that it should not be allowed on this side of the House. You need an entire monopoly of it yourselves, in order to carry out the malevolent schemes of the Abolition party.

You have left nothing undone in the whole range of fanaticism to overwhelm the land with universal abolitionism—not merely abolitionism of the old sort, but abolitionism of a new type, which makes the white man work for the negro instead of the negro working for the white man, according to the obsolete ideas of our fathers. You have gone vigorously to work, taking advantage of our national distress, to carry out every abolition measure ever dreamed of by the wildest and most enthusiastic zealots of the abolition faith. You have taken advantage of this war to corrupt the foreign policy of the government, and to recognize the only two negro governments on the face of the earth as our national equals. Not content with your own country as a theater for your own folly, you have gone, like so many Captain Cooks, circumnavigating the world, hunting for islands in the sea, and distant shores on which to display your bastard benevolence and your insane transcendentalism. You found Liberia, you found Hayti, and you made this once proud Republic take off its hat and exchange bows of equality with Ethiopia. The people are taxed to send ministers to these dusky barbarians, in order to show the world that negro equality is at last one of the institutions of this country. The negroes, of course, feel flattered by these delicate attentions, though I confess they have no reason to, for I have always held that respectable negroes were much better in every respect than white men who recognized their civil or social equality. But the African, in this instance at least, has taken our advances kindly, and I see by the papers that his sable highness, Envoy Extraordinary and Minister Plenipotentiary from Hayti to the Republican Court of Abraham Lincoln has just arrived in New York, and will soon salute the refined social circles here with the odors of his diplomatic presence. I take the following from the New York *Herald*, and as it

will be precious intelligence to the majority here, I gladly furnish it, and trust it may give you pleasant dreams to-night :

“PERSONAL INTELLIGENCE—THE MINISTER FROM HAYTI.—F. Romaine, Charge de Affaires from Hayti to the United States, is stopping at the St. Nicholas Hotel, with his secretary of legation, D. Bruno. The minister is about thirty-two years of age, of medium height, and exceedingly dark and swarthy complexion. He wears a heavy black mustache and imperial. His hair is generally a little fuzzy and woolly-looking, which is owing to the want of a careful dressing, as, after undergoing a course of tonsorial manipulations, it would lie as straight as that of any Saxon among us. The cheek bones are rather higher than are usually seen in this latitude. The prevailing expression of his face is good-natured and friendly. Heavy black eyebrows arch over a pair of fine, full black eyes, which seem always ready to gleam and light up with merriment. During his stay at the St. Nicholas Hotel the *habitués* of that establishment have, on several occasions, had an opportunity to witness his proficiency at billiards. He handles a cue with almost the skill of a Phelan or Kavanaugh. Cigarettes he smokes in great quantities, and astonishes the beholders by the ease and *nonchalance* with which he ejects the smoke from his nostrils. In many different ways he has managed to win the good opinion of all with whom he has come in contact, and the opinion of his sociability and courtesy is very unanimous. The secretary of legation, D. Bruno, is a much younger man. In his appearance there are several indications that the blood of the children of Ham courses through his veins. He is not so thoroughly proficient in the English language as the minister, who speaks it with great correctness and purity. They are expected to leave for Washington in a few days.”

Let them come, and that speedily. There is a fitness in all things, and they ought to be here to lend color to the other dark affairs of this administration.

But, sir, there is another measure which sails under the no-party flag, and to which I wish to allude. You propose to

levy contributions on the white labor of this land to pay for the negroes, not only in the District of Columbia, but in Maryland, Missouri, and in all other States of the Union where they have them to sell, and where the people still claim to be loyal. It is proposed to tax the farms, and the houses, the live stock, the blooded horses, the cattle, the flocks, and the herds—to tax the bone and sinew of the white laborer—to mortgage all the property of the country, to mortgage all the owners of it, and the unborn children for a hundred years to come, for the purpose of carrying out this delirious scheme of emancipation. You say it is not much for the people to bear. No, not much! Ten millions to Maryland! Fifteen millions to Missouri! Bills are here to that effect. And this is only the commencement. It is but a trifle! The old farmer can go to his work a little earlier and stay at it a little later, and work a little harder; there will only be one meal a day less, perhaps; the children will have to do with less schooling; little luxuries and innocent amusements will not be afforded by the honest poor; money must be earned and saved up against the day of the tax-gatherer, to buy negroes with. Do n't murmur, either, children of toil, for the upstart dictators here say that would be disloyal. Be still while the robber takes your money, or he may take your life. Sir, will this madness never cease? Can you learn nothing by experience—that schoolmaster which teaches the most foolish? Sir, I say here now that not one dollar, not one cent, will the people I represent ever pay to Missouri, to Maryland, or to any other State, to purchase their slaves. And you can not make them. Please remember this. You can not lawfully add untold millions to our taxes for that purpose; and the people will repudiate this illegitimate item of expensive fanaticism. I say it boldly, and I say it plainly. It ought to be understood. The days of this Congress are drawing to a close, and we may as well have a plain talk among ourselves before we part. If you propose at this time, with government credit at sixty per cent. below par; if you propose, with \$2,500,000,000 of indebtedness; if you propose, with a distracted coun-

try, with the agricultural pursuits depressed, and the whole land groaning from the effects of this war; if you propose, in full view of all these things, to tax the people, in addition to what is necessary to sustain the government, to an unlimited extent—perhaps hundreds of millions—for the purpose of accomplishing compensated emancipation, for the purpose of flooding the free States with free negroes, then you may make up your minds for trouble. The money will not be paid, and you can not compel it. You will find at last who owns and controls this government. The people will assert the original divine right of the oppressed and outraged. They will say to you, in the language of the constitution, “We, the people, made this government; you are not our masters, but our servants; we are your masters.” The stream can not get above its source. They will arise and say, “You shall obey us; we will not obey you; we are the source and fountain of power, you are not.”

A strange error has crept into the public mind—a very strange error. Men talk as if they could force and coerce public sentiment. The very theory of our government forbids it. The theory of our government is that, not Abraham Lincoln, not his Cabinet, not you men whose lingering footsteps are just departing from these places forever, constitute this government, but that the people made it all, and constitute all its parts. They made it, and they will uphold it in the mode which satisfies themselves. But not only that; they will make you obey the constitution in its spirit, which is the concentrated will of the people.

Next in order, however, for the purpose of uniting public sentiment, and of prosecuting the war with unity of purpose, I presume, comes the proclamation of the President, of September. Ten days before he issued it he said, himself, to the Chicago ministers, that he had not the power to promulgate such a document, and that it would do no good if he did. In that he was right for once. But I suppose he gave way to pressure. Yes, pressure. He was pressed. By whom? By Horace Greeley, that political harlot, who appeared in a praying attitude in behalf of twenty millions

of people. He gave way to pressure brought to bear, too, by the Governor of Massachusetts. They represented that twenty millions of loyal hearts were praying for the issuing of this great deed of emancipation—this great proclamation of liberty which, in the well-rounded language of the gentleman from Ohio [Mr. Bingham], rung out freedom to the whole earth, and to all the inhabitants thereof. He gave way to the pressure, and I have no doubt, experienced relief. This was Jacksonian, very. It showed what is known as backbone. At least it showed quality, if not quantity. I have an immense respect for an executive who violates his oath under the pressure of impertinent meddlers. But the President was told of the moral and military effect of such a proclamation, and I presume he believed all he heard was true. But the gentleman from Ohio [Mr. Bingham] was unfortunate in his musical recitation of the New England song, a few minutes ago :

“ We are coming, Father Abraham,  
Six hundred thousand strong.”

For if anybody is on the way here to swell the broken ranks of the army under the inspiration of that proclamation, he is tarrying long. His arrival has not been noticed in the papers.

The Governor of Massachusetts, it is true, told the President that the highways and by-ways, all the way from Boston to this city, would be crowded and thronged by men rushing to the prosecution of this war. They would swarm, said he, suggesting the swarming of animals, migrating from one country to another. All Massachusetts would be here, and a gentleman near me remarks that it would have increased the decency of the population of this city. Perhaps it would. I would gratefully accept any change as an experiment. I think there could be nothing lost. But why did they not come? I expected them all here. Horace Greeley, too, said that everybody else would come; and who ever knew a fanatical newspaper editor to tell anything but the truth? I saw vanishing from my fearful gaze all prospect of conscription. All were to be volun-

teers—all the country again spontaneously lighting up like a prairie on fire.

But the pressure pressed. The President gave way, the proclamation was issued, and lo! the mountain had labored, and the mouse came forth. Massachusetts, this hour, instead of crowding the highways and by-ways with her sons, has her Senator, in the other end of the Capitol, the Chairman of the Committee on Military Affairs, pressing a conscript bill through the Senate, when his own State stands in defiance of the call made upon her last summer. To-day her quota is not full, and her Governor has become an itinerant recruiting-sergeant in search of negroes to fill up the regiments of Massachusetts troops, under the call made last fall by the President of the United States. This is the response of Massachusetts to the proclamation.

And the gentleman from New York, the Chairman of the Committee on Military Affairs of this House [Mr. Olin], comes here, and has to admit his State is delinquent thirty thousand troops, under the calls already made upon her. I do not confine myself to exact numbers, but I state the fact that she is delinquent.

A few words further, however, upon the policy which has actuated this administration in its conduct of the war. And I am submitting these facts here to-night to the House, and to the country, as the reason why no more troops can be raised without coercion, without force, without conscription. I am showing up this abolition policy as a reason why the loyal enthusiasm which impelled men at first to rush to the field, under a mistaken confidence and reliance upon the good faith of this administration, can no longer be relied on. It has become chilled in the breasts of the people. And I contend that this proclamation, and these schemes of emancipation, have worked these fatal results. Their effect was long ago foretold by the conservative men of the country. You would not heed the warning, and the poor bleeding country is now to reap the fruits of your stubborn and wicked disregard of the public will. I challenge gentlemen upon the other side of



the House once more before the tribunal of the American people upon these subjects.

As to the fate of the Democratic party, sir, I have no fears. It is the party of the constitution; and, armed in the panoply of truth, and with eternal principles as our shield, we can safely and firmly go before the people and challenge the popular verdict. Once more I am willing to submit these issues to the country. You started in this war with the pledges I have spoken of. You have broken them all. You have cried out "no party" in this hall ever since the war commenced, and in the name of "no party" you have liberated slaves, and abolished slavery wherever you can get at it. You have recognized negro governments; you have taxed white men to pay for black men; you have taxed even the soldier in the ranks, from his hard-earned pittance, to buy the negroes in this district and elsewhere. You have revolutionized the entire policy of the government. Do you think you are to be sustained? Do you think the soldier will sustain you?

You propose to put the black man alongside of the loyal white soldier. You propose to buy negroes, steal negroes, fight for negroes, obtain negroes in any way, and then humiliate and disgrace the white soldier by his presence and contact in the ranks. A law to that effect has passed this House, and does not pass the Senate only because the Chairman of the Military Committee in that body states that there already exists a sufficient law to accomplish the object. You have thus outraged and insulted all classes of citizens, but the soldier most of all. Is it strange, then, that no more volunteers come to the standard of war? You have betrayed the loyal heart of the country, and that betrayal rises in judgment against you, and its offspring, the birth of that betrayal, is this fearful, odious, and despotic conscription bill. It is the work of your own hands. You are its authors. You begat it by virtue of the deception you practiced on the people. You have created the necessity for it by your own conduct. Not satisfied, however, with betraying the people in all matters of policy—not sat-

ified with taking their blood and treasure under false pretenses—you have done more.

No conservative general can stand before the consuming flames that emanate from the seething cauldron—the boiling cess-pool of fanaticism which controls this administration. Aye, sir, you struck down McClellan at the head of the army. You struck him down because he was in the way of your radical abolition schemes. It was another step in the betrayal of the people. Go with me to the townships in Indiana, Mr. Speaker; go to the hamlets, go to the school-houses, and meet there the loyal farmers who pay their taxes from their well-worn pocket-books—not your flash speculators in stocks on Wall street; not your political or banking gamblers and swindling contractors, who control this government, and who surround this Capitol like jackals and unclean beasts, like kites and carrion crows, watching and snuffing for plunder amid the misfortunes that have befallen the country; not that class of men, but men who are devoted to the old constitution, who worship reverently after the old forms of religion, who love their country and maintain their own honor—go and ask these men, upon whom you have to rely for this government, what they think of the removal of George B. McClellan from the command of their sons. They will tell you that their sons love him as no chieftain was ever loved by his troops since the days of the great Napoleon. They will tell you that, in spite of all jealousies and assailants, he is the only man who has ever gained a battle at the head of the Army of the Potomac; and as plain people, will tell you that in their minds his removal was caused by the machinations, the mischievous machinations, of the radical element which prevails here, and which is now running the government to destruction in this Capitol. This, sir, is the firm belief of the country, and you will have to meet it. The removal of General McClellan was simply another chapter in the history of popular betrayal and deception. General Porter fell under the same influences, and perished because he was McClellan's friend. Men and measures must all alike be

abolitionized, or they are crushed. No man is loyal if he fails to worship at the radical shrine. I have no doubt you consider me disloyal for this speech. What do you suppose I care for your opinion whether I am disloyal or not? I return the compliment most heartily and sincerely. I think you are disloyal, and there we are even. When you say I am disloyal to my country, I repel it. In return, I charge that you are disloyal to the constitution, and I prove it. And he who is false to the constitution, is false to the country. I know of no country outside of that instrument.

What is my country when the constitution goes down? Is it land and water? Shall we adopt the dogma of tyrants, that a government may exist simply by reason of force and power throughout the boundaries of a given territory? I say you are false and disloyal to my country—the country of the constitution. Then we are even. No, not even; for I prove my assertion, and you do not. And here, to-night, on parting, I say to you that there is nothing lost on our side, so far as a poor opinion of each other is concerned, on that subject. You may call us disloyal if it will ease your hearts any; but our opinion here upon this side of the House is just as firm—I can speak for every one here—is just as well defined, just as sharply and clearly made up, that the majority of this House has been disloyal, in the acts I have enumerated, and in the general scope of its conduct, to the constitution of the country, as if you had been convicted of overt treason, and stood ready to be executed according to law. We go further. We think that the administration itself has been rankly disloyal to the constitution, and in that opinion the advantage which we have over you is, that the people who made the constitution, and who constitute this government, are of the same opinion, and sustain us, while they repudiate you. That is our advantage on that point.

Mr. Moorhead [in his seat]: We will have it all over again.

Mr. Voorhees: Yes, we will have it all over again, if you shall ever be able to stand up long enough before the

people to be knocked down. That is the only doubtful question left.

But there is another feature in the conduct of this administration and its supporters that goes as a reason why troops can not now be brought into the field as volunteers, and a despotic conscription bill has to be passed. The people of the country have seen public economy disregarded. They have seen thieves and plunderers in the high places of the government not only unrebuked, but rewarded by promotion to higher honors in place and profit. They have seen fortunes more than mountain high made in a single night by political favorites. No, sir; keep still, sir. The gentleman from Pennsylvania [Mr. Covode, who made a remark in his seat] can speak feelingly and knowingly and understandingly, I have no doubt, upon the subject to which I allude. He has his friend, the late Secretary of War, the late Minister to Russia, the late candidate for United States Senator in Pennsylvania, I presume in his mind. I have no doubt it is a delicate point with him. I have by my side, however, my very distinguished and reliable friend from Massachusetts [Mr. Dawes], who always comes to my relief, and if I can not prove Simon Cameron and some of his friends plunderers and public thieves by him, I will give up the case. [Laughter.] I hope the gentleman from Pennsylvania will first settle with his friend from Massachusetts before he even looks toward me again. Settle that question among yourselves. The public mind has settled it long ago. I repeat, the people have seen fraud and profligacy prevailing in high places. They have seen another thing in the progress of this war, and especially at this time and in its present lamentable stage.

They have seen these contractors and plunderers and lobby thieves surrounding the Capitol, creating a swell mob in these galleries, the greediest of the greedy, the hungriest of all animals that ever infested in droves and packs the haunts of political offal. They have heard them the loudest and most persistent for the continued prosecution of this war. No abuse can be denounced that we do not hear the cry of treason from their hungry lips. What

does it matter to them that the poor soldier lays stiff in the snow upon his thin blanket? They go upon the motto: "Put money in thy pocket; put money in thy pocket." If you think that the people are blind to this state of affairs you are mistaken. They know it all by heart. They know that these loathsome cormorants are encamped here to eat out their substance. They know that they are the Hessians of this war, and that no peace will be permitted to revisit this bleeding land as long as villainy can find pay in the coffers of the government, if this evil brood can prevent it. But, sir, I thank God that handwriting is on the wall. The corrupt and impious feast of Belshazzar, the king, his princes, his parasites and concubines, is about over. "They drank wine, and praised the gods of gold and silver, of brass, of iron, of wood, and of stone." But in the same hour came forth fingers of a man's hand, and wrote their doom over against the candlestick upon the plaster of the wall of the king's palace. And the fingers of the American people are busily engaged in writing a doom equally terrible against those who have turned the temple of our fathers into a den of thieves.

The people have seen other things, however, to discourage them in the prosecution of this war. They have seen you take advantage of the political condition of the country—you men who represent the spindles and looms of New England; they have seen you coming here and forcing on the agricultural portions of the country a tariff which is a robbery, a direct plunder on honest labor; they have seen you develop the most selfish, greedy, degrading element of the human heart—the love of gain by unfair means—taxing the whole country for the purpose of carrying out merely personal interests. To-day the western farmer, the western mechanic, pays three or four times the ordinary price for the articles which he has to buy from you, and which he can buy nowhere else.

The people understand it well. They know that this increase of price does not go into the treasury of their beloved country; that it does not go even into the coffers "where thieves break through and steal;" but that it goes

directly into the pockets of the millionaire, the nabob, the monopolist of the manufacturing districts. They know all that. It makes them tired of war. They are sore at heart, and see no hope of success, justice, union, or constitutional liberty at your hands.

All your boasts of patriotism, all your inspiring appeals to the people, fall hollow and empty upon their ears. You are to them, and in their sight, like whited sepulchres—fair and enticing without, but full of rottenness and dead men's bones within. You have been false to your trusts, false in the conduct of the war, and false to the declarations in which you set forth the purposes for which the war was to be carried on. You have been false in the domestic policy of the country, which robs one section for the benefit of another.

Mr. Olin: Will the gentleman allow me—

Mr. Voorhees: No, sir; the people have seen these things, and they have seen more. They have not only seen the object and purpose of this war perverted from a prosecution of it in support of the constitution into a war for the liberation of the slave and the prostration of State rights—a war of proclamations, by which State sovereignty is struck down; but they have seen the proclamation making black men free, very appropriately followed by one making white men slaves.

I allude to the proclamation of last September, which I attempted to discuss at some length the other day—a proclamation subjecting to the President's will the whole population of the country. This, too, comes as an incident, and in connection with the prosecution of this war; and you have at last reached a point where the popular mind is thoroughly impregnated with the belief that the further prosecution of the war on the present line of policy will result in the overthrow of the constitution, in the overthrow of civil liberty, in the overthrow of the federal government, in the elevation of the black man and the degradation of the white man in the social and political status of the country.

The subject of arrests made under the proclamation sus-

pending the *habeas corpus*, has been too ably discussed for me to enter upon it now in any detail. The subject has been exhausted by the eloquent, and able and distinguished gentleman from Ohio [Mr. Vallandigham], who preceded me in this debate. But, sir, it is a dangerous ingredient to cast, by the passage of this bill, into the boiling caldron of popular discontent and popular indignation; and the popular voice comes up here to-night, ringing loud and clear over the storms and dissensions in this hall, saying to the members on the other side, "Go back to your broken pledges; go back to the constitution; cease, as you value your lives; cease, as you value the peace of the country; cease, as you dread the lurid flames of civil war at your own homesteads; cease these infractions of the American's birthright—the constitution. Dare no more to lay your hands on the white man's liberty. Go no further in the line of policy which you have attempted." I say to you, gentlemen, that, as the Lord God reigns in heaven, you can not go on with your system of provost marshals and police officials arresting free white men for what they conceive to be their duty, within the plain provisions of the constitution, and maintain peace in the loyal States. Blood will flow. You can not, and you shall not, forge our fetters on our limbs without a struggle for the mastery. I say this in sorrow; but I would be false to the people whom I represent, false to my own convictions of duty, if I did not tell you plainly here this night, not in bitterness, but in candor, that the people are determined on this subject. The blood of a race of freemen is up, and will not submit to this assault. The great American heart is fired anew with the love of liberty, and the people are arousing like the giant after his sleep. They have erected their heads, and warn you not to lay the weight of your finger, of your smallest finger, on one of the great muniments of personal freedom which adorn the history of the world. If you do, it is at your most deadly peril.

This may be lost on some who sit before me. It may fall on deaf ears to-night; but when you go back to the people, you will heed it. They know exactly what the

constitution is. Never was there a time when there was so much intelligence as now. Never was there a time when the people read so much as now. They have got all at stake in this matter—their farms, their homes, their liberties and their lives, and the liberties and lives of their children. They have examined the whole question. They know the record by heart. It is to them a blazing line of light. You can deceive the country no more, nor can you intimidate or coerce it into your measures. You may pass this bill to conscript citizens from their homes into the army; but if it is true that the popular heart is no longer for the prosecution of this war, do you think you can compel it to be so by force? If the people will no longer, of themselves, pursue war as a remedy for our troubles, do you think you can make them? Are you more powerful than they are? Does not this government rest upon the consent of the governed? Can you force the North to conquer the South? Are you supreme? Sir, if the American people—deceived, betrayed, and outraged—are unwilling to support the war policy of this administration any further, unless coerced to do so by such legislation as this conscription bill, then let us stop fighting at once, and try what virtue there may be in peaceful remedies.



## THE STATE OF THE UNION.

*“The multitude in all countries are patient to a certain point.”*

—JUNIUS.

[A speech delivered in the House of Representatives, March 5, 1864.]

MR. CHAIRMAN:—I arise to address the House to-day with feelings of profound depression and gloom. It is a melancholy spectacle to behold a free government die. The world, it is true, is filled with evidences of decay. All nature speaks the voice of dissolution, and the highway of history and of life is strewn with the wrecks which time, the great despoiler, has made. But hope of the future, bright visions of reviving glory, are nowhere denied to the heart of man save as he gazes upon the downfall of legal liberty. He listens sorrowfully to the autumn winds as they sigh through dismantled forests, but he knows that their breath will be soft and vernal in the spring, and that the dead flowers and the withered foliage will blossom and bloom again. He sees the sky overcast with the angry frown of the tempest, but he knows that the sun will reappear, and the stars, the bright emblazonry of God, can not perish. Man himself, this strange connecting link between dust and deity, totters wearily onward under the weight of years and pain toward the gaping tomb; but how briefly his mind lingers around that dismal spot! It is filled with tears and grief, and the willow and the cypress gather around it with their loving, but mournful embrace. And is this all? Not so. If a man die, shall he not live again? Beyond the grave, in the distant Aiden, hope provides an elysium of the soul, where the mortal assumes immortality, and life becomes an endless splendor.

But where, sir, in all the dreary regions of the past,

filled with convulsions, wars, and crimes, can you point your finger to the tomb of a free commonwealth on which the angel of resurrection has ever descended, or from whose mouth the stone of despotism has ever been rolled away? Where, in what age and in what clime, have the ruins of constitutional freedom renewed their youth and regained their lost estate? By whose strong grip has the dead corpse of a republic once fallen ever been raised? The merciful Master, who walked upon the waters, and bade the winds be still, left no ordained apostles with power to wrench apart the jaws of national death, and release the victims of despotism. The wail of the heart-broken over the dead is not so sad to me as the realization of this fact. But all history, with a loud unbroken voice, proclaims it, and the evidence of what the past has been is conclusive to my mind of what the future will be. Wherever in the wide domain of human conduct a people once possessed of liberty, with all power in their own hands, have surrendered these great gifts of God at the command of the usurper, they have never afterward proven themselves worthy to regain their forfeited treasures.

Sir, let history speak on this point. Bend your ear, and listen to the solemn warnings which distant ages perpetually utter in their uneasy slumbers. Four thousand years of human experience are open and present for the study of the American people. Standing as we do, the last and greatest Republic in the midst of the earth, it becomes us most deeply in this crisis of our destiny to examine well the career and the final fate of kindred governments in the past.

The principles of self-government are of ancient origin. They were not created by the authors of the American constitution. They were adopted by those wise and gifted minds from the models of former times, and applied to the wants of the American people. Far back in the gray, uncertain dawn of history, in the land of mystery and of miracles, the hand of Almighty benevolence planted the seeds of constitutional government by which life, liberty, and property were made secure. Abraham and Lot each gov-

erned his household and his herdmen by law; and although they became offended at each other, yet under the divine sanction they refrained from the pleasures of conquest, subjugation, confiscation. They divided the country before them by a primitive treaty, and the grass continued to grow for their flocks unstained by fraternal blood and uncrushed by the hoof of war. And in long after years, when the descendants of the patriarchs broke their prison doors in Egypt, and lay encamped in the wilderness, the omniscient Presence came down and gave them a framework of fundamental law, in which the popular will was largely recognized. A system of jurisprudence was devised for the people of Israel which protected liberty and administered justice. Under its influence, the feeble fugitives and homeless wanderers without bread and without water in the desert became an empire of wisdom, of wealth, and of power. The liberal institutions of the Jewish theocracy produced statesmen, poets, historians, and warriors, who will continue to challenge the admiration of posterity by the splendor of their achievements as long as generations come and go on the waves of time. They lived within the immediate jurisdiction of Jehovah. They possessed the ark of the covenant, and took counsel with ministering angels directly from the portals of Paradise. With all these evidences of celestial favor in their behalf, it is not to be wondered that they claimed an exemption from the changes and mutations of human affairs, and boasted that the seal of perpetuity had been impressed by the divine hand on the pillars of their government. But public virtue became debauched; the popular heart corroded with the lust of conquest and of gain; primitive purity faded away under the baleful breath of embittered factions; the fires of patriotism were smothered by ranking hate and the thirst for revenge; and all these evil passions broke forth in the voice of a malignant majority clamoring for a king. In that hour of disastrous eclipse, the spirit of liberty took her flight forever from the hills of Judea. Thousands of years have rolled away since then. The Holy Land has been the theater of conflicts which rocked the world as the

throes of an earthquake. Genius and heroism have there blazed as stars in the eastern skies. There, too, was enacted the sublime tragedy of redemption—that tragedy which summoned the inhabitants of all worlds as its witnesses, and filled nature with agony in all her parts. The eyes of mankind have been turned back and fixed upon those scenes of immortal interest for more than thirty centuries. But who has lifted up and restored her fallen system of liberal institutions? The people surrendered their rights, their franchises, their self-control, and welcomed the power of one man. The base act has never been reversed. As the tree fell so it lies. It died at the root. Despotism reigns undisturbed and unbroken, in darkness and in silence, where once the light and music of freedom gladdened the souls of the stately sons and dark-eyed daughters of Israel.

And leaving the land of sacred history, what similar scenes of human weakness and human folly meet us at every step in the onward pathway of time. Where now are those splendid structures which once adorned the shores of the *Ægean*, the *Euxine*, and the *Mediterranean*? Athens, the eye of Greece, the school of the world—has her dismal fate impressed no lesson on the thoughts of mankind? Fifteen hundred years before the birth of our Savior, the light of civil order and civil freedom arose in the island of *Crete*, and sent its rays through the vale of *Tempe*, the rich plains of *Thessaly*, over the fruitful fields of *Attica* and *Bœotia*, and hovered with an everlasting and an imperishable radiance around the heads of *Olympus*, *Helicon*, and *Parnassus*. It is true that kings governed in those early days, but absolute power in one man was unknown. Laws made by the people chained the licentious hand of oppression. The proudest monarchs of those warlike ages governed in obedience to the will of the legislative departments. They enacted no laws; they executed them as they found them. A house of peers and an assembly of the people shared the supreme authority and insured safety and liberty to the citizen. *Ulysses* speaks of one chief “to whom *Jupiter* hath intrusted the scepter and the laws,

that by them he may govern." But he recognizes that these instruments of government are bestowed by the popular favor, for, when shipwrecked upon a strange coast, and addressing himself as a suppliant to its queen, he says :

" May the gods grant you and your guests to live happily ; and may you all transmit to your children your possessions in your houses and whatsoever honors the people hath given you."

But even this limited and constitutional system of monarchy was not long borne by that proud race which drank in the love of liberty from the free air of the mountains over their heads, and the breath of the restless and stormy ocean at their feet.

" Those vigorous principles of democracy which had always existed in the Grecian governments began to ferment ; and, in the course of a few ages, monarchy was everywhere abolished ; the very name of king was very generally proscribed ; a commonwealth was thought the only government to which it became men to submit ; and the term tyrant was introduced to denote those who, in opposition to these new political principles, acquired monarchical sway."

Then sprang into existence that wonderful cluster of republics whose memory yet fills the earth with its fragrance of noble deeds and exalted genius. Liberty hovered over that classic peninsula of Southern Europe like the angel of creation hovering over night and chaos, and from the fostering warmth of her embrace came forth an immortal world of letters, of art, of science, and of law. The Macedonian, the Spartan, the Athenian, and all, lifted their heads among the stars, and barely condescended to pity and despise neighboring nations who were less free than themselves. They pointed to Marathon and Salamis, Thermopylæ and Plataea, as the Americans point to Saratoga and Bunker Hill, Yorktown and New Orleans. They kept their festive days of national deliverance and joy as the 4th day of July and the 8th day of January have been commemorated and hallowed by us. They sounded all the

depths and shoals of honor, drank deep draughts from the very fountains of freedom, achieved immortality in every department of human thought and action; and yet, with their cups full of glory for more than a thousand years, sparkling to the brim with rights and privileges more sweet to their taste than the honey of Hymettus, they dashed it to the earth, and its shattered fragments remain as they fell. The lust of power on the part of public rulers, and the luxury, sloth, and indifference of the people, nursed so long in the lap of prosperity that they allowed the usurper to march on in his lawless career unchallenged and unquestioned, worked the overthrow of the republics of Greece. And what traveler, standing upon those blighted and withered plains, has beheld a sign of resurrection for more than two thousand years? Now and then, it is true, a murmur or a groan has disturbed the deadly sleep in which that land is embraced, but it only shows that she dreams of the past, not that she will awake to the future. Her birthright was abandoned by her own sordid hand, and it can not be reclaimed. A petty power of Northern Europe now gives a king to the countrymen of Homer, Themistocles, and Solon.

But, sir, another name, more prominent than all others, presents itself to the student of antiquity in this connection. Roman history stands out upon the canvas of time as plainly marked as the events of modern ages. We see Tarquin the Proud expelled from his throne, and the foundations of the commonwealth laid five hundred years before the Christian era. For the next five centuries we behold a race of men who "would have brooked the eternal devil to keep his state in Rome as easily as a king."

How fondly the devotee of liberty dwells upon that period! With what grandeur the names of the mighty dead, and the sublime creations of their genius, arise to our view! In what does the boasted civilization of the present surpass the achievements of a race and an age to whom the revelations of God were unknown? Who has spoken as Cicero spoke? What historian has guided a pen so full of majesty and beauty as that which inscribed the

annals of Tacitus? Whose muse has winged a loftier flight or sung a nobler song than Virgil's? In arms, too, what warriors have improved upon the skill and magnificence of Scipio and Caesar? But it was still more in the dignity and freedom of her private citizens that Rome was great than in the renown of her most illustrious leaders, statesmen, and orators. Kings of powerful nations bowed their uncovered heads before the Roman people. The magistrates, consuls, and military commanders paid homage and obedience directly to the public will. The sovereignty of the people was absolute. The principles of self-government were never, in the history of nations, more fully or clearly displayed. Jurisprudence became an enlightened science, from whose pages a light extends to the present hour, and under whose guardian protection the humblest citizen of Rome was secure in every right declared unalienable by the declaration of American independence. But why linger upon the well-known story of Roman liberty and Roman greatness? I use it but to illustrate. The melancholy conclusion came. As the son of the morning fell from heaven, so Rome fell from the luminous sphere of liberty never to hope again. The world grew dark as her light faded away, and ten centuries of gloom succeeded her downfall. And why perished this mistress of the earth? Not because the Vandal ravaged her borders—not because the Gaul burned to avenge the victims of Caesar—not because the Goth beat her gates to pieces; but because her people submitted to the encroachments of executive authority, lulled by the siren voice of a false security, until at last they awakened to find their chains and manacles forged and fastened. Their links yet fester in the flesh of the descendants of Brutus, and their clankings may yet be heard in the forum where Cato warned his countrymen against the approach of despotic power. No deliverer has ever arisen. Liberty has never been wooed to return. Once abandoned and surrendered by those whom she has crowned with honor and greatness, in the midst of the earth she goes forth with the air and

feelings of insulted majesty, to seek more worthy objects of her love and care.

Sir, modern history contains no exception to the rule which the fate of ancient republics has established. Aspirations for freedom have, at different periods, ascended from almost every portion of the map of modern Europe. A system of confederated States built up and nurtured the free institutions of Holland for more than three hundred years, while the night of despotism lay thick and heavy on all the surrounding horizon. As revolted colonies, as States in rebellion, the Dutch Republic maintained a defensive war for thirty years against the whole power of Spain, when Philip II. controlled the councils and commanded the wealth of the civilized world. Their proudest cities were besieged, and fell a prey to pillage and murder. In pitched battles, they seldom triumphed over the superior numbers and equipments of the powerful Spaniard. Their country was trodden under foot; their houses plundered; their fields laid waste; and the wild boar and the wolf roamed unmolested through the streets of once populous towns. But the endurance and patriotism of a people to whom no terms were offered except abject, unconditional submission, outlived and broke the rage of their oppressors. A free commonwealth, the United States of Holland, arose and extended the spirit of enterprise, commerce, and refinement into all the four quarters of the earth. She conquered the sea, and subdued distance. The peaceful victories of her trade were celebrated at the Cape of Good Hope, and in the harbor of New York, in the Indies of the East, and in every latitude of the western hemisphere. Nor was she less renowned in war. The broom at the masthead swept the ocean of her enemies, and the only guns of a foreign power, whose hostile roar ever penetrated the Tower of London, were the guns of the free States of Holland. Louis XIV., the grand monarch of imperial France—when Turenne, and Luxembourg, and Conde led his armies—poured the torrents of his power against her for conquest and subjugation; but they were poured in vain. She fought with the inspiration of freedom, and made her history secure and illustrious,



as long as a generous heart shall be found to throb in sympathy with the welfare and happiness of a heroic people. But where now is that noble prodigy of liberal institutions? Why does she lift her beautiful head to the heavens no longer? Her glories declined under the burden of unbounded wealth and overflowing prosperity. Her people relaxed the vigilance of their guard over the citadel of their liberties, and slumbered at their posts, while unlawful power fortified itself beyond successful attack. Thus she perished ignobly by her own hand, having, throughout her whole career, defied and held at bay a world in arms. And how still and heavy has been her long repose! No awakening convulsions shake her rigid limbs, or disturb her frozen arteries. Once fallen and forever lost, is the mournful epic of her fate. She takes her place in the dreary catalogue furnished by antiquity.

But cross the channel, and take your stand on the soil of England. She, too, has furnished mankind with a short-lived experiment of republican government. Wrongs and outrages inflicted on the English people—similar in kind, but far less enormous than those which now oppress the citizen of the United States of America—wrought the volcanic eruption of 1640. The best blood of England perished in the conflict between *Magna Charta* on one side and absolutism on the other. John Hampden bled on the plains of Chalgrave, but the royal Stuart bled on the scaffold. When the strife died away, the British constitution was found to be possessed and upheld by those who partook of the sacrament of the Lord's Supper with bloody hands, and who enforced the sermon on the mount with fire and sword. They were the ancestors of those who to-day in this land are crucifying liberty afresh, and putting her to open shame. God does not allow Himself to be mocked, and Cromwell and the Commonwealth of England went out together, while a wrathful tempest raged around the dying bed of the great but bloody and tyrannical Protector. The incoming wave, the reaction in the tide of human affairs, bore back the dissolute and worthless Charles II. to the home of his ancestors, and Englishmen have

never, from that time to this, lifted their hands or their voices in behalf of a republic.

France points to the revolting blotch, the stain of mingled blood and tears, which her wild and mad attempts at freedom have left upon the page of history. We gaze at it but for an instant, and turn away with horror. At the very moment almost that the President of the French Directory declared "that monarchy would never more show its frightful head in France," Bonaparte with his grenadiers entered the palace of St. Cloud, and, dispersing with the bayonet the deputies of the people deliberating on the affairs of State, laid the foundation of that vast fabric of despotism which overshadowed all Europe.

Sir, I pause in this train of sorrowful illustration. I tremble at their contemplation when my mind is brought to embrace the conclusions which flow from them. But shall we shrink back affrighted and appalled because the great lessons of uniform history come to us with a voice of solemn and prophetic warning? Shall the universal experience of the human race bring us no wisdom? Shall we wrap ourselves in a sweet delusion and lie down to pleasant dreams, when we know by every chart of navigation that the fatal maelstrom is just at hand? Will the proud and daring people of America close their eyes and ears against the teachings of ages, and wait for fetters and gyves to convince them that their liberties are in danger? Are they to be chained like Prometheus to the rock, while the vulture of despotism preys forever upon their bleeding vitals? Sir, in my hours of seclusion and study I have, to the best of my humble capacity, held up the lamp of the past to the face of the future, and I call God to witness that I would be recreant and faithless to my own conscience if I did not proclaim, as far as my voice will reach, that a danger is this hour upon the American people more deadly than the juices of the hemlock or the bite of the asp. This government is dying; dying, sir, dying. We are standing around its bed of death, and will soon be wretched mourners at its tomb unless the sovereign and heroic remedy is speedily applied. I will submit the facts in con-

densed array on which I make this assertion, that a candid public may judge between me and that pestilent class who, failing to answer, resort to slander.

The American Republic was established in order to accomplish avowed and specific purposes. The objects of its creation were left in no uncertainty. Its mission was clear and distinct by the terms of the constitution. It came into existence "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty" to that and all succeeding generations of American citizens. Who will dare to rise in his place and say that this government has been administered during the last three years in a mode even tending toward the accomplishment of these grand results? Has the establishment of justice been maintained? The sword has been thrown into the scales of justice, and there is not this hour a court between the two oceans left free to decide the laws as they have uniformly been decided in England and America for the last two hundred years. The very foundations of civilized jurisprudence have been torn away, and the whole edifice is in ruins. The *Magna Charta* is erased; the *habeas corpus* is dead; the very soul and spirit of liberty is extinguished in the forum of the judiciary. To this sacred sanctuary, more than to any other department of the government, the blessings of liberty were intrusted. But has the present administration made them secure? It is required to do so by the terms of the constitution. Let each mind give its own answer. Not one right which constitutes the freedom and safety of the citizen but what has been wickedly and wantonly violated. Prisons filled without indictment and without warrant; long and bitter punishment inflicted without trial or conviction; the whole jury system abolished by a stroke of the pen in the hand of the executive or his subordinates in crime; no witnesses brought to the face of the accused; no counsel permitted to appear in his behalf; his house broken open and his papers searched in the midst of his pallid and terrified wife and children—such are some of the evidences which exist

on every hand that our free institutions are hastening to their overthrow. And, not content with breaking down all the ancient safeguards of liberty, new and malignant measures of legislation have been continually devised by a slavish Congress by which to more effectually reach and torture and grind the citizen. The most innocent conduct, a harmless word, a simple look, has been enacted into guilt. The hired hounds of arbitrary power find conspiracy and crime in the friendly greetings of neighbors on their farms. Speaking of the period of 1795 in England, that great modern philosopher, Henry Thomas Buckle, in his *History of Civilization*, uses the following language, which I adopt as faithfully descriptive of the conduct of the party now in power, and of the time in which we live :

“Nothing, however, could stop the government in its headlong career. The ministers, secure of a majority in both houses of Parliament, were able to carry their measures in defiance of the people, who opposed them by every mode short of actual violence. And as the object of these new laws was to check the spirit of inquiry and prevent reforms which the progress of society rendered indispensable, there were also brought into play other means subservient to the same end. It is no exaggeration to say that for some years England was ruled by a system of absolute terror. The ministers of the day, turning a struggle of party into a war of proscription, filled the prisons with their political opponents, and allowed them, when in confinement, to be treated with shameful severity. If a man was known to be a reformer, he was constantly in danger of being arrested ; and if he escaped that, he was watched at every turn, and his private letters were opened as they passed through the post-office. In such cases no scruples were allowed. Even the confidence of domestic life was violated. No opponent of government was safe under his own roof against the tales of eavesdroppers and the gossip of servants. Discord was introduced into the bosom of families, and schisms caused between parents and their children. Not only were the most strenuous attempts made to silence the press, but the booksellers were so constantly

prosecuted that they did not dare to publish a work if its author were obnoxious to the court. Indeed, whoever opposed the government was proclaimed an enemy to his country. Political associations and public meetings were strictly forbidden. Every popular leader was in personal danger, and every popular assemblage was dispersed, either by threats or by military execution. That hateful machinery familiar to the worst days of the seventeenth century was put into motion. Spies were paid; witnesses were suborned; juries were packed. The coffee-houses, the inns, and the clubs were filled with emissaries of the government, who reported the most hasty expressions of common conversation. If by these means no sort of evidence could be collected, there was another resource which was unsparingly used. For, the *habeas corpus* act being constantly suspended, the Crown had the power of imprisoning, without inquiry and without limitation, any person offensive to the ministry, but of whose crime no proof was attempted to be brought."

Sir, why are you, why am I, out of the vaults of a dungeon, and standing on this floor to-day? Not because we are guilty of no offense; not because the broad shield of the law interposes its protection, but simply because the executive has not yet seen fit and proper, in the exercise of his absolute and unrestrained will, to lay us in irons. This is the ultimate climax of despotic power. Each one of the twenty million people within the control of the United States holds his or her tenure to personal liberty—the right to walk the green earth, to breathe the air, and look at the sun—not by virtue of a free constitution, but dependent upon the clemency and pleasure of one man. May I not be arrested to-night? May not you or any one else to-morrow? Has it not been done in more than a thousand instances, and have not the courts and the laws been powerless to save? While I am now speaking, may not some minion who licks the hand of power, and whom it would honor to call a slave, be preparing notes from which to testify against me before a military commission? Have we in the West forgotten Burnside, and the infamy of his

reign in our midst? Will the inhabitants of the western circuit in England ever forget the monster Jeffreys and the murder of Alice Lisle? Will some poor, crawling, despised sycophant and tool of executive despotism dare to say that I shall not pronounce the name of Vallandigham? The scandal and stigma of his condemnation and banishment have filled the civilized world; and the lethean and oblivious wave of a thousand years will not wash away the shame and reproach of that miserable scene from the American name. Some members on the other side of this chamber have attacked with fierce clamor the great American statesman and the Christian gentleman who suffers his exile in the cause of liberty on a foreign soil. So the basest cur that ever kenneled may bay, at the bidding of his master, the caged lion in the distance. Protract this iniquity, this crime, as long as you will, however, the judgment of history will at last overwhelm you with an insufferable odium, as certainly as the streams of truth emanate from beneath the great white throne of God. "Establish justice!" "Secure the blessings of liberty!" Oh, bitter mockery! Justice has been dethroned, and the blessings of liberty annihilated. There is not one square mile of free soil in the American Republic. It is slave territory from the Aroostook to the Columbia. Every man in all that vast expanse may be reduced in an instant to hopeless bondage, every home may be broken open and pillaged, every dollar's worth of property may be swept into that yawning and bottomless gulf, the national treasury; and all under the sanction of the principles and practices daily exemplified by the administration which now hurls us on to ruin.

But the "domestic tranquillity"—has it been insured? When the present party came into power, the road to an honorable peace on the basis of the Union was still open. Before the inauguration of Mr. Lincoln, his friends and supporters held the issues of life and death, peace and war, in their hands in this Capitol. The records of the last session of the Thirty-sixth Congress are immortal. They can not perish; and as the woes and calamities of the people thicken and magnify by the frightful war in which we

are engaged, they increase in value to posterity more rapidly than the leaves of the sibylline book. The baleful brood of political destructionists who now unhappily possess the high seats of national authority did not then want public tranquillity. They invoked the storm which has since rained blood upon the land. They courted the whirlwind which has prostrated the progress of a century in ruins. They danced with a hellish glee around the bubbling caldron of civil war, and welcomed with ferocious joy every hurtful mischief which flickered in its lurid and infernal flames. Compromise, which has its origin in the love and mercy of God; which made peace and ratified the treaty on Calvary between heaven and the revolted and rebellious earth; which is the fundamental basis of all human association, and by which all governments the world ever knew have been created and upheld; compromise, which fools pronounce a treasonable word, and skillful knaves cover with reproach, because they are enriching themselves at the expense of the national sorrow and blood, was discarded by the North and accepted by the South when offered by Mr. Crittenden. By it domestic tranquillity could have been insured. But an ulterior and destructive spirit ruled the hour and flooded the nation with misery. And, since the breaking up of the fountains of the great deep, who, of this party, have labored to tranquillize our disordered affairs? Who has endeavored, in the name of Christ, and by the omnipotent power of the principles which He left His Father's throne to proclaim, and for which He drank the wormwood and the gall on the cross, to expel the cruel and ferocious demon of civil war that has howled so fiercely for the last three years among the tombs of our young and heroic dead? Not one, sir; not one. Wise and Christian measures, looking to reconciliation and peace and Union, have been repeatedly spurned by the executive and this legislative department which he holds in duress.

At no distant day, when the horror of this war can no longer be borne, the various propositions which have been made and rejected in behalf of enlightened negotiation and a constitutional restoration, will be gathered

up and hurled at those in power as an accusation more appalling, an indictment more damning, than was ever leveled against a murderer upon his trial. Nor can they, in that hour of their fear and calamity at which the righteous world would laugh and mock, hide their guilty heads under the assertion that the South will not treat for peace; yes, peace which shall restore the Union under the constitution as it was written by the fathers, and as it has been interpreted by the supreme judicial tribunals. Why came that wasted figure, that gifted child of genius, the pure and elevated Stephens, of Georgia, from Richmond on his way to this capital in the midsummer of 1863? Was it a trifling cause that moved him? All the world knows that his judgment and his heart clung fondly and to the last to the old government, in whose councils he had won so much honor. It is equally well known that he has never embraced the suicidal doctrine of State secession. The right of revolution is the ground upon which he stands. The malignant portion of the Southern press, too—such mischievous and damaging prints as the *Examiner* and *Enquirer*, at Richmond, and the *Register*, at Mobile, who continually cripple the interests and friends of humanity in this baleful contest—assailed Mr. Stephens for his attempt at negotiation, which they averred would lead to reunion. Yet, with these things well known, and perhaps much more which now slumbers in the secret drawers of the executive, this great messenger of peace, this most acceptable mediator between an estranged and misled people, was denied a hearing, turned back in silence, and the festival of death commanded to proceed. The book of time, in all its ample folds, contains no more inhuman or revolting spectacle. Those who love war, for the mere sake of war, when the same objects can be better attained by the gentle and holy influences of peace, are monsters of such frightful depravity that the blackest of those murdering ministers “who in their sightless substance wait on nature’s mischief,” appear as angels of light and benevolence in the comparison.

Sir, I will not here pause to dwell in detail on the usages



of civilized nations in conducting civilized warfare. But I challenge history, that "reverend chronicler of the grave," whether in its sacred or profane records, to produce a parallel to the spirit and temper with which the party now in power has conducted the awful struggle in which we are engaged. Commence at the early daybreak of the world, traverse all time, and explore all space, grope your way among the vast hecatombs of all former wars, examine the gory stains of every battle-plain, ransack the archives of kings, cabinets, and councils, and no instance—not one—can be found where a people claiming Christian civilization has waged a war of any kind against a foe in dumb, forcious silence, without a word, a sign, or a look in behalf of a peaceful solution so long as we have now been engaged in this cruel conflict. "Blessed are the peacemakers" was not spoken for the present administrators of American affairs. They spurn the examples and teachings of all Christian ages and enlightened people. They drink not from the benevolent fountains whose waters were unsealed to gladden and refresh the earth by the divine Nazarene on the Mount of Olives. They lave their lips, rather, in a stream whose waves, more putrid than the river of Egypt when smitten by the rod of Moses, taint the air with pestilence and calamity. Nor are they wholly without models in the past. The boundaries of civilization, it is true, as I have stated, are barren of any precedents for their conduct, but the dark regions of barbarism furnish here and there a ghastly and horrible example of fury, hate, and revenge, which is now followed by the executive and his partisan supporters. Demons have occasionally, in the mysterious providence of God, visited the earth in the guise of men, to prey upon the human species, from the mere love of slaughter and misery. Alaric, the Gothic monster, never treated with his enemies, never negotiated for a peace. The dying groan of a soldier on the field, the bitter wail of the widow, and the choking sob of the orphan at home were equally music in his ear. Atilla, the fierce Hun, known to history as "the scourge of God," neither sent nor received commissioners to discuss and allay the

causes of war. He painted upon his banners the sword, and the sword alone, and proclaimed that by that sign, and it alone, he would conquer. Genghis Khan and Tamerlane, preserved by the pen of the historian for universal execration, found no pursuit so pleasant as calling for more men, more men, more men for the harvest of death, and, like our present executive, snuffing, with jests and ribaldry, the warm taint of blood on every gale. The patriots who surrounded these barbarian chiefs, spurned with eager indignation all proffers of mediation, all efforts at compromise, all talk of negotiation, just as do now the patriots who are seated on the west side of this chamber, and who pay court for contracts at the west end of the avenue. Nor did Hyder Ali, that more modern incarnation of unconditional exterminating war, regard with favor the suggestions of peace, when pausing for a moment, like a cloud of wrath on the brow of the mountain, he swept down over the plains of the Carnatic, and smote them with blasts of fire, with indiscriminate woe.

Sir, these are your examples. These are they who never said conciliate, but always said crush; who never said harmonize, but who always said destroy; who denounced fraternal affection, and embraced the doctrine of subjugation; who never sought to restore peaceful relations with their neighbors, but who always sought to ruin them by confiscation and plunder; whose voice was forever, like the voice of Moloch in hell, and the voice of those who now rule this nation, for war, for mere war, and war alone, as a cure for every evil—a remedy for every grievance, fancied or real. With what loathing and abhorrence does a Christian world now regard these destroyers of their kind! All countries and every people utter a cry of horror at the mention of their names. No pillar, no monument, no fountain, no grove, perpetuates their place in the respect of a single human being that ever lived or died. And yet who will compare the ages, in which they enacted their various tragedies, to the one in which we live, and call them to such an account as awaits those who, in this period of gospel light, have fashioned the administration of the

American Republic on the principles and practices of unenlightened barbarians?

But I will cease to reason on this point by comparison. I will grasp the naked question which the supporters of this administration have so persistently clamored into the public ear for the last three wretched years. Is it right in itself to treat with those who are in rebellion, with a view to a restoration of their allegiance, and thus to insure the domestic tranquillity? If we draw an answer from the conduct of this government in former instances of treasonable resistance to law, that answer is all in favor of negotiation and compromise. Washington set the example in the case of Pennsylvania, and Jackson followed it in the more celebrated case of South Carolina, in 1832. In our wars with foreign powers, the same course has uniformly been pursued. And we ourselves were the objects of similar treatment, even from the tyrannical ministry of George III., in the days of the Revolution. Commissioners from the court of England came to our shores more than once a year during that struggle to treat for a return of the rebellious colonies to the union of the British empire. But I shall not content myself with the enlightened precedents furnished by the history of our own and other countries. Is there no higher standard of moral right to which to appeal? Is the voice of Him who spake as never man spake, hushed and stifled by the hoarse cry of passion and rage? Have those pages which blaze with inspiration, and which contain all the principles of national as well as individual morality and justice, lost their light and power in this unhappy land? Can a government long survive, or hope to escape retributive punishment, which blots out the doctrines of Christ in the regulation of its affairs? Shall a sneer—the sneer of the Jacobin and the atheist—deter me from seeking the path of public as well as private duty, in the declared record of the great Father of us all? Have Robespierre and Marat come from their dishonored graves to dethrone God, and to give us the hideous infidelity of the French Revolution? Sir, I ask you to go with me to the unsullied fountain of Eternal Truth:

“Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother.

“But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.

“And if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican.”

In these brief but comprehensive sentences are embraced the great principles of social harmony, individual charity, and national fraternity. They were written by divinity to convey a lesson of humane philosophy into every department of life, and to every succeeding age. They furnish the text for every treaty of peace which nations ever framed to prevent the effusion of blood. They inculcate the duty of not one only, but repeated attempts at reconciliation, and those attempts, too, upon the part of those who have suffered the injury. Under the malignant auspices, however, of the present hour in this afflicted country, what a contrast is presented to these sacred passages! Not only do we refuse to go to our brother who has committed the trespass, but we reject him when he offers to come to us.

Sir, I take my stand on these immortal maxims, and appeal to the native justice of the human heart. I appeal to those instincts of charity and benevolence by which it is allied to the attributes of Deity. The plain people of America, those who with honest hands earn their daily bread, whose wearing apparel is not purple and fine linen, flashing with diamonds and pearls purchased by the blood and tears of millions—to them, in their humble homes, darkened perhaps by the death of the first-born, I make this solemn invocation. Before that pure and unselfish tribunal I lodge my cause in behalf of domestic tranquillity, and tender the Bible as authority for the principles which I declare. By the voice of my own heart, unseduced by gain and unawed by terror, I know what will be the verdict of an incorruptible and free people. But there is

another class who preside over the ministrations of this inspired Book, and who mingle with their offerings to God the poison of political prejudices, before whom the cause of humanity, union, and peace need not be presented. That large portion of the clergy of the land who, claiming to be the chosen agents of the merciful Redeemer, fill the cup of his sacrament with rancor and vengeance, hear none of the sweet, angelic tones which plead from every page of His gospels in favor of that individual and national charity which suffereth long and is kind. They teach their flocks no longer to hunger and thirst after righteousness, but to hunger and thirst for the blood of their enemies. They ascend the sacred desk no more to pray that gentle peace, like the dews of heaven, may descend upon our wounded and distracted country, but to declaim in warlike strains in the face of the Almighty upon the delight which they feel in the infliction of human agony. They have reversed the order of the millennium which the Christian world has looked forward to since the days of the prophets. The one which they hail in fond anticipation is that in which every plowshare shall become a sword, and every pruning-hook a spear; in which conscription, slaughter, and taxation shall go hand in hand; "when the keepers of the house shall tremble, and the strong men shall bow themselves, and the grinders cease because they are few, and those that look out of the windows be darkened, and the doors shall be shut in the streets, when the sound of the grinding is low;" "because man goeth to his long home, and the mourners go about the streets."

To these men much of the sorrow which now overshadows our homes is properly attributable. They have ever been, and are to-day, the foremost enemies of domestic tranquillity. Agitation on matters pertaining to civil government has been their element. Sedition against laws which conflict with their ignorant and selfish bigotry, has been their favorite calling in all countries and in every age. They have a higher law than the sermon on the mount; and the word of God is made to fit the procrustean bed of

their blind and furious prejudices, which they mistake for conscience. Sir, I here proclaim as a fact to which all history attests, that wherever in the tide of time the ministry of the Most High have assumed as a part of their duties the control of affairs of state and the policy of nations, they have appeared as the advocates of despotism, the friends of high prerogative, the defenders of oppression, the allies of tyranny—obstacles in the pathway of progress, enemies to popular rights, and extortioners of the poor and laboring masses. I might dwell long on the evidence which the Old and the New World furnish on this point. That great author and majestic thinker, Buckle, whom I have already quoted, in speaking of the conduct of the political clergy in the reign of James II., says:

“They looked on in silence while the king was amassing the materials with which he hoped to turn a free government into an absolute monarchy. They saw Jeffreys and Kirke torturing their fellow-subjects. They saw the jails crowded with prisoners, and the scaffolds streaming with blood. They were well pleased that some of the best and ablest men in the kingdom should be barbarously persecuted; that Baxter should be thrown into prison, and that Howe should be forced into exile.”

I pause but for a moment to point to the history of Puritan Massachusetts as a confirmation of my statement on this side of the ocean. What oppression did a political priesthood fail to approve? What cruelty did they not instigate and sanction in the early days of that famous colony? They scourged, seared, cropped, burned, and gibbeted the bodies of those who were unable to conform their views in all matters, civil and religious, to the reigning fanaticisms, and then consigned their souls to the regions of the lost. Carpenter, in his standard History of Massachusetts, a work warmly partial to that State, says:

“In July, 1656, several Quakers arrived in Massachusetts from Barbadoes, two of whom were women. Fully aware of the contemptuous disregard for existing ordinances indulged in by the more zealous of the sect in England, the magistrates in Boston brought the law against

heresy to bear upon the intruders, and ordered their immediate arrest. After their persons had been examined for those marks which were supposed at that period to indicate such as dealt in witchcraft, no satanic signs being discovered, their trunks were rifled and the books found therein ordered to be publicly burned. A brief imprisonment was imposed upon them, but they were finally released and banished the colony. Several others who arrived subsequently were sent back to England by the vessels in which they came. About the same time a law was passed to prevent their introduction into the colony, and imposing the penalty of stripes and coercive labor upon all Quakers that should infringe it. . . . Some of the women were whipped, and several men condemned to lose an ear. . . . When seized they offered no resistance. Sentenced to be flogged, they yielded with entire satisfaction their backs to the executioner."

Finding that these atrocious measures were not sufficient to crush out the liberty of thought, a law was passed, says the same historian, in 1658, banishing the Quakers from the United Colonies of New England, and forbidding their return under pain of death:

"This sanguinary and unjustifiable enactment was carried by one vote only. Various staunch friends of the government strongly protested against it, not only as cruel but as liable to invite the persecution it sought to avoid. The result soon proved how well grounded was the fear. Marmaduke, Stephenson, William Robinson, and Mary Dyer courted the danger to which they were exposed and quietly awaited the operation of the law. In September, 1658, they were seized, and, after trial, condemned to be hanged. The sentence was carried into effect upon Robinson and Stephenson, but Mary Dyer was reprieved upon the scaffold, and again thrust from the colony. Resolute in seeking a martyr's death, she returned soon after and was publicly executed on Boston Common."

"Oh! the rarity of Christian charity." Will not some New England clergyman of modern orthodoxy shed at least one tear over the scarlet sins of his own ancestors who

assisted in the murder of this poor woman on Boston Common, while he is weeping as if his head was a fountain of waters over the landing of the Dutch ship with slaves at Jamestown?

But again, says the same friendly historian :

“It was at the beginning of this year that many persons of piety and good understanding were again led to believe in the great prevalence of witchcraft in the province. Prominent among the most credulous of these was Cotton Mather, son to Rev. Increase Mather, for some time past the agent of Massachusetts in England, and himself a clergyman. . . . The alarm of witchcraft was again sounded. The ministers fasted and prayed with the distressed father. The villagers of Salem also fasted and prayed; and the fear of demoniacal influences becoming general, a day of fasting and prayer was specially set apart to be kept by the whole colony. The belief in witchcraft being thus solemnly recognized and fostered, it was not long before the delusion spread across the whole breadth of the province. The number of victims so rapidly increased that many of the colonists, perfectly panic-stricken, became the accusers of others, lest they should be brought under suspicion themselves. The execution at Salem village of Mr. Burroughs, a minister of blameless life, was a terrible instance of the power which the delusion exercised over the strongest minds in the community. For fifteen months this strange belief had full possession of the popular faith. During this period out of twenty-eight persons capitally convicted of witchcraft, nineteen had been hanged and one pressed to death.”

Sir, let not these remarks and records of faithful history be construed into an attack upon the ministers of our divine religion. I have endeavored rather to portray the evil results which flow from a desecration of that high calling. To my mind, there is no vocation on this side of the mysterious river which divides time from eternity so lofty, no career of life so serenely beautiful and bordering so closely upon heaven, as the benevolent pursuits of him who tenders the cup of salvation to the lips of a fallen world. A



halo hovers around his head which tells that he walks in the footsteps of his blessed Master. In the presence of such a man, I would stand uncovered and do him reverent homage. And there are many such whose pure and noiseless lives pass almost unheeded by the busy, striving world, but around whom the comforting angels of the Lord encamp by night and by day. In their keeping are all the future hopes of the church—the Christian welfare of mankind. The youth of the land should sit at their feet and learn wisdom, and both young and old should rise up and call them blessed. But in this bright category of human excellence, this high galaxy of stars shining with an unearthly splendor, there is no place for such as take charge of churches by order of the War Department, and preach the gospel as commanded by the President of the United States. The vineyards where they labor will never bear the fruits of peace, never smile with domestic tranquillity. Before them I do not plead my cause. From them I expect to hear no voice save the continued and protracted cry of havoc.

But, sir, I will be told by the advocates of force and violence as a remedy, and the sole remedy, for our troubles, that although the South might send commissioners to treat for peace, yet they would accede to no terms save recognition and separation. In support of this view, certain propositions recently offered in the Congress at Richmond are cited. To my mind, they indicate a far different conclusion. It is true they do not signify to me that the power of the Southern people is exhausted; that the rebellion is crushed; that a panic of fear prevails in the Southern mind; that a government, whether *de facto* or *de jure*, which can maintain an army of half a million of well-armed men in the field, is conquered. I do not see the evidence of all this, as some have professed to do every sixty days since the war began; but I do see in these propositions an earnest desire upon the part of the South to conform to the usages of the civilized world, and to bring this unhappy and disastrous conflict to a close by the power of reason. It is true that certain objects are declared for which they desire

to negotiate; but does that fact include final results which may grow out of negotiation when once commenced? What nation at war with another ever opened communication for a treaty of peace by proclaiming in advance the precise terms on which it was to be concluded? Such a course peremptorily excludes the very idea of negotiation. Commissioners would have no discretion, and reason and argument would have no room to act. Such is not, in my judgment, the meaning of this movement in the Confederate Congress. Sir, what is this contest? What interests does it involve? They are very distinct and simple when divorced from fanaticism. On the part of those who have kept their allegiance, it is a struggle to maintain the boundaries of the Republic, and thus defeat the ruinous doctrine that a State has a right to secede. On the part of those in rebellion, it is an effort, in their estimation, to preserve the integrity of their local laws, their social institutions, the right to control their domestic affairs free from federal interference. With some, this attempt is made under a claim of the right of secession; others proclaim a revolution, which is the right of all people if grievances sufficient exist as a justification.

But the people of the South are united in the objects at which they aim, and if they could be attained in the Union, and without war, would they not gladly embrace and accept them rather than continue in a state of endless hostility, which is destroying the very interests they seek to protect? Why, the gentleman from Ohio [Mr. Garfield] declared, a few days ago, on this floor, that if the privates of the opposing armies in the field were permitted to come together in peace, they would speedily remove all our troubles; and yet he spoke and voted in favor of taking from even the wives and children of the Southern masses, who, he asserts, are thus willing to return to the Union, the last foot of soil and the last crust of bread by which life is sustained. With such evidence, then, as this, can we justify ourselves before God or man if we fail to respond to the action of the South in favor of negotiation, which promises in advance such happy results? Let all grievances, whether fancied or real,

be considered by candid statesmanship. Let there be safe and unrepealable guaranties adopted against those that are found to be real; and those that are fancied will be easily explained away. Five enlightened commissioners from each section, imbued with the spirit of Christian benevolence, animated by an unselfish love of country and of their fellow-men, meeting by the consent and encouragement of their respective authorities, could, and in my solemn and deliberate judgment would, in ninety days, agree upon terms which would be acceptable to a large majority of the American people, and by which the Union of these States would be more firmly established than ever before, the lives of millions spared, the hard earnings of the laborer left for him to enjoy, peace and tranquillity restored. I would improve the armistice which winter declares to achieve many bloodless and permanent victories in favor of the Union and the constitution. I would not stop there. I would extend the armistice as long as there was hope of inducing the return of a single State. But suppose negotiations should fail. Then, indeed, would this administration be armed with an argument in favor of war which it has never yet possessed. This fact is well understood by the executive and his advisers, but they refuse to negotiate because they have reason to believe that the Union would be thus restored and the war ended. But slavery would not thereby be abolished, and the scheme of building up a despotic, centralized federal government would be defeated. The war, therefore, goes on; the young men of the nation are swept into their graves upon the plain of battle, and the old men become slaves to the tax-gatherer, not to restore the Union, but to give a worthless liberty to the black man, and to strike down the legal rights and privileges of the white man.

Sir, upon this question of negotiation, concession, compromise, and union, I appeal for approval to my own conscience. It sustains me with all the force of a burning conviction of duty. By it I am lifted beyond the reach of partisan malice. I appeal to the people! The voice and humane instincts of honest nature will plead my cause

in their hearts. At their hands I fear no evil for the country. They are just, and will appreciate a plain and inherent element of right. I appeal to future years. When candor, reason, and Christianity sit in judgment on this struggle, every line which records the history of war or peace in all former ages tells me that their verdict will be in favor of the principles which I advocate. I seize this hour of future triumph by anticipation. That it will come I entertain no more doubt than I do that I breathe the air of life this moment. I appeal, finally, to God, before whom I stand, and into whose presence we all hasten to answer for our conduct and our motives. In that awful hour I humbly trust and believe that my feeble efforts to turn aside the devouring edge of the sword; to stay the hand of the great reaper, death; to pause in the horrid work of sending souls to their eternal account without repentance or pardon; to stop bereavement, woe, and tears around every fireside; to brighten the mournful face of the land with the radiance of peace; to reconstruct and restore a fraternal and harmonious Union, will meet with the approval of the Father, and go far toward relieving the newly liberated and trembling spirit of the terrors which surround it.

But, Mr. Chairman, what other declared purposes of the constitution, for the accomplishment of which this government was established, have been carried out by the policy and administration of the party now in power? Do they *promote the general welfare*? With the principles of justice everywhere suppressed, the blessing of liberty annihilated throughout all our borders, and the domestic tranquillity utterly destroyed, it is almost needless to inquire what is left to constitute the general welfare. But it is my painful duty on this occasion not only to show that the principles of free government are dying, rapidly dying before our faces, but that the material prosperity, the absolute physical resources of the country are perishing also. The welfare, the strength and glory of a nation are dependent in a vast measure upon the extent of its population and the amount of its wealth. Next to the virtue and intelligence of the people, their numbers constitute the power and dig-

nity of a State. The ancient commandment and the blessing delivered to the original founders of the human race were to be fruitful, multiply, and replenish the earth. And one of the richest promises to the patriarchs of old was that their tribes and their descendants should increase until they became as the leaves of the forest and the sands of the sea-shore. Every public ruler who by wise political and social economy has rapidly swelled the population of his country, holds a place in the history as a benefactor of his kind. Every human being is a machine of labor. Each head and each hand is a producer. The busy brain and the active muscle are perpetually adding to the storehouses, the granaries, and the merchant ships of the world. It was a blessing and not a curse, it was in mercy and not in wrath, that man was commanded to eat his bread in the sweat of his face. By obedience to this command the glory of civilization adorns the earth, and commerce penetrates the most distant seas. The fulfillment of this decree redeems the savage face of nature, builds up the great marts of trade, patronizes sciences and letters, erects temples to art and progress, and is a forerunner of the Christian faith. Labor is the fountain of all wealth and of all happiness. Nations and individuals are alike utterly and entirely dependent upon it for their prosperity. And national prosperity is simply the result of individual labor. The humble and obscure toil of the honest plowman, who

“Homeward plods his weary way”

at nightfall, is the source of all the nation's greatness, the foundation of all its vast enterprises, the support of all its boasted revenues; it is the small spring breaking into a rivulet from the hill-side, which, flowing on and mingling with the other waters of its kindred, at last swells into an ocean on whose bosom the destinies of the world are determined. All the great authors who have written on the subject of the wealth of nations have recognized this as a fundamental truth. Adam Smith embraces it in the first sentence of his immortal work. He says:

“The annual labor of every nation is the fund which

originally supplies it with all the necessaries and conveniences of life, which it annually consumes, and which consist always either in the immediate produce of that labor, or in what is purchased with that produce from other nations."

Locke, in his equally celebrated treatise on civil government, is still more explicit and clear upon this point. He uses the following language, which covers the whole philosophy of labor:

"'T is labor, then, which puts the greatest part of the value upon land, *without which it would scarcely be worth anything*. 'T is to that we owe the greatest part of all its useful products; for all that the straw, bran, bread of that acre of wheat is more worth than the product of an acre of good land which lies waste is all the effect of labor. For 't is not merely the plowman's pains, the reaper's and the thresher's toil and the baker's sweat, is to be counted into the bread we eat; the labor of those who broke the oxen, who digged and wrought the iron and stones, who felled and framed the timber employed about the plow, mill, oven, or any other utensils, which are a vast number, requisite to this corn, from its being seed to be sown to its being made bread, must all be charged in the account of *labor*, and received as an effect of that; nature and the earth furnishing only the almost worthless materials as in themselves. 'T would be a strange catalogue of things that industry provided and made use of about every loaf of bread, before it came to our use, if we could trace them; from wood, leather, barks, timber, stone, brick, coals, lime, cloth, dyeing-drugs, pitch, tar, masts, ropes, and all materials made use of in the ship that brought away the commodities made use of by any of the workmen, to any part of the work; all which 't would be almost impossible, at least too long, to reckon up."

Sir, aside then from motives of humanity, what shall be said of an administrative policy which is unnecessarily depopulating the nation? Every ensanguined field of strife covered with the noble and once animated forms of American citizens, is an irreparable loss to the true wealth of

the country. When the last call for troops which has been made upon the laborers of the land by the executive shall have been complied with, more than two million men will have gone to the fields of death. In the year 1860, the number of voters in the United States, including all the sections, was four million six hundred and sixty-one thousand one hundred and ninety-three. The States which remained faithful to the Union contained, at the commencement of the war, about three millions. This may fairly be computed as the number of laborers in the loyal States three years ago, for while many who vote are too old to work, yet, perhaps, an equal number are capable of labor who are too young to vote.

It will thus be seen that two-thirds of the laboring population of the country have already been levied upon by this remorseless administration, and drawn away from the business of production. Figures can not lie, and the census tables do not deceive. The prosperity of this government consists in the labor of its people. This is its only capital. In proportion as the population is diminished or diverted from productive pursuits, in the same proportion is the general welfare destroyed. And no nation ever long survived the shock which the abstraction of two-thirds of its population inflicted upon every branch and department of industry. A paralysis will seize every healthful function of government. The sap of life will cease to ascend, and the green tree will wither and die. The fountains will be dried up, and the river will cease to flow. Sir, I am dealing in no imaginary picture. Go to the regions of agriculture, on which all else depends. You will there hear the cry that the laborers are few. One man can not do the work of three; and two are gone, and but one is left to sow the seed and reap the harvest. I have seen the wife and the mother tilling the soil in my own district, her children following in the furrow, and their father away in the army. I have seen broad fertile acres in the West lying waste and idle for the want of hands to place them in cultivation. How long can this state of things continue? How long will one-third of our usual produce meet the de-

mands of our increased and stupendous expenditures? How long can diminished production and multiplied taxation go hand in hand? How long can you continue to destroy the laborer, and at the same time raise a revenue from the products of labor? The tendency and speedy result of our present career are plain and inevitable. Soon, very soon, the fruits of industry will prove inadequate to meet the annual demands of the national treasury, and then the land itself, the farm, the homestead, must be exhausted and swept away. Are you ready for this? Are you ready for the land tax upon uncultivated fields, in addition to the tribute which we already pay to fanaticism and corruption? If you are, then eternal war, vast conscriptions, no negotiation, no reunion, no peace, will bring with fearful rapidity the realization of all your hopes.

But in this profligate destruction of human life, and wanton and wicked overthrow of the whole natural system of American labor, how much longer do you expect the toiling millions to endure in silence? When the curtain first rose on the hateful scene of this civil war, the country was mocked with a call for seventy-five thousand men, and our greedy ears were saluted from high quarters with the flattering story that the moon would scarcely wax and wane until the government would again possess its own. You tell me of statesmanship; you tell me of honesty in the present conduct of our disastrous affairs. Sir, not a plan laid down in the beginning but what has failed, and not a promise made by this administration to the people but what has been broken. The armies of the rebellion still stand with defiant front almost within sight of the Capitol; and the hoarse and terrible demands of a new conscription are now going out over the country, as fatal to the peace and happiness of the people as the croak of the raven to the life of Duncan. Do the few who now riot in the lives and fortunes of the many, imagine that they can prolong forever the deception which they have imposed upon an anxious and trusting people.

But on this vital question of the rapid decrease of our laboring population, and the consequent prostration of the



general welfare, I will doubtless be met by an indignant denial from the other side of the chamber. I submit, therefore, the following extract from the last message of the President :

“I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency in every field of industry, especially in agriculture, and in our mines, as well of iron as the precious metals. While the demand for labor is thus increased here, tens of thousands of persons destitute of remunerative occupation are thronging our foreign consulates, and offering to emigrate to the United States, if essential but very cheap assistance can be afforded them.”

I am a friend to the foreigner—to the stranger who seeks our shores to enjoy liberty or to increase his stores. I stood by him when the executive and his chief supporters took the midnight oath to disfranchise him because of his religious faith, and oppressed him in all our borders. I welcome him now with a warm and extended hand to the equal enjoyment of all that remains of our shattered and defaced institutions. But with what sorrowful emotions will the people of this once proud land listen to the voice of America pleading with the population of Europe, and offering them pecuniary inducements to come and take the places of our lost and dead—to fill the empty chairs around bereaved firesides—to supply the demands which war and death have made in the cornfields and at harvest-time! And yet the destroying angel is to continue to hover in every blast; the fierce spirit of the glass and scythe is to pursue his insatiate career; the flower of our manhood are to be cut down, strangers from foreign lands are to occupy their vacant seats; and it is treason to attempt to stay this horrid holocaust of human sacrifice by a restoration of the government upon the principles which were satisfactory to Washington! The rebel chief at Richmond, who makes open war against the Union, and the executive here who does not make war

for it, and who would not accept its restoration to-day on the ancient doctrines of the constitution, are engaged by conscription, force, and violence in hurling against each other the unwilling and peaceful populations of every section, bleeding, palpitating, and mangled, to struggle, to combat, and to die, like the gladiators in the amphitheater of Rome, butchered to make a Roman holiday. These are facts which will not escape history, and yet the consent of the governed is the just measure of power which a public ruler can exercise in a free government, and we fondly imagine that we still are free!

But in immediate alliance with the question of population arises the consideration of the amount of burden which is to be borne. While looking on the one hand in sadness and grief at the depletion and destruction of the laboring masses, we are compelled to turn and gaze with apprehension and terror at the frightful proportions and increasing magnitude of our public indebtedness. As the ability of the people to meet taxation becomes each day more feeble, the demands upon their toil and their resources accumulate with appalling velocity. I shall deal in cold and steady figures. What I assert upon the subject of the national debt I stand prepared to make good, as time, the test of truth, has done for me heretofore. On the 21st day of May, 1862, on this floor, I made the following statement :

“ It is safe, then, to conclude that the year that is to come, and on which we are just entering—the second year of the war—will swell the indebtedness of this government to the alarming sum of \$2,000,000,000.”

The fierce clamor which broke upon my head here and elsewhere for that statement will not be easily forgotten. I was honored by an official contradiction from the Secretary of the Treasury himself, produced on this floor by the gentleman from Massachusetts [Mr. Dawes]. Then came the indignant outcries of injured patriotism from the throats of that venal and slavish class who earn the favor of princes and purchase the privileges of plunder by echoing the words of their master. But I appealed to time for

my vindication, and now here again to-day I challenge my accusers to the issue.

On the 4th day of March, 1863, when the Thirty-seventh Congress adjourned, less than one year from the date of my estimate, the appropriations of money from the federal treasury, in the payment of the public expenditures, stood as follows:

First session Thirty-seventh Congress.....	\$279,071,500
Second " " " .....	878,109,600
Third " " " .....	971,128,100
Total amount .....	\$2,128,309,200

It will thus be seen that in less than the time by me specified in my speech of May 21, 1862, that same Congress, of which I was then a member, appropriated \$128,309,200 more than even I predicted would be consumed by our alarming rate of expense. Reports may be written by able and skillful pens, and speeches may be made by eloquent and plausible tongues, in order to disguise these figures and delude the people still further to their ruin; but the murder of the nation's welfare at last will out, and bankruptcy, like an uneasy and troubled ghost, with its shriveled face and skeleton fingers, will come to plague and torment the faithless murderers. It may be an unwelcome task to portray these facts now, but the hour is fast approaching in which the sons and daughters of honest toil will lay bitter maledictions on the authors of this oppression, and thank those who have pointed out their danger.

In the report of the Secretary of the Treasury, submitted at the opening of the present session of Congress, we find his estimate for the fiscal year ending June 30, 1864, of the expenses of the government amounting to \$1,099,731,960. It is true that he amuses the country by a conjecture that a considerable portion of that sum will not be expended at the close of the fiscal year. He asks that it may all be appropriated, but gently intimates that some of it may remain in his hands not paid out on the 30th June, 1864. But inasmuch as we have already, at this session, passed deficiency bills over and above his estimates to the extent of more than a hundred million dollars, I must decline

making any calculation upon any lower basis than the full amount of his own figures. Then taking the appropriations already made up to March 4, 1863 :

As above stated .....	\$2,128,309,200
Add the estimate of the Secretary up to June 30, 1864.	<u>1,099,731,960</u>
And we have a total of .....	\$3,228,041,160

We thus have from the official records an indebtedness on the 30th of June next, not more than four months distant, reaching the sum of \$3,228,041,160. Pause for a moment, ye sweating tax-payers, and comprehend, if you can, the weight of this load. I pause with you, for my heart is now at home, clinging to the scenes of intelligent husbandry which I represent here, and which I seek to save from desolation.

But the Secretary of the Treasury has given us a forecast of another year of the future. Commencing again on the 1st of July, 1864, and closing June 30, 1865, he gives us his estimates of the expenditures of another fiscal year. He places them—

At .....	\$1,151,815,088
Add the amount already estimated up to June 30, 1864.	<u>3,228,041,160</u>
Total debt, June 30, 1865 .....	\$4,379,856,248

From this amount must be deducted the actual receipts from every source of revenue during the years 1862 and 1863, and the estimated receipts for the years 1864 and 1865. Allowing that the estimates of the Secretary will prove correct in the future, which is exceedingly charitable in view of the past, and we find that these receipts will amount in all to \$519,643,155. Subtract this amount from the above sum, and we have left \$3,860,213,093. To this again, however, must be added, at the lowest calculation, \$150,000,000, to cover the claims of States for advances to the federal government, and the claims of citizens for the destruction of their property by the inevitable operations of war. Thus the public debt will stand, June 30, 1865, at \$4,010,213,093. Sir, in this calculation, I have strained nothing in order to swell the amount. Far otherwise. I would gladly diminish it if in my power. I have simply

taken the amounts appropriated by a former Congress, and added the amounts which the Secretary of the Treasury asks shall be appropriated for the years of 1864 and 1865. I assume, and most safely, I think, in view of the past, that all the money thus appropriated by Congress for specified objects will be spent. This is all, and you behold the appalling result. I do not stop to take an account of State debts, which count by hundreds of millions. I pass by the debts of counties, cities, towns, and various corporations, all of which are a direct tax upon the people. I simply compute the Federal indebtedness, and you have these frightful figures.

Sir, this debt, now inevitably fastened upon the American people, has no parallel in the history of nations. Its like is unknown in the annals of mankind. It stands alone in its career of devastation. The power of language can not exaggerate it as an agent of destruction. More than four thousand million dollars! The debt of England, which is now a permanent curse, is less. Yet, since 1829, no British statesman has thought for an instant that it would ever be finally paid. It commenced accruing in small proportions during the reign of Charles II.—two hundred years ago. Succeeding wars rapidly increased it, and baffled all the wisdom and resources of the English people in their long and faithful efforts to accomplish its payment. They pay the interest and bequeath the principal, with all its crushing weight, to each succeeding generation. And even this burden on the labor of England is so great and so perpetual that one-eighth of her citizens are inmates of the poor-house, and almost another eighth have been driven by want from their native land. We are to tread in the same blighted pathway, groaning wearily under a still heavier load—the cursed fruits of a sectional party and financial corruption. We look out upon the field of the future. It lies dismal and endless before us. There is no land of rest in the distance for the tired tax-payer. There is no promise of deliverance brightening the sky before him. His step from this on is in a ceaseless treadmill, from which he will never escape. Are you afraid, men of labor

throughout America, to look at this picture? Will you turn away your faces and hug yourselves in the delusion that all is well a little longer? Will you punish and denounce the faithful sentinel who cries out to you the approach of destruction? It may be so yet awhile. It is in the heart of man to put off the evil hour. We often take refuge from danger by affecting not to see it when we know it is inevitable. Death itself at last surprises us in the midst of the busy plans and pleasing aspirations of life. The voice of warning dies away on the ear unheeded by the heart. But this fact does not divorce a man in public station from the performance of his thankless duty. I shall here perform mine, and take all the reward I seek or desire in the approbation of my own conscience, in the ever-present self-assurance that I know that I am acting for the welfare of my country.

Sir, in order to enable us to grasp the mighty figures which will sum up our national debt sixteen months hence, let us indulge for a moment in comparisons. The growth of the American Republic, in all the elements of material wealth, from its birth to the hour of its present misfortunes, had been the marvel and wonder of all time. It had strode upon the loftiest peaks of greatness with an easy and familiar step. In peace or in war our glory was the same—the first of all nations. Our actions at home and abroad were upon a scale of magnitude which dwarfed the giant achievements of history by contrast. But in all that time every item of our public expenditures would scarcely suffice to meet the demands of one year under our present system of ruin. Take the period of seventy-two years—those halcyon days of liberty and fraternity—from 1789 to 1861. During that space of happy time, for every year, and for all purposes, the expenses of the government were:

Expenses.....	\$1,453,790,786
For four years from 1861 to 1865 .....	<u>4,010,213,093</u>
Increase of expense in four years over 72 years .....	\$2,556,422,307

Four brief but terrible years under the present administration will have consumed more than three times as

much of the wealth, the labor, the taxes of the people, as every other administration of the government put together, from Washington to James Buchanan! Do you still say, in view of this startling fact, that there is no necessity for a change in our policy and in our rulers in order to save us from utter overthrow? Are you still content that this rate of expenditure shall continue? How long can it continue? By the statistics furnished in the census of 1860, the value of the real and personal property of the entire United States, before war and destruction had assailed it, was \$12,084,660,005. Even admitting that it possesses the same value to-day, yet the debt is one-third of the whole amount. But every one will acknowledge that an assessment of the value of the property throughout the United States now would not show more than two-thirds of its former value. This would be about \$8,000,000,000. Of this sum the public debt, in a few months, will be more than one-half. Half the grain in the field, half the horses in their stalls, half the cattle in the pastures, half the hogs in the pens, half the land itself, every other acre will stand mortgaged for the payment of a four years' dreadful experiment in the use of the sword, and the sword alone, in attempting a restoration of the Union. And even now, all over the land, the excisemen, the tax-gatherers, are swarming to enforce the foreclosure of this crushing and relentless mortgage. It is held by creditors who have iron hearts. There will be no grace given; no equity of redemption. Abolitionism is the principal holder; and then, contracts and fraud hold the balance.

But allow me to make an application of this debt to that great State, a portion of whose people I represent on this floor. The assessed value of all the real and personal property of the people of Indiana, in 1860, was \$411,042,424. The proportion of the federal debt which will attach to that State, June 30, 1865, will be \$285,980,519. It will therefore be seen that if three-fourths of everything which the citizens and property-holders of Indiana possess, was put up at auction and sold according to the appraisement of the census report, it would barely suffice to meet the de-

mands which the federal government is making upon the wealth and industry of that State. I am aware that all this will fall idly upon the ears of those who are prolonging this war from motives of despotism and unhallowed gain; but I speak to-day for the farmer and the mechanic—for the laborer whose heart is filled with unselfish patriotism, and whose hands are unstained by plunder. I call upon that class to carefully estimate these burdens, for on their weary shoulders they are to be borne.

But again. I will be met here by the fact that the payment of the principal of the public debt will be postponed from one generation to another, and that, like the people of England, we will only be called upon for its interest. Taking even that unworthy view of the question, let us see what will be the inevitable annual demands upon American labor in order to avoid open and acknowledged bankruptcy. The estimate I make on the basis of peace, after this war shall have closed, and the utmost reduction made consistent with our altered condition. I challenge scrutiny into its substantial correctness:

Civil list.....	\$8,500,000
Foreign intercourse.....	2,500,000
Interior, pensions, Indians, etc.....	20,000,000
War Department.....	120,000,000
Navy Department.....	25,000,000
Miscellaneous, light-houses, building.....	25,000,000
	<u>201,000,000</u>
Interest on the public debt.....	240,612,785
	<u>\$441,612,785</u>

Every one of the above items is put much lower than I candidly believe it will be; but even at these rates we find that each year of the darkened future the Treasury Department will reach forth the hungry hand of revenue and seize upon the fruits of industry to the extent of \$441,612,785. And the payment of this vast sum leaves us as much in debt as before, for it pays not a dollar of the enormous principal. It is simply what must be annually paid to prevent instant repudiation. It constitutes the current



expenses by which alone the government is enabled to live from day to day.

How, then, is this annual sum to be raised by the people? Taxes must be paid out of the earnings of the people, and not by the sale of their original possessions. Otherwise, taxation becomes confiscation, and soon the citizen would have neither the means to supply revenue nor to support life. If what the laborer earns over and above his own livelihood is not sufficient to meet the claims of the tax-gatherer, then sales commence, by which the government sooner or later will become the sole owner of all the estate of its inhabitants. For annual payments you must have annual earnings. The above annual sum must be paid by a corresponding annual surplus earning in the hands of the people, after allowing them to supply their own wants and necessities.

Now, let us turn to an estimate of annual earnings. The State valuations for taxable purposes in 1850 and 1860, according to an estimate made by the financial editor of *Hunt's Merchants' Magazine*, furnish us the average annual earnings of the following States for that period of ten years, as follows :

California .....	\$12,568,741
Connecticut .....	10,566,994
Illinois .....	29,269,472
Indiana .....	30,211,097
Iowa .....	11,221,101
Kansas .....	2,500,000
Maine.....	6,794,300
Massachusetts .....	31,554,452
Michigan .....	10,767,662
Minnesota.....	3,000,000
New Hampshire .....	6,413,284
New Jersey .....	10,688,200
New York.....	72,639,810
Ohio .....	45,869,780
Oregon .....	1,622,545
Pennsylvania .....	57,281,101
Rhode Island .....	4,734,513
Vermont .....	1,308,668
Wisconsin.....	15,426,882

\$364,431,862

I have not taken into account the border slave States, as their situation is such as to defeat any calculation of their earnings, at least for some years to come. It will be seen, therefore, that the annual amount which from this time forward must be paid into the federal treasury exceeds by almost one hundred million dollars the total annual earnings of the nineteen free States during a period of peace and unexampled prosperity. Under the present policy pursued toward the seceded States, half a century will roll away before they will again assist the wealth of the country. Their whole system of productiveness is to be destroyed. Four millions of annual producers are to become idle and worthless consumers, and a vast bureau is about to be erected, by which the government shall support the negro, instead of the negro, as heretofore, assisting to support the government. Time will show that emancipation is the costliest feature of this war. Cotton, tobacco, rice, sugar, will perish as means of revenue. The blow of the executive, which releases four million hands from profitable labor, imposes the task from which they are set free as producers on a similar number of white laborers. It does more. They are still consumers; they must be fed, and they will not feed themselves. The President unconsciously uttered a philosophic truth when, a year ago, he said of free negroes, "They eat, and nothing else." Nor can the negro be much blamed for accepting this easy life when an insane party tenders it to him, and lays the burden of labor from which he is liberated on the neck of the white man. A totally ruined and impoverished South, her property destroyed and her slaves set free, all simply means the annihilation of so many sources of national revenue, and the consequent enormous increased taxation in the North. Confiscation will not pay the expenses of its own machinery and execution. As a means of replenishing the treasury, it is not to be mentioned, except by madmen. All history bears testimony to the folly of thus attempting the liquidation of a public debt. It must be met and paid by the fruits of the soil produced by labor. And he who reduces the number of laborers North or South, white or

black, in the same proportion multiplies the toils and sacrifices of those who yet remain.

Mr. Chairman, I need not pause to dwell upon the mathematical certainty of national and individual bankruptcy and ruin which the foregoing calculations so conclusively demonstrate. The humblest mind in the land will grasp the fatal result upon which we are hastening. But some superficial observer, intending too to further deceive the popular mind, will doubtless point to the surrounding appearance of general prosperity as an answer to this portion of my remarks. Money is flowing in boundless profusion. Unnatural prices are paid for everything. A meretricious splendor hails us upon the streets, at the rout, the assembly, and the theater. The nation seems fattening on blood and carnage. But this high feverish flush which we everywhere behold is not the genial warmth of health. It is the fierce hectic glow of a swift consumption. It is the herald of death, and points to the tomb. What we call money is not money, and the most gorgeous wealth has no value, because it is a prey to the monster debt. Frenchmen, more than a hundred years ago, dreamed of a fabulous fountain of prosperity, and located it in the valley of the Mississippi. The credit of the Mississippi Company became the basis of an illimitable paper currency, and both the king and people of France hailed John Law, its founder, as the deliverer of their kingdom. It was treason to doubt the infallibility of his gigantic scheme of human credulity and folly, as it is now to doubt the wisdom and success of our financial department.

Bancroft, the historian, well portrays our own unhappy situation in describing this great delusion of the French. He says :

“ A government which had almost absolute power of legislation, conspired to give the wildest extension to what was called credit. Law might have regulated at his pleasure the interest of money, the value of stocks, and the price of labor and produce. The contest between paper and specie began to rage—the one buoyed up by despotic power, the other appealing to common sense. . . .

Paper was made the legal-tender in all payments. To win the little gold and silver that was hoarded by the humble classes, small bills, as low even as ten livres (a livre is about twenty cents) were put in circulation. . . . When men are greatly in the wrong, especially when they have embarked their fortunes in their error, they willfully resist light. So it has been with the French people; they remained faithful to the delusion till France was impoverished, public and private credit was subverted, the income of capital annihilated, and labor left without employment, while in the midst of the universal wretchedness of the middling class, a few war speculators gloried in their unjust acquisition and enjoyment of immense wealth."

At about the same period a similar frenzy was raging on the other side of the English Channel, and British statesmen fancied they had found the magic alembic by which paper issued upon credit could be made to supply the uses of gold.

The trade of the South Sea was to pay the debt of England in twenty-seven years, and Sir John Blunt issued government bonds on the faith of this fictitious wealth. Avarice and speculation instantly seized like twin furies upon the heart of the whole kingdom. The glittering beams of a false and deceptive prosperity gilded every present scene, and illuminated the future with the radiant smiles of hope. The British Parliament resounded with high eulogiums upon the financial scheme which was so soon to release the hands of English industry from the galling manacles of debt. We are listening from day to day to similar speeches upon a similar subject as they are made on the other side of the chamber in defense of the department of the treasury. Yet woe and disaster followed the experiment of paper credit in England as well as in France; and Smollet, the historian, relates the fate of their projectors, from the study of which the architects of American ruin may accurately determine the destiny which hangs with certainty over their future:

"While at the moment a South Sea director was scarcely safe in the streets from the vengeance of the populace, Law,

the projector of the Mississippi bubble in France, was flying for his life from the people whom he had beggared."

Sir, in view of the experience of other nations, in view of reason and of facts, well may the Comptroller of the Treasury himself, catching the mutterings of the fearful rising storm, like the practiced mariner at sea, utter a cry of terrible warning. In a recent address he fully confirms the dark and dismal view which I have here advanced of our financial condition. He says:

"Bare constantly in mind, although the loyal States appear superficially to be in a prosperous condition, that such is not the fact. That while the government is engaged in the suppression of a rebellion of unexampled fierceness and magnitude, and is constantly draining the country of its laboring and producing population, and diverting its mechanical industry from works of permanent value to the construction of implements of warfare; while cities are crowded and the country is to the same extent depleted, and waste and extravagance prevail as they never before prevailed in the United States, the nation, whatever may be the external indications, is not prospering."

Sir, I take leave of the question of the *general welfare*. The bitter hour of a people's bloody sweat and agonizing tears will soon be here. The mournful shadows of its funeral pall are already penetrating the once bright and abundant homes of virtuous labor. The spirit of oppression is omnipresent in the land, and, like death and famine, none will escape the pangs which it inflicts. Let each eye which now beholds the sun take its last look at scenes of plenty and prosperity. Our fall from bounding wealth and unlimited resources to pinched and shrunken poverty and cowering bankruptcy is as certain and as fatal, under our present policy, as the fall of Lucifer, the morning star, from heaven. And the exclamation of the laborer, as he toils in a hopeless bondage to the public debt, may well be as despairing as the anguish of the lost angel:

"Farewell, happy fields,  
Where joy forever dwells. Hail, horrors; hail,  
Infernal world; and thou, profoundest hell,  
Receive thy new possessor."

And now, Mr. Chairman, what else remains? What portion of the constitution can yet be found alive? What principle has been spared, preserved, or protected by the destroyers who rule the nation? Have they provided for the common defense against foreign powers? The Emperor of France tramples the Monroe doctrine disdainfully under his feet. He overthrows the Republic of Mexico, and on its ruins erects an imperial despotism in immediate contact with our borders. A prince of the house of Hapsburg, trained in the courts of Austrian oppression, becomes our closest neighbor. Perhaps it is needless to complain of this near example of one-man power—this European head wearing a crown on North American soil. It will not be long, if our present career is unchecked, until the terms dictator, king, and emperor will be as familiar in Washington as in the palace of St. Cloud.

But, sir, the saddest question embraced within the scope of my remarks remains to be answered as I draw them to a close. Has the policy pursued for the last three years resulted in the formation of *a more perfect Union*?

No language that the tongue of man can utter would form so expressive an answer to such a question as a silent survey of the dreadful scene which lies before us. A gulf of blood and tears, and all of human agony which the afflicted race of men can know this side of the dread abodes of the damned, divides the suffering and miserable sections of a once fraternal and contented people. Statesmen of Christian faith, imbued with the lofty spirit of Him who gave His blessing to the merciful, could again span this horrid chasm and bind together the torn and bleeding ligaments of the Union. But an evil star is raging in our sky, and under its malign power the legislation of the land appears as the frenzied, murderous, disjointed dreams of a madman in his cell. Such a penal code as now stands in the way of the return of the men, women, and children of the South to their allegiance has no parallel in the annals of the human race. A thousand miles of gibbets with the dangling halter and the ready executioner; universal confiscation of property to the remotest period of an innocent

posterity; the absolute extermination of a whole people and the appropriation of the depopulated country to the unsparing demands of a more than Norman conquest; the utter extinction of every vestige of our present form of government by States—all this, and infinitely more, is contained in the enactments which already stain the records of American legislation. But why need I dwell upon these evidences of disunion? The great leader of the administration on this floor, the gentleman from Pennsylvania [Mr. Stevens], has deliberately here announced, after all our sacrifices, sorrows, and loss, that the Union of our fathers is dead, and that he who attempts its resurrection is a criminal instead of a patriot. He goes further, and admits all the seceded States have ever claimed—their nationality. They have sought in vain, in all the four quarters of the earth, for recognition. They find it at last at the hands of those who speak for the administration on this floor.

Sir, I deny this doctrine. I plant myself on the constitution which recognizes an unbroken Union. I shall stand there in every vicissitude of fortune; and if I fall, it will be when the people themselves abandon their own constitution. By the principles of this mighty instrument, I expect finally a restoration of the Union of the States. Every hour which the party in power prolongs its control of affairs, postpones the auspicious day, but as I behold the future it will assuredly come. Material and indestructible interests unite every section except that which prospers on fanaticism. And I here to-day, in the spirit of one who expects and desires his posterity and theirs to live together in the ancient and honorable friendship of their fathers, warn the Southern people not to look forward to separation and independence, but to embrace every opportunity for co-operation with the conservative men of the North, who will aid with their lives, if need be, to secure them all their rights and institutions as free and equal citizens of the United States. If this be done, the approaching presidential election will bring peace, union, and liberty. But if the peaceful, popular revolution of the ballot-box fails to produce these results, then darkness will settle upon the

face of the deep, and the free institutions of America will exist only on the page of the future historian. Four years more of our present policy will leave the Republic an unshaped mass of ruins—a wreck more melancholy and hopeless than any that strew the pathway of ages. And here in this fair young western world, as in all former times, a despotism will arise from the shattered fragments of self-government, to which each succeeding generation shall pay the extorted tribute of its blood and toil.



## THE THIRTEENTH AMENDMENT.

[Speech on the Thirteenth Amendment abolishing slavery, delivered in the House of Representatives, January 9, 1865.]

MR. SPEAKER:—It is my purpose to detain the House but a few moments, and to confine my remarks to a statement rather than to elaborate them into an argument.

It must have occurred to every observer that great indifference has been displayed during this discussion, on both sides of the House. The question of amending the American constitution, upon a point of the utmost magnitude, has not engrossed the attention usually given to ordinary legislation. Nor is this apparently strange fact any reflection upon the intelligence or zeal of this body. On the contrary, it attests their sound judgment and capacity to discern correctly the eventful scenes through which we are passing and which will soon become history. Every one here by this time perceives that the existence of the institution of slavery does not depend in any degree whatever upon the enactment of this proposed amendment. The fate of the war in which we have so long been engaged, has at last assumed complete and final control of that great question. In July last, the President, with becoming frankness at least, announced to the American people that no propositions of peace in this unhappy land would be entertained by him until slavery was destroyed. This was plainly stated. I do not now recall it in order to arraign the fatal policy, which, in my judgment, it involves, but simply to observe that this purpose of the war, thus avowed, obtained a ratification, by means however illegitimate, at the ballot-box. Four years more of power was thus given to the party which makes the destruction of slavery a condition of peace as well as a condition of union.

Upon the assembling of Congress here, a few weeks ago, the President, in his annual message, again asserted this condition as the only one on which the war could end. If it is thought that I state the conclusion of his message too broadly, it is only necessary to recall his proclamations of freedom to all the slaves in insurrectionary States, and by which he tells us he intends to stand. He thus commits the blood and treasure of the country to the overthrow of the institution of slavery. There is no escape from this position, and I do not suppose he, for a moment, desires to evade it. He told the people in advance for what they should bleed and die in the event of his re-election, and he simply reiterates his assertion in the message.

Therefore, Mr. Speaker, if the arms of the government triumph throughout the region of the rebellion, whose vision is so dull as not to behold the liberation of every slave, without any other change in the constitution than that which war and usurpations and proclamations have already made? This government now stands committed to the destruction of slavery by all the means which the people possess, and at the expense of a thirty years' war, if that lapse of time should be necessary to accomplish the result.

But reverse the picture, and suppose, for the sake of argument, that the rebellion becomes a success, and Southern independence lifts its head from the desolations of war. Slavery is at once beyond our reach. We would have amended our constitution in order to apply the amendment to a foreign power. But, sir, long before a final result is obtained by arms on either side of this baleful contest, I think I foresee the relinquishment of this domestic institution by the action of the South itself. I can not close my eyes to the events which are there transpiring. General Lee, on whose shoulders rests the entire cause for which the South drew the sword, asks for negro troops, and they will be raised. Slavery can no longer exist when that policy is adopted. An army of liberated slaves is totally inconsistent with the discipline and police regulations by which alone the relation of master and slave is maintained, and rendered mutu-

ally advantageous. The fact is understood and appreciated by the public opinion of the South, and while yielding to it as a necessity, in order to raise soldiers and recruit their diminished armies, they will make the consequent and inevitable abolition of slavery a virtue in the eyes of the people of Europe, and seek for recognition and protection on that account. How far they are likely to succeed in thus enlisting the sympathy and aid of foreign powers is a question well worth the anxious consideration of the ablest statesmen now intrusted with power.

Sir, in view of these facts, which are open to every eye, I hold that the question of slavery is rapidly diminishing in importance. Whether for better or for worse, it is passing away. I shall not stop in this connection to inquire whether such a result is worth the terrible sacrifice which is required to secure it; whether the doubtful blessing, which we confer upon four million negroes, by setting them free, is not too dearly purchased at the expense of the blood and tears and toil which this war has entailed upon the land. My views upon all these and kindred points are well known. I am now simply dealing with facts, which all are bound to accept, and which the party that I belong to, at least, have no power to change. I foresee, it is true, other and most vital issues which will grow out of the destruction of slavery, and which will divide the councils of men in the future. The party now in power will seek to enfranchise the liberated negro, to make him a voter, a juror, and eligible to office. This has already been done in many States in which that party has the ascendancy, and the bill recently introduced by the gentleman from Ohio [Mr. Ashley], purporting to be a bill for the reconstruction of the Union, provides for the exercise of these privileges, by the emancipated black man, throughout all the seceded States, when they are once more reduced to obedience. On all these questions, sir, we will meet you at the proper time. I shall do no more than allude to them now.

But, although I regard the act of the House to-day, on this proposed amendment to the constitution, with total

indifference, so far as the existence of the institution of slavery is concerned, yet I shall vote against its passage. I shall give my reasons, but not elaborate them. I hold that this is an improper time to amend the fundamental law of the country. Such an act should not be consummated amid the fiery passions and vehement hates engendered by civil war. It should be the work of calmness and of peace. It is to last for all time. There is an idea of perpetuity attached to constitutions and constitutional amendments which does not belong to ordinary acts of legislation. They should, therefore, be the work of unclouded wisdom, and not spring from the wrath and smoke of the battle-field. If we have spent a large portion of our time here, since the war commenced, in repealing or revising or amending our hasty and crude legislation, it should admonish us to refrain from laying a rude and innovating hand on the constitution itself. When the sky shall again be clear over our heads, a peaceful sun illuminating the land, and our great household of States all at home in harmony once more, then will be the time to consider what changes, if any, this generation desires to make on the work of Washington, Madison, and the revered sages of our antiquity.

I hold that it is an act of bad faith, on the part of those in power, to seize this time of patriotic sacrifice, on the part of all, to carry out and culminate a favorite partisan scheme, against which nearly two million voters protested at the late election. But this conduct has grown familiar to us all, and I barely make the suggestion, as worthy of consideration, in connection with the whole political career which this war has been made to pursue under the dictation of an unhealthy fanaticism.

But I hold, finally, that the constitution does not authorize an amendment to be made, by which any State or citizen shall be divested of acquired rights of property or of established political franchises. The construction which our fathers gave to the constitution, and to which we have all hitherto adhered, guaranteed to the slaveholding States the right of property in slaves. This proposition is too

well settled for discussion. It needs only to be stated. It is true that the provision of the constitution which authorizes its amendment, is very broad and contains but one express limitation. But it is always implied as a limitation of power, that a well-settled principle of public law shall not be violated. To majorities are intrusted great and diversified powers, but among them, however great and numerous, is never granted the power to rob a minority of its vested rights. This amendment, in my judgment, proposes to commit this wrong in regard to every slave State on which it can ever be brought to operate. I deny the power. If it can be exercised on the subject of slavery, it can on all others. If the rights of a State and of its citizens, on this subject, can be destroyed, all other rights may perish by similar usurpations of power. A minority would thus be left no resource save that of revolution. I can not give my sanction to a measure fraught with the entire overthrow of the wholesome doctrine, that States have certain reserved sovereign rights which no external power can take away.

I have thus very briefly given the views which control my action on this question, and now take leave of it, simply expressing the hope that whatever may be done may advance the happiness of the people.

## DEFENSE OF MARY HARRIS.

[An argument delivered at Washington, D. C., July 18, 1865, upon the trial of Mary Harris, indicted for the murder of Adoniram J. Burroughs.]

It is not necessary for me to attempt to increase your sense of the solemnity of the issue which is placed in your hands. Nor need I dwell upon the fact that this is one of the most remarkable cases ever submitted to a jury for trial. In many of its aspects it wears features more startling and extraordinary than we have hitherto met with in the annals of jurisprudence. There is no man in this court-room, no one throughout this broad land, whatever his experience or profession may be, who has ever seen its like in all respects before.

A few months ago, in open day, in one of the public buildings of this capital, and in the presence of numerous observers, a human being was shot down by the frail hand of the prisoner at the bar, and sent to his final, dread account. The homicide mentioned in the indictment was thus committed; and, if it was deliberate, rational murder, then the blood of innocence is crying unappeased from the ground. But what are the elements which constitute this baleful crime? From that hour presaging woe to the human race, when the first man born of woman became a murderer, down to the present time, we have on record the frightful characteristics of the murderer. He is a being in whose heart the fires of malice and hate glow in perpetual flames, in whose face the image of God is blotted out, in whose eyes the light of mercy and love is forever quenched, who lies in wait like the tiger for his prey, and who strikes his unsuspecting and unoffending victim from motives of revenge or the lust of gain. Around such a being there centers every conception of horror which the human mind

can embrace. All nature, animate and inanimate, the very earth and sky, recoil from him who bears the primal curse, and there is no communion for his blackened spirit this side of the abodes of the lost.

But turn from this faint picture of a real murderer to the delicate, gentle being before you. We are told that deliberate and atrocious murder has been committed, and that the criminal is in court. We are told that a brutal assassination has been accomplished, and that the lurking and ferocious assassin is in our presence. Where, gentlemen, where? Am I to be told that this heart-broken young girl, with her innocent, appealing face, and look of supplicating dependence on you, is the fierce and malignant monster of guilt which is described in the indictment and in the inflammatory language of the prosecution? Am I to be told that her heart conceived and her hand executed that crime for which the Almighty marked the brow of Cain?

Let us pause and reason together for a few moments on a primary question in this case. The life of this defendant, from the days of her early and happy childhood to the present hour, has been investigated and laid open before you. Every trait of her character, all the general incidents of her conduct since she was ten years old, have been elucidated and detailed in your hearing. Of what vice has she ever been guilty? In what immorality has she ever indulged? Not one, at no time, and under no circumstances. Her life has been amiable, kind, affectionate, blameless, and pure. Troops of friends, of the best and most irreproachable in the land, have gathered about her in her quiet sphere at every stage of her checkered existence. These files of depositions, declaring all her ways for nearly ten years past, attest these facts. Then, at the very threshold of this case, you are to answer this question: Can a young and generous mind, wholly uncontaminated with vice, unsullied and unstained by contact with the evil practices of life, without previous training even in the contemplation of crime, at once, while in a healthy state, in the undisturbed enjoyment of all its faculties, incur that awful grade of guilt at which civilized human nature in all

ages stand aghast? Is it within your experience that the soil of virtue bears spontaneously the hideous fruits of vice? Are there no gradations in human character and conduct? Where is the hardened criminal who ever ascended the gibbet in expiation of his offenses who has not marked his downfall from small beginnings, increasing gradually and swelling in volume until he was hurled onward to the commission of those gigantic crimes for which the law claimed his life as forfeit? And yet you are called on to believe that this defendant, at one single bound, sprang from the paths of virtue, gentleness, and purity, without any intervening preparation, to the highest and most revolting grade of guilt and ferocity known to human society. Those who have predetermined her guilt and passed a verdict in advance of the evidence and the law may indulge in this absurd and repulsive philosophy. They may cherish this libel on human nature; and, in doing so, they may as well go further. Let the school-houses be torn down and the churches abandoned. The instruction and moral culture of youth are useless and in vain. The precepts of morality and the principles of religion afford no security to the minds of their possessors from the sudden, instantaneous development of the most appalling wickedness.

In the name of reason and universal experience I utterly repudiate this shocking theory, which the prosecution is forced to embrace before it can proceed a single step against the life of this girl. In the name of undefiled and virtuous human nature, I repel it. In the name of innocent childhood and unstained womanhood, in the name of your own dear ones at home, I pronounce it a slander upon those holy attributes of the human heart which tend upward and ally us with heaven. I deny that Mary Harris is a criminal. I deny that any murder has been committed. I deny that this young prisoner is responsible for the death of A. J. Burroughs. I assert that his death was not a crime. He was not slain in violation of law, for offenses against the law can only come by those who possess a sound mind and an unimpaired intelligence. And now, invoking your attention, I shall proceed to show you, from the story of her



life, which must constitute her defense, that it is not your duty to lay your hands in further punishment on the suffering head of Mary Harris, but that it will rather be your pleasing task to open her prison doors and bid her go free, attended by the charitable blessings of all Christian people.

Who is this unfortunate defendant, and whence came she, when her weary feet bore her still more weary heart to this crowded capital? A short time since, and but few here could have answered; but now all is known. We see at a single glance a gliding, panoramic view of the life of an earnest, devoted girl. Our eyes first rest upon a point nearly ten years ago. At this time Mary Harris was a beautiful and happy child, some ten years of age, in the town of Burlington, Iowa. In that hour of tender childhood, the evidence shows that Burroughs first met her; and would to God that in that hour she had died! Gentle memories would have clustered around her peaceful grave, and this bitter cup, whose very dregs she is now drinking, would have been spared her. There is a mercy at times in death, for which the stricken soul longs and gasps as the parched and feverish earth does for the cooling rain. But He who notes the sparrow fall, and has a design in all the ways of men, ordered it otherwise; and she is here to-day, weary and heavily laden, but humbly submitting to the Providence by which her own will has been overruled and her actions guided.

Burroughs, at this time, gentlemen, was a man of comparatively mature age, more than twice her senior—as he afterward in his letters declares—almost old enough to be her father. She sat upon his knee in the purity of unconscious childhood. I speak now from the evidence furnished by his own letters of a later period, and also from the testimony of those who witnessed at that time their constant intercourse. He proposed to mold and fashion her mind by the superior force of his own age, experience, and will, in order that she might, at a future period, make him a suitable wife. There is no room to doubt upon this point. Let those ninety-two letters here produced in court make their appeal. They speak in no uncertain tone. They

show us robust, developed manhood, seeking the ascendancy over a confiding child. They show us maturity and strength striving for the mastery over inexperience and weakness. He assumes even a paternal interest, and teaches her young heart literally to leave father and mother and cleave unto him. We hear it stated that no marriage engagement ever existed between them. The miserable desire to inflict indiscriminate punishment upon the innocent as well as the guilty would even deny this plain fact, which is established by almost every line of the evidence to which you have listened. The prosecution itself proved that at one time the very day was fixed for the fulfillment of their oft-repeated vows.

Under these circumstances, need I dwell at length upon the imperious nature of the influence which he obtained over her? The child became absorbed in the man. What else could happen? They walked the pathway of life hand in hand for many long years of hope and fond anticipation. He taught her to regard him as her future destiny. He was all the world to her. Her heart opened and expanded under the influence of his smile, as the bud becomes a flower beneath the rays of the sun. She grew up to womanhood in unquestioning obedience to his will. The ties by which she was bound to him were the growth of years, and embraced all the strength of her whole being. And did all this have no effect on the subsequent condition of her mind when disaster came? He had carried her to the highest pinnacle of happiness and hope. She stood upon the summit of joyous expectations, and all around her was sunshine and gladness. Well might she exclaim to my learned and eminent brother, as she paced her prison floor, "Oh! Mr. Bradley, you should have seen me then; I was so happy!" Yes, though poor and humble, yet she loved and was beloved, and it was enough; she was content. For in that hour, when a virtuous woman feels for the first time that she possesses the object of her devotion, there comes to her a season of bliss which brightens all the earth before her. The mother watching her sleeping babe has an exclusive joy beyond the comprehension of all hearts but her own.

The wife who is graced by her husband's love is more beautifully arrayed than the lilies, and envies not the diadems of queens. But to the young virgin heart, more than all, when the kindling inspiration of its first and sacred love is accompanied by a knowledge that for it in return there burns a holy flame, there comes an ecstasy of the soul, a rapturous exaltation, more divine than will ever again be tasted this side of the bright waters and perennial fountains of Paradise. The stars grow brighter, the earth more beautiful, and the world for her is filled with a delicious melody. This, peculiarly, is woman's sphere of happiness. There she concentrates all the wealth, the unsearchable riches of her heart, and stakes them all upon the single hazard. If she loses, all is lost; and night and thick darkness settle down upon her pathway. It is not so with man. His theater is broader. No single passion can so powerfully absorb him. A variety of interests appeal to him at every step. If disappointment overtakes him, a wide and open horizon invites him to new enterprises, which will relieve him of that still, deep, brooding intensity which is the pregnant parent of woe, insanity, and death to woman.

I am speaking now of general principles; but every word that I have said is applicable to the case of Mary Harris. For when her parents, distrusting Burroughs, and fearing that very treachery which afterward blasted her life as well as his own, endeavored to break off the connection and wed her to another, who, from their previous history, could for a moment doubt the result? He went to Chicago, and advised her to do the same in order to be near him. Gentlemen, the language which faithful woman holds to the object of her love when the hour of separation is threatened is very old and very beautiful:

“Entreat me not to leave thee, or to return from following after thee; for whither thou goest I will go, where thou lodgest I will lodge.

“Thy people shall be my people, thy God my God; where thou diest there I will be buried.

“May the Lord do so to me and more also if aught but death part thee and me.”

It was in this spirit and under these circumstances that she came to Chicago and resided with the Misses Jane and Louisa Devlin. It was Burroughs still shaping her destiny. It was the man still pointing the course for the child to follow. And shall this be imputed to her as a fault? Will this prosecution, fed as I believe it to be from the springs of private malice, assail her because she trusted Burroughs and confided in his honor? Had Burroughs been faithful to his vows, as he was called on to be, by every attribute which ennobles manhood, by every law human and divine, then this unhappy girl would have been to-day his respected wife, and the world would have applauded her sublime devotion to him when the truth between them was sought to be poisoned by whispering tongues. Now, because he was false and broke her heart, you are called on to believe that this act abased her virtuous brow into the dust of shame. I repel this calumny. Not only do I pronounce it a slander upon Mary Harris, but it is equally a slander upon the truth, fidelity, and virtue of womanhood. She did no more than what the proudest, the purest, and the best have done in all countries and at all times. She endowed him upon whose arm she leaned with the principles of justice and honor; she crowned his brow with a constellation of all the virtues and then trusted him. She turned her back on home, kindred, and friends, and with him faced the world alone.

We are told that no stain shall rest on the name of the deceased. The leading counsel for the government, at the very opening of this trial, announced, with singular emphasis, as if anticipating your conclusion, that he was a Christian who had lived and died without a blemish or reproach to that sacred character. His brother, the Rev. John C. Burroughs, says that his object here is to relieve his name from the slightest opprobrium. Thus we see the purpose of this unnatural struggle for a conviction, in the face of law and evidence which for more than two hundred years have prevailed in the defense of the children of

misfortune and providential affliction. Mary Harris is to be condemned, to be carried to the horrid gibbet—that appalling machinery of death, terror, and lasting ignominy—in order that the conduct of A. J. Burroughs shall stand triumphantly vindicated! I do not wish to assail the dead; but is it expected that this monstrous assumption in favor of crime shall be passed in silence? Shall this trial impress upon the public mind, as a lesson for future action, that it is a part of the Christian character to win the love and confidence of a child, to cultivate her affections as years advance, engage to become her husband, induce her to leave her home in order to enjoy his society, and to escape from another proposal of marriage; and then, after seven years of hope deferred, to dispel all her bright dreams of life by quitting her in a moment, by dropping all connection with her without a word of explanation, by marrying another woman and turning his back on her forever. Government and its officials, churches and their ministers, the press and its editors, are all powerful auxiliaries of public opinion, and I have heard their loud and clamorous notes throughout this trial; but when they ask me to subscribe to this idea of Christian grace and human excellence, I shall confidently appeal to you against them all. I am now leaving out of view the darkest aspect of the conduct of the deceased toward this defendant. I am presenting it on grounds where there is no dispute. No honest man can dispute the courtship of the child, the subsequent engagement, the allurements from home, and the final, unexplained, silent desertion, and the sudden marriage of another. His own handwriting, in letters whose genuineness is not called in question, attest these facts. And even if there was nothing but their long and peculiar relation to each other proven, you would easily understand that I have stated the case correctly. Then this is the model without a flaw, the character without a stain, the name without a blemish! According to this new theology, falsehood has become respectable, treachery noble, and the base, cowardly betrayal of young, inexperienced female confidence, a qualification for a seat with the just made perfect. I can join in no such wretched blasphemy.

I cling to the old and homely virtues according to whose teachings such conduct has been loaded with infamy from the earliest dawn of civilized human society; and taking my stand on this universal verdict of all ages, this irreversible judgment of enlightened mankind, I say that such conduct is more injurious to morality than murder, that it is worthy of the punishment of death, and that he who is guilty of it ought to die. I do not, it is true, place this defense on that ground; but when the prosecution sees fit to tender an issue upon the character of the deceased in the face of the black and revolting record of his guilt, it is proper that it should be met. When an effort is openly made to debauch the public mind into the belief that vice is virtue, that turpitude is morality, and that crime against unsuspecting innocence is one of the adornments of the Christian religion, then I conceive that the voice of truth should be heard.

But to proceed. Time passed on with this defendant, bearing her onward to a region of horrors, to the scene of her dismay and ruin; and I must move along on the melancholy tide, and approach the sorrowful hour. We have now traced these parties for years. Burroughs had carried her hopes to the highest elevation. She was looking forward to a future filled with honor and with delight. It was of his creation, and there was not a cloud within the scope of her vision. In such a serene and happy moment as this, with no note of preparation to her tender and susceptible mind, with no sign of warning, the blow descended upon her naked head, shivering every hope with which her heart was tenanted, and dashing the temple of reason itself into ruins. Is this statement the work of fancy on my part? Is it not the sad, literal truth? I appeal to you who have heard the evidence. Counsel have seen fit to attribute powers of eloquence to me which I neither possess nor affect. I can only repeat to you a plain and simple story of wrong, misery, and madness which you already know, and which is far more eloquent in itself than any words I can employ. Seven years of love were spurned in an instant. Seven years of patient hope were

turned in a moment to despair. He had lifted her up almost to celestial heights, only that her fall might be sufficiently great to dash her to pieces. Though without sin, yet she was cast out from her place of blissful abode, and fell, like the son of the morning, to hope no more forever. In order to understand the effect of disappointment and misfortune, we must fully consider the condition of the mind when the shock came. Adopting this rule in the present instance, and we shudder at the bare contemplation of the mental agony of the defendant when she realized that she was abandoned by him for whom she had abandoned all but her honor.

I am aware that the suffering of helpless woman, under such circumstances, are too often discussed with a sneer. There are those, who go in the catalogue for men, who aspire to be thought wise in the ways of the world, by talking and writing in flippant and witty strains in regard to woman, her sorrows and misfortunes. To such sage and philosophic minds there is no such thing as mental derangement, growing out of disappointed love or broken marriage vows. They are not thus to be imposed upon. The defense of insanity in such cases is merely a cunning device of counsel. Well, gentlemen, I am consoled with the belief that there is nowhere in this court, either on the bench or in the jury-box, one of these ready-made critics of human motives and human conduct, who are always deaf to law, to evidence, and to reason.

I have endeavored, during my humble career in life, to study somewhat the causes which most deeply afflict the human breast, and instill into it the bitterest and most intolerable memories. I think I can sympathize, to some extent at least, with those sensitive natures which are most susceptible to emotions of pain, and which at times wander in realms of gloom, and pray madly to be released from the unsatisfying scenes of the world. You have heard the character of the defendant in this respect fully delineated. She has been endowed by her Creator with the highest capacity for enjoyment or anguish. It is with her a land of sunshine or a land of darkness. She has but

few, if any, medium traits. Dr. Nichols, with the hand of a master, has drawn a picture of those invisible substances known as the mind and moral affections. He has applied his learning and science to the case of this poor girl, and we see the very pulsations of her heart laid bare before us. And, with this plain view of her mental and moral organization, and in the presence of the evidence as I now present it, without its further most cruel and harrowing features, I pronounce the calamity which befell her, by the mere act of his abandonment and desertion, as one of the heaviest that ever broke on the head of youth and confiding innocence. Is there no cause for insanity here? Do these things work no madness in the brain? Do they not rather plant in the ardent mind of woman the corroding canker, which no balm can cure—a consuming fire, which no lethean waters can quench? I appeal to human experience. It is said that we are manufacturing a defense for this girl. This charge means that we are assuming facts in her behalf which do not exist; that her condition, at the time of the homicide, was not such as we represent it. Is it not, therefore, a most essential ingredient of this defense to show that Mary Harris had been visited by those causes which have been recognized in all ages as the most prolific sources of insanity to her sex? Must we be told that we are standing on doubtful ground? Do men of sense gape and stare, because we show that the conduct of Burroughs made Mary Harris insane? Did such a thing never happen before? Is all this something so new, that we are to be styled visionary explorers and reckless adventurers? Why, gentlemen, we are simply following a broad, sorrowful, and well-beaten track. It is thickly strewn with the wrecks of human happiness—with broken hearts and ruined intellects. Go to the asylums for the insane—those awful tombs of living death! See that once-beautiful, but now pallid and shrunken face, pressed against the bars of her cell. See the scorching frenzy of her restless and anxious eye. Her parched lips move, and she calls upon a name which is strange to our ears. She prays sadly, perhaps, to be allowed to go to him. She



murmurs the broken lines of some song which they sang together in the days of old. And then upon a sudden, as if a serpent's tooth had struck her bleeding heart, she shrieks out maledictions, and calls down the curses of God on his head. At last she cowers down shudderingly in her corner, where, chained to the barren rock of the past, her one perpetual memory, with beak and talons sharper and more ruthless than the vulture's, preys with ceaseless rage upon her vitals. The name she has called upon is borne by one who is the favorite of fortune, who wears the honors of the world on his brow, who has wife and children blooming under his roof, who has a high seat in the sanctuary—is a "Christian without a stain"—who has forgotten his victim, and is happy. His name may not be Burroughs; but his conduct was not more false, and the ruin which he wrought was not more fatal to peace and life.

Turn to the books which record the experience of the world in this subject, and see whether this is picture or dreadful reality. I might detain you hour after hour reading cases of insanity produced by causes similar in kind to those which disordered the reason of the defendant. I shall content myself with but few. I read from Sir W. C. Ellis, page 79 :

"E. C., a female about thirty years of age; how long she has been insane is not exactly known. This case, like the preceding, was the consequence of offended pride. She was a fine young woman, but of ambitious views. She, too, had become attached to a person in a more elevated situation of life than herself; and the mortification of being rejected on account of the difference of rank was a wound to her pride which she could not brook: she became incurably insane."

We are not told what became of the man of rank. He most likely wore purple and fine linen, and fared sumptuously every day, while she lived and died forgotten by him; simply "incurably insane." But again :

"M. T., aged thirty, has been insane four months. Cause of the attack, disappointment in love. She formed

an attachment with a young man about six years ago; and he left her after promising marriage. She says that she has never been comfortable in her mind since, though she has worked regularly until within a few weeks. But she has shown evident symptoms of derangement; she neglected her business and returned to her friends, saying her state of mind would not permit her to work. About a week before her admission she passed a whole night in the street, and she has since meditated self-destruction."

How like the case on trial this sounds, only that M. T. had far less to crush her to the depths of despair than Mary Harris. In the case cited by the author, she was a woman when she first formed her disastrous attachment. In the case here in court, her love was ingrafted on the tender stalk of childhood, and it grew with her growth and strengthened with her strength until it became a component part of life itself. In the case from the book he left her, and that was all. It was not all in the case we are trying; no, not all.

But one more case to illustrate this question. "M. D., thirty years of age, had been insane only a few weeks. She had been brought up as a dressmaker, but unhappily had been seduced by an officer, to whom she was very much attached; after living with him for some time he deserted her for another. Grief, mortified pride, and jealousy, all combined, produced a state of excitement which ultimately ended in insanity. She had sleepless nights, the natural secretions were disordered, and violent mania was the consequence."

It is true that in this case the additional crime of seduction occurred; but I deny that this fact tends to increase the susceptibility of the female mind to insanity when laboring under grief from disappointed affection. While it brings its load of shame, yet it likewise blunts the fine edge of female pride. While it scalds and blisters the very soul with a sense of degradation, yet the standard of honor is lowered, and the fires of a former virtuous indignation are turned to ashes. The woman is humbled in her own estimation, and no longer chafes as formerly under the

burden of her wrongs. She has submitted to her own dishonor, and she abandons thereafter the claim which a virtuous woman has to complain of man's injustice. Pride, honor, and indignation at wrong, are all attributes of virtue, and when they are assailed and aroused to an unnatural action, they are the copious springs from which insanity takes its rise. Let it not then be said that because Mary Harris is pure, her wrongs are less. I have even heard it urged that because, through all the long and intimate years which she passed with Burroughs, she kept the vestal fires of chastity alive in her heart, that therefore her sufferings could not have been so great, when he abandoned her, and attempted to stain her name with pollution, as if she had fallen. This is not my theory of female character. The just, the pure, the good, those who have never consented unto iniquity, are those who, as a general rule, are unable to relieve themselves from those burning memories of cruelty and injustice which so often bring distraction.

But while I have shown, by authority, that the mere abandonment of the defendant by the deceased, under their peculiar circumstances, would have sufficiently accounted for the deplorable condition in which we afterward find her, yet, as I have said, this was not all. No; gladly would I be convinced that it was. But I now approach a scene of turpitude which brightens all his former conduct by the contrast. He not merely left this girl alone in the world, robbing her of all the priceless treasures of hope which she had laid up in the future, but he endeavored, in the very wantonness of wickedness, to trample her in the mire under his feet; to make her an object of scorn; to taint her name with moral leprosy, and to consign her to odium and shame. I am aware that it is to be urged that Burroughs was not the author of the infamous Greenwood letters. I am ready for that issue. Tell me, first, is there anybody else in the world likely to have approached Mary Harris in that way? Does a stranger thus approach a woman whose name is unsullied? Does a mere casual acquaintance seek thus to gain an intimacy

with one whose virtue was never called in question? And who but Burroughs was intimate with the prisoner? If there was another, it would have been shown. The brother, Dr. Burroughs, has not slept on the track of the accused. He has spared neither labor nor money to bring before you every item of her brief and now miserable life which might bear hard upon her in this trying hour. He wrote to a brother divine at Burlington to engage his assistance. He went to Janesville to bring every hidden thing to light. He hunted up all those who had ever known her. He associated with policemen, and took them into his confidence. He labored day and night to rake together every grain of evidence which would weigh against her life in the scales of justice which you now hold. And if any one had ever sustained such a relation toward her, except Burroughs, as would have rendered it even remotely reasonable that he wrote these letters, would he not have been discovered and held up in this investigation? If she had ever borne herself toward any one else in such a manner as to warrant a reasonable being in such an advance, that fact would have been proven.

And again, who would have used the language to Ellen Mills, at 94 Quincy street, but Burroughs? The evening on which he waited and watched for the meeting which his letter had requested, he said to the keeper of this abode of sin and shame that he would sit near the window, where he could observe the approach of his victim, and that he would himself go to the door and let her in. Why did he assume this task? Because, as he said, she knew him so well that she would trust him and come in. Who else but Burroughs did Mary Harris know so well? Who else could she so implicitly trust? And above all, who else could so confidently assert his power over her? Who but him, who had fostered the growth of her confidence from childhood up to womanhood? Who but him, on whose arm she had leaned so long and so fondly? "She knows me so well, that she will trust me and come in." This alone fixes the paternity of the Greenwood letters. This alone discloses who was that night waiting for this girl, as

plainly as if a beam of light had at that moment fallen on him, and made his guilty face visible to every eye in Chicago. I appeal to the candid judgments of all. Was there more than one person in the world who would have spoken and proceeded in this deed of infamy as it is shown that this man did? Look, too, at the phraseology of these letters: "My dear Molly." "Come; do come." Whose language is that? Is it not the peculiar voice of Jacob, though the hand may be the counterfeited hand of Esau?

But still more on this point. It has been well known for months what our defense would be. It has been well known that we would prove that Ellen Mills, the woman of 94 Quincy street, identified Burroughs as the man who plotted and watched at her house, in pursuance of the plans of these letters. It was known to all here concerned as counsel for the government, and it was known to Dr. Burroughs, within a few weeks after his brother's death, that this woman had minutely and accurately described the deceased to Miss Devlin and the accused, and had also recognized his photograph. It was equally well known that a clerk in the post-office had done the same. For when these letters were received, the defendant, outraged by their character, took prompt measures to ascertain their depraved origin. A letter was written in reply, addressed to J. P. Greenwood, and the clerk was requested to observe with care who called for it. He identified Burroughs as the man, even to the cornelian ring on his finger, which had been given to him as a token of love by Miss Harris. I repeat, that the prosecution well knew, from almost the first step in the preparation of this case, that we would prove these facts by Louisa Devlin. They also knew then, and now know from the records of this court, that we labored for months, in every form known to the law, to obtain the testimony of these two important witnesses, Ellen Mills and the post-office clerk. They were important to us; but if Louisa Devlin is swearing falsely, they are much more important to you [turning to Dr. Burroughs]. Our efforts to procure their testimony were in vain. What efforts did you make? You say you are here

to defend your brother's reputation. If the post-office clerk did not say that it was your brother who called for these Greenwood letters, and did not describe him to Mary Harris and Louisa Devlin, why did you not bring him here? If Ellen Mills never made similar statements as to the person who visited her house, why is she not on the witness-stand, or her depositions on file? You have brought witnesses here from Chicago and witnesses from Janesville, whose testimony is so immaterial that it trifles with the time of the court. But here are two witnesses who, if our proof on this vital point be false, can prove that falsehood, and relieve your brother's reputation where its need is the sorest; and yet, instead of joining us to bring them here, we find you, by your own extorted admission, listening to the unscrupulous suggestions of a policeman, that one of them at least shall be carried out of sight by the corrupt use of money; and the other one escapes us, although we follow him with an order from the War Department.

Gentlemen of the jury, this Christian minister by profession swears positively that his brother did not write these letters. But does he not stand before this court, before this jury, before the world, and before God, convicted, upon his own testimony, of suppressing the very evidence which would have settled that question forever? There is but one conclusion to be drawn from this fact. These two absent witnesses would have sustained Louisa Devlin; and Dr. Burroughs and this prosecution knew it. They would have described the deceased here in this court as they did in Chicago. This is no forced assumption of mine. It is a well-settled conclusion of law. The suppression of evidence is a grave and almost conclusive presumption against the party that resorts to it. This is more especially true when, as in this case, the prosecution is sustained by the treasury of the government in enforcing the attendance of witnesses. What is the object of a trial in a court of justice? We are here in search of truth. We have, each one of us, under the solemnities of an oath, invoked the name and help of God in the discharge of that duty. We stand on holy ground. Life, life, that myste-

rious gift of the Creator, is the issue at stake. Its awful import should inspire every breast with a religious desire to aid this court and jury in arriving, if possible, at the exact truth. Then, what shall be said of one who admits that he has not done so? I learn that it is said that no attack can injure Dr. Burroughs; that his position is so exalted that no shaft can reach him. I have no desire to indulge in personal assaults; but no position in life, no assumption of superior piety and virtue, will ever shield the character of a witness who, in a trial involving life itself, conceals material evidence, and then attempts to supply its place by his own unsupported oath. Nor need counsel in such an instance waste their time in denunciation, for no language which our tongues could utter could paint his conduct in colors so dark, in a moral deformity so hideous, as he himself has painted it by his own testimony. Such a witness becomes at once powerless for evil before an intelligent jury. He is dead by his own act. And I submit here now, in all candor, in the face of this court, in the presence of my learned brethren of the bar, and to you the final arbiters of this sad and trying hour, that Dr. Burroughs stands in contempt of this court, for his collusion with the policeman, Douglass, to hide away a witness from its process; he stands in contempt of society, which requires all its members to aid in vindicating justice; he stands in contempt of you, in refusing to bring before you all the evidence in his power to establish a point on which he asks you to find in his favor; and he stands in contempt of the teachings of the merciful Master on the Mount, by coming here with deceit and treachery in his heart to strike this helpless, feeble, sick, and lonely being, to whom his very name is an unendurable misery.

But it is most confidently insisted that these letters are not in the handwriting of the deceased. They may or may not be. After he is identified as the one who called, in the name of Greenwood, at the post-office for a reply, and who waited at 94 Quincy street for the proposed meeting, it is of no consequence whether he guided the pen or dictated to a confederate. The testimony of Mr. Danen-

hower is deemed material on this point. He says that the leave of absence on which the deceased went home to get married commenced September 8th, and hence he could not have been there in time to write them. My answer is, first, that nothing is more common than for clerks to leave a few days in advance of the date of their permission; and, secondly, that, in addition to the identification by Ellen Mills and the clerk at the post-office, it is in proof that Louisa Devlin and Mary Harris both saw him at times corresponding very nearly, if not exactly, with the dates of these letters. This is conclusive. There are but two witnesses in the world who could have contradicted these facts. Dr. Burroughs knew they would not contradict them, and he therefore kept them away, with the aid of "a hundred dollars or two," as suggested by the policeman, and came here himself to contradict them.

It will be asked, however, what motive Burroughs had to thus compass the destruction of one whose image, if he was human, must have been blended with his tenderest memories, with the most sacred associations of his heart. A refuge will be sought in this inquiry, from the irresistible pressure of the proof which thus far shatters all the assumptions and theories of the prosecution. Why—why did he do this deed without a name for cruelty and perfidy? You will be told that all the actions of sane people have their intelligent reasons. This is true; and the history of this case gives a ready, an instant answer to this inquiry. His motive was not the gratification of passion. Lust was not one of the elements in his calculations. Base and wretched as are such motives of action, yet, if it be possible, those that actuated Burroughs were still lower and more depraved. Look calmly at his situation. From Mary Harris he was about turning away without a word. He knew that such an act would be to her as appalling as the voice of doom. His conscience made him a coward. He could not face her with the story of his stupendous crime. He could not look into her confiding eye and tell her that his whole life toward her had been one mighty falsehood. Human nature, however depraved, was not



equal to such a task. The past was filled with voices of reproach and terror to his guilty heart. The future frowned on him full of menace and warning. The present was haunted by a sense of conscious wrong from which he tried in vain to escape. He knew, too, that he was in her power. These letters which are here in court, and many others not here, arose in his memory. He recalled that one in which he says: "And Mollie, if from any reason whatever I may change my views or feelings toward you, and I should feel like entering into a matrimonial alliance with any one else than yourself, I will promptly advise you of it." He was about taking that fatal step, but he had not the manly honor to fulfill his promise. He, however, like one who plans the commission of a crime, took measures for his escape. He was to be married in a few days to the unhappy lady who now mourns in her widowed home, and whose melancholy fate I deeply commiserate; and he knew that when that fact reached the ears of Mary Harris, her cries, her sobs, her voice of wailing would ascend like perpetual lamentations in the air. She might, in her deep distress, utter his name to the world in such a way as to stain his character as a Christian. She might come near him some day and remind him that he once took a child from her parents' roof, and broke her heart. Aye, it was in her power to denounce him as false and infamous at all times and places; to pursue him, if she desired, as an avenging shadow; to rob him of peace, and to turn his days and nights into fear and alarm. But if her foot once crossed the threshold of shame, she was in the fowler's snare and at his mercy. If this defendant had ever entered 94 Quincy street, Burroughs would have breathed easy, and gone to his approaching nuptials a free and happy man, secure from molestation at her hands. Her mouth would have been closed forever. It was not her soul that he expected to pollute, but her name. He intended to have been able to prove that she was seen to enter this wretched house, and to hold that fact in terror over her. If she struggled and cried out against her cruel fate, he could silence her. Or if she refused to be still in her sufferings,

he could close the ears and steel the hearts of all virtuous people against her. If she entered that house, she would come out covered with an everlasting mildew. Her heart might be as pure as before, for she was unconscious of its character, but her name would be spotted with an incurable leprosy. Burroughs had made up his mind to break his engagement, of long years' standing, with Mary Harris; and the Greenwood letters laid a plan by which he was to justify that heartless act and silence her complaints. Is there no motive in this? We find him capable of one wrong toward her. He deserts her without cause. Is he not capable of committing the other, when he has a powerful motive in his desire to escape the consequences of the first? If he could, in the hour of his desertion, render her powerless and despised, he was safe and free. The one absorbing purpose of his heart at that time was to sever the tie that bound them together, and when we find him unwilling to do so by an interview, we are prepared to believe that he attempted to do so by consigning her name to ignominy and pollution.

Gentlemen, you now have my views upon that branch of the evidence which relates to the Greenwood letters and all their criminal surroundings. I hold—

*First.* That it is not reasonable from the whole evidence that any one else but Burroughs wrote them.

*Second.* That Ellen Mills and the post-office clerks identified him fully as the man.

*Third.* That if he was not their author, it was in the power of this prosecution by bringing these two last-named persons here as witnesses, to have conclusively shown that fact.

*Fourth.* That instead of procuring the attendance of these parties, we find those who are in the interest of the prosecution—Dr. Burroughs and Douglas, the policeman—engaged in planning the suppression of their testimony; which fact in itself creates a presumption of law in favor of my position.

*Fifth.* That Burroughs had a powerful and controlling motive to write them.

But now allow me to say that, for the purposes of our defense, it is only necessary to show that Mary Harris actually believed that he wrote them, and that they thus became one of the exciting causes of her mental agony and derangement. But I have preferred to show not merely that she believed him to be the author, but also to show that she had overwhelming reasons for her belief—reasons from which there was no escape. No woman who truly loves ever willingly consents to blacken and deface her own idol. She rather clings to him in blind adoration long after the proofs of his treachery have become visible to all eyes but her own. And who will say that this defendant jumped to conclusions on this point against the deceased? On the contrary, when her fears and suspicions were alarmed, with what conscientious care she proceeded. Step by step the painful truth was pressed upon her. The woman of Quincy street described him. The clerk did the same. But she did not stop there. She was perhaps convinced, for the letters in themselves to her practiced eye contained terrible proof; but she had some hope of relief, in some way, not yet well defined in her thoughts, from an interview in another quarter. This young girl, then but eighteen or nineteen years of age, gathered up the letters of the deceased, took his miniature, took all that related to her seven years of love and hope, and knowing the standing of the Rev. John C. Burroughs, knowing his religious character, went to him like a child to a father, and poured out her grief and her fears. How like the pure and noble girl that she was!

But here we are involved in a contradiction as to the day on which this call was made. Dr. Burroughs says that she came on the 16th day of September. I do not believe him. His brother was married on the 15th, and I do not believe him, because, in order to free himself from reproach, it is necessary for him to fix his interview with the defendant subsequent to his brother's marriage. I do not believe him, because Louisa Devlin swears that it took place on the 15th. I do not believe him, because Jane Devlin swears it was the 15th. I learn that they are to be assailed in the

interest of Dr. Burroughs, in order to sustain him. Let it be so. You have looked upon those two honest, truthful faces, and observed their patient candor under the most protracted examinations. They have been the good angels of human nature in this cause. They were the friends of Mary Harris in sunshine, and they have abided through darkness. Others may have shrunk from her side, but they have stuck closer because of her calamities. Like the petrel of the sea, their friendship has spread a stronger pinion and pursued a bolder flight in the midst of the lightning and the tempest. Are such pure and unselfish beings as these to be degraded by counsel in order to support the testimony of one who appears in this case more like a criminal than an honest man? Make the contrast between them, gentlemen. Who failed to note that damning hesitancy of manner which caused every eye in this court-room to rest upon him with suspicion? Who could fail to perceive that he was weighing the effect, not the truthfulness, of his answers before giving them? Who ever heard an equal number of qualifying adjectives, expressive of cautious doubt and uncertainty, used in the same space of time as when he was under cross-examination? No; his oath will not weigh an instant in your minds as against theirs. You will believe, from the evidence, that the defendant and Dr. Burroughs met on the 15th and not on the 16th of September.

But, if you will allow me, I will state another reason why it was on the 15th, the day of the fatal marriage. The law gives the prisoner the right to stand where I am standing, if she had the power to do so, and speak for herself. I am but speaking for her, and in that capacity I have the right to say that it was the 15th, because she says so, because that awful day has left an indelible scar on her brain that fixes her recollection. And every word that has fallen from her pallid lips on this subject has carried truth to my mind. Dr. Nichols has sworn to her exalted sense of truth and female virtue, and a mountain of oaths by Dr. Burroughs would not shake my faith in her integrity. I do not believe, at this dreadful moment, she would pur-

chase her life by the utterance of a falsehood—no, not even to escape that death from which we shrink back in speechless horror.

Thus, then, these two persons met on the 15th of September, 1863. Dr. Burroughs says a woman came with the defendant. If we were manufacturing a defense, we would say so too, and have one of the Misses Devlin to personate this third party, and then by her testimony show what took place at this interview, and contradict Dr. Burroughs. But it is not true. Mary Harris went alone, and I am somewhat at a loss to know why this unknown woman has been conjured up. If she has a real existence, why was she not brought here, as so many others have been, to uphold, if possible, the private part of this prosecution?

Let us, however, now examine for a few moments the account which Dr. Burroughs gives of that meeting between himself and the prisoner. He admits she came to see him in regard to his brother, and that she apprised him of her long and intimate relations with him. The Greenwood letters were submitted to him, as also her reasons for believing that the deceased wrote them. She was in grief and trouble on that account. She inquired whether he was in Chicago. Dr. Burroughs admits to Judge Newman that he knew of their long correspondence; but while asserting that this interview took place on the day after his brother's marriage, he is forced to admit that he did not inform her of that fact. Why did he so carefully conceal his brother's marriage of the day previous? Why did he not tell her the truth? He admits that he did not do so. He says that he asked her if his brother had broken any engagement with her, and that she said he had not. The force of this answer will be fully appreciated when it is remembered that at this time the defendant was not aware that the deceased was married, and that this reverend witness was purposely concealing that fact from her.

But he says that Mary Harris told him that no marriage engagement had ever existed between her and his brother. Now, gentlemen, if she had made such a statement to Dr. Burroughs on that occasion, it would constitute a marvel

and a wonder in the history of human nature. It would stand alone as a contradiction of the universal experience of the world. Here was a young girl for the first time in her life in an agony of apprehension for fear she was about to be betrayed by the man whom she loved. The fact that she was engaged to marry him does not admit of a doubt. That is all clear now. Some trouble had even at one time arisen because she was about to marry out of the church—that is, to Burroughs. You remember his own letter on that point. No one now disputes the engagement. You are called, then, to believe that this defendant, going to Dr. Burroughs on the very subject of her relations with his brother, to whom she was in fact engaged—the evidence of which she carried with her to show him, complaining also of the contemplated breach of faith—that she, under these circumstances, told an absolute falsehood, and of such character as to utterly deprive her of all claims upon the accused, or of any right to inquire of his movements or conduct! In other words, we are to believe that she bore false witness voluntarily against herself upon a subject of the most supreme and sacred moment; that while discussing her rights with the deceased, she admitted she had no rights; that while hunting for him with nearly a hundred of his letters in her pocket promising marriage, she deliberately settled the whole case against herself by informing his brother that there was nothing whatever between them except the ordinary relations of friendship. What an interview, according to Dr. Burroughs! He knew of the long intimacy and correspondence, as he told Judge Newman. She came to him on the 16th, as he asserts. She wanted to know where A. J. Burroughs was. He told her he had left the city the day before. The Greenwood letters were discussed. And then Dr. Burroughs became inquisitive. How important, too, were his questions! He must have foreseen this trial. At least he must have been qualifying himself to swear in an action for a breach of marriage promise. He asks her if any marriage engagement existed. She frankly says no, when she holds in her hands at that moment the evidence to the contrary. He

asks her if his brother had ever made any dishonorable proposals to her, and she again answers no, although she at that time was painfully impressed with the fact that he had attempted to allure her into a house of ill-fame. Another very comprehensive question: Had the deceased ever broken any engagement with her? And once more she gives the necessary answer in the negative. There this extraordinary interview quietly ends by Dr. Burroughs forgetting to tell this distressed girl that the object of her solicitude, and in whom indeed they were both so deeply interested, was married on the day before. This is the testimony of Dr. Burroughs, as given in your hearing. Is there a man in the world, of common intelligence, who will believe it? Is it not monstrous and most unnatural? It sounded from the witness-stand like ironical fiction, told to provoke a stare and a smile, and in that it succeeded. The defendant went to Dr. Burroughs for information, and came away almost as ignorant as she went. Dr. Burroughs, on the contrary, made that the occasion to cram himself as a witness to every phase which any judicial inquiry might ever assume between them. He says that he is here simply to protect his brother's reputation, and he certainly betrayed an early knowledge that it would need protection.

But in this connection allow me a word as to his purpose here, and the spirit in which he has testified. It has been well known for many months that we would defend Mary Harris on the ground that grief, disappointment, and despair, connected with a severe physical disease peculiar to woman, and in itself a constant source of insanity, had given rise in her mind to recurring periods of mania, and that at one of these periods she committed the act for which she is now on trial. Well, has not Dr. Burroughs entered the lists upon that issue? He says that his only care is for the character of his deceased brother. That would be commendable; but is it true? He has taken pains, in different ways, to convince the counsel for the defense, as well as this court and jury, that he does not wish to have the defendant convicted, but that "she ought to be sent home to her friends." Then why, may I ask, is

this long array of witnesses brought here by him, to put up their crude and unlearned opinions against the medical evidence on the subject of her sanity? Was it essential to the Christian character of A. J. Burroughs to prove that here and there, at Chicago, at Janesville, and elsewhere, a man, a woman, or a child had met Mary Harris for a few passing moments, and did not discover that she was insane? No. This evidence can have but one purpose. It aims at the life of the prisoner. It in no wise touches the character of the deceased. It is a bold demand on the part of Dr. Burroughs for blood. It is the key which unlocks and reveals the meaning of his presence, and of all his evidence in this case. Oh, spirit of eternal justice, what more is this poor shivering victim of man's cruel perfidy to suffer! Is it not enough that one drove her mad, and caused her to cry out—

"I am bound  
Upon a wheel of fire, that mine own tears  
Do scald like molten lead?"

And must the brother come now, and struggle to drag this wan, emaciated, and stricken being to an awful and ignominious death? Is he not satisfied with the ruin already wrought? Are you not ready to exclaim, "Spare her, Dr. Burroughs; oh, spare her! Spare her for the sake of the name you bear. Enough she has suffered in that name. For the love of God and for the sake of His mercies, spare her broken life. Do not press and trample on the fallen and undone. She may meet you no more in this world. You may forget her mortal agonies in the honeyed commendations of your followers. But there comes a day when the one who murdered her peace, and the one who now seeks to murder her life, will both meet their victim in the presence of the Great Judge, and in a court above the sun, where misfortune is not a crime, and where earthly distinctions fade away; where the poor are rich, and the merciful blessed; where the feeble are strong, and the oppressor's rod is broken; and in that awful presence they will be called to answer why, at their hands, Mary Harris



was beaten and scourged to madness and death. Spare her; oh, spare her! lest, if you succeed in your purpose to slay her here, she will confront you in the eternal world as a bright angel, with her fair hair dabbled in her own innocent blood, shed by your hand, and there shriek into your shrinking ear, 'False, fleeting, and perjured!'"

Alas! how often the great rules of right—eternal and unchangeable right—are perverted in man's administration of justice! How often the accused should be the accuser! How often the unoffending sufferer bears the punishment due alone to others! What a scene is this in which we are all engaged! Here, before you, sits one of the feeblest and saddest beings ever born of woman—a mere helpless atom, buffeted and driven here by angry and malignant winds. The babe in its mother's arms was never more unconscious of the evil purposes of crime, than the heart of this pale and wasted prisoner. Yet the freezing terrors of the law surround her on all sides: the judge upon the bench, with wise and patient calmness elucidating its principles; this jury, listening to the story of her blighted life, and solemnly weighing the evidence; this crowded and anxious audience watching the result; and men, bearded men, earnestly discussing the issue, whether she may live or die! And why all this? Because, as she said to you [turning to Mr. Bradley], "I have been beaten and scourged without cause." Yes; bruised, maimed, and mangled until the divine gift of human reason gave way, utterly powerless, with less than the instinct of the poorest worm, that resents in blindness the heel that tramples it to dust. And yet this is the being against whom we are to listen to a lue and cry as if she were a monster, a Borgia, or a Hecuba!

Gentlemen, I sometimes tire of life when I see wrong and injustice spreading their prosperous branches as the green and flourishing palm; when those by whom offenses come in this world, who prey upon virtue and turn it into vice, who sport with innocence in order to poison it, who make a mockery of love and a plaything of truth, go not only unscathed of the law, but even applauded by the hired

panderers to a depraved and debauched public sentiment. Whatever of philosophy I have takes a painful and gloomy form, and I feel that I could say with the great dramatist :

“ Out brief candle,  
Life 's but a walking shadow; a poor player  
That struts and frets his hour upon the stage,  
And then is heard no more; a tale told by an idiot,  
Full of sound and fury, signifying nothing.”

Gentlemen of the jury, I have now, to the best of my ability, discussed the evidence relating to the first proposition of the defense. I am reasoning from cause to effect; and we have maintained and proven that in the case of the prisoner there existed overwhelming causes of insanity. To establish this great fact, I have thus far dwelt upon her relation to the deceased, the hopes he inspired in her breast, the power he obtained over her will and destiny, their final separation, and the aggravating circumstances by which that separation was surrounded. But although these moral causes alone, more than account for her subsequent condition, yet, at this point, I wish barely to call your attention to the testimony of Dr. Fitch. He is a gentleman of standing in his profession in Chicago, and attended the prisoner in her illness soon after Burroughs had abandoned her. He states that he found her laboring under a painful disease peculiar to her sex; and every medical man in the world, and every book ever written on that subject, declare that this disease is a constant physical cause of periodical, or, as it is more properly termed, paroxysmal insanity. I shall not discuss or dwell upon this fact. It is only necessary to state it, and to remind you that it is in proof that she was suffering from one of these attacks when she entered the treasury building on the fatal 30th day of January. In this most important feature of the case there is no conflict of testimony, and no room for doubt or conjecture. Where, then, in the whole range of judicial history, was there ever shown a more powerful combination of causes, in the same person, of mental derangement? The well-known moral causes existed in malevolent force; and in fearful alliance with them was a physical disease which

is recognized as one of the principal causes of mischief and malady to the female mind. Shall we, then, any longer wonder that, with her delicate nervous temperament, she fell before such a terrible combination? Would it not rather be matter for astonishment if her mind had survived, in calmness and health, all these shocks? But now, having inquired into and summed up the causes, let us explore the ground still before us, in order to discover, if we can, whether the effects of those causes actually did occur in this case. Let us lift the curtain for a few moments, and look upon that shifting scene of suffering which her life continuously presents, from the 15th day of September, 1863, to the present hour.

We behold, for once at least in our lives, a human being totally transformed. The change is complete in every respect. Physically, she is no longer the same. Her former buoyant health withers away. The bloom of her face dies out, as it were, in a single night. Her already slight frame becomes still slighter. Sleep, the gentle nurse in whose arms the peaceful invalid woos the returning spirit of health, fled from her eyes. Burroughs had murdered sleep; and her mind was fixed, with an appalling intensity, on the memory of the past, which was to her brain as a consuming fire. From this horrible spell there was no escape. Ellis, from whom I have already quoted, says:

“But in those cases where the over-action of the brain has been brought on by thinking too long and too intensely on painful truths, from which there is no escape for the patient, it is exceedingly difficult to divert the attention, and to prevent the mind from dwelling upon them so continually as to produce disease; for, although patients are conscious of the injury they are inflicting upon themselves, and of the inutility of their over-anxiety, and judge most accurately of their situations, they do not appear to possess the power of controlling their thoughts.”

No; and hence we see her mind developing its changes in equal pace with her body. It is the seat of the canker which blighted her whole system, and which no medicinal balm can reach. There was lodged that perilous stuff

which no drug can purge from the distracted breast. According to the evidence, she was, up to that period, the merriest and the most joyous of her circle. The world, the glad earth, the opening day, the bending sky, and the kind faces of friends were all beautiful to her, and she enjoyed the few years of her unclouded happiness. But now the laugh was gone; no merriment kindled in her eye; the future to her was dead; she lived in the past, and it was the charnel-house of all her hopes, and over it hung the mourning cypress. I am reading her condition to you by the light of the evidence alone. I am showing you that effects were following causes. She grew weary of life. Who does not, when all that gives life its value has perished? This is, in itself, one of the incipient stages of insanity. It is the offspring of that "black melancholy" which all authors designate as one of the parent springs of madness. And when this defendant rose that morning from her bed, and murmured her farewell to the friend, whom she supposed to be asleep, had she succeeded in taking her "walk by the lake shore," in the darkness before daybreak, she never would have been here on trial. The winds and waves would have sung her requiem. There might have been an inquest, and the usual verdict:

"One more unfortunate,  
Weary of breath,  
Rashly importunate  
Gone to her death."

Perhaps there would have been an item in the papers of the next morning. Men would have read it listlessly over their coffee, and forgotten it during the breakfast. And yet in that item would have been contained the account of a wreck of more infinite and incalculable value than all the richly laden argosies that ever sunk beneath the surface of the deep. It would have told of a ruin which calls upon heaven, earth, and hell as its interested witnesses. It would have recorded a crime which rises in mountain blackness against the soul of the betrayer of innocence. But the purposes of the suicide were defeated, and we are left to still further notice her total transformation of character.

How shall I dwell upon those unnatural outbreaks of violence which occurred toward those who were the beneficent guardians of her daily life? We have found the developments of suicidal mania; and alas! we now discover the unmistakable symptoms of homicidal insanity. This whole evidence shows her natural disposition to have been most amiable, gentle, and affectionate. She now, at times, lost all these once familiar traits. Where is the man of science who does not see at a glance what all this means? Do the moral affections and the mind all undergo a sudden and radical revolution, characterized by irrational actions, while all the functions are in a healthful condition? As well ask whether the dove can change itself at pleasure to the kite, or the lamb to the ravening wolf. If Mary Harris was not insane when she aimed a large and deadly knife at the breast of her dearest friend, then human character can assume the hues of the chameleon at will, and there are no rules by which human motives can be fathomed. Again she attacks Louisa Devlin; at another period she assaults a customer in the store; at another she is so violent that her friends imprison her in her room by force; and at another she escapes and flies along the streets at night, and is secured and brought back, only after great exertion and difficulty. She tears articles of domestic use to pieces, and in every way, at stated intervals, displays a morbid propensity to destroy.

This form of insanity is too well understood to require at this time a minute discussion and a full citation of authorities. I wish, however, to dwell briefly on some proper distinctions to be observed. We find the most eminent authors fully recognizing the existence of an insane impulse to commit deeds of violence by persons apparently perfectly rational on all other subjects, and acting without the slightest provocation. Ray, in his great work—*Medical Jurisprudence of Insanity*—uses the following language:

“The last and most important form of moral mania that will be noticed consists in a morbid activity of the *propensity to destroy*; where the individual, without provocation or any other rational motive, apparently in the full posses-

sion of his reason, and oftentimes, in spite of his most strenuous efforts to the contrary, imbrues his hands in the blood of others; oftener than otherwise, of the partner of his bosom, of the children of his affections, of those in short who are most dear and cherished around him. The facts here alluded to are of painful frequency, and the gross misunderstanding of their true nature almost universally prevalent, excepting among a few in the higher walks of the professions, leads to equally painful results. In the absence of any pathological explanation of this horrid phenomenon, the mind seeks in vain among secondary causes for a rational mode of accounting for it, and is content to resort to that time-honored solution of all the mysteries of human delinquency, the instigation of the devil. Of the double homicide to which this affection gives rise, there can be no question which is most to be deplored, for shocking as it is for one bearing the image of his Maker to take the life of his fellow-being with brutal ferocity, how shall we characterize the deliberate perpetration of the same deed under the sanction of law and of the popular approbation? We trust, however, that the ample researches of writers of unquestionable veracity and ability, which are now just reaching the attention of the legal profession, will be soon followed by a conviction of past errors, and a more rational administration of the criminal law. . . . . Esquirol, in his valuable memoir, first published in the shape of a note in the French translation of Hoffbauer's work, observes that homicidal insanity or *monomaniac-homicide*, as he terms it, presents two distinct forms—on one of which the monomaniac is always influenced by avowed motives, more or less irrational, and is generally regarded as mad; in the other, there are no motives acknowledged nor to be discerned, the individual being impelled by a blind, irresistible impulse."

After citing a number of cases to illustrate his views, this enlightened author further says:

"In most cases of homicidal insanity, the presence of some physical or moral disorder may be detected, and though none is mentioned in those above related, there is

reason to suppose that it might have been ascertained by a more thorough examination."

In the case now under investigation in this court, both physical and moral disorders of the most painful and afflicting character have been discovered. We do not claim that this is one of those cases which, as Ray observes, have so often baffled the mind in their solution. On the contrary, we show you a person sick in mind and body, and assert that such functional disease of the brain ensued as to impel to this strange and irrational course of conduct. We are involved in no mysteries. We have the causes, and the effects have followed. A mind overstrained in the perpetual contemplation of a harrowing theme, and a body broken by painful disease, gave rise to a paroxysmal insanity, which assumed the destructive form. Ray, speaking further on this subject, says :

"In nearly all, the criminal act has been preceded, either by some well-marked disturbance of the health, originating in the head, digestive system, or uterus, or by an irritable, gloomy, dejected, or melancholy state; in short, by many of the symptoms of the incubation of mania."

In the light of these authorities, the conduct of the defendant seems no longer wonderful, and we are not compelled to look to the malicious contrivances of a depraved heart for its solution.

But we have heard it urged by the prosecution, with an air of triumph, that there is at least one act on her part which clearly proves her a rational being. She bought a pistol. Now, if any one thing in her whole history more than another proves her periods of insanity, and especially on the subject of her misfortune and bereavement, it is this act itself, and the circumstances under which the purchase was made. To one, when questioned, she replies that other ladies besides her carry pistols in Chicago; but her real reason, as you will remember she stated it, was one of those frightful ideas which pursue the startled and suspicious minds of the insane. She said that she believed there was a scheme between her false lover and his brother, Dr. Burroughs, to pick her up in the street some day and

carry her away, where she would never be heard of again, and she meant to be ready to defend herself. She was haunted and pursued by this irrational fear. Says Ray again :

“In general mania, especially the early stage, the mind is filled with vague fears, suspicions, jealousy, and distrust, and the thoughts are sadly confused. The patient believes that enemies encompass him around, bent on destroying his reputation or his life. With no special plan in view he arms himself with swords and pistols, and accident, or some unaccountable caprice, finally determines his victim.”

Winslow, in his masterly work on the brain, in speaking of such a patient, also says :

“All objects within the range of his perverted senses are tintured and distorted by a disordered vision, jaundiced eye, and morbidly exalted and excited fancy. In this incipient phase of mental derangement he shakes with fear at the reflection of his image ; crouches with apprehension at the reverberating sound of his own footsteps ; trembles at the melancholy sighing of the wind through a neighboring copse ; turns pale at the echo of his voice ; falls back aghast with horror, at the recognition of his shadow, mistaking it for a frightful phantom or grim spectral image,

“‘Fierce as ten furies ; terrible as hell.’”

Yes ; and as Mary Harris hurried with feverish haste along those streets which she first visited in order to be near him whom she was now to see no more, and mingled amid those scenes which only spoke to her heart of him, she beheld a mocking specter forever at her side.

‘She hears a voice we can not hear,  
Which says she must not stay ;  
She sees a hand we can not see,  
Which beckons her away.’”

This act, then, on which reliance is placed for a conviction—the purchase of the pistol—is shown to have been induced by one of those wild delusions which are absolutely conclusive of a disordered intellect. It is the culmination



of the evidence which her conduct affords while she yet remained at Chicago.

But she came to Washington, stopping a few days at Baltimore. She thought Burroughs had blackened her reputation, and that the world had turned against her. She thought to have a lawyer sue him; and when the question of damages was suggested, she simply said she did not mean that; he was poor, and she did not want his money, but she wanted to vindicate her honor. Why, says the prosecution, this is the talk of a rational woman. Certainly, the light of reason at times blazed up almost as strongly as ever, though, for a poor girl without means, except what she borrowed of Miss Devlin, to travel a thousand miles to bring suit against a man, and then refuse his money, is, in itself, an evidence of unnatural excitement. But, let us meet this question here and now, and test it fairly by the rules of science. Let the inquiry embrace all that can be urged on this point against the defense. You say that she comes calmly into this court and does not rave in your presence. You say that, at certain times, when we catch a glimpse of her, she has exercised the attributes of reason. You have brought a number of witnesses here, from a great distance, to say that she was not mad in their unobservant presence. All this we admit, and more. We not only admit, but we assert, that there are intervals during which she is perfectly sane on all subjects.

I again quote Ray :

“ It is well known that many diseases, especially of the class called *nervous*, observe a law of periodicity which is not uncommon in the actions of the animal economy. One effect of this curious law consists in an intermission of the outward manifestations of the disease, so complete as to bear the appearance of a perfect cure, and this in the present state of our knowledge, is all that we can with certainty say of it.”

“ There are few cases of mania or melancholy,” says Dr. Reid, “ where the light of reason does not now and then shine out between the clouds. In fevers of the mind, as well as those of the body, there occur frequent intermissions.

But the mere interruption of a disorder is not to be mistaken for its cure or its ultimate conclusion. . . . Madmen may show at starts more sense than ordinary men."

But I do not stop here. I leave the question of lucid intervals, and approach the periods of the insane paroxysms. Even then the reasoning powers are often acute and accurate, defying at times the most patient skill to detect any malady of the mind.

"The insane," says Esquirol, "group and arrange their ideas, carrying on a reasonable conversation, defend their opinions with subtlety, and even with a rigid severity of logic, give very rational explanations, and justify their actions by highly plausible motives."

Winslow also says :

"Whilst analyzing the incipient symptoms of insanity, as manifested during the stage of exaltation and excitement, it will not be irrelevant for me to consider an important subject closely connected with the matter under consideration, but, perhaps, more immediately bearing upon a medico-legal point of great interest to the jurist, as well as to the practical psychologist. I refer to the subtlety, quickness of apprehension, ready wit, biting sarcasm, great power of self-control, extreme cunning, and extraordinary shrewdness of the insane, as well as the wonderful mastery they have occasionally been seen to exercise over their acknowledged delusions, whilst under the searching analysis of the ablest and most accomplished advocates of the day."

Of course, the prosecution here is compelled to fly in the face of all this, and insist that, in order that insanity may be proved to exist at all, it must appear so plainly that he who runs may read it, and that the wayfaring man, though a fool, may behold the fact at a single glance. We all remember the testimony of the renowned Erskine in regard to this question. He once examined a man in court with a view to the discovery of his mental alienation, and spent the entire day in propounding questions, to which the unfortunate man, who was really insane, re-

turned answers which were perfectly correct and rational. In this case which we are now trying, Dr. Young, a very excellent physician and a worthy gentleman, says that he several times visited the prisoner in jail, and prescribed for her; that his attention was in nowise called to her mental condition, and that he did not discover any evidences of insanity. This seems conclusive to the minds of the gentlemen who represent the government; but in the light of scientific truth it is nothing: it vanishes as an imperceptible mote in the atmosphere. What strange delusions haunt the popular mind on this subject! We forget that the mind is a many-stringed instrument, and that, while it requires every chord in a healthy state to create a perfect harmony, yet one may be strained and broken, and still the others when touched give forth their own unimpaired tones. It is a matter of history that "Tasso composed his most eloquent and impassioned verses during paroxysms of insanity. Lucretius wrote his immortal poem *De Rerum Natura*, when suffering from an attack of mental aberration. Alexander Cruden compiled his Concordance whilst insane. Some of the ablest articles in Aikin's Biography were written by a patient in a lunatic asylum." Sublime inventions have likewise sprung from the labors of disordered intellects, and exquisite statuary has stood up at their bidding. But in these most painful instances there was somewhere a hidden wound which would not heal, which bled at the touch. When it gaped afresh the whole instrument wailed forth in melancholy madness, and the stricken beings were irresponsible for their acts in the sight of God and man.

And now, gentlemen, as we approach the final and tragical scene where the disaster of this girl's life culminated in the death of Burroughs, let us pause a moment at Baltimore. Mrs. Fleming was called for the government, and yet all will admit that her evidence powerfully supports the defense. We see the defendant fitful, nervous, and wavering; as the witness says, not natural. At times she sinks in long and gloomy spells of abstracted silence. She gazes steadily on space and distance, all unconscious of surround-

ing objects. She breaks suddenly from these dismal reveries, sometimes in a ghostly and exalted glee.

"Moody madness,  
Laughing loud, amidst severest woe."

At other times she starts up, singing, in plaintive strains, the broken fragments of some melancholy song, which tells of disappointed love. When the witness heard her murmuring, "I loved him, but he doubted me," she heard the universal wail of woman's broken heart and wandering mind. And as the hour drew nigh for her departure to Washington, she spends a sleepless night poring over these fond letters of the deceased. The midnight is not more gloomy than her soul. She is communing with the lost—the lost hopes of other and brighter days—the lost hours of a radiant joy—the lost hours of love, of happiness, and promise. She is amidst the tombs, and the demon, Memory, absorbs and binds her captive. She takes no note of time. The witness calls her, and finds her still buried in her thoughts. She starts in a hurry with a return ticket, in order to go back to Baltimore that evening. Thus this lonely being came here, and in this mood of mind she went to the Treasury building. No wonder when she first reached there, that the lady, whom the prosecution introduced, noticed a light in her eyes which alarmed her.

Up to this time, where are the indications or expressions of malice toward the deceased? Where is the evidence that she premeditated murder? The pistol itself is scarcely calculated to take life, and it has been shown that she obtained it under the influence of an insane delusion. She inquired for Burroughs; she wanted to see him. Was this with a desire to kill? In the instant that he fell by her hand, she implored God on her knees to spare him. Does the murderer beseech Divinity to spare his victim? She offered her life for his if he could be saved. Is this the conduct of one who lies in wait and assassinates in cold blood? As his life was ebbing away, she shrieked, "O God! I loved him better than my own soul." Is this the language of one who, in the exercise of reason, has smitten to death an object of hate and revenge? Recall that

awful scene which was delineated before you by the Hon. Secretary of the Treasury, the force and terror of which, even he declared, he could not properly describe. The rigid features, the white and ghastly face, the blazing and tearless eye, the rapid and, at times, incoherent speech, imprinted upon his mind, for the first time in his life, the dreadful reality of absolute despair. He rendered a verdict in favor of her innocence, when, with the instincts of the kind gentleman, he took Mrs. McCullough the next morning to visit her in prison. He had witnessed her state and condition, and judged the case correctly. There was neither premeditation, malice, nor design. She was incapable of either. It was the insane paroxysm to which we have already seen her subjected. We have the medical testimony, which I shall directly apply, but I will first support my position from the books.

Fodere, as quoted by Ray, uses this striking language:

“The mania, which is accompanied by fury, is very often periodical; that is, as if granting an occasional truce to the patient, it appears only at certain epochs, between which he enjoys all his reason, and seems to conduct and judge, in all respects, like other men, *if we except in regard to certain ideas the thought of which may, at any time, occasion a fresh paroxysm.*”

Who ever possessed a more painful train of ideas than Mary Harris; and if the mere thought of them might, at any moment, unsettle her reason, how shall we describe the effect of the actual presence of Burroughs? For a year and more the memory of her wrongs at his hands had pressed like a hot iron on her brain, her health was broken, she was pursued by a delusion, and shook like an aspen in the wind; her nights were bereft of repose, and to her perturbed spirit day brought no rest or cheering. And thus the feverish, drifting wreck of her former self, she met him. Mental philosophers have declared the result. It is at such a time that the beautiful language of his honor's charge is applicable. Frenzy mounts up by the side of reason, seizes it, and for the time being takes it prisoner.

Dr. Combe, one of the ablest thinkers on this subject, also says :

“ But, however calm and rational the patient may appear to be during the lucid intervals, as they are called, and while enjoying the quietude of domestic society, or the limited range of a well-regulated asylum, it must never be supposed that he is in as perfect possession of his senses as if he had never been ill. In ordinary circumstances and under ordinary excitement, his perceptions may be accurate, and his judgment perfectly sound ; but *a degree of irritability of brain remains behind, which renders him unable to withstand any unusual emotion, any sudden provocation, or any unexpected and pressing emergency.*”

We only claim for this unfortunate defendant the demonstrations of science. We only ask that what universal experience has found true of others may be found true of her. She was very frail in mind and body, and “ unable to withstand any unusual emotion, any sudden provocation, or any unexpected and pressing emergency.” There was a “ cause that hurt her brain,” and the appearance of the deceased revived it in all its bitterness and power. The flash of the lightning is not more instantaneous and irresistible than was the awful impulse which followed. It may have been the swift avenging stroke of Nemesis. He may have beheld the spirit of retribution as he took that last, fearful glance at her unearthly face ; but no attribute of reason guided her blow. It was the rebound of his own acts, which were conceived in guilt, but which now returned in madness to torment the inventor. He had laid for her a frightful train of ideas, all connected with himself. His presence applied the match, and the explosion hurled him into eternity.

But thus far, gentlemen of the jury, I have dwelt in my own feeble way upon the condition, language, and conduct of the prisoner, and the application of standard works of science, in order to reach the conclusion which is maintained by the defense. I now, however, take one further and higher step, and plant myself on sworn facts, which you can not disregard, except in violation of your oaths as

jurors. We placed upon the stand a gentleman of eminent distinction as a physician of the diseased mind. Dr. Nichols has pursued this branch of science as a specialty for over twenty-five years, and has been the superintendent of the Asylum for the Insane in this District for the past eighteen years. His reputation is known extensively throughout the country, and I may be permitted to say that he has deeply impressed me as a gentleman of profound intellect, a vigorous and correct thinker, and a most conscientious laborer in the vineyard of truth. Life, honor, and justice are all safe in his hands. He comes before you, and relieves this case of every difficulty. He lifts a weighty responsibility from your shoulders, and makes your duties light and easy to be discharged. First, he has heard, and had submitted to him for inspection, every word of testimony in this cause to which you yourselves have listened. Secondly, he has visited the defendant in prison as often as he conceived necessary, to enable him to form a correct opinion of her condition. His means of information, therefore, embrace every source. He meets fully and completely the requirements of medical jurisprudence as an expert. No man ever stood up in a court of justice more amply qualified to give an opinion. And in view of this girl's history and early life, in view of the mental afflictions which overwhelmed her, in view of the physical disease which preyed upon her system, and in view of all the facts which her unhappy case presents to his analytical, discriminating, and scientific mind, he declares to you, as the result of his careful deliberations, that she has suffered from paroxysms of insanity, and that the act of homicide on the 30th of January arose from an insane impulse, and not from motives of hate or revenge—in his own language, “that this theory is more in harmony with the truth than the other.”

The District Attorney: He did not say that.

Mr. Voorhees: He did say it; and said it even in stronger language, I believe, than I have used, as the official record will show.

[The evidence of Dr. Nichols on this point was here read, and found to be as stated by the speaker.—*Reporter.*]

Mr. Voorhees: I knew that I was correct. Here, then, is the whole defense established by the highest evidence known to the law. The opinion of an expert is *a fact in the case*. No other witness can give any opinion at all. Dr. Nichols, therefore, proves as *a fact* that, from moral and physical causes combined, the defendant has labored under paroxysmal insanity, and that the act for which she is now on trial was committed during a paroxysm, and under an insane impulse. You have no legal right to find a verdict contrary to the testimony of Dr. Nichols, unless he is unworthy of belief, or has been successfully contradicted by other competent witnesses, whose opinions are entitled to greater weight than you attach to his. On this proposition I rest securely. And on the uncontradicted statement of this scientific witness I risk the life of the prisoner. He is the Saint Peter of my faith, and on this rock I build the defense; and neither the power of the public prosecution nor the gates of private malice shall prevail against it.

But we are met at this point with a proposition by the prosecution which I undertake to say is without a parallel in the courts of any country which has been blessed with the light of civilization. Utterly borne down and crushed by the evidence of Dr. Nichols, the gentlemen who represent the government boldly and without a blush declare that the opinions of men who, like him, have given their lives to the study of the mind in all its various and mysterious phases, are less reliable in the discovery of insanity than the opinions of those who have bestowed no particular attention on this great and difficult subject. The cry of "mad doctors" has been raised, and we heard an appeal against them in favor of what were styled "common-sense doctors." Gentlemen, I feel humiliated that I have listened to such language from such a source. Is there such an unappeasable rage to take the poor life of this prisoner that in order to do it these distinguished gentlemen are willing to resort to the lowest and most pernicious arts of the profession? Do they propose to deride the disciples of learning, the devotees of science? Will they stand up here in the noonday of human progress and enter the lists



as the avowed champions of ignorance? Who are the "mad doctors" of the world at whom this persistent and systematic sneer is leveled? They are those who have made the subject of insanity a specialty, who have given their days and nights to incessant and laborious thought, who have struggled with painful toil to alleviate the direst woes of their fellow men, to cure those wounds which the lash of misfortune inflicts, and to pluck from the diseased mind its rooted sorrows. And is it found necessary to stamp such characters with odium in order to convict Mary Harris? Shall we pluck from the scientific heavens their brightest and boldest luminaries, and accept darkness, gloom, and mist again? Shall we strike down that blazing galaxy of genius, toil, and progress, where the names of Winslow, Esquirol, Ray, Gall, Spurzheim, Rush, Combe, Prichard, Ellis, Hoffbauer, with others of the shining host, are burning as stars on the front of the sky; and into whose glorious companionship we anticipate but a few years by introducing now the name of Dr. Nichols himself? These are they against whom the prosecutors invoke the aid of ignorance and prejudice. They have certainly mistaken the age in which they live. The District Attorney is nearly two centuries in the rear of the still advancing column of human improvement. There was a period in the world's history when this assault on men of science would have relaxed the dull features of stupidity into a smile and caused blind superstition to nod its ugly head with approval. There was a time when darkness rested upon the face of the waters in the scientific world, when the voice of learning had not yet brought order out of chaos, when courts of justice were nurseries of bigotry, when mental derangement was judicially interpreted as the possession of a demon, and the sufferer declared to be in familiar communion with the Prince of Evil. At such a time as this the District Attorney could have charged upon "mad doctors" amidst acclamations. Could he have found an enlightened man of science during such a period he could doubtless have had him hung as a sorcerer or magician, along with the party whom he declared to be insane.

And even now, to-day, wherever there is a cavern in which the owls and bats of ignorance, superstition, and gangrened prejudice yet inhabit, where the rays of liberal enlightenment have not yet penetrated, and where no beautiful thing has ever grown as a sign of progress, there his voice, going forth from this court-room, in denunciation of the growth, the achievements, the accumulated treasures of ages, will be hailed as if clothed with the authority of a heathen oracle in the days of heathen supremacy. Yes, in order to ask for a conviction at your hands, he is compelled to repudiate the products of civilization, recede into the darkness of the past, and from the gloomy fortresses of barbarism shower his missiles on the head of this most unfortunate being. When Paul explained the mysteries of the redemption, the barbarian official of Rome cried out—"much learning hath made thee mad." Dr. Nichols pours a flood of light upon the issue before this court, and the law officer of the government says: "Thou art a mad doctor." It is no part of my purpose to give offense, but in the name of bright-eyed truth, in the name of immortal science, in the name of the high, advanced banners of civilization, in the name of the stalwart, conquering spirit of gigantic progress, in the name of the greatest benefactors of suffering and diseased humanity, in the name of the liberal, humane, and learned profession of which I am an humble member, and in the name of an American court of justice, I protest against this attempt to break down and trample under foot the wisdom, the experience, and the labor of ages, and to destroy, by an unworthy appeal to the basest prejudices of mankind, those safeguards which the proudest intellects of the earth have erected around such victims of misfortune as this young prisoner.

But let us see how the prosecution, after all, has fared in the issue which it attempted to make between Dr. Nichols and those members of the medical profession who have been introduced as witnesses, under the novel title of "common-sense doctors." Upon a presentation of the case, detailing the evidence with wonderful fidelity and accuracy, every physician, without a single exception, who

was placed upon the stand by the government, concurred instantly and unreservedly with Dr. Nichols. Dr. May, Dr. Miller, Dr. Johnson, Dr. Howard—all very eminent, and of long experience in their profession, standing in the very front ranks—swear without hesitation that, in their opinions, the defendant was subject to paroxysmal insanity, and that the presence of Burroughs developed a maniacal impulse, over which she had no control, and before which he fell. Will it be said that Mr. Bradley did not submit a fair statement of facts to these medical gentlemen? You shall judge of that. Would he fabricate a case on which to obtain their opinions? The District Attorney and Mr. Wilson certainly do not mean such an imputation. Can a man at his time of life, at the head of his profession, eminent in it before some of us were born, beloved and respected by all: can he afford to attempt to practice a fraud upon you in your presence, when you have all the means of detecting it? No. He submitted the whole case, including his own accurate and most intelligent observations of her wretched condition in prison—a recital so vivid and eloquent in its faithful simplicity that thoughts of it swell the heart with emotion, and banish from our minds all idea of guilt in the conduct of the prisoner.

Let us, then, sum up the result of the medical testimony. Five eminent physicians, with Dr. Nichols at their head, in this branch of their profession, establish the irresponsibility of the defendant. Four of them were called by the government to establish the contrary. Not one has given it as his opinion that she was sane at the time of the homicide. There is absolutely no conflict of evidence on the point, and hence we hold that we have brought ourselves within the ruling of the court. The court has charged you that the burden of this issue is upon us; that it is not enough for us to raise a doubt in your minds whether she was sane or not, but that we must establish her insanity by the weight of evidence, and beyond a reasonable doubt. Favorable as this construction of the law is to the prosecution, yet it can avail nothing in behalf of a conviction, for not merely the

weight of the evidence, but all, every particle of the evidence touching the question of insanity, is with the defense. The prosecution stands destitute and naked, without a shadow of support. I challenge the records of the courts of this or any other country to show a more perfect and conclusive defense, or a more powerless and utterly defeated prosecution. We hear much said in regard to the defense of insanity. Many speak of it as a plea manufactured by counsel. It is, however, in one vital respect, like all others—it must be supported by proof or it falls to the ground. Have we manufactured the positive and direct testimony of every medical witness introduced on both sides? Is this our handiwork? I submit to you and to the candid judgment of the country, that if Mary Harris can be convicted under this evidence, if Dr. Nichols can be broken down in this court, not by contradiction, but by declamatory appeals to prejudice, and if, finally, the unbroken chain of scientific testimony can be put aside as naught, then the great and settled principles of medical jurisprudence are a delusion and a snare, and the infirmities of the intellect occasioned by misfortune constitute no defense for violent and irrational conduct.

And why, without one solitary witness to support their theory of the case, do the prosecutors so hunger and thirst for the conviction of this most desolate and bereaved of sorrowing mortals? Why do they clamor so fiercely against the barriers of the law and of the evidence which encompass her about, in order to drag that sick and fragile body to a miserable death? Is it punishment they seek? She has suffered more already than the king of terrors in his most frightful form can inflict. If she had been broken on the wheel, her limbs disjointed, and her flesh torn in piecemeal by the most fiendish skill of the executioner, her tortures would have been merciful compared to the racking which sunders into fragments the immortal mind. There is no arrow in death's full quiver that can give this young breast a new sensation of agony. She has sounded all the depths and shoals of misery and pain. She has lived in

“A whirling gulf of phantasy and flame.”

Restore her by your verdict to the soothing influence of friends, of home. Let her go and lay her aching head on the maternal bosom of that church, which for eighteen centuries has tenderly ministered to her children in distress. Let her go and seek, in the love and mercy of the Father of us all, consolation for the cruelty and inhumanity of man.

But it is claimed that a conviction must be had for the sake of example. You have been told that the people of the District of Columbia demand it. I would not bring such an argument into court, but when here, I will meet it. If it be true that you desire examples for the correction of vice and the preservation of morality, I pray you not to commence with the humblest, the feeblest, and the most helpless. But I deny that the condemnation of the defendant is demanded by the people of this capital. Who are they who ask her blood at your hands? I know this people, and to some extent, I think I may speak for them. I have been the recipient of their constant kindness while in their midst, and as a representative in Congress I have, in return, dealt with them in a spirit of liberality whenever I have known their wishes. You were told that the defendant came here from a distance—that the States were pouring their criminals in upon you, and therefore she must suffer as a warning to others. Such a statement is unjust to your people. You want justice, and justice alone, administered upon all: and who believes that this girl's life is required as an offering upon the altar of public justice? I repel this imputation upon the intelligence and humanity of this kind and hospitable district. When you are discharged from your protracted confinement and return to your homes, as you will in a few hours, ask those whom you meet there, whether they desired you to cut the feeble thread of this girl's life by your verdict. I will abide by their answer. To no one has she appeared as the criminal, save to those who conduct and inspire the prosecution. To all others in your midst she has presented the sad spectacle of calamity and misery. Her purity, her gentleness, her guileless truth, shining out in every word

and act, have won to her side in this dark hour your oldest, your best, and most honored citizens. Her prison abode has been brightened by the presence of the noblest and purest of her own sex, and delicate flowers from the loftiest station in the world have mingled their odors with the breath of her captivity.\* Men, venerable in their years, and strong in their convictions of the principles of immutable right, have been drawn to her assistance by an instinctive obedience to the voice of God, commanding them to succor the weak, lift up the fallen, and alleviate the distress of innocence. And now for Mary Harris, and in the name of Him who showered his blessing on the merciful, who spoke the parable of the Samaritan, who gave the promise to those who feed and clothe the stranger in their gates, and who visit the sick and them that are in prison, I thank the people of the capital. Add one more obligation for her to remember until the grave opens to hide her from the world. It is in your hands to grant. The law in its grave majesty approves the act. The evidence with an unbroken voice demands it. Your own hearts press forward to the discharge of a most gracious duty. The hour is almost at hand for its performance. Unblock the door of her prison, and bid her bathe her throbbing brow once more in the healing air of liberty. Let your verdict be the champion of law, of morality, of science. Let it vindicate civilization and humanity, justice and mercy.

Appealing to the Searcher of all hearts, to that omnipresent eye which beholds every secret thought, for the integrity of my motives in the conduct of this cause, and for the sincerity of my belief in the principles which I have announced, I now, with unwavering confidence in the triumph of innocence, surrender all into your hands.

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\* It may not be improper to state that Mr. Voorhees here alludes to a beautiful bouquet sent to the prisoner by Mrs. Lincoln, before the White House had been darkened by murder, the center flower of which signified, in botanical language, "Trust in me."

Counsel for defense: Jos. H. Bradley, Sr., of Washington City; Judge Jas. Hughes, of Indiana; Hon. D. W. Voorhees, of Indiana; Judge Mason, of Iowa.

For the prosecution: Gen. Carrington, United States District Attorney for the District of Columbia, assisted by Nathaniel Wilson.

## RECONSTRUCTION.

[A speech delivered in the House of Representatives, January 9, 1866.]

MR. SPEAKER:—I arise to-day to discuss the annual message of the President. In doing so, I am aware that to the majority on this floor I may appear as a meddler in a family concern. It would seem, from the remarks of members here and the comments of the press in various quarters, that the right to approve or disapprove the policy of the executive is the exclusive monopoly of the two now belligerent wings of the dominant party. Indeed, I believe it is a new and very dangerous phase of disloyalty for one of the minority to have any opinion at all on the subject. I can not, however, accept this position of silence and inactivity. Not that I wish to bring any reinforcements which are not sought to the aid of either of the jarring factions on the opposite side of the chamber, but as a citizen loving my country, and as the representative of a large and enlightened constituency, it is my duty and my right here to advocate what in my sight seems best as a remedy for the evils which surround us. And if this sense of public duty leads me to adopt and defend the policy of the executive, what offense can it be to his real or pretended friends in this body? How indignant we were, in the days of our childhood, over that dog in the manger who would neither enjoy the comforts and blessings of life himself nor let anybody else do so! And here in our mature manhood we behold the same principle of action adopted by a great party. It refuses to indorse the President of its own election, and growls and fiercely shows its teeth if any one else proposes to perform that neglected duty.

Allow me, sir, another preliminary observation. I have no design on this occasion to violate the divine injunction

which says, "Thou shalt not steal." A few days ago, when I introduced the very brief and very plain resolutions now under consideration, it was instantly heralded over the country, and especially in the journal conducted by the gentleman from New York [Mr. Raymond], that I had attempted to "steal the President."

Sir, these hungry and sordid spirits pay a poorer compliment to the President than even they do to me, and I will hasten to quiet their miserable apprehensions. It is no part of my purpose to attempt to step between them and the flesh-pots of public patronage. I have no eye on the public crib at which they have fed so long and grown so fat. I do not covet their offices, their rich commissions, their unfathomable contracts, nor anything that is theirs. We of the minority have lived through storm and darkness and fiery persecutions without such assistance to our patriotism, and at this late day we shall not bend our knees because thrift may follow fawning. Our action will be independent, with no desire, like the adroit animal in the fable, to take advantage of the quarrel which now rages among the victors to snatch away the feast over which they are contending. For my part, as in the past, so in the future, I shall pursue what I conceive to be right, indifferent alike to the allurements of reward or the terrors of reproach.

And now, Mr. Speaker, what are the issues which are submitted to the country by the policy of the executive, as declared in his annual message? Are they new, strange, or sinister, that they should be received with indignation and alarm? Is it a document bristling with dangerous dogmas hitherto unheard of in the administration of the government? Does it read like a wide and violent departure from the teachings of our earlier and happier days? Sir, it has been assailed in both ends of the Capitol by the ablest and oldest veterans of the Republican party, as if every line was leprous and every word filled with contagion and death. Indeed, prior to the meeting of Congress, as the policy of the President was developed in his treatment of the Southern States, we beheld the indications of an



organized conspiracy to assail him with the masked face of friendship, but with the treacherous sword of Joab. The insidious kiss that betrays is neither new nor respectable in strategic warfare; and men and parties have often heretofore made kindly salutation, "How is it with thee, my brother?" when their poniard's point was seeking a vital spot under the fifth rib.

We heard, during all the summer and fall, the murmurs and mutterings of angry dissent, as each new development of the President's plan to restore the government on its ancient foundations, as nearly as now possible, came before the country. And when my friend and colleague, the Speaker of this body, for whom I entertain none but feelings of personal kindness, came to this city as the acknowledged heir-apparent to the position which he now fills so well, what was his language to the public? Did he give the weight of his voice to the administration? His words were carefully studied, and yet it would be hard to discover from that famous serenade speech that the executive had done anything at all toward the pacification of the country. He laid down a policy for Congress, but as nearly as possible ignored the policy, and even the existence, of the President. His position was the sign and the forerunner of the celebrated select committee created by the magic wand of the conscience-keeper of the majority, the able and veteran leader from Pennsylvania [Mr. Stevens]—that potent wand which has evoked from the vasty deep of political agitation more spirits of evil and malignant mischief than generations, I fear, will be able to exorcise and put down. By this movement the whole question of restoration, with entire forgetfulness of the labors and achievements of the executive, was placed in commission, and intrusted to the keeping of a board of political trade, at whose head stands one who asserts that the Union was destroyed by the war, and that it remains so to this day. By this movement we are called upon to transport ourselves back to the chaotic days of last April, and to take no note of time or events since then. We are asked to ravel to pieces all that the President has done and to commence the

knitting process of reunion for ourselves. The healing principles of the constitution are, in my judgment, rapidly doing the needed work of restoration, and yet we are, at this stage of the process, asked to break again the once fractured limbs, to tear agape the half-closed wounds, and to cause the whole land to bleed afresh. Sir, I shall stand by the physician who is working the cure, as against that blind and fatal empiricism which first pronounces the patient dead and then commences giving medicine.

Let us indulge ourselves in a retrospect. Let us lift ourselves to a position which history will occupy some generations hence, and then ask and answer the question which is involved in the issue now made against the President because of his conduct and his policy. I am in no sense his partisan. I did not support him for the office which led to his present position. I dreaded the use he would make of power when he attained it. I feared the operations of a character which I had heard represented as strongly tenacious of a sense of personal injury which I knew he had suffered. But since the day on which he took the oath of office I have beheld the public magistrate, not the private man. And who ever, in all the tide of time, became the head of a great nation under circumstances more appalling to the stoutest heart and the most commanding intellect than those which surrounded him? A war, whose tremendous blows had shaken both hemispheres, had just closed, and night and chaos hovered over the face of the deep. Battles between brethren had been fought which dwarf and belittle the warlike exploits of all ages, and which startled the invisible world by the flight of disembodied spirits. The people and the States of the whole country, weary, blood-stained, and almost blind from the fury of the conflict, had paused upon an agreement to fight no more. But, in that disastrous contest, what ancient principles of the government had escaped profanation? Who had stopped to count how much the object cost for which the wager of battle was joined? Laws, liberties, and constitutions had asserted themselves in vain. And I confess that, as I saw the fierce lightning which

civil war engenders strike and shiver again and again the household gods of fireside liberty, and blast almost every sacred fane of American worship, I had my hours of absolute despair—not despair over the unity of our territorial boundaries, but that when those boundaries should be restored they would embrace nothing but the dead, cheerless, and cold ashes of the former bright and glowing fires of freedom. I shrank from the contemplation of a ruined Republic and a triumphant despotism with more unfeigned horror than I ever shrank from the contemplation of death and the grave. And when the sound of the last cannon died away on the sorrowful and stricken fields of Virginia and the Carolinas, he who, at the head of affairs, would breathe into the expiring form of legal liberty the breath of life, and by his touch revive and erect again in form and substance the ancient body of the Republic, although bruised, maimed, and in part defaced, and requiring time to renew its strength—that man, whoever he may be, and whatever may be his political views on other questions, is, in my eyes, the savior of his country.

Sir, history tells a melancholy story of usurpations at such periods. They are the opportunity of tyrants and mad, impracticable innovators. He who wishes to mount to imperial power on the ruins of civil liberty, or by a change in the form of the government to carry out schemes of private hate or Utopian speculation, would embrace the month of April, 1865, in American history, as the point from which to deal destruction. But, starting from that point, what direction did the President pursue? There are many matters of minor detail for which subordinate officials are mainly responsible, which I might wish widely different, but I am now dealing with the main question of restoration. Upon his first utterance, he gave notice of the doctrine, then as now, that the American Union had never been broken, and that its States had never ceased to exist. This gave assurance to the country at once that he was a conservative and not a destructive, a restorer of an ancient order of things, and not a destroyer in the name of progress and reform. How can I fail to support him in

this position, when my own language, March 9, 1864, in the midst of the sound of arms was as follows? I quote from a speech delivered by me in this House :

“The great leader of the administration on this floor, the gentleman from Pennsylvania [Mr. Stevens], has deliberately here announced, after all our sacrifices, sorrows, and loss, that the Union of our fathers is dead, and that he who attempts its resurrection is a criminal, instead of a patriot. He goes further, and admits all the seceded States have ever claimed—their nationality. They have sought in vain in all the four quarters of the earth for recognition. They find it at last at the hands of those who speak for the administration on this floor.

“Sir, I deny this doctrine. I plant myself on the constitution, which recognizes an unbroken Union. I shall stand there in every vicissitude of fortune, and, if I fall, it will be when the people themselves abandon their own constitution. By the principles of this mighty instrument, I expect finally a restoration of the union of the States. Every hour which the party in power prolongs its control of affairs postpones the auspicious day ; but as I behold the future, it will assuredly come. Material and indestructible interests unite every section except that which prospers on fanaticism. And I here to-day, in the spirit of one who expects and desires his posterity and theirs to live together in the ancient and honorable friendship of their fathers, warn the Southern people not to look forward to separation and independence, but to embrace every opportunity for co-operation with the conservative men of the North, who will aid with their lives, if need be, to secure them all their rights and institutions as free and equal citizens of the United States.”

This doctrine is the chief corner-stone of the message, and has invited the attack of theoretical reform, but practical disunion. Shall I stop at this day and hour of American history to discuss the right or power of a State to secede? I never entertained such a principle, nor did even many of the principal leaders of the late attempt to establish the Confederacy of the South. They asserted the

right of revolution and used the organization of State governments in aid of that movement. But who now requires an argument on this point? Do we not all understand and know that this theory of dead States is now proclaimed simply because its adoption would give better scope to ulterior designs of vengeance and revolutionary destruction? It is true that the gentleman from Pennsylvania [Mr. Stevens] has been consistent in his devotion to it when he stood almost if not quite alone; but that simply proves that he could foresee at a greater distance than his fellow-laborers the means which would be required to accomplish their party ends when the war ceased. He knows that "dead carcasses," in his own striking language, are more easily carved to pieces, torn limb from limb, and devoured by the hungry maw of confiscation than living States. The dead can make no protest when the mutilating knife is applied. Certain beasts of prey, we are told, prefer to find their quarry ready slain, in order to feast upon it in comfort and repose. And so the radical party of the country would find it easier far to make its unnatural banquet on the rights, privileges, laws, liberties, and property of the South, by declaring at once that there is no living political community in all that wide region to exclaim against the enormity. Its reasoning on this point is that it is safer and less troublesome to rob a corpse than it is to pick the pockets of the living. This is the highwayman's doctrine of convenience, introduced here now as a party platform. It is more and worse. It is an assertion that the American Union itself is dead. While it claims that the Southern States have destroyed themselves, yet it admits that, like blind Samson of old, in their dying agonies they seized hold of the pillars and tore the temple in ruins to its very foundations, and that they, in their desolation to-day, are only a portion of the general wreck. It is notice to the world that the war to restore the Union was an utter failure; that the war is over, and yet the Union is rent in twain. We have incurred a debt which would absorb for its payment now one-fourth of all the taxable property in the United States. Blood has flown like the torrents of the

mountains, and lives have been swept away like autumn leaves in a storm, and yet neither people nor States, according to the logic which assails the President, have been brought back into the Union to repay these stupendous sacrifices. But still further. In what attitude before the civilized nations does this pernicious heresy place the Federal government? If we were waging war on an independent power, a separate existing nation, how was it that we refused all negotiations for peace except upon the basis of its utter annihilation? Wars between different civilized powers are made to repair injuries, to resent insults, or to reclaim rights which have been denied; but there is no law of nations which justifies one government, because of its superior strength, in inflicting obliteration and murder upon its inferior neighbor. This doctrine is one of barbarism, in which the law of force is the law of right. Much pathetic eloquence and many bitter tears have attested the world's sympathy with Poland, with Hungary, and with poor, poor Ireland, and maledictions attend upon their destroyers; but with what curses of indignation would an enlightened posterity and an impartial history assail us for blotting out by sheer force of arms a nation of our own kindred, who simply desired to possess their own in peace and leave us to do the same! Sir, in every aspect the theory which now controls the majority of this House is fraught with death and disgrace to the Republic. I turn from its contemplation to a more cheerful theme. I will contrast against it the conduct and principles of the executive, for which I think he deserves well at the hands of his countrymen.

What was the wish, the hope, the prayer of every heart not fatally bent on mischief, not an enemy to the human race, when the last of the Southern forces laid down their arms? Was it that this bitter period of strife should be prolonged, and the fires of hate and malice kept alive forever? Was it that at the close of such a hurricane, with the billows yet swelling in angry commotion around us, we were to start afresh upon the long voyage of political discovery and legislative piracy which the bold mariner from

Pennsylvania [Mr. Stevens] and his radical followers now, like Viking robbers of the ancient seas, point out to us? Was it not rather that the vessel should be brought back and quietly and firmly anchored as nearly as possible to her old mooring? Was it not rather that the corner-stones, boundary lines, and landmarks of the fathers of the Republic should be traced out and restored? I here assert that when the President closed the temple of Janus, refused to go in search of new principles by which to administer the government, and extended the hand of friendship and assistance to the crippled and bleeding, though living—yes, living States of the South, he met the demands of the popular will, and laid claims to the gratitude of the present and the future. The gentleman from Pennsylvania [Mr. Stevens] says such a recognition of their existence, coming from “a man of respectable standing, is something worse than ridiculous.” The American people to-day do not think so, nor will their posterity.

It is contended, however, that the executive had no power to appoint provisional governors. There are those in my own party, as well as in the other, who assert that this was a usurpation. First allow me to observe that a usurpation, even if it be such, to restore, to build up, to give health and strength to the sick and prostrate, is far easier to be borne than a usurpation to crush and destroy. But I do not view the conduct of the President as a usurpation at all. By his oath he must enforce the laws. He found States without legal officers and unable to move forward in the channel of their duties. A State of this Union, when the Federal laws are no longer obstructed, can not be in passive abeyance. It is an integral part of the Federal body, and if the body be sound there can be no paralysis among its members—they must have vitality; and, in the performance of his duty, the President used the best means in his power to revive and restore their lawful functions. And much more was I reconciled to the use of this power when I saw on whom the selections of the President fell. And I think, too, that with what I was pleased on this point my radical friends were equally displeased. I

hailed such names as Sharkey, Perry, Johnson, and Parsons, and, indeed, all the provisional governors, as bright omens of a good administration, as harbingers of peace and happiness to the Southern people, and of union, peace, and prosperity to the whole country. But then what a military governor, of South Carolina, for instance, that idol of the radicals, General Butler, would have made! Ay, there is the rub. What fat, unctious, juicy pickings have been lost to the faithful by this cruel policy of the President! What shoals of loyal, hungry sharks swimming around in these northern waters have been cheated out of their anticipated prey! All the wolves and jackals that wait till the battle is over in order to mangle the dead and the wounded, snarled their disappointment and rage at the President, but will now open in a full chorus of joy over the delightful vision which arises before them from the formation of the committee of fifteen.

The gentleman from Pennsylvania [Mr. Stevens] saw fit to announce that the position of the President, in regard to the Southern States, was "not an argument, but a mockery." I partly dissent. I think it is both. It is an unanswerable argument in behalf of the early and true principles of the Government, and it is also an overwhelming and consuming mockery of the bloody designs, avaricious hopes, and greedy expectations of all those who desired, when the war was over, to rule the people of the South without the restraint of law; to humiliate them with an iron rod; to confiscate their lands and buy them in at nominal prices; to change the proprietorship of the soil and drive into exile and destitution its present owners until a new population should take control and, by the aid of the enfranchised negro, plant a Puritan ascendancy all over the South; who here now unfurl the banner of "territorial condition," because all these consequences follow its triumph. Sir, this class has been mocked, and God and angels and all good men rejoice in their confusion. Their ascendancy in this land would create a pandemonium of discord and a carnival of all the dark and cruel spirits of hate and revenge for generations to come. The President



had them in his mind, when, in combating the proposition of military governors for the South, he says:

“The chief persons who would have followed in the train of the army would have been dependents on the general government, or men who expected profit from the miseries of their erring fellow-citizens.”

But, Mr. Speaker, allow me to inquire whether this opposition to the executive is not a new discovery, an after-thought, manufactured for a special purpose on the part of those who adhered to and upheld the late administration of Mr. Lincoln, in regard to the continued existence and vitality of the Southern States during the late rebellion. Are they not estopped from this assault, as the gentleman from Pennsylvania [Mr. Stevens] says, “both by matter of record and matter *in pais*?” In more than a hundred ways and forms, by military orders, in his annual messages, in instructions to our foreign ministers, in letters and speeches to his own countrymen, and especially by his numerous proclamations, the late executive always and at all times recognized the enduring existence of all the States over which the American flag had ever floated. I quote a single passage from the proclamation of emancipation, which, in my judgment, was a usurpation of power, but had at least the merit of not attempting to abolish States:

“That on the 1st day of January, in the year of our Lord 1863, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

“That the executive will, on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that

day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

This was written and promulgated after the passage of every ordinance of secession; when the party in rebellion occupied and held in a hostile manner a certain portion of territory; had declared their independence; had cast off their allegiance; had organized armies; had commenced hostilities against their former sovereign; and yet the gentleman from Pennsylvania and his present followers uttered no dissent to its doctrines. It was the subject of indiscriminate praise from those very organs which now seek to blast and ruin the same policy in the hands of his successor. There is no escape here. The late chief of the great party of the North dealt with American States, the people whereof were in rebellion, and not with a foreign power subject to conquest; and if his memory is sacred to his followers, they should not insult it by pronouncing his policy a delusion and a mockery ere his untimely tomb is fairly closed.

Sir, I am aware that many on the opposite side of the chamber do not indorse the destructive theory of the gentleman from Pennsylvania, but who are nevertheless assisting to carry its results into practice. They deny his premises that the States are dead, but concur in his conclusion that they shall not be represented on this floor. To my mind their position is the worst of all. They embrace a consequence without a cause. They have reached an end which has no beginning. They are standing on a structure which has no foundation. While the premises of the gentleman from Pennsylvania are unsound, yet his logic is true. But those who refuse to follow him, and yet deny representation, have neither premises nor logic. If the States are out of the Union, of course their representatives are strangers to us; but if they are in the Union, what

power can close these doors against them except the power of lawless, revolutionary force? "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers." This is the language of the federal constitution. It also declares that "each State shall have at least one representative." Are these States, then, "included within this Union?" If they are, how can we deny, in the very teeth of the constitution, to receive their representatives? What madness is this which proposes to govern the people of eleven American States—States "included within this Union"—without representation? Where, on this side of the ocean, has been found such a monstrous principle of government? Its adoption would carry us back to the days of King George, and as fatally subvert liberty as if Cornwallis had triumphed on the plains of Yorktown.

But the advocates of this doctrine say that this phase of absolute despotism is only to last for a season; that these States are only to go unrepresented for a few years, until guarantees, guarantees for the future, are obtained. Guarantees for the future! This vague term is another political convenience, like that of "dead States." Under it each innovator, dreamer, and revolutionist throughout the land can demand and require the fulfillment of all his fantastic desires against the South, before he is willing to admit her representatives. It is the cloak for every higher-law purpose now abroad in the public mind. It is a well-filled arsenal from which to shower confiscation, negro suffrage, reapportionment, proscription of persons, and every other missile of torture that was ever leveled at an unfortunate people.

Sir, I deny that a State can be refused her representation for a single moment on such grounds. Peace and obedience to law are the only guarantees for the future which any government can justly require of its citizens. Where is the power in the constitution whereby anything more can be demanded? Or has that instrument become a dead letter to us because we have been four years in

forcing others to obey it? If we are not released from it, let me see the section on the subject of guarantees which authorizes Congress to close its doors in the face of the representatives of the people until they sign deeds of political capitulation. It may be said that the President himself has required guarantees in his policy of restoration. Even if he did so, I do not understand that he proposed to make their refusal a pretext for violating the constitution himself. But I have not regarded his advice to the South in the nature of this movement in Congress. On the great question of slavery I hold that the action of the Southern States in adopting the constitutional amendment has been wise and beneficent. The system was destroyed already by the force of arms and the operations of war, but it is better for the future dignity and history of the nation that a fact accomplished of the utmost magnitude should have the sanction of fundamental law. It was a vast step, too, toward a speedy restoration, and that alone is a powerful appeal in favor of the counsel of the executive and the action of the South.

One other subject has been much canvassed under this new-coined phrase of guarantees for the future. The war debt incurred by the Southern States in their attempt to establish a confederacy has been shaken in the face of the Northern people to incite them to a policy of distrust and severity. Everybody well knows, of course, that it will never be paid. All history tells us that the debt of a defeated revolution is always lost. The government that contracted it is no more, and the ruined and exhausted people gladly turn their backs on the dead and melancholy past and look forward to the future with new hopes, new ties, and a new destiny. As to the victor in arms ever assuming such a debt, no instance is known in the annals of mankind, and such an idea is not respectable outside of an asylum for the insane. I regarded, therefore, the war debt of the South as fit only for one use—the declamation of the demagogues and malign purposes of political agitators. Hence I voted a few days ago that it should be buried out of sight and out of mind in the

most effective and conclusive manner. I did not do so because I wanted a guarantee on that subject, but simply because I wished to remove it as an obstacle in the pathway of reunion, and as a means of useless and pernicious discord in the future.

But again, as to the right of representation, immediate and without any other guarantee than obedience to the constitution. I shall now prove that the refusal to admit the Southern representatives arises from a sense of power and not of justice; that while the Southern people were in arms no position of the kind was assumed by any department of the government, and that harder terms are now tendered to a defeated than were held out to a defiant enemy. In the proclamation of the late chief magistrate, from which I have already quoted, he clearly and explicitly asserts the right of any State, whose people were then in hostility to the general government, to be represented in the federal Congress, and announces that he will consider such fact as an evidence that neither the State nor its people are any longer in rebellion. Where, then, was the guarantee doctrine? It had not yet been born. We were then wooing and courting representation because it suited our purposes to do so. We are now repelling it for the same reason. The great proclamation was then akin to the gospels of righteousness. Now, I challenge the committee of fifteen to report in its favor. It is deserted in the house of its friends, and I am found defending the only healthy and legal spot in it. But, potent as it was considered, yet it was not the only expression that emanated from the high places of the last administration, which confounds the philosophers of this new faith. On the 6th of February, 1863, Mr. Seward informed Europe and the civilized world that seats in Congress "are also vacant, and inviting the senators and representatives of the discontented party who may be constitutionally sent there from the States involved in insurrection." Did these vacant seats invite the representatives and senators of a foreign nation with which we were waging a war for annihilation? Did the Secretary of State attach any other condition to the representation

of the people then in arms against the government, than attaches to the representation of every other portion of the American people? He only asked that it might be constitutionally done, and this requirement is of universal application to the whole country. It means no more in Georgia than it does in New York; it means no more in Virginia than it does in Massachusetts. It interpolates nothing upon the practice of the government under the constitution from the hour of its birth down to the day on which an inquisition was sued out in this House, in the shape of a committee of fifteen, in order to discover some means of adopting the old British system of colonial bondage.

But, sir, it may, in answer to these citations, be said that it is not within the province of the executive department of the government to determine the question of representation in the legislative department. But has not Congress itself made a record on this subject which it can not ignore, and which the majority dare not face? Has it not officially, over and over again, in both branches, assumed the very position which it now seeks with such flagrant assurance to repudiate? The cry is now that we must look to Congress for our policy of restoration. This place has suddenly become a citadel of wisdom, power, and dominion. It is a city of refuge, where all the disappointed spoliators, insane anarchists, bloody Jacobins, promoters of vengeance, disturbers of the peace, self-constituted saints who imagine themselves in partnership with the Almighty to assist Him in punishing the sins of the world, where law-breakers and revolutionists of every shade and color now flee to escape from the wise, successful, and constitutional policy of the President. "To your tents, O Israel!" was the ancient and legitimate cry of alarm. "Look to Congress, look to Congress!" now rings out on the air as a call to battle in behalf of chaos, disorder, and interminable woes. The populace of France, tossed in a tumultuous delirium of hate, drunken with blood, dethroning Deity and reverencing a harlot, shouted, "Look to the Assembly, look to the Assembly!" where the Mountain murdered the

Girondists, and where Robespierre, Marat, and Saint Just planned, in the name of public virtue, the destruction of human life and of human society. But, sir, if we must "look to Congress," let me show the wistful gazers a picture of congressional action which will fill their hearts with dismay, and which Congress itself can not to-day behold without feelings of humiliation and shame over its present position.

Did I not serve here in this hall during the fury of the rebellion, when the flames of war scorched the very front of the heavens, with representatives from the State of Louisiana? Were they not admitted to the "vacant seats," which invited their return, by the very men who now stand like surly sentries at these doors, and answer their hailing sign of entrance either with the response of "Dead States" or "Guarantees?" Was Tennessee destroyed, or were her people entitled to no voice here because of her ordinance of secession? Sir, her name was called here during more than half the period of the war, and the representatives of her people answered to their names in both ends of the capitol. The gentleman who in vain sought even a recognition of his own existence in this body when the present Congress was organized, [Mr. Maynard] was then here with the full sanction of the same political majority, which now spurns him from the door of its caucus room, and drives him from the protection which the escutcheon of his glorious State, under the administration of law, affords its representatives in Congress. Shall we now assert that at that time Tennessee was a portion of a foreign government? Shall we then, as the next step of supreme absurdity, declare the President of the United States himself an unnaturalized foreigner, a captive to our lance and spear, entitled doubtless to kind treatment, but in no sense a citizen of the United States, inasmuch as he never expatriated himself from the alien and hostile province of Tennessee, and never acknowledged himself subdued to the embraces of the federal flag as the symbol of a separate nationality? I am prepared to hear even this miserable libel on American institutions asserted. Nothing is allowed to stand in the

way of fanaticism. Its purposes are inexorable, and its devotees often deem themselves in truth and honesty the philosophers of their age; but Frederick the Great made a wise observation when he said, "If I wanted to ruin one of my provinces I would make over its government to the philosophers." Their theories are always in advance of their times; and in practical sense and actual utility, they meet neither the requirements of the past, present, nor future. The philosophers of Congress at least contradict themselves at very short stages of progress, and give no evidence of either ability or consistency. Why, sir, the records of this body, as well as of the Senate, will show that Virginia, too—Virginia, whose fiery and lofty crest shone in the very front of the rebellion, whose plains were its battle-field, and in whose soil so many of its heroes lie buried—was here as a State when the roar of her hostile cannon could be heard on Capitol hill. Those who claimed to be her representatives came, and they were received. They were required to give no pledges then for the future good behavior of their constituents, nearly all of whom were obeying the orders of General Lee. Then they were to be trusted without guarantees; but now that peace has been restored, and there is not an armed hand in all her borders to dispute the federal authority, her people are much more dangerous, and the presence of their representatives here would give a fatal blow to the public safety! Such is the miserable position to which the engineers of this new movement are reduced!

Mr. Deming: Will my distinguished friend from Indiana [Mr. Voorhees] inform this House when he thinks the right to representation here from these States commenced? Did it commence at Antietam, at Gettysburg, or when did it commence?

Mr. Voorhees: I will answer the question of the gentleman from Connecticut [Mr. Deming.] But as my time is getting short, I trust I shall be excused from further interruption. My answer is, "Peace and obedience to law are the only guarantees for the future which any government can require of its people." And when peace and obedience



to law reign among any portion of the American people, I hold that they are entitled to representation here.

Mr. Deming : Then I suppose it will be necessary for the gentleman to show that obedience to law exists at this time in the reclaimed territories ?

Mr. Voorhees : Undoubtedly. I think the President and General Grant have shown that fact.

But one step further in this congressional record. As if to forever settle the construction which should be placed upon the condition of the Southern States, and their right to representation, Congress enacted and the President approved a law on the 4th of March, 1862, which I here read :

CHAP. XXXVI.—An act fixing the number of the House of Representatives from and after the 3d of March, 1863.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March, 1863, the number of members of the House of Representatives of the Congress of the United States shall be two hundred and forty-one ; and the eight additional members shall be assigned one each to Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island.*

In order to obtain the number of two hundred and forty-one representatives as contemplated by this law, every Southern State whose citizens were in revolt, must have been represented according to her population. What more can I do than to make this statement ? What argument could add to its binding force ? If men will repudiate to-day what they did yesterday, if they refuse to be bound by their own principles declared in the solemn form of a law, if the highest precedents of their own official action fall without force upon their ears, then, indeed, they are beyond the power of reason, and callous to the reproach and derision of the world.

Sir, the most melancholy phase of corrupted and fallen human nature is its selfish tenacity to the low purposes of the hour. In their headlong pursuit it spurns the fixed principles and everlasting laws of the universe from its sordid pathway. It scoffs at wisdom that is " hoary and

white with eld," and jeers the venerable experiences of ages if they arise as obstacles to its immediate gratification. Constitutions, laws, and sacred ordinances are lighter than cobwebs in the way of its consuming desires. Even the dread Jehovah, who made man and the code of divinity which claims his obedience, is but dimly remembered when the prize of the heart's dearest passion lies close and tempting to our hands. Our line of vision is on the level before us. We bow to the earth and worship its transient spoils, while the stars which sail over our heads and beckon us to celestial duties and betoken eternity, go unheeded in their grandeur. We hear the siren voice of the moment, but fail to catch the loftier harmony of the eternal spheres. Who has fathomed the dark and mysterious depths of his own motives? The rules of right rise or sink as they can be made subservient to our interests, our hopes, our loves, and our hates. The merchant prince of to-day adopts a new principle of trade from yesterday, because his harvest of profit will be richer and his chambers of wealth enlarged. The rulers and legislators of nations do the same. Napoleon worshiped with the faith of a Moslem at the pyramids, when he dreamed of reviving and reigning on the throne of the Pharaohs. He imprisoned the annointed successor of St. Peter when the unappeasable rage of his ambition strove for the empire of Europe. He died with the consecrated wafer on his lips when he sought the salvation of his soul in the midst of the storm at Helena. Cromwell commenced his career in the name of the Lord, the champion of liberty, and the enemy of kings. His present purposes were gained by these fair and specious pretensions, but he passed from the earth as the first of an imperial dynasty, with every vestige of civil and religious toleration destroyed, and every evidence of free government swept from the British empire. David, the king, the statesman, the warrior, and the man of letters, yielded to the temptation of a beautiful but momentary vision, darkened his fame with cowardly and cruel murder, and corrupted his line with the offspring of a twofold crime. Even the primeval parents of the human

race, who had communed face to face with the Eternal Presence, and whose daily guests in the bowers of Eden were the angels and ministering spirits from heaven, looked no higher nor further than the branches of the tree where the forbidden fruit hanging in fatal splendor promised an immediate enjoyment, and the fulfillment of immediate desires. And are these mournful instances in the sad philosophy of human nature to bring us no lesson of warning in the discharge of our present duties? Shall we grasp the close, proximate pleasure of power and revenge in defiance of all the principles of the Republic, in violation of its constitution, and in contempt of all our own deliberate and solemn committals, with no thought or care for the future, which will be filled with misery, disaster, and shame? It may be so. The present is more powerful here than the past or the future. The majority of Congress as utterly ignores its own record of the last four years as if it was blotted from the memory of man; and to attain an unlawful result would launch the people of this government on a future destitute of constitutional protection.

Mr. Speaker, I shall here rest the discussion of the relation which the Southern States bear to the federal government, and their right to representation in these halls. It was one of the very few great questions that arose during the war, in which both the political parties of the North agreed. The principle that the union was unbroken, was declared in the platforms of all the conventions, from the smallest to the greatest; and now that its denial has become the corner-stone of a new and aggressive faith, I have found but little difficulty in showing that the doctrines of the constitution and the highest official actions of every department of the government alike, invoke us to resist the bold advances of this baleful and destructive heresy. There are other points, however, on which I wish briefly to dwell in connection with my support of the principles enunciated in the annual message of the President.

Second only in importance to the mighty question of union and constitutional government is the financial pol-

icy, which, through the approaching generations of sweat, toil, and pain, shall govern the tax-payers of this deeply-indebted nation. Our public debt has assumed proportions so vast and threatening that thinking men shudder in its contemplation. There would be no profit now in inquiring whether it might have been less, and yet the Union preserved. It is a fixed reality, and fastened upon us beyond the power at least of present rescue. I have decided opinions which apply to the past, and which I have expressed, and which I shall never recall. I now approach the future in connection with results over which I had no control, but which none the less impose duties incident to the position which I hold. These duties I shall discharge with not one partisan or selfish motive, in the interest of every tax-payer and every son of labor in the whole land.

Sir, how long can the inequalities of our present revenue system be borne? How long will the poor and the laborious pay tribute to the rich and the idle? We have two great interests in this country, one of which has prostrated the other. The past four years of suffering and war has been the opportune harvest of the manufacturer. The looms and machine shops of New England and the iron furnaces of Pennsylvania have been more prolific of wealth to their owners than the most dazzling gold mines of the earth. I might here stop and dwell on statistics and figures, but the public mind is already familiar with their startling import. They are the result of class legislation, of a monopoly of trade established by law. It may be said that they indicate prosperity. Most certainly they do; but it is the prosperity of one who obtains the property of his neighbor without any equivalent in return. The present law of tariff is being rapidly understood. It is no longer a deception, but rather a well-defined and clearly-recognized outrage. The agricultural labor of the land is driven to the counters of the most gigantic monopoly ever before sanctioned by law. From its exorbitant demands there is no escape. The European manufacturer is forbidden our ports of trade for fear he might sell his goods at cheaper rates, and thus relieve the burdens of the consumer. We

have declared by law that there is but one market into which our citizens shall go to make their purchases, and we have left it to the owners of the market to fix their own prices. The bare statement of such a principle forshadowes at once the consequences which flow from it. One class of citizens, and by far the largest and most useful, is placed at the mercy, for the necessaries as well as luxuries of life, of the fostered, favored, and protected class to whose aid the whole power of the government is given. Will not such a privilege be abused? Can avaricious human nature withstand such a temptation? Is it any wonder or mystery that the farmer and mechanic are paying more than fourfold the actual value of every article which supplies their daily wants and necessities?

But it is claimed that this system is a means of revenue to assist in the payment of the public debt. Even if this be true, its iniquity would be infinitely aggravated. I would rather be directly robbed than forced to assume, in the name of justice and right, the burdens and obligations of others more able to meet them than I am. Must the Western people, because they are consumers and not manufacturers, be compelled by indirection to meet a large proportion of the debts of their fellow-citizens in other sections? Sir, this question must be met. It is in the minds and mouths of all our laboring classes in the West; and they will hail with general joy the fact that the President has declared in their favor and against the policy of the bloated and plethoric oppressors. I quote from his message:

“Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation, while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the nation, the duties should be so adjusted as to fall most heavily on articles of luxury, leaving the necessaries of life as free from taxation as the absolute wants of the government, economically administered, will justify.”

It is true that had I the power I would go further than

this position of the executive. Free trade with all the markets of the world is the true theory of government. No nation should prevent its citizens from buying wherever their hard earnings will buy most and go furthest. If a Hottentot can make and sell a bolt of cloth, or of muslin, or calico, cheaper than a New England senator, who a few days since asked for increased protection to his manufactories [Mr. Sprague], it is the right of any laborer in this broad land to pass by the civilized but rapacious senator and obtain from the barbarian a better return for the sweat of his brow. For revenue I would look to the actual wealth of the country, and make it contribute accordingly. But this just and philosophical system of trade and government is not now within our reach, and I am content to accept the recommendation of the President to adjust the present impost system to the basis of revenue alone and not of protection. It is a step in the direction of true and practical reform—a reform in favor of that mighty branch of industry on which all nations depend for their wealth and power. It is a manly and honest blow aimed at a monopoly as arrogant, avaricious, and deaf to justice as the British East India Corporation under Hastings or Clives. Nor is it any new doctrine. The people will hail it as a familiar friend of their former and happier days, and indorse it as they did then.

In close and immediate connection, however, with this branch of the message, the President has uttered another sentence on which the eye of the toiling, sunburnt tax-payer will linger long and gratefully, At the close of the weary day, as he counts up his feeble gains, looks into the heavy expenses of his family and his farming under high protective tariff prices, and shudders at the thought of the approaching tax-gatherer, knowing that for him and his hard-earned substance there is no escape, he will in his heart thank the man who as President wrote the following lines:

“No favored class should demand freedom from assessment, and the taxes should be so distributed as not to fall

unduly on the poor, but rather on the accumulated wealth of the country."

Sir, is there a favored class in our midst that demands freedom from assessment? Are there those who, at such a time as this, demand that their property shall be exempted from the burdens of taxation? Are there American citizens, who boast loudest of their love of country, who will pay nothing to relieve it from debt? Is there an honest man in America who wishes his neighbor to pay his taxes as well as his own? Where is the "accumulated wealth of the country," which shirks its just responsibility and suffers the taxes to "fall unduly on the poor?" Where is this criminal delinquent which grinds the face of poverty and absorbs the widow's mite, in order that it may escape its own just dues and increase its hoarded gains?

[Here the hammer fell.]

Mr. Smith: I move that the gentleman from Indiana [Mr. Voorhees] have his time extended to enable him to conclude his remarks.

No objection was made.

Mr. Voorhees: I return to the House my acknowledgments for the favor they have extended to me.

Sir, more than one-tenth of the taxable property of the United States demands and has obtained in the hands of a favored class freedom from assessment. The enormous capitalist who has invested all his means in the bonds of the government thus relieves the principal of his vast estate from taxation. He feels no concern for the movements of the tax-gatherer except as he goes forth and returns to him with the interest on his bonds, which the hands of honest toil pour into his coffers. Is this "equal and exact justice to all men, and exclusive privileges to none?" It is claimed, however, by the friends of this moneyed monopoly that the bonds of the government are a sacred obligation and must not be touched; that they were purchased by their present holders out of pure patriotism, and that their freedom from assessment is but a proper token of the nation's gratitude. Patriotism was said by the great Dr. Johnson to be the last refuge of a

scoundrel. It is now made the refuge of wealthy non-tax-payers, who convert their taxable property into government securities, in order to evade their honest obligations. The idea that they have made these purchases from other than the ordinary motive of pecuniary profit only provokes contempt. They bought at a heavy discount, owing to the condition of the currency. They paid about fifty cents on the dollar, and now hold them at par, and receive interest at their face.

But it is said that when these bonds were thrown upon the market there was a guarantee that they should not be taxed. Is an act of Congress at the last session a guarantee that another and a different one on the same subject will not be passed at this? Do we live in the days of the Medes and Persians, when it was an offense punishable with death to propose to change a law once enacted? Does any man of sense predicate his business transactions on such a theory? Did the capitalists who are now to be so tenderly relieved from taxation make their investments innocently supposing that an everlasting perpetuity attached to the legislation of this most versatile, fluctuating, and changeable body? If they did, it is very wonderful how men of so little intelligence could have so much money. No, sir, they calculated all the risks of profit and loss, and every contingency of the future, as closely as Shylock did on the Rialto, assured in any event that their ventures would come home to them like richly freighted argosies after a prosperous voyage at sea; still better pleased, however, if they could have judgment forever on the inhuman bond which gives them freedom from assessment and exacts in their favor the pound of flesh nearest the heart of the toiling multitude.

I have listened to appeals in favor of this class, on account of their timely and self-sacrificing services, until I have almost imagined that we dwelt in a new Arcadia, where such a thing as self-interest was unknown. They loaned moneys on good securities and high rates of usance, and therefore the dusty, weary plowman in the field must pay their taxes for them, and be thankful to God for so



sweet a privilege! Yes, and even the soldier, crippled in the shock of battle, with the old flag over his head, returning home to find poverty and want at his hearthstone, must hear these speculators of Wall street hailed as the saviors of the country; and likewise, without a murmur, scuffle hard with the world, perhaps on crutches, to pay their debts, as well as his own. The nation's gratitude takes a strange turn at this point. It lavishes its gifts, its garlands, and its favors, on the money-changers of the temple, and causes the defenders of the government, at the cannon's mouth, to pay tribute to their monstrous greed. Sir, there are few parallels in the wide annals of all the nations of the earth to such frightful injustice and inequality; and wherever they are found, the people have been at last avenged upon their extortionate oppressors. The patricians of Rome, an aristocracy founded upon wealth, at different periods ground the plebeians, who labored at home and bore arms in the field, with debt and unequal taxation; but there was always a point at which the elements of revolution darkened the sky, and the privileged classes were compelled to yield to the untitled millions. State and Church in France had for ages loaded their favorites and parasites with riches and honors, and the peasantry with burdens, until the frenzied insanity of 1790 burst forth, and the whole fabric of government and of human society was involved in one common conflagration and ruin. Sir, there is but one pathway of safety and honor for governments to pursue in their domestic policy. They must administer justice to their citizens in the spirit and the letter of equality; and there is no instance in the history of nations where class legislation and legalized monopolies have not overthrown the prosperity of every interest, and destroyed public liberty. I therefore indorse the policy of the President's annual message on this great and vital question. Sprung from the loins of the people, they will greet him as their champion. His life has been a battle in their behalf against privilege and oppression, and he has shown that in his proud eminence he has not lost for them his ancient love and care. Declamation on the dignity of labor

in the abstract is a cheap indulgence. We listened to it a few evenings since in this hall, from the eloquent lips of one whose soft hand never did an hour's toil, and who preaches a fashionable gospel at ten thousand a year. But labor finds its true dignity when its rights and interests are defended in high places by one who has felt all its privations and sufferings, and knows by experience "the simple annals of the poor." Let the public debt be paid, but let it be paid honestly and by all. I advocate no repudiation, but I advocate equality in striving to meet its terrible demands. Its exactions will be sufficiently sore even when the whole wealth of the land is brought to the receipt of custom. It will be more intolerable than the requirements which the Egyptian masters laid upon their Hebrew slaves, if only a portion of the people have to meet it all. I implore this Congress, then, to accept these wise recommendations of the executive. Adjust the present tariff so that the whole labor of the country shall no longer be taxed on the necessaries of life for the benefit of a single section. Repeal the law by which a favored class obtains freedom from assessment. Bring the accumulated wealth of the country to the aid of the poor in paying the national debt. Do these things, and you will lift cruel and galling burdens from the shoulders of honest labor, and convince the country that you have some regard for an equality of rights and privileges among American citizens, as well as between the different races in our midst.

Mr. Speaker, I have thus far reviewed and discussed, as I understand them, the leading features of the domestic policy of the executive. The success of some portions of this policy remains wholly with the future. Upon the leading measure, however, of a restoration of the States to union and harmony, an important chapter in history has already been written. Has it been a success or a failure? I have tried it by the high standards of right, justice, constitutional law, and precedent. I submit it now to another test, on which it is bitterly assailed by those who yet claim to be the only friends of the administration. Those who perform their duties of friendship toward the

President by malignant denunciations of his policy are now engaged in impressing the public mind with the belief that he has accomplished nothing worthy of acceptance by the people. The gentleman from Pennsylvania [Mr. Stevens] pronounces his plan of restoration impracticable and untenable. He not only speaks for himself on this point, but also for everybody else. He says that "very few now consider" the administrative position a tenable one. An arrogant senator in the other end of the Capitol pronounces the whole thing a fraud, a whitewashing process, by which sins and crimes are connived at and hid from the public gaze. Adventurous members of this House have crowded themselves into the presence of the executive, and with exquisite delicacy assured him that, with their constituencies, they think his plan of restoration not likely to give success to his administration, and that, after an uninterrupted trial of seven months, his efforts to reorganize the rebel States and restore them to the Union must be recognized as a failure. Then with profuse protestations of true friendship they modestly ask him to step quietly to one side, not to lift a finger of interference, not open his lips in remonstrance, while they smash to pieces all his well-ordered plans, and kick to the ground with their Vandal feet his almost completed structure of Union and peace.

Sir, this class of dissatisfied spirits is to be found in every age. It is composed of boding birds of evil-omen. It is their mission to destroy, not to build up. The borer in the trees of the forest, the worm in the heart of the flower, the wolf in the farmer's sheepfold, the tiger in the traveler's encampment by night, all pursue their trade of destruction and mark their career with ruin. But no useful thing ever grew from their labors. And like these beings in the animal world, created to destroy, so there are unhappy members of the human family, who never beheld the fair and beautiful creation of another's wisdom without an irresistible longing to strew the earth with its broken fragments. To them I make no appeal in behalf of that policy which has cleared away the wreck of a gigantic fraternal war, laid anew the foundations of government throughout an

extent of country more vast than the most powerful kingdoms of Europe, revived confidence and hope in the breasts of a despairing people, and won for its author the respect and admiration of the civilized nations of both hemispheres. I make my appeal to the disinterested, impartial, and enlightened masses of the country, without regard to lines of party distinction. They have witnessed the patient labors of the President, and since this Congress convened they have beheld their grand fulfillment. Those wandering stars from the azure field of the flag, those discontented Pleiades that shot madly from their spheres, have one by one reilluminated their rays at the great center of light and of glory. The whole land wept when the beautiful sisterhood was broken. The wail of the heart-broken over the pallid face of the beloved and untimely dead is not more full of anguish than were the hearts of those who love their fellow-men when many of our most brilliant planets denied the law of gravitation and struck defiantly out upon orbits of their own. The sword that was drawn by all Christian hands, more in sorrow than in anger, hangs peacefully in its scabbard on the wall. Each section has its reminiscences of sublime devotion, of grief, and of glory. These are the brave heart's dearest treasure, and until

"The goods knights are dust"

they will be hallowed as the devotee hallows the rights of his religion. But peace under the policy of the executive is celebrating "her victories no less renowned than war." The shining symbols of the revolted race are over our heads. State after State, kindly assisted by the paternal hand of the President, comes to take its place beneath its ancient coat of arms. They cluster around these vacant seats that have so long invited them in vain. They are welcomed by the President as Israel's greatest king welcomed the warlike son of Ner, whose standard had waved twice four years in rebellion.

Let Congress imitate his example and mark the opening of the new year as an era of perfect reunion and a season of universal joy. "Let oblivion's curtain fall" upon the

doleful tragedies of the past. Bury the animosities of a civil war. Take no council from their baleful whisperings. Hate is the basest principle of human action. They who have made laws and ruled nations upon motives of vengeance are the monsters whom all history curses with an unbroken voice. The long and deadly proscriptive lists of Sylla and Marius, Tiberius and Clodius, gave the names of their victims to the compassion and sympathy of the world, while an immortality of infamy clings unceasingly to those who took private revenge in the name of the public good. Charity for the errors, the follies, and the crimes of the whole family of imperfect man is the leading virtue in the breasts of lawgivers and rulers. Those who have been guided by its sweet, angelic influences, constitute the glory of the firmament in the annals of mankind. Cyrus, Scipio, and Washington command the love and veneration of ages more by the forbearance, magnanimity, and clemency of their characters than by the renown of their military achievements. The savage chief may strike his enemy prostrate and powerless at his feet. It is an attribute of divinity which lifts him up and makes him a friend. When Pericles paused upon the open threshold of eternity, and in his dying moment reviewed the events of his great life, he consoled his parting spirit and rested the chief glory of his reign upon the fact that he had never caused a citizen of Athens to shed a tear. From this hour may this government dry up the tears of its citizens! May no more hearts be wrung with the gloom of the prison or the anguish of death! May the two sections meet again as kindred and friends! The angel of concord will then stir the healing waters for them both; and renewing their glorious youth together, the future of the American Union will be filled with the love and praise of all its citizens.

## RECONSTRUCTION OF GEORGIA.

[A speech delivered in the House of Representatives, April 7, 1869, on a "Bill to promote the reconstruction of the State of Georgia."]

MR. SPEAKER:—The measure under discussion belongs to that revolutionary class of legislation which is utterly unknown to the constitution, contrary to all laws now existing upon the subject, and in open and direct violation of every precedent and pledge made by that dominant party which now controls every department of the government.

The proposition to overthrow and destroy a State by the action of Congress would once have alarmed and convulsed the country and called the people together in amazement and horror like a fire-bell startling the still air of midnight. Once it would have been regarded as more menacing to American liberty and to the existence of the Republic than an invading army as mighty as that Persian host which followed Xerxes to Greece. Once the whole land would have resounded with angry and terrified outcries upon the bare mention of such a design. It was once, indeed, a forbidden topic. Men did not speak or write or think, in former days, upon a theme so subversive of every principle which upholds our form of government. How changed is all this now! It is a well-known principle of mental philosophy that the human mind at last places itself on terms of easy familiarity with the most painful and revolting vicissitudes of an evil fortune, and even tolerates with indifference the worst forms of vice, when it is found that there is no escape from the association. So it has become here. The wholesale destruction of States by this body, during the last four years, has reduced the dark and fearful crime to a commonplace occurrence. The bill, therefore, now before us, malignant, monstrous, and lawless as

it is, presents itself with the air of one which expects to excite no surprise, whose baleful features have no novelty, which bears a perfect family likeness to many that have been here before, and which claims our recognition because of our intimate acquaintance with its kindred.

Sir, during the entire war every State whose people were in rebellion was constantly recognized by every department of this government as being in legal, actual existence. This great fact forms a bold, high promontory from which to observe the subsequent course of Congress over stormy and untried seas. While the battle raged, these States stood erect. So said the executive, so said the courts, and so said Congress in a hundred times repeated solemn record. When the battle ceased, then they fell. Their destruction was not the work of war. They were slaughtered in the hours of peace. The act of reconstruction, as it is called, abolishing the State governments of ten States, was passed March 3, 1867, almost two years after the last battle was fought. By this law the army of the United States took possession of Georgia and her sisters in distress, drove out civil authority at the point of the bayonet, and trampled into the dust those great principles of legal liberty which ages of toil and blood and sacrifice have alone sufficed to establish in the councils of men. Georgia as a State was dead. She was one of the old thirteen, and was born with American independence, and had survived the rebellion, but by the act of reconstruction she ceased to exist as a member of the American Union. But by this act provision was made by which she might live again. The conditions were prescribed and presented to her with the sword over her head suspended by a hair. The terms were carefully considered and most rigidly fixed. She had no voice. You held a prisoner in chains and gagged, and then, for yourselves and in your own way, coolly and deliberately wrote down and enacted the conditions on which you would restore her to liberty. Her conduct was pointed out and directed by the iron hand of a master. It was not hers to question, but to obey. Has Georgia complied with your terms? Is she anywhere in default before the law?

The very able, comprehensive, and exhaustive discussion of the facts made by the distinguished gentleman from Kentucky [Mr. Beck], on this subject, places the answer to this question beyond the region of doubt. By the fifth section of the act of reconstruction, provision was made for the election of a constitutional convention, for the formation of a constitution by that convention, for the submission of the constitution to the people, for its examination and approval by Congress, and for the ratification of the fourteenth amendment to the constitution of the United States by a legislature elected under the new State constitution. When these circumstances have taken place, the section from which I quote provides that "said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law." Thereupon the civil authority rises into active being in such State, and the military arm is withdrawn.

In March, 1868, the constitutional convention of Georgia, acting in pursuance of the act of reconstruction, adopted a constitution, submitted it to the people, by whom it was ratified in April by a majority of the registered voters, all parties taking part in the election. I cite the report of General Meade as my authority for this statement. When this constitution was presented here, it was examined and approved by Congress, with certain modifications set forth in an act entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed June 25, 1868. General Meade, speaking on this point in his report, says: "And the legislature which convened in July, making these modifications and otherwise complying with the requirements of the reconstruction laws, the State, together with Alabama and Florida, were, by act of Congress, formally admitted to representation." In his telegram to General Grant, of July 22, 1868, he also states very explicitly that "both houses of the general assembly of Georgia had, by solemn act, complied with the requisitions of the act of Congress, which became a law June 25, 1868;" that the Gov-



ernor-elect had been inaugurated, and as a very natural conclusion, that "the State of Georgia is therefore, under the acts of Congress, entitled to representation."

But there is evidence still more binding upon this body than any I have yet produced; it consists of its own recorded action. The State of Georgia, toiling back once more into political life through all the conditions imposed upon her, at last reached the point where she was permitted to elect members of Congress. They came here, and only eight short months ago the gentleman from Massachusetts [Mr. Dawes], then chairman of the Committee of Elections, made a report that Georgia had ratified the fourteenth amendment to the constitution of the United States, "and in all other respects" had conformed to the requirements of law in regard to her admission as a State into the Union, and that her members were entitled to their seats. This report, with its important and conclusive statements, was adopted by this House, and the Representatives of Georgia took their seats in the Fortieth Congress. This closes the record of reconstruction, and is the last process known to the law upon that subject. What more can there be? Is there no end to the movements and powers of the federal authority over the State? If Georgia is not now a State upon terms of equality with the other States of the Union, when will she be? I hold that she is to-day a State as independent of federal interference as Massachusetts or Indiana. Her work is done in strict obedience to the command of Congress. The task you gave her to do is finished. Who can rise up and deny my statement on this point? Not Congress; for, by adopting the report of the gentleman from Massachusetts [Mr. Dawes], this body has admitted, in the gravest form possible, that Georgia had conformed, in all respects, to the requirements of law on the subject of her admission into the Union. Nor can the present executive; for, as the General of the Army, he sanctioned the views and official action of General Meade. Here, then, stands a State, a perfect State, in full and perfect relation to the federal government.

And it is now deliberately proposed by this bill to invade

this State and again strike down and destroy its civil powers. We are asked to pull down the building which was framed and reared under the dictation of Congress. This bill, among other lawless provisions, authorizes and directs the Governor of Georgia to convene, by proclamation, the members of a legislature whose functions have expired and whose duties have been performed. Where does this body get the power to convene the legislature of a State, or force a governor to do it? We have written a constitution which gives us all the authority we possess over a State. What clause of that sacred instrument warrants this measure? As well might I ask what chapter in the teachings of the Savior gives license to murder. The bare question is its own answer. We are considering a measure which is simply a dangerous and audacious outlaw. It is a flagrant and undisguised attempt to usurp by a law of Congress the legislative and executive powers of a State. If this can be done in one instance, it can be done in every State in the Union. Every limitation upon the action of the federal government is broken down by such a precedent. Every right reserved to the States is surrendered by the triumph of the principles of the bill before us. You can next lay your hands on any other State whose acts displease you or where a party ascendancy has been secured contrary to your wishes. Indiana may be your next victim. Indeed, measures have already been introduced in both Houses of Congress aimed at the recent conduct of the legislature of that great and noble commonwealth on the subject of the last proposed amendment to the constitution. You may as well coerce the legislative department of Indiana as of Georgia, and perhaps it will be done. The spirit of lawless power is a roving and a restless spirit. It is confined by no sectional boundaries, but seeks its prey in every latitude and in every land. It has been permitted to ravage one portion of the States, and now I see it turning its gleaming, hungry, and insatiate fangs toward all the others. If the people rest supinely in a false security, it will banquet on all their liberties everywhere, until the

sun will rise and set no more upon a free government in America.

But let us look a little more closely at the details of this second attempt upon the life of the State of Georgia. What are the pretexts assumed for the second destruction of this unhappy State? They are set forth in the preamble. It is there stated that the legislature elected under the new constitution refused to purge itself of members who were disqualified by the fourteenth amendment to the constitution of the United States. The report of General Meade, pages 8 and 9, shows this statement to be untrue. It will be seen there that, as commander of the Department of the South, he required steps to be taken to test the eligibility of members under the fourteenth amendment as soon as the legislature convened. Each house ordered a committee of investigation to inquire into the qualification of its members, which was done, their reports made and adopted, all to the satisfaction of the distinguished officer in command. If this duty properly belonged to the legislature of Georgia and the other States under process of reconstruction, how can its action upon the subject be called in question here or anywhere else? I have high authority on this point. I hold in my hand a telegram to Governor Warmoth, of Louisiana, dated June 30, 1868, which reads as follows:

“ We think that persons disqualified under the fourteenth article of the amendment to the constitution of the United States are not eligible to your legislature. This is to be determined by the respective houses, but no oath can be imposed except the oath prescribed by the State constitution.

JAMES F. WILSON,

“ *Chairman Judiciary Committee.*

“ GEORGE S. BOUTWELL,

“ J. F. FARNSWORTH,

“ H. E. PAINE,

“ *Reconstruction Committee.*”

It is here asserted by these distinguished gentlemen that, under the reconstruction laws, the eligibility of members of the legislature is to be determined by the respective

houses. This was done, as I have shown, by the legislature of Georgia, and Congress has no more power over the question than it has over the tides of the ocean. But it is further asserted in the preamble to this bill that certain negroes were found by this legislature to be ineligible, and were refused seats in that body. *Hinc illæ lachrimæ!* But in judging of the qualifications of their members, as it is conceded both houses had the right to do, I am not aware that because a man who claimed a seat was black, he therefore rose above this rule, and became exempt from the same judgment which white men had to undergo. Or is it claimed by the friends of this measure that while the legislature of a State may determine the eligibility of the Caucasian to office, it is the province of Congress to judge for the African? I presume, sir, that one rule will be found sufficient for both races, and if wrongs or errors are committed toward either, the judiciary is competent to correct them. Georgia has taken the necessary and proper steps to determine in the courts this question of African eligibility under the constitution of the State which you examined and approved. There the matter must rest, unless we are willing to engage in a revolution by the means of legislation.

One more reason, however, is given in this preamble for the proposed enactment. It is broadly asserted "that the local authorities in said State are wholly unable or unwilling to protect the lives, liberties, and property of lawful and unoffending citizens of said State from lawless violence, and refrain purposely or from want of power from bringing such offenders to justice." Here is a sweeping statement that no protection, none whatever, is given by the local authorities of the State of Georgia to life, liberty, or property; that they are wholly—not partially, but wholly—unable or unwilling to do so, or to bring criminals to punishment. Is there a man in this House who believes this to be true? Does not every intelligent being in the United States know it to be false? Human society is nowhere exempt from crime; but are the annals of Georgia bloodier or darker than those of many of her Northern

sisters? It is true that the effects of civil war in the midst of a conquered people are disastrous for a time to social order. It is true that a victorious army marched through this State, leaving disorder, confusion, dismay, and ruin in its wake; and out of this condition arise necessarily, and by the laws of human nature, some evil spirits, who for awhile remain a disturbing element, and then pass away. It is true, too, that two races representing the opposite extremes of the human family—one the highest in the scale of creation and of development and progress, the other the lowest by nature and with no development or progress—have been suddenly and violently brought into an absolute political equality.

Under all these circumstances, the philosophic statesman would not expect society to wear at once a wholly smooth and placid surface. He would expect the healing processes of time to be necessary for a perfect cure of all these ills, and he would seek, by kindness and confidence, to beget the same emotions toward the government in the breasts of that people.

But I appeal to the history of the times in vindication of Georgia against this wholesale and frightful accusation. Comparisons are an ungracious work; but if the commission of crime is to warrant Congress in laying its destructive hand upon the government of a State, then let us be impartial in our work. In my study of crime, connected with the duties of my profession, I have found the darkest and the most satanic committed in staid, intelligent, and civilized New England. I say this in no accusing spirit; far from it. Daniel Webster said the same thing of his own State of Massachusetts. I am not called on to account for this fact, or perhaps I might be able to do so. I only cite it to show the wretched pretense which supports the measure now under discussion. The land of the peaceful Penn, the City of Brotherly Love—will some gentleman be kind enough to tell us how many murders of men, women, and children, of every age and condition, have taken place there within the past three months? Is it one a day? Perhaps not quite that average; but certainly enough, if oc-

curing in the South, to call for the enactment of at least ten such bills as this. Why not level one at Pennsylvania? She is no more a State than Georgia, and no more independent of Congress. As I am speaking of other States, for illustration I will also speak of Indiana, a portion of whose people I represent. Have her borders been unstained by crime and violence? Let my colleagues who support this measure in relation to Georgia answer. Are the local authorities of the Northern States always able or willing to bring criminals to justice? Do none go unpunished? Sir, I here assert that in my solemn opinion, based upon a personal knowledge of the affairs of the South, quite equal to that of any other gentleman upon this floor, these allegations in this preamble lie with no more justice against Georgia than they would against two-thirds of the other States of this Union. They are the stale, worn-out refuse of an exciting presidential canvass, when a large measure of the capital of a great party consisted in making the people of the South appear as criminals in their daily lives and practices. For this purpose, men went into that section to create riot and disturbance, and sometimes succeeded. They carried with them ready writers as correspondents of newspapers, who recorded alike what they saw and what they did not see, what they heard and what they did not hear. A harrowing story of an outrage, whether it occurred or not, would help to carry the election, and where facts were wanting, fancy supplied their place. And the essence of their cruel and atrocious calumnies is here embodied in the preamble to this bill and assigned as the last and final reason for its passage. The preamble contains the indictment against Georgia and the bill enacts her punishment.

In the brief space of this debate I am aware that I can but very imperfectly discuss the various sections of this most pernicious measure. I am confining myself purposely to almost a bare statement of facts and principles. By the second section it is required that the members of the legislature of Georgia shall take the oath prescribed by Congress for officers of the United States. Only in June last

it was held that under the reconstruction laws "no oath can be imposed except the oath prescribed by the State constitution," as I have already shown by the telegram from the chairman of the Judiciary Committee and the members of the Committee on Reconstruction to Governor Warmoth, of Louisiana. Will some gentlemen show me where the power of Congress exists to enact a new oath to be taken by the members of a State legislature who have been once qualified according to law? The constitution of every State in this Union prescribes the oath to be taken by the members of its legislature. Even the mention of a different rule has been unheard of in our history until this day. Georgia is singled out for the experiment; but if it is accomplished upon her, the signs of the times indicate that she will not be long alone in her degradation.

But the deep malevolence and unequaled atrocity of the bill before us is more thoroughly concentrated, as I understand it, in the fourth section than in any and all others, and to that I now turn. I characterize this section in strong terms, and I appeal to every candid mind for my justification. I proclaim it without a parallel in the annals of the civilized world. There is not a statute, edict, or decree like it in the archives of any government upon earth to-day; nor will all the dark realms of ancient heathenism, before Christ came to illumine the hearts of men with a softer and warmer light, furnish its peer in wickedness. I call upon this house and I call upon a Christian people to bear witness to the truth of my assertions, as they listen to the fact that this section provides that any one—

"Who shall have exercised the duties of any office or public station where by law he was required to take an oath to support the constitution of the United States, and thereafter engaged in insurrection or rebellion against the United States, or gave aid or comfort to its enemies, or rendered voluntary or involuntary support or aid to any insurrection or rebellion against the United States, or held any office under or gave any support to any government of any kind organized in hostility to the United States or

levying war against the United States, unless he shall have been relieved by act of Congress, as provided by section three of the fourteenth amendment to the constitution of the United States, from the disability thus incurred, shall be punished, on conviction before the district court of the United States, by imprisonment for not less than one year nor more than five years, and in addition to be forever disqualified from holding any office of honor or profit under the laws of the United States."

Sir, this section, as I have just read it, provides that if a man in Georgia, before the war, held an office, however lowly, which required him to be sworn to support the constitution of the United States, and when the war came he gave it any support, however small, whether willingly or forced to do so with a bayonet at his throat and a pistol at his head, he is a criminal before the laws of a nation which boasts of its civilized jurisprudence. He may have been a justice of the peace of his township; he may have been opposed to secession and faithful to the Union; but if as such humble magistrate he has once, prior to the war, taken an oath to support the constitution of the United States, and afterward been compelled by a company of soldiers to pay taxes to the Confederate government during the rebellion, he is liable under this act to prosecution and imprisonment as a felon, and to be disfranchised forever as a man dishonored. This is too monstrous for calm contemplation. It calls for deep and universal condemnation. It is a crime against nature and a revolt against the eternal principles of truth and justice. I do not believe that such a measure can receive the sanction of this or any other legislative body in Christian lands anywhere beneath the sun. The fierce passions of mutual hate are dying out, and party rancor is losing its hold upon the public mind. The dawn of a better day, I trust, is at hand, when peace and order will reign in our midst, and when such frightful measures of legislation as this will be unknown forever in our national councils.



## THE NATIONAL DEBT.

[A speech delivered in the House of Representatives, January 28, 1870.]

MR. CHAIRMAN :—Now that the conflict between the sons of Massachusetts is suspended, and each party is resting to recruit his forces; now that the administration has been proven a delinquent in its use of the public money by the chairman of appropriations [Mr. Dawes], and has been defended with a magnanimity and oblivion of past injuries which has no parallel in the history of human charity and forgiveness by his military and warlike colleague [Mr. Butler]; now that there is a lull in the storm, and peace for a brief season on the opposite side of the Chamber, I arise to ask the indulgence of the House while I demonstrate that the wrongs and oppressions of the people have a longer growth and more giant proportions by far than even those which this striking and remarkable debate has disclosed.

The interest now felt in the public mind upon the subject of our financial policy is deep and universal. All classes are bending their thoughts toward this great theme. It awakens a solicitude as wide-spread as the winds and as all-pervading as the light that breaks with the opening of the day. The people of every grade and condition are impelled by the strongest of all human inducements to give eager heed to the actions of this government on the subject of its revenues.

But while this question thus presents a common center, which with the irresistible force of some vast controlling magnet attracts every mind to its earnest contemplation, yet the points of observation from which it is approached and considered are widely separated, and stand apart like places of fortified hostility frowning upon each other.

The great body of the people who work with their own hands through all the weary days of the year, and whose earnings constitute the wealth of the nation, occupy one position, and with painful anxiety pray for relief against the further operations of a system of appalling injustice and crushing monopoly. The owners of idle capital, the favorites of fortune and of special legislation, who, like the lilies, toil not, and yet surpass kings in the splendor of their habits and luxuries, occupy the other position, and invoke the powers of the government to make no change—to continue forever the enchantments of their feast, for which others pay. The farmer, who forces the bosom of the earth to yield its annual products for the support of men and nations; the mechanic, who increases the values of things by his skillful industry; the toilers of the land and of the sea, in whatever avocation the gifts and bounties of nature are extracted by human labor, discover in the present policy of this government toward themselves, their classes, and their posterity after them, nothing save exactions, usury, and penalties. The man whose greatness of brain and heart consists solely in his superior ability to bring money from the hands of others, and to amass sufficient wealth to obscure his vision of justice on earth, and to darken his hopes of heaven hereafter, beholds nothing in our revenue laws in regard to his interests except emoluments, richness, and careful exemptions.

Sir, of these two opposing classes, I range myself with the most friendless in this body, in whose behalf a voice here speaking plainly the truth is but seldom now heard. Monopoly and privilege have clamored in high imperious tones in these halls for years. They have secured a lodgment beyond the reach of the humble and the poor. Their advocates on this floor are numerous and able. They listen with impatience to contradiction, and attempt to drown the authority of reason by the force of worn-out epithets. The capitalist, for whom American legislation is now enacted, is always here. He has the time and the means to look after his mighty interests at the seat of government. He is vigilant, and his face may be seen in all the corridors

of the Capitol. He comes armed with the powers of bonds, banks, and manufactories, and wherever he treads monopoly lifts up its ugly crest and mocks the people with the special favors it has received at the hands of Congress.

Why comes not the farmer here? Why is his honest, sunburnt face unknown in the precincts of national legislation, at the ear of the executive, and in the long and busy aisles of the departments? Why are his plain clothes never seen amid the throng which surrounds and invades this Capitol? He is the power above all others which upholds the entire political and social structure. From his hard hands flow those constant rivulets which feed and swell the illimitable ocean of our revenues. Delegations crowd the official chambers of the government in behalf of every human enterprise except that which is greatest of all, the cause of labor. The farmer and the mechanic toil at home to meet the exactions of the tax-gatherer, while those whose hands are unstained with labor, and whose lives are given to sumptuous ease, shape the legislation of the country for the purposes of private gain and individual monopolies. In the absence of the laborer, I propose to-day to speak for his welfare, and, to the best of my abilities, uphold his cause.

Sir, in examining the financial policy which is now proclaimed by the administration in power, the history of the creation of our national debt, the manner in which it was formed, becomes a primary and important subject of investigation. It had its origin in the midst of the convulsions of war. The contract for its payment was made when the sword impended with bloody menace over the existence of the government. It was negotiated when the sounds of battle along a thousand miles of dividing and ensanguined borders were in our ears. The smoke of carnage lay heavily on all the air, and under the shadow of its threatening canopy the borrower for the maintenance of the armies and the lender for usury and gain crept about and arranged the terms of that stupendous debt which now confronts us with its insatiable demands. The hard, bitter duress of a deadly peril was upon all the functions of the

nation. But little was done in those dark days from untrammelled choice, but much upon cruel compulsion. The doctrine of free will gave way in the councils of the Republic to the code of an inexorable necessity. We were compelled to have money or perish from the face of the earth, and this was known in every money market in the world. We went, reeling and bleeding under the blows of the rebellion, to the counters of brokerage and offered our paper for discount when money was as vital a necessity as breath to the dying man or water to one whose lips blacken with thirst in the burning desert. Were these circumstances favorable to a just and equitable negotiation? Did these sinister omens give promise of a fair transaction with the capitalists and money-changers? Will wealth seek no advantages from individual or national distress? Is amassed capital unselfish? Does it seek no more than its own when the straits of poverty or peril drive men or governments into its power? Such is not the experience of mankind, and such was not the experience of the American people when, under the stress of mighty afflictions, they became borrowers and tendered their bonds for the repayment of the sums obtained. I appeal to the facts of history within the knowledge and memory of all who hear me. The capitalists of this country discounted the credit of their government in its struggle for life more heavily, shaved its notes in the broker-shops more deeply, than was ever before known under similar circumstances in the annals of civilized nations. They drove the hardest bargain ever known between citizens and the government which protected them. They traded with less conscience upon the fluctuating fortunes of the flag than any other class of beings that ever drew breath beneath its folds. Their keen-eyed cupidity kept watch upon the imperiled standard of their country, and the measure of their exactions was gauged according as it was advanced full high in the hour of victory or borne back in gloom upon the ebbing tide of defeat. And disaster brought them their richest banquets. The clouds that so often filled our sky with darkness were to them relieved by a golden lining. Speculation hovered

over the fate of our armies and fattened like the vulture over the unburied dead of lost and stricken fields. Death and the sordid greed of gain held high carnival together and ministered to each other's ferocious and insatiate lusts and appetites from the opening to the close of the dreadful conflict. I stand prepared to sustain these statements. I am fully aware of my responsibility in making them; but knowing as I do the facts as recorded in the archives of the government, I here solemnly assert and shall prove that a vast proportion of the public debt as it is stated upon paper has no existence whatever in reality; that it is a fiction created by unjust and scandalous legislation, or the still more unjust and scandalous perversion of the true contract; that it is a fraud fastened upon the labor of the nation, utterly without consideration either legal or moral; that it is a sheer and naked extortion from the wants, the necessities, the helplessness of the people, and the armies when they were wholly at the mercy of capital. I have made my calculations, and made them safely. I have underestimated the wrongs of the people and the enormous advantage of the bondholder rather than overestimated them. I desire those who receive my statements as authority to feel amply secure from successful contradiction. I wish to enable them to challenge denial everywhere, as I do here.

The first step in the creation of the present interest-bearing bonded debt was taken by the government in 1862. In that year, there were issued bonds amounting to \$60,982,450, bearing six per cent. interest, and due in twenty years from date. The average price of gold at that time, as given by high authority, was 138½ in currency. At this rate the purchasers of this first sale of over sixty millions of bonds paid for them only \$44,030,649 in gold. It is now demanded that they shall be paid in gold at their face, and not according to their consideration. If this shall be done, the bondholder in this comparatively small transaction will receive \$16,951,801 more than he paid to the government. This is a bonus, a gift, absolutely so much out of the pockets of the tax-payers for nothing at all in return. But

the obligation as now construed stops not here. On this bonus, not one dollar of which the government ever received, interest has already been paid to the amount of \$6,102,654, and the interest yet to accrue on this fictitious claim will reach the sum of \$14,239,526 when it falls due. The amount, therefore, in 1862, stands as follows :

Amount of bonds sold.....	\$60,982,450
Amount paid for them.....	44,030,649
Amount of bonus, clear gain to the bondholder.....	\$16,951,801
Interest already paid on bonus.....	6,102,654
Interest yet to be paid on bonus.....	14,239,526
Amount paid and yet due the bondholder for which he never paid a cent.....	\$37,293,981

Thus it will be seen beyond cavil or question that upon an investment of a little over forty-four million dollars the traffickers in national bonds obtained the obligations of the government for over thirty-seven million dollars, not one dollar of which ever left their coffers or ever found its way into the vaults of the treasury. I am treating now simply of that which is clear gain. I leave out of view their bonds for which they paid. I shall, in this connection, discuss those only for which they did not pay; I shall separate the fraud from the reality; I shall draw its startling outlines so that all men may hereafter behold it and know their rights.

During the year of 1863, the records show that the government issued its bonds again to the amount of \$160,987,550. Estimating the price of gold at 158 in currency, which will be found too low instead of too high, it will be seen that those who bought this issue of bonds paid to the government only the sum of \$101,890,854, being the vast sum of \$59,096,696 less than their face at which they are now held over the bended shoulders of weary and overtaxed industry. This was the original discount—the brokers' shave in the beginning. The amount nominated in the bonds is unreal and imaginary, and represents only the grasp of remorseless creditors. But this bonus of over fifty-nine millions by which we procured the accommodation

of capital in our days of distress, bears also its six per cent. interest, and enables the usurer literally to reap his annual golden harvests where he has sown no seed. The people have already paid upon it as interest in gold the sum of \$17,729,010. This is interest paid upon money never received and which the people do not owe. The amount still to be paid as interest upon this fraudulent bonus by the time this issue of bonds mature is \$53,187,030. Remember that the bonus itself being placed in the face of the bonds without consideration, all interest arising from it is likewise a spurious extortion. The transactions of 1863 then sum up in the following striking light :

Amount of bonds issued.....	\$160,987,550
Amount paid for them.....	101,890,854
	59,096,696
Amount of bonus.....	59,096,696
Interest already paid on bonus.....	17,729,010
Interest yet to be paid on bonus.....	53,187,030
	\$130,012,736
Amount paid and yet due the bondholder for which he has paid nothing at all.....	

Here is demonstration which boldly defies all assailants that the bondholder to-day has in his possession the obligations of the American people to pay him over one hundred and thirty millions dollars in gold, growing out of the operations of a single year, not one cent of which did he ever advance or expend in their behalf. He paid into the treasury one hundred and one millions and a fraction over, as I have shown. This he of course receives back again with his six per cent. interest, but the unbearable injustice lies in the additional \$59,000,000—the bonus and the interest thereon—all of which is something for nothing.

If the laboring masses of this free land are willing to endure such a system of wrong, of plunder, and of wickedness, then indeed may they well crouch down, like Issachar of old, between heavy burdens and at the bidding of privileged masters.

In 1864 there were issued \$381,292,250 worth of bonds, so far as their face disclosed their value. The price of gold during that year was at an average of 201 in cur-

rency. Here we find that the sale of these bonds realized to the government the sum of \$189,697,636—less than one-half of their nominal amount. The sum charged by the bondholder for the advancement of the loan of something over one hundred and eighty-nine millions was the fearful bonus of \$191,594,614.

Figures are the faithful witnesses of truth, and I submit them here to reveal oppression and to produce reform and justice. On no other subject did they ever speak with a more potent voice; in no other age did they ever bring to light a blacker phase of the avaricious nature of man. Nearly two hundred millions are here shown to be an absolute gratuity, and the interest which up to this time has been wrung from tax-payers and applied upon this enormous donation to avarice reaches the sum of \$45,982,708. The usury yet to be paid upon it as interest on money never received by the government amounts to \$183,930,832. The result of financial operations in 1864, therefore, stands as follows :

Amount of bonds issued.....	\$381,292,250
Amount paid for them.....	189,697,636
	<hr/>
Amount of bonus.....	191,594,614
Interest already paid on bonus.....	45,982,708
Interest yet to be paid on bonus.....	183,930,832
	<hr/>
Amount paid and yet to be paid for which nothing was ever received by the government.....	\$421,508,154

Four hundred and twenty-one millions five hundred and eight thousand one hundred and fifty-four dollars! A speculation as wholly and totally unsupported by a particle of consideration as the highwayman's profits upon a midnight adventure. I propose to tear away the obscuring veils which have heretofore shrouded this question. I shall run a dividing line between the sound and the unsound, that an honest people may see plainly their duty to themselves and their posterity.

In the year 1865 bonds for the additional sum of \$279,746,150 were issued, with the average price of gold in the market at 143 in currency. From them the traders



in government securities paid \$208,214,090, realizing as a bonus in the transaction the sum of \$71,532,060. The people have paid as interest on this bonus the sum of \$12,875,772, and by the existing financial system they will be called upon to pay \$72,962,708 more by the time these bonds mature. The gains of this year to the bondholder appear thus:

Amount of bonds issued.....	\$279,746,150
Amount paid for them.....	208,214,090
	<hr/>
Amount of bonus.....	71,532,060
Interest already paid on bonus.....	12,875,772
Interest yet to be paid on bonus.....	72,962,708
	<hr/>
Amount paid and yet to be paid which is without any consideration.....	\$157,370,540

In 1866, with the price of gold at 141 in currency, the government sold \$124,914,400 of its bonds, for which it received \$88,591,773. The bonus, or difference between the face of the bonds and the price which they brought in the market, in this instance was \$36,322,627. The holders of the bonds have received as interest on this bonus \$4,358,716. They are yet to receive as interest on the same \$39,228,444. The following calculation will be found correct for this year:

Amount of bonds issued.....	\$124,914,400
Amount paid for them.....	88,591,773
	<hr/>
Amount of bonus.....	36,322,627
Interest already paid on bonus.....	4,358,716
Interest yet to be paid on bonus.....	39,228,444
	<hr/>
Amount paid and yet to be paid as bonus and interest on bonus for which the bondholder never paid any- thing.....	\$79,909,787

In 1867, bonds for the vast sum of \$421,469,550 were issued. With gold quoted at an average of 139, the purchasers of these bonds paid for them \$303,215,503, making thereby \$118,254,047 as clear profit in the operation. They have collected as interest on this profit or bonus \$7,095,243. The amount yet to be paid on the same as future interest

until the bonds mature, will be \$134,809,617; making in all an account for the year of 1867, as follows:

Amount of bonds issued.....	\$421,469,550
Amount paid for them.....	303,215,503
Amount of bonus.....	118,254,047
Interest paid on bonus.....	7,095,243
Interest yet to be paid on bonus.....	134,809,617
Amount paid and yet to be paid as bonus and interest on bonus (clear gain to the bondholder).....	\$260,158,907

The issue of 1868 reached the sum of \$425,443,800. The estimated price of gold being 136, those who bought these bonds paid \$312,826,323; realizing as a bonus \$112,617,477. Their receipt of one year's interest on this bonus is \$6,757,048, while there remains to be collected between this time and the maturity of these bonds the further sum of \$128,383,932 as usury, as interest upon nothing ever received by the government.

#### ACCOUNT FOR 1868.

Amount of bonds issued.....	\$425,443,800
Amount paid for them.....	312,826,323
Amount of bonus.....	112,617,477
Interest paid on bonus.....	6,757,048
Interest yet to be paid on bonus.....	128,383,932
Amount of bonus and interest on bonus paid and to be paid entirely destitute of consideration.....	\$247,758,457

All the bonds which I have thus far considered bear six per cent. interest. During the years, however, of 1864, 1865, 1866, 1867, and 1868, there were issued five per cent. bonds amounting in all to the sum of \$195,139,550, which at the various estimates already made of the price of gold cost the purchasers the sum of \$122,957,410. The bonus to the bondholders growing out of the sale of these bonds amounts to \$72,182,140. The interest thus far received on this fictitious \$72,000,000 and upward is \$11,679,296. That which remains to be received in the future on the same fraudulent basis will reach \$132,684,958. The transactions of those five years in five per cent. bonds may be stated in a condensed form thus:

Amount of bonds issued .....	\$195,139,550
Amount paid for them .....	122,957,410
Amount of bonus.....	72,182,140
Interest paid on bonus.....	11,679,296
Interest yet to be paid on bonus .....	132,681,958
Amount of bonus and interest on bonus paid and to be paid, for which the bondholder never paid a dollar...	\$216,546,394

Sir, allow me now to recapitulate and place in a compact and distinct form the aggregate of the obligations, the bonds which were given as a bonus, as a bare gratuity, to the reluctant and unpatriotic capitalists of the country, in order to win their support, when our need was the sorest. Allow me to array together the items of an appalling account now in the hands of the tax-gatherer for collection, every farthing of which is a mere fabrication upon paper, and as completely devoid of merit as a forged check presented for payment. My former statements and calculations establish the following table, as showing the amount of the people's obligations which the bondholders obtained in the creation of the national debt each year for nothing—for absolutely nothing :

1862.....	\$37,293,981
1863.....	130,012,736
1864.....	421,508,154
1865.....	157,370,540
1866.....	79,909,787
1867.....	260,158,907
1868.....	247,758,457
Bonus and interest on five per cent. bonds.....	216,546,394
Total .....	\$1,550,558,956

Here stands, then, this stupendous total of \$1,550,558,956, which the party now in power says the people shall pay under inexorable penalties, not one cent of which I have proven ever left the coffers of the speculator or found its way into the treasury of a distressed and struggling country. I invoke scrutiny upon my statements, and shall at all times defend their substantial correctness.

But, in this connection, let us recapitulate also upon another point; let us see distinctly how much money the bondholders actually did loan, did advance upon the bonds

of the government to aid the great cause of national unity. I have already established the facts, and now place them in tabular form. The payments of the bondholders were as follows:

1862.....	\$44,030,649
1863.....	101,890,854
1864.....	189,697,636
1865.....	208,214,090
1866.....	88,591,773
1867.....	303,215,503
1868.....	312,826,323
Amount paid for the five per cent. bonds.....	122,957,410
Total.....	<u>\$1,371,424,238</u>

Compare this amount of \$1,371,424,238, which the government did receive, with the amount for which our bonds are outstanding, which the government did not receive, and we find the following result:

Amount of debt which has no consideration .....	\$1,550,558,956
Amount which was paid for.....	<u>1,371,424,238</u>
Excess of bonus and usury over the actual debt...	\$179,134,718

Sir, who has known the parallel to this in the history of constitutional governments? Where shall we look for comparisons to this monstrous oppression? In what realm or land governed by written law will the explorer of other countries and other ages find such a wholesale and flagitious plunder of the people as here stands naked and confessed? Under what baleful sky, in what other quarter of the earth, has such an awful visitation fallen upon human labor? Where else than in this land of professed equality has wealth ever before committed a crime against industry and liberty of such huge proportions and infernal aspect as now towers up in our midst and darkens the homes of the people with its cruel and ceaseless demands? Kings, it is true, unrestrained by law, have robbed their subjects. Despots who rule by prerogative have torn away the substance of their unfortunate serfs and lavished it upon the favorites of the throne. The pampered and lawless tyrants

of Asia, Africa, and Europe have seized the fruits of toil, the painful and precious earnings of vigilant, daily labor, and wasted them in palaces of revelry and endless indulgence. The millions under imperial sway have been trodden down, beggared, and held in servitude by the unbridled avarice of absolute monarchs. But in what region of the globe penetrated and influenced by the popular will, where the voice of the people was permitted to create their laws, has ever before in the annals of the human race such a giant extortion been fastened like a vampire of death on the resources of a nation?

Sir, we have heard the patriotism of the capitalist made the eloquent theme of eulogy. His praises have swarmed upon partisan lips. The air has been laden and vocal with sweet encomiums of his generous sacrifices. His claims are exalted as those of beneficent philanthropy. He comes here with the air of a public benefactor. He assumes a loftier port than the heroes of the war, and demands payment for what he has done, as a first mortgage on all the chattels, lands, and labor of the nation. Never since the birth of time, in the whole wide range of human conduct, was a pretension to virtue more false. Never was a base assumption more utterly crushed by the undeniable facts of history. That beautiful love of country, that sublime devotion to her institutions which constitutes bulwarks of national defense more powerful than iron, brass, or stone, was not an inmate of his breast. It electrified all hearts but his. It ennobled and glorified all classes save that which made merchandise of the country's woes and trafficked for a hundred per cent. of profit amid the roar of cannon and a deluge of blood. The father left his broken-hearted home; the son and the brother, in the brightness of youth, took his last farewells of fainting kindred; the armies were filled with ardent, hopeful lives as food for the leaden hail, the bayonet, and the grave. Flesh and blood volunteered, or if the precious ties of home and loved ones overmastered the patriotic will, the draft, the unrelenting draft, replenished the ranks of war and listened to no bar-

gains in behalf of the hearthstones which it made desolate forever.

But while the soldier stood on the outermost brink of danger, while he walked on the perilous ridge of battle, the men of many millions parted not with one dollar with which to pay and feed him at his post of death until their remorseless terms were complied with. Money was no volunteer; nor did the fatal wheel of conscription wrench it from the hands of its sordid masters. It heard the beseeching voice of the government with a dull, indifferent ear. It laid still in its vaults and dens watching for its prey and its profits. It witnessed a devotion and a sacrifice in this land more universal and unselfish than ever before illuminated the pages of time, and its metallic heart alone remained cold and unmoved under the heat of the fiery blaze. While the armies moved on and the lamps of dear and valuable lives went out on the ghastly field and in the hushed stillness of the hospital, almost like the innumerable stars fading away at dawn in the sky, the spirit of Mammon, the least erect of all that fell from heaven, crouched in the rear and pursued his calling and drove his fell contracts. He brooded over his treasures until the calamities of life, of homes, and of families swelled them into twofold proportions. In the midst of the mighty throngs such as the eye of man hath not seen in all the ages that are gone in the shadowy past, pressing forward to save the emblems and the unity of the Republic, he was doling out to them as they passed into the tempest one dollar and extorting their obligations for more than two.

If the sons of toil and moderate means could afford their lives and the widowhood and orphanage of their homes for the supremacy of the Union, how much more could the masters of wealth afford to divide their substance and give of their abundance in the same great cause! The duty of the citizen is in proportion to the protection which he receives. The capitalist has the benefit of government more than the humble laborer, who has little to be guarded by the law. To the bondholder much had been given. The government, in its prosperity, had fostered him with its

blessings. He had become by its nurture as one of the princes of the earth in affluence and splendor, and over all his gains and accumulations the government held a sleepless guardianship, and assured him the enjoyment of his wealth in safety. But when the deadly peril of dissolution came upon us, no sentiment of gratitude to that government, no generous or just recognition of its protecting hand, animated the hard and bitter selfishness of hoarded capital. It relied upon the people to uphold a cause of more absolute value to it than to any other interest. They who now hold our bonds not only depended upon the patriotism of others to maintain the shaken foundations of the Republic, under whose care they had waxed so fat and strong, but they turned the great and sacred occasion to traffic, and multiplied their possessions. Neither the money nor the money-changers came forth to the conflict. Hearts bounding with warm affections and brains filled with visions of peaceful and happy years sprang up from every little spot, from away up in the dark pines of Maine to the far-off mouth of the Columbia river, and gave all that God enabled them to give. They were taken, and the brokers of the nation's credit were left. The throbbing pulse is still and the bright eye is dark; but above and around the graves of heroes who died for glory and not for gain, speculation is busy, reaping its double harvest from the hallowed blood which they shed.

But, Mr. Chairman, there is another feature in the creation of the national debt which demands consideration in this connection. The system of flagrant injustice which I have thus far exposed has its final and fitting climax. I have shown the enormous speculation made in the purchase of the bonds—a clear profit of over fifteen hundred millions. I have demonstrated that this vast sum is absolutely so much out of the pockets of the people for nothing ever paid out of the pockets of the bondholder. But was greed and cunning and malignant avarice content with this stupendous plunder? Did shame, or remorse, or honor, or forbearance seize the obdurate heart of capital and arrest it in its career of merciless exactions? Did.

the nature of Shylock relent or the edge of his knife grow dull when the consideration of his bond was tendered twofold in the Venetian court? Not so. There was one more blow to be struck at the victim; there was one more stab to be inflicted upon the helpless cause of labor. The usurer, with all his gains, his bonus, and his usuries, still withheld his money from the aid of his government until its bonds were placed in his hands as so much property exempt by law from taxation. The advantage which he took of the necessities of the government not only doubled his estate, but released it also from all future burdens in its support. This wrong upon the people is such an aggravation of their other injuries in this connection that it is difficult to speak of it in terms of moderation. It is a crying, burning infamy. Taxation stalks up and down all the land with hungry, ravishing strides, like some famished beast of prey, and commits its ravages on every substance save that which is richest. It pursues every footstep, and haunts all the humble and obscure ways and wants of the people. It knows no sleep nor rest from weariness or surfeit. Its hard, tithing hand is laid on every moment of life's journey, from the cradle of the children born to toil and of toiling parents to their graves in the closing twilight of old age. There is no sign on the door-posts of the poor to guard away the angel of extortion from their homes. The tax-gatherer is as ever-present as the breath of the pestilence when cities and nations "wail its stroke." He goes with the husbandman to the counter of the merchant, and there gathers in for the bondholder on every purchase made for the necessities of a family. The shirtings, the flannels, the calicoes, the muslins, the delaines, the bonnets, the hose, the cassimeres, the casinettes, the boots, the shoes, the buttons, the thread, the needles, the pins, the hooks and eyes, and the eyelets, have all been taxed from forty to two hundred per cent.; and the amount paid upon them has been put in their price for the consumer finally to pay. The collector of revenue walks by the side of the farmer in his daily labor, and reaps a golden income for the holders of a spurious debt



from the plowshare, the hoc, the sickle, the scythe, the reaping-machine, and the mower; the wrought-iron finish of the wagon, the chains, the clasps, the buckles, and the bridle-bits of the harness; the iron teeth of the harrow, the many-tined forks, the grain-shovels, and the shoes on the horse's feet. He goes into the shop of the mechanic, and puts a twofold tariff price on the saws, the augers, the knives, the planes, the anvils, the hammers, the tongs, and all the utensils of those who work in wood and brass and iron. He sits down at meal-time with the laborer at his table, and points out to him that his knife and fork and his unpretending plates have cost him double because of the bondholder's demands upon them before they came into use. The coffee, and sugar, and tea at this frugal board have paid their twenty-five to fifty per cent. to the government, and the very salt that savors the bread and meat of the people, and the coal which warms their humble abodes, are enhanced in their prices by the present system of tariff taxation from one hundred to one hundred and twenty-five per cent. over their real intrinsic value. Water itself, the flowing fountains of life, without which human nature sinks and dies, is not free. The pump with its machinery, the windlass with its chains that control the wells, and the buckets which come and go from the springs, and the cups from which thirst is at last quenched, all stand their levy of an exorbitant per cent. Nor is this insatiable system any respecter of persons after it leaves and passes by the proud, the rich, and the exalted. The soldier who has left an arm on the field of battle, has no exemption in behalf of the labor of the hand which remains. It toils as best it can to be ready for the demands of the tax-gatherer, while the other lies perishing in the ground far away where swept the stormy and headlong charge under the bright folds of the blessed flag. The pallid and stricken widow in her lowly tenement of sorrow and bereavement, knows not the abatement of one farthing on the part of the revenue official or the laws of Congress because of her irreparable sacrifice; the sacrifice of him who made life warm and beautiful to her, but who now

sleeps in some distant spot with his cherished face turned upward toward the flowers that bloom over him. The child bereft of a father's guiding and sustaining care by the fierce havoc of war finds no privilege for its earnings and possessions against the grasp of taxation. The veteran of the entire conflict, who has returned to finish the journey of life upon one leg, pays tribute to the government and to the owner of exempted bonds on the very crutches which bear him in pain along our streets.

And when the citizen of this ill-governed land, whether he has been a soldier in the field or a laborer at home, passes away from this scene of treadmill slavery he invokes in vain the shelter of the tomb. Between the chamber that was darkened for the closing moments and the quiet cemetery on the hill, his unburied remains are made to pay tribute for the brief passage. The snowy shroud that covers him up for his long sleep, and the coffin and the screws, and the screw-driver which fastens down the lid over the still, cold face, have all paid taxes which now fall on the earnings of the dead within. And when all is over, and friends turn away and leave him alone forever in his dark and narrow bed, the officer of the revenue still plies his trade in the midst of the broken household. The letters of administration, the bond, the inventory, the bill of sale, the sale, the report, all pay toll to privileged wealth as the estate proceeds to final settlement. The tombstone, if one is raised, concludes this dismal drama by paying a heavy tax for the privilege of keeping watch as a loving memorial over the dust that reposes below.

In this terrible, minute, and universal manner of visitation, there was extracted from the labor of this country during the year ending the 30th of June, 1869, according to the report of the Secretary of the Treasury, the sum of \$366,923,402 for the support of the federal government and the further enrichment of a frightful monopoly. The heavy load of state, county, and municipal taxation rests upon the same industrial classes. To uphold the thirty-seven local governments into which this Union is divided, and the still smaller corporations of cities and counties and

townships under them, is costing the American people an additional amount of \$250,000,000 per annum. Thus for each seed-time and harvest of the revolving year the toil-  
ing men and women of this Republic pour into the coffers of taxation the vast aggregate of \$616,923,402.

Annual federal taxation.....	\$366,923,402
Annual State and local taxation.....	250,000,000
Total per annum.....	<u>\$616,923,402</u>

There is no language within the scope of the human tongue that can exaggerate the overwhelming significance of these reliable figures. The great fact stands out with the awful distinctness of a mountain upon a plain that no people beneath the circle of the sun, between the two poles of this fertile globe, are taxed so deeply upon the earnings of their hands as this people whose representatives we are. The official statistics of the five great powers of Europe and of all the withered and ancient realms of Asia and Egypt bear constant witness to this dreadful truth. The submissive subjects of the oldest and wealthiest kingdoms and empires of the earth are not so heavily laden as the citizens of this young, free nation, and they walk more erect in the presence of their task-masters.

Sir, in the face of all this, standing in the presence of these mighty facts, from which there is no escape, how shall I characterize that policy which makes free from all tax or tribute more than one-tenth of the property of the United States—property that cost less by one-half than any other to obtain it, yields double the interest elsewhere derived, and is owned by those who dwell in the palaces of the land? With what patience shall I speak of those who stand idly by and behold the long processions of industry filing out to their daily task; who look on with folded arms of indolence while school-houses are erected and highways built; who, out of their easily and ill-gotten millions, contribute not a farthing to their State or their local burdens; who were treading soft carpets, reclining upon couches of down, and banqueting upon smiles and wine during the last fiscal year, while from the sweat of

the laborer's brow, alone and unaided, flowed the following streams of federal expenditure :

Civil service and miscellaneous.....	\$56,474,061	53
Pensions and Indians.....	35,519,544	84
War Department .....	78,501,990	61
Navy Department.....	20,000,757	97
Interest on public debt .....	130,694,242	80
Premium of 7-30 United States treasury notes.....	300,000	00
Total, exclusive of loans.....	\$321,490,597	75

Am I told that the bondholder pays a tax on his income? If every dollar is collected which is due by law, it will not amount to the trifling sum of \$7,000,000 a year. The entire tax on all the incomes and salaries of the United States together, according to the report of the Commissioner of Internal Revenue, is only \$34,791,856. Of this sum, the bondholder has paid not over the pitiful sum of \$3,000,000 as his miserable contribution toward a revenue of over \$600,000,000 raised by the universal exertions of the people. Every other income is assessed as well, and everything else in the land besides. It is now said in many quarters that even this contemptible levy upon the bonds should be abolished. Not so. Let it stand. Not for its value, but to illustrate human meanness; not that it constitutes a single drop in the great ocean of revenue drawn from the busy hands of labor, but for the purpose of showing how despicable the rich man's mite appears in the contrast; not that it amounts to more than a miserly and imperceptible item in the gigantic general account, but for the purpose of proving, by this beggarly exception, the disgraceful truth, that the rich owner of bonds is substantially free from taxation, as the law declares him to be.

Fortunately, it is not difficult to demonstrate how much the public treasury has lost, and, correspondingly, how much the burdens of the people have been increased by this exemption of the bondholder from the common duty of assisting to defray the expenses of his government. In order to raise the \$600,000,000 necessary for county, State, and national purposes, no one will dispute that the assessments are over two per cent.—two dollars on the hundred,

in the familiar language of the farmer. Taking the entire taxable property of the country as a basis of calculation, and two per cent. upon it all will not yield the revenue which is annually collected. But assuming safely that low rate, we find that our bonded debt, which the Secretary of the Treasury a few evenings since, in a public address, stated at \$2,100,000,000, escapes annually a just tax, according to the load imposed upon other property, of \$42,000,000. If we seek the average time that this privilege has been running, it will be determined at about five years. The loss thus sustained in these five years by the treasury in taxes withheld by the bondholding class, and necessarily made up by the laboring class, swells, by the simplest rules of arithmetic, into the immense sum of \$210,000,000. This amount, therefore, may also be added to that long and heavy column of clear gain and profit on the purchase of the bonds which I have already portrayed. When property is withdrawn from the support of the government which affords it protection, its value is increased exactly to the extent of the burdens which it escapes. Thus the bondholder widens the margin of his riches by every dollar of taxes which he ought to pay, but which is given to him by an iniquitous and unrighteous law. I know not how much will be borne by the laboring interests of this country; but if this dark and overshadowing crime embraced in our present financial policy shall long be tolerated, then let the laboring man of America welcome his slavery in name as he will have already done in reality.

But there is yet one more provision of law, closely incidental to the creation of the public debt, which claims a conspicuous place in this review of wrongs and evils. The bonus, the usury, the freedom from taxation, were not content with their powerful triumvirate of unholy speculation until they added to it the privilege of banking by the bondholder on his bonds. Bonds for which fifty cents on the dollar have been paid, which bear a usurious interest of six per cent. in gold, and escape all burdens, are made the basis of a circulating medium which again in turn pours its deep and swift streams of naked profit into the laps of their

owners. There are at this moment lying in the vaults of the treasury in this city \$339,480,100 worth of the bondholders' cheaply procured possessions. They are there as security for the circulation of a little more than three hundred millions of currency. They pay no taxes, and yield an annual golden interest of \$20,368,806, which are taken directly from the pockets of the people and placed directly in the pockets of the banking bondholders. Upon the \$300,000,000 circulation issued on these bonds, bankers realize, at the lowest estimate, ten per cent. in gold on their loans. Their deposits may safely be reckoned equal to their issues, and the profits on them at least six per cent. in gold. The account, therefore, of the bondholding banker with the people of the United States, at its best face, may be stated as follows:

The cost of \$339,480,100 of bonds now on file in the Treasury Department, at fifty cents on the dollar....	\$169,740,050
On this actual investment he is authorized to issue circulation.....	300,000,000
Ten per cent. profit on circulation.....	30,000,000
Amount of deposits.....	300,000,000
Six per cent. profit on deposits.....	18,000,000
Annual interest on the bonds in the treasury.....	20,368,806
Annual exemption from taxes.....	6,789,602

Add together the profits on circulation and deposits, the interest on the bonds, and the taxes saved, and the plainest mind in the land will perceive that the banking wealth of the country is realizing the enormous annual gain of \$75,158,408 upon an original investment of less than one hundred and seventy millions of dollars. This is the crushing payment made by the people to a privileged class in order to obtain a circulating medium from their government with which to carry on the trade and business of life.

I call upon the people of both parties and creeds to sift and weigh my statements. I assail a system, not individuals. I attack the principle and not the men engaged in banking. If any page of the world's financial history has hitherto been blurred and stained by an outrage of such hideous proportions as this, my eyes have failed to discover it and my ears have not heard its damning story. Nor

has any living monarchy of to-day, in all the four quarters of the earth, a rank of nobility, its haughtiest and its loftiest, which so wantonly preys upon the industrial masses and so ravages their workshops, their vineyards, and their corn-fields as this privileged class whose daily doings are in our midst. There is not a dukedom in England whose grants from the crown are so rich as the donations made by the present American policy to the bondholders. There is not an earldom whose franchises are as great as the American bankers. The new nobles of France under the present empire acquired unfounded fortunes from the ruins of the Bourbons not so easily nor so suddenly as the favorites of legislation have here achieved by the oppression of labor.

Sir, I have thus far carried and considered the manner in which the debt of the nation was created and the system of wonderful and amazing injustice which has sprung up from the laws upon which it is founded. The painting has been but feeble and unworthy of the great theme, but the picture is nevertheless repulsive and revolting, because it has been drawn with fidelity to the facts. It presents a sinister and shocking aspect to the tax-payer. It stands revealed as a baleful monster. The sight of it extorts a desperate cry for relief. It can not and will not be borne; but shall we therefore attempt to build the city of our refuge from this distress upon the shifting quicksands of repudiation? Mighty wrongs and the galling sense of extreme injustice have driven many honest minds to embrace this fearful doctrine, and much more may yet follow with the same disastrous tendency. The issue is in the hands of the party in power. I am not for repudiation. I see in it neither safety nor honor. The party of which I am a member has always gloried in its obedience to constitutions, to laws, and to contracts. We were not in favor of repudiating one-half of the pay of the soldier and sailor, when it was done during the war, by compelling them to take depreciated paper instead of the contract price for their perilous services. Our record has no tarnish such as blights and mildews that of the majority of this House. If repudi-

ation shall hereafter come, to dishonor our name at home and abroad, it will be because the now dominant party continuously and persistently enables the creditor class, the bondholding monopoly, to violate their part of the contract and to plunder the people to an unbearable extent. There are two contracting parties on this subject. I implore you who on this floor represent the bondholder's vast pretensions to advise him to stay within the bounds of the law. Tell him that the advantages which the law actually gives him are so stupendous that the people will not suffer him to break over it in order to obtain more. Tell him to keep his part of the compact with scrupulous faith. Tell him that if he releases himself from its obligations he also releases the other party. Say to him that this is a settled rule of law in all the courts of the world. Say to him that they who enforce contracts must first fulfill contracts; that if he repudiates the restraints of the law, it will not then be repudiation for the tax-payer to refuse obedience; that his default will cure the defalcation of the other party; and that if he continues to overleap the legal barriers which surround him, the people will at last arise and drive him out as they would a marauding wolf from amid their folds and flocks. Tell him all these things in order that he may do his duty in sustaining the public credit and in averting this calamity. Cease your lectures to this side of the chamber and turn your labors to that quarter where repudiation has already commenced. The people are true; it is capital that is faithless. The people are sincere and generous; it is privileged wealth that is selfish and unscrupulous. The honor of the country may be preserved, but it must be done by both parties to the covenant and not by one alone.

Sir, holding as I do that the people are willing to abide by their actual obligations, to make an honest settlement with their creditors, and to pay every dollar that they justly owe, it is very obvious that there remains still a great and fundamental question to be considered. It remains, for the purposes of my argument, to ascertain clearly and dis-



tinety what the contract is and where its true interpretation places the rights of parties under it. There are great evils connected with it when justly interpreted, but the worst of those which I have pointed out arise from its false construction by that political party which now controls public affairs. I propose to try that pernicious construction by the correct law of the case.

There are four different plans for the payment of the public debt now in the minds of men. The first and prime favorite with the bondholding capitalist is the present system. He wishes no change at all. His exact views were reflected in the inaugural of the executive on the 4th day of last March. The payment of the debt in coin, with no reduction of interest or departure from the policy hitherto prevailing, was then declared to be the chief corner-stone of the new administration. The President spoke under the inspiration and in the powerful interest of unscrupulous wealth, and against the equality and the rights of labor. He ranged himself on the side of heartless monopoly, and against the lowly and the poor. He reared the banner of extortion over all the realms of industry. He declared himself the advocate of those who gather in from the people what they never paid out to the government. He knew, or should have known, that the government had received less than fourteen hundred millions for the sale of its bonds, as I have shown. In the interest of fraud and usury, he announced a plan by which, if adhered to, the toiling tax-payers will be compelled to pay for that less than fourteen hundred millions the almost incalculable sum of \$4,470,918,930—an amount equal to one-fifth of the entire property of the United States; an amount more than three times as large, by actual computation, as the advancement made by the purchasers of bonds when the nation was bowed down in despair for the want of money. This illimitable scheme of plunder proclaimed by the executive is destitute of the slightest support either in equity or in law. Is it equitable to compel a patriotic, self-sacrificing people to pay the national debt nearly four times over to a privileged class who never sacrificed one drop of blood, one

dollar of money, or one moment's ease, to hold fast the unbroken boundaries of the Republic? That it is not legal, I will presently demonstrate.

The second plan, in the order of my consideration, is of more recent origin. At the opening of the present session of Congress, the Secretary of the Treasury laid his report on our tables. It announces a small deviation from the present system. There is an attempt to lead the laborer into the belief that something at last is to be done for his benefit. The principle of funding is introduced and strongly urged. It is gilded over with the proposition to place the rate of interest at four and one-half per cent. He says:

“The five-twenty bonds, amounting in the aggregate to \$1,602,671,100, are either payable or will soon become payable.”

This constitutes over three-fourths of our bonded debt, even at its fictitious face. The importance, therefore, of its payment is at once apparent. The plan of the Secretary reaches only \$1,200,000,000 of this amount, and for the remainder he advances no theory. Let us examine, however, how the tax-payer will be affected by what he does suggest. The provision which he asks is that new bonds be issued payable in coin—\$400,000,000 due in twenty years, \$400,000,000 due in twenty-five years, and \$400,000,000 due in thirty years; that these bonds shall be exchanged for those now outstanding, and that they bear interest at four and a half per cent. in gold.

This is what is known as funding the debt at a lower rate of interest. I call upon each one who hears me to make a calculation. By this plan, at the end of thirty years, when the last installment falls due, the people will have paid, in gold interest, the sum of \$1,350,000,000, being \$150,000,000 more than the principal which is thus funded, without reducing the principal a single farthing or having a single cent of their hard earnings applied to its payment. This policy signifies the repeated satisfaction of the debt without ever effecting a release from its unending demands. After a bondage of thirty years the labor of the country will be no nearer a land of liberty and rest than it is now.

After thirty years of ceaseless exertion the people will still be in a wilderness of taxation as thick and dense as that in which they wander and mourn to-day. The mortgage of the bondholder on all their homes and farms and flocks and herds will yet remain exactly as heavy as it is at this hour. Their children and their children's children will grow up around them subject to the same undiminished burdens; their estates will descend to their posterity loaded by the same incumbrances that now rest upon them. The debt will become a permanency as a lasting investment for idle capital pensioned on the industry of the nation. Its final liquidation is not contemplated nor desired by those who own our bonds and control the policy of the present administration. Interest, interest, with its ceaseless, silent, frightful accumulations, will compel the taxpayer to pay it over and over again, and yet it will never be canceled. The principle of funding establishes an inexhaustible mine of gold for the bondholder and an eternity of hopeless toil for the people. It is the doom of slavery as absolute and perfect as ever wrung unpaid, reluctant labor from any race of any color or kindred. It is the whip, the scourge with which cruel and unrelenting task-masters, from year to year and from age to age, will drive the American laborer to his daily servitude. It has long been known in England, and there enslaves the multitude and supports the nobility in indolence and luxury. It is as fixed and permanent, too, as the British monarchy itself, and will come to no speedier end. Its introduction into our laws will create a rank of American nobility founded upon wealth and fix the badge of serfdom upon the industrious citizen. It will totally subvert the entire spirit, meaning, and purposes of our institutions. They were made by the people and for the people, in the broadest sense, and not to enrich and elevate the favored few. The funding system, therefore, I hold to be the worst known in financial history. It will never receive my support.

I come next, however, to present a third way in which many minds now concur in thinking that the national debt might, with entire justice, be met. I approach now the

ideas of plain and honest people, who believe that the capitalist who made no sacrifices for his country should receive no more than his own; that he should have no vast and swelling speculation upon what he advanced to his government, when every other class advanced so much more than he did; that he is not a proper subject for public charity; that the mighty bounties which I have pointed out should not be bestowed upon him; that he has no claims to be fed as a pensioner, and that if he was paid<sup>d</sup> back exactly what his bonds cost him, with lawful interest on that amount, he should be fully and amply content. This would be thorough and absolute equity, and might lawfully be done under the contract.

On the chancery side of the court, there is always relief to be found against an extortionate transaction. This is a well-known principle between private individuals. It will hold good also in behalf of a whole people. They have been imposed upon and defrauded in the creation of the debt, and they may justly and without breach of the contract appeal to the great equities of the case. By the adoption of this principle, the debt diminishes and shrivels away at once to comparatively narrow proportions. My calculations already made demonstrate how much of it is fiction, existing on paper alone and destitute of consideration. The day may now draw near when the usurer will gladly accept this proposition—take what alone is his due in the sight of God and man, and ask leave to withdraw from the great high court of public opinion, where I lodge this arraignment, and where I plead for justice to all.

But I now take my stand on the fourth and last plan, which I shall discuss. It embraces the payment of the debt, the relief of the people, the fulfillment of the contract, and the preservation of our national honor. It is contained in the following upright and noble resolution adopted by the Democracy of Indiana, assembled in State convention, on the 8th day of this month:

“That we are willing to pay our national debt in strict compliance with our contracts, whether it was made payable in gold or greenbacks, but we are unwilling to do more

than that; and we declare that the five-twenty bonds are payable in greenbacks or their equivalent; and we condemn the policy of the administration, which is squandering millions of money by buying such bonds at a high rate of premium, when the government had the clear right to redeem them at par."

On this doctrine I plant myself, with an absolute faith in its legality and justice. The law which authorizes the issue of the national currency, here mentioned, says in very plain and simple words that it is "legal tender for all debts, public and private, except duties on imports and interest on the public debt." If the people, therefore, owe anything else besides duties on imports and interest on the public debt, the currency named in this resolution is a legal tender for its payment. This is inevitable and conclusive logic, and calls for no elaboration. It is unanswerable. It rises at once by a bare statement to the full force of a demonstration. The bonds themselves contain no stipulation on their face for gold. They appear as any other contract to be satisfied by the payment of lawful money.

This view of the law was not confined until recently to the party whose standard I follow. It was very common among the leaders, and in the ranks of the majority on this floor, until the incoming of the present administration proclaimed a new departure in the interest of untaxed capital. The senator from Indiana himself [Mr. Morton] was its advocate, and the party of which he is so distinguished a member laid it down as their creed in their State convention, two years ago, at Indianapolis. The same position was assumed by the same party in Ohio, under the sanction of one of its senators [Mr. Sherman], so long the chairman of finance in the Senate. But who will ever forget the support which this construction of the law received here in this body? Do you not still hear the hot and bitter eloquence of your greatest leader? Do you not freshly remember when the trenchant tongue of the celebrated member from Pennsylvania [Mr. Stevens] pronounced here in this presence that any other construction was a swindle and a robbery? The distinguished gentleman from Massa-

achusetts [Mr. Butler] is here, and can answer, if his views have changed into harmony with the administration. Sir, am I not supported by ample testimony and by many competent witnesses? Though they now fall off and abandon the cause of the people, and follow the banner of extortion at the command of the executive, yet the record still survives to show what was their free, unbiased construction of the contract. Though this House, in March last, enacted the wretched farce of attempting to inject a new meaning into a law then seven years old, by declaring, under the guidance of the chairman of the Committee on Ways and Means [Mr. Schenck], that the whole debt, as it appears on paper, was payable dollar for dollar in gold, yet there stands the law, and there stands its interpretation as given by him, who, as the then chairman of the Committee on Ways and Means, drafted and defended it, Mr. Stevens.

Mr. Woodward: If my friend from Indiana will excuse the interruption, I would suggest that he does not do exact justice to the gold bill. It excepts from its operation all debts where the law of their creation provided for payment in currency. It did not change the question as to the five-twenties an iota.

Mr. Voorhees: Its attempt then failed. The law stands as it did before. The distinguished gentleman from Pennsylvania, whose opinion as a jurist is so valuable, I am glad to know intends to add the great weight of his opinion to the position which I maintain. I thank him for doing so.

The law, then, being plain and beyond doubt, what are the results which would flow from its enforcement? The five-twenty bonds, amounting to over sixteen hundred million dollars, are falling due now and will continue to do so during the next fifteen years. An issue of currency for their payment, according to the demands of trade and business from year to year, would brighten the face of the whole country with joy and relief, and at the end of that period the debt would be reduced to less than five hundred million dollars. An annual interest of over a hundred

million dollars in gold will cease to drain and impoverish the people. Three-fourths of the debt would be paid, and the balance can be encountered with hope and without systematic oppression.

Am I met by the cry of inflation? There is not a business man in the land who does not know that contraction is now ruining and crushing every active and legitimate interest. The voice of distress is heard in every quarter. From the West there comes an appeal for an increase of the circulating medium, strong and universal, and rising high above the confines of party organizations. The people are oppressed, borne to the earth, and there is a clamor for relief. The wants of the country, the demands of trade, will carry \$1,000,000,000 of a circulation, not only without injury, but with positive blessings to all classes of business and industry. This is an increase of \$300,000,000 over the present volume. Let the people have this increase by issuing currency for that amount of bonds, and their taxes will commence diminishing and the prices of their commodities will go up. The necessity for this large volume of circulation is apparent in our growing and swelling population. The vast enterprises which are opening up and redeeming the mighty realms which lie between the waters of the Mississippi and the Pacific ocean; the great and valuable staple products of the West and South, as well as the gigantic commerce of the northern lakes and the seaboards of the East; the corn, the wheat, the cotton, the rice, the sugar, the tobacco, the hogs, the mules, and the cattle on thrice ten thousand hills, and all the other myriad productions of agricultural labor, will absorb in the coming fifteen years an issue of currency sufficient to liquidate the five-twenty bonds. Railroads and steamboats will lift up their giant heads to welcome the refreshing stream. Employment would flow in upon those who now seek labor in vain. Households would smile with plenty which are now pining in want. The toiling millions would have money as well as the untaxed masters of opulence, idleness, and ill-gotten treasure. The States that lie in the embraces of the Mississippi and its tribu-

taries, from the far-off upper regions of snow down to the yellow groves of the orange, would have a circulating medium for their people as well as the more favored States that lie on the northern coast of the Atlantic. And, above all other blessings, the people would emerge from the shackles of debt, no part of which is now being paid. The loud pretensions of the administration on that point can best be met by a single statement which is proven by the record. The interest-bearing debt when the last administration closed was \$2,049,975,700. The Secretary of the Treasury stated it, a few days ago, to be now \$2,100,000,000—an increase of \$50,024,300. This is a stubborn fact. While taxation is mountain high, the debt is actually rising higher.

Sir, I plead to-day for a plan to change all this. I plead for it as the law of the contract, and as even more than a just remuneration to the bondholder for his advancements. I plead for it in the interest of the laborer, whose debt it will pay and whose appalling taxes it will at once reduce. I plead for it in the name of every maimed and wounded soldier on your pension-rolls, the price of whose flesh and blood you pay in discounted currency, while you pay the speculator in gold. I plead for it in the name of every widow and orphan made by the war, the purchase of whose tears and broken hearts you provide for in depreciated paper. I plead for it in the sacred name of eternal justice, which now lies mangled and outraged by the present flagitious policy. I plead for it, finally, in behalf of all the mighty interests of the country, whose languishing energies it would revive, whose drooping trade it would restore, whose fainting industries it would imbue with new life.



## RECONSTRUCTION OF GEORGIA.

[A speech delivered in the House of Representatives, December 21, 1869, on a "Bill to promote the reconstruction of the State of Georgia."]

MR. SPEAKER :—I approach the discussion of this measure, I trust, in a spirit of candor and fairness, and with a much greater desire to promote the general welfare of the country than to attain any party success or party triumph. No graver or more important subject ever engrossed the attention of this House than the powers and rights of a State under the federal constitution.

This measure comes before us at this time surrounded by singular circumstances. It is not a new one; it has been here before. It was here last April. In its general scope and purposes it is the same as that proposed by the gentleman from Massachusetts [Mr. Butler], the Chairman of the Reconstruction Committee, at the last session, and acted on by the House at that time. It was then met here and defeated. The proposition was then, as it is now, to invade the State of Georgia and strike down her government. This House then deliberately voted upon that question. The majority refused to follow the lead of the gentleman from Massachusetts. They made a record against invading and dismantling a State in full, legal, and absolute existence. The gentleman from Massachusetts was abandoned to defeat without even the condolence or commiseration of the distinguished gentlemen upon his own side of the chamber who combined to inflict this disaster upon him.

This measure is, however, now revived under very different circumstances. Since the action of this body some hidden influence has approached the ear of the executive; some mysterious instrumentality to me unknown has been

at work. The offenses claimed in this bill to have been committed by Georgia are of old standing. There has been nothing new in that respect since the last session. She has committed no new sin. But there is a new departure here, a new line of action springing from the suggestions of the executive in his annual message. Last spring the proposition of the gentleman from Massachusetts was, as this proposition is now, to authorize the Governor of Georgia to convene a legislature which had expired by the limitations of law. The whole question was discussed, and a decision rendered that Georgia should not be thus assailed and stricken down. What have been the influences upon the executive? I do not pretend to find out his ways or fathom his silent mysteries. Perhaps, however, the busy tongue of one who is entitled the Governor of that unfortunate State, and whose form I believe now haunts these lobbies and this floor, has been at work instilling into his ear the destructive poison which we find in his message.

The Senate has been in anxious haste to act upon the suggestions of the President. That grave and sagacious body had long witnessed in silence the offense with which Georgia is charged. It was committed in July, 1868; the negroes were then declared ineligible to seats in her legislature, and for nearly a year and a half the Senate as well as this House have, without protest or action, allowed that State to go unpunished. The Senate, however, at last suddenly awakes from its sleep upon the post of duty. It has heard the voice of the executive, and it is swift to obey. Its drowsy slumbers are suddenly shaken off, and it bursts forth in loud and clamorous indignation, as if the conduct of the Georgia legislature seventeen months ago had just reached this Capitol and been discovered by the vigilant eyes of senators. Sir, it was not the news from Georgia that had just penetrated that wise and dignified assembly. The whole facts in her case have been traveling up and down the country until they are stale upon the public mind; they of themselves have never been able to arouse the action of either branch of Con-

gress. The potential voice of the executive, however, lends an inspiration to the minds of men which the merits of the case never did.

The Senate has lent a willing heed to that voice, and it now remains to be seen whether, with no new facts, with no new arguments upon the same old cause; whether, for the reason simply that the President says this ought to be done, this House will reverse its solemn and twice recorded action upon this question.

I ask gentlemen who have made a record for themselves of their own independent volition whether they will wipe it out because the President of the United States tells them to do so? It is hard to believe that it will be done. It is difficult to believe that gentlemen who have made up their minds upon a full statement of this case and signified their conclusions by their votes, will change that opinion merely because the President tells them they were wrong. With all proper respect for the present executive, I do not believe the majority of this House, his own supporters and political friends, entertain that exalted opinion of his learning as a statesman or his wisdom as a jurist which will lead them to believe more in his suggestions now than they believed in their own matured opinions when this question was fully before them. It remains to be seen, Mr. Speaker, whether in this I am correct. If it should unhappily prove to be the fact that representatives upon this floor are thus to be swayed and humiliated by the executive, then this body is as completely under a master as were the miserable Parliaments of England when they bent beneath the iron sway of Cromwell, or as the French Assembly when it lay at the mercy of Napoleon. He disdains explanation, and does not stoop to reason with you, but, without argument, and in brief and contemptuous terms, and in blind and total disregard of your previous commitments, he tells you to reverse your whole conduct on this great and vital measure.

Sir, in approaching the merits of this bill, the first thought that occurs to the mind is whether Georgia is or is not a State. In the judgment of this side of the House,

she has never ceased to be what our fathers made her in the beginning. According to our views, the rebellion was an insurrection of people, and not a war waged by States. That, too, was the doctrine of your great leader, Mr. Lincoln; it was the doctrine of the entire Congress while the war raged; it was the doctrine of every department of this government; and from that great fact there is no escape in the hereafter of history. Occupying that position, I have no trouble. To me she is a State and always has been. But a different position was assumed by Congress in 1867. A revolution took place in your minds, a change came over your councils. This body, by a law entitled an act of reconstruction, decided that the States whose people had been in rebellion were not States of this Union, and prescribed the conditions by which alone they might become States as they had once been. By that law you said that Georgia was not a State, but you prescribed how she might restore herself to that position again.

Now, I submit to all candid men if Georgia has complied with all you asked of her, with all you put in that law, and has left nothing undone that you required her to do; whether she has not a standing under the law which forbids honest people from enacting new conditions and imposing new terms?

On this question, sir, my attention was particularly arrested, in looking over the debates of the Senate, by the position assumed by the senator from Indiana [Mr. Morton]. He makes the bold, unqualified statement that Georgia has not complied with the acts of reconstruction. That is a direct and explicit averment which must stand or fall by the well-known facts of the case. I propose to try it upon the proofs. At the last session of this Congress, I discussed this point, and I take the liberty of submitting the conclusions I then reached.

“The act of reconstruction, as it is called, abolishing the State governments of ten States was passed March 3, 1867, almost two years after the last battle was fought. By this law the army of the United States took possession of Georgia and her sisters in distress, drove out civil au-

thority at the point of the bayonet, and trampled into the dust those great principles of legal liberty which ages of toil and blood and sacrifice have alone sufficed to establish in the councils of men. Georgia, as a State, was dead. She was one of the old thirteen, and was born with American independence and had survived the rebellion, but by the act of reconstruction, she ceased to exist as a member of the American Union. But, by this act, provision was made by which she might live again. The conditions were prescribed and presented to her with the sword over her head suspended by a hair. The terms were carefully considered and most rigidly fixed. She had no voice. You held a prisoner in chains and gagged, and then, for yourselves and in your own way, coolly and deliberately wrote down and enacted the conditions on which you would restore her to liberty. Her conduct was pointed out and directed by the iron hand of a master. It was not hers to question, but to obey.

“Has Georgia complied with your terms? Is she anywhere in default before the law? The very able, comprehensive, and exhaustive discussion of the facts, made by the distinguished gentleman from Kentucky [Mr. Beck], on this subject, places the answer beyond the region of doubt. By the fifth section of the act of reconstruction, provision was made for the election of a constitutional convention, for the formation of a constitution by that convention, for the submission of the constitution to the people, for its examination and approval by Congress, and for the ratification of the fourteenth amendment to the constitution of the United States by a legislature elected under the new State constitution. When these circumstances have taken place, the section from which I quote provides that ‘said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law.’ Thereupon the civil authority rises into active being in such State, and the military arm is withdrawn.

“In March, 1868, the constitutional convention of Geor-

gia, acting in pursuance of the act of reconstruction, adopted a constitution, submitted it to the people, by whom it was ratified in April by a majority of the registered voters, all parties taking part in the election. I cite the report of General Meade as my authority for this statement. When this constitution was presented here, it was examined and approved by Congress, with certain modifications set forth in an act entitled 'an act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress,' passed June 25, 1868. General Meade, speaking on this point in his report, says: 'And the legislature which convened in July, making these modifications, and otherwise complying with the requirements of the reconstruction laws, the State, together with Alabama and Florida, was, by act of Congress, formally admitted to representation.' In his telegram to General Grant of July 22, 1868, he also states very explicitly that 'both houses of the general assembly of Georgia had, by solemn act, complied with the requisitions of the act of Congress which became a law June 25, 1868;' that the governor-elect had been inaugurated, and, as a very natural conclusion, that 'the State of Georgia is therefore, under the acts of Congress, entitled to representation.'

"But there is evidence still more binding upon this body than any I have yet produced; it consists of its own recorded action. The State of Georgia, toiling back once more into political life through all the conditions imposed upon her, at last reached the point where she was permitted to elect members of Congress. They came here, and only eight short months ago, the gentleman from Massachusetts [Mr. Dawes], then chairman of the Committee of Elections, made a report that Georgia had ratified the fourteenth amendment to the constitution of the United States, 'and in all other respects' had conformed to the requirements of law in regard to her admission as a State into the Union, and that her members were entitled to their seats. This report, with its important and conclusive statements, was adopted by this House, and the representatives of

Georgia took their seats in the Fortieth Congress. This closes the record of reconstruction, and is the last process known to the law upon that subject. What more can there be? Is there no end to the movements and powers of the federal authority over the State? If Georgia is not now a State upon terms of equality with the other States of the Union, when will she be? I hold that she is to-day a State as independent of federal interference as Massachusetts or Indiana. Her work is done in strict obedience to the command of Congress. The task you gave her to do is finished. Who can rise up and deny my statement on this point? Not Congress; for by adopting the report of the gentleman from Massachusetts [Mr. Dawes], this body has admitted, in the gravest form possible, that Georgia had conformed in all respects to the requirements of law on the subject of her admission into the Union. Nor can the present executive; for, as the general of the army, he sanctioned the views and official action of General Meade. Here, then, stands a State, a perfect State, in full and perfect relation to the federal government."

General Meade, in command of the Department of the South, was charged with the enforcement of the reconstruction acts of Congress. It was his sworn duty to see that they were complied with, and consequently his opinion whether they were enforced, whether they were complied with, is entitled to the highest consideration. He states explicitly that the State of Georgia has complied with the laws on the subject of reconstruction. He squarely contradicts the senator from Indiana [Mr. Morton]. His telegram of July 22, 1868, is conclusive. I might safely rest the case upon the statement of this officer, whose duty it was to enforce the laws, and who declared that he had done so. But the additional proof is overwhelming. Allow me to recall the attention of the House to the fact, known of every member, and fully considered here in April last, that this House itself in August, 1868, upon the direct question whether Georgia had complied with the laws of Congress, and whether she was entitled thereafter to representation, decided that she had complied, and was entitled

to all her rights and privileges as a State. The distinguished gentleman from Massachusetts [Mr. Dawes], then chairman of the Committee of Elections, and now chairman of the Committee on Appropriations, introduced the report into this body, which declared that Georgia had in all respects—in all respects—the broad strong language which I use is the language of his report—that she had in all respects complied with the requirements of the act of reconstruction, and she was therefore entitled to representation.

This House ratified and adopted that report. The members from Georgia came in upon this floor, and were sworn at that desk pursuant to the decision you then made. What else can you require now? What more is necessary? Was she not a perfect State? You said so by the admission of her members to this floor. Do you hold the doctrine that a State can cease to exist when she pleases or when you please? Do you determine that there may be a State in 1868 and none in 1869? The distinguished senator from Indiana [Mr. Morton], driven by considerations like these, was forced to deny, in the face of the most conclusive proof, that Georgia had complied with the acts of reconstruction. He could not admit that she was a State in August, 1868, as this House did. He could not logically admit that, step by step, every process imposed upon her had been complied with. Yet this body has so determined. The majority here has so voted. Yet my colleague in the other branch of Congress, under the guidance of the executive, urges my colleagues on this floor to give a vote of self-stultification. The President, too, blind to our committals upon this question, asks us to reopen it. He holds the book of official life and the riches of patronage in his hands, and expects thereby to lead or drive as men's minds or inclinations may dispose them to follow or be driven.

Sir, the action of this body is conclusive upon itself. In August of 1868, we said that Georgia had done all that was necessary. The book was closed; the seal was set; Georgia was restored, her star replaced upon that flag, and there it has shone from that hour to this; and when this



question was sought to be reopened last spring by the distinguished gentleman from Massachusetts [Mr. Butler], this House, true to its dignity, true to its solemn action of the August preceding, said it would not disturb the record.

Shall we vote differently now upon the same state of facts, with no new reasons offered, with no new sins alleged? That is the question presented here. If the decision of this body had the binding force of the decision of a court upon its own action, a lawyer could at once establish against these proceedings an estoppel of the highest power—an estoppel conclusive and unanswerable. I fear, however, that we may see party passion, party tyranny, and the behests of the executive rise higher than the solemn decisions of Congress.

Upon the point, then, whether, by your plan of reconstruction, Georgia has become a State, I rest perfectly secure in your own recorded opinions. To me she was always a State. It was asserted in March, 1867, by the reconstruction laws, that she was not; but in those laws there was a mode of resurrection pointed out to her. When she complied with that mode you promised to welcome her again to life and liberty as a State. This I have proven she has done. The conclusion was reached; this body said so, and swore in the members, and thus closed the case.

But it is asserted also by the senator from Indiana that the legislature of Georgia, the convening of which is one of the prime objects of this bill, was not a legally organized body. Even suppose it was not, let us look at the principles then involved. What has Congress to do with the question of the organization of the State legislature? Will some gentleman tell me in a plain way how the federal government, either the President or Congress, can interfere with the organization of the legislature of a State? I have proven that Georgia is a State by your own admissions and under your own plan; I have proven that Georgia is a State by the record of this House; I have proven that Georgia is a State by her compliance with all your demands; and being a State, tell me, some sage of the law, some one eminent in the learning of statesmanship, tell me

by what power the federal government can dictate to a State in the organization of her legislature?

The legislature of my own State has had many troubles and much irregularity upon the question of its organization at different times. Are its decisions subject to revision here? I treat this question with all fairness. It is an awful one in its consequences, not merely to Georgia, but to every State beneath the flag. It is one that opens the door to the absolute destruction of our form of government. It is one that authorizes this government to lay its federal hand upon every State of the Union, to invade the boundaries of every commonwealth, and to dictate who shall be members of a legislature and who shall not. I challenge gentlemen on this floor to point me to authority or precedent by which this monstrous thing can be done.

Mr. Dawes: Will the gentleman yield to me for a moment?

Mr. Voorhees: Certainly.

Mr. Dawes: I should like to ask the gentleman a question. I have listened with a great deal of interest to his argument. But suppose we admit all the gentleman's general premises, and all his statements up to this point—that Georgia has complied with all that was required by the reconstruction acts, and that Georgia once a State always a State—I should like to ask the gentleman with regard to that clause of the constitution of the United States which required the United States to guarantee a republican form of government to Georgia, whether he understands that to be an obligation to maintain a republican form of government in Georgia, and when the people of Georgia have adopted a form of government, whether or not he thinks it is the United States who are to judge whether it be republican?

I will state to him freely my difficulties, and some of them he has touched upon himself. I am one of those who believe that once a State always a State, but I believe that it is obligatory upon the United States to see that Georgia maintains a republican form of government.

Mr. Voorhees: I have the point.

Mr. Dawes: I believe that it is for the United States to judge whether she has a republican form of government, and I would like to have the gentleman say, if he agrees with me there, by what particular method, or in what way, Congress can maintain a republican form of government.

Mr. Voorhees: The gentleman from Massachusetts stands in a peculiar position to propound the question he does. So far as the duty of this government is concerned in guaranteeing a republican form of government to Georgia, he is estopped from saying that it has failed to do so by the report which he introduced in August, 1868, on this floor. He then said that Georgia had in "all respects" complied with the laws of Congress; and, assuming that the laws of Congress provided for a republican form of government in that State, my answer is conclusive as to the gentleman from Massachusetts, as well as to this House, which adopted his report and his views.

Mr. Dawes: Will the gentleman allow me?

Mr. Voorhees: I see the double question. The other part of it is, whether we are charged with the duty of maintaining that republican form of government which he admitted was established. He is also estopped on that point, for he refused, by his vote here, only in April last, to interfere with Georgia. With the sins of Georgia all before him; with the negroes unseated from her legislature—these dear objects of party devotion thus spurned, as it is now assumed; with all this rebellious iniquity before his eyes, he did not think, in the last spring-time, that it was necessary for us to do anything to maintain a republican form of government in that afflicted State. There has been nothing done to inspire this sudden devotion for the maintenance of a republican form of government in that region.

Mr. Dawes: I will not take a moment of the gentleman's time.

Mr. Voorhees: My time is limited, and I can not yield further to the gentleman. I would not do the gentleman from Massachusetts injustice at all; but I know his skill and his long service upon this floor, and if I allow him to

make speech about with me in my time, things will quit about even between us, for the superior merit of my side of the case would not more than enable me to keep even with his superior skill and adroitness.

But the gentleman from Massachusetts stands upon the record where I have placed him, and since his vote here in April last, there has been no new departure that I have heard of, in the State of Georgia, from a republican form of government. He had the whole case before him then. His report of August, 1868, proves that Georgia established a republican form of government, and his vote in April, 1869, on this floor, proves that she had maintained that republican form of government herself up to that time. I know of nothing, subsequent to his last record, to change his front, except the President's message which lies here before me. If there are other reasons, they are unknown to me. I do not impute improper motives to the distinguished gentleman from Massachusetts, but these are bold, hard facts, from which there is no escape. I deeply regret to see the gentleman manifest a disposition to get away from the sound position he occupied last spring. I regret to find signs of his defection from that majority which then said they would stand by the record already made. I had counted upon him as one of the foremost to vindicate, as he did then, the safety of the State from federal interference.

But to recur to the point that I was considering when the gentleman from Massachusetts [Mr. Dawes] arose, the power of this government to act upon the legislature of a State. What is the meaning of the phrase, "a republican form of government?" It is not every irregularity, it is not every violation of law which makes a government unrepublican in form. If a State government has a republican constitution, if its laws are pursuant to the same principles, the irregularity which pertains to the organization or acts of its legislature is not such a surrender of its powers and very existence as to warrant the invasion of that State by federal authority. Who that has experience enough to serve upon this floor does not know the troubles that surround

at times the legislatures of all the States? If illegally unseating members would destroy States there would be none now in the Union. No such position can be held a moment; it falls under the first blow that assails it. If the State of Georgia through her legislature has committed errors of this kind, it is for her to correct them; and it is a matter of history that she has taken the only steps she can take to do so. The question of the eligibility of negroes to seats in the legislature of that State was properly referred to her highest judicial tribunal. There it has been decided that negroes under your dispensation are eligible to all the offices in the State. What more do you want? What more is desired in their behalf?

Mr. Dawes: Will my friend allow me to put another question?

Mr. Voorhees: Certainly; a question.

Mr. Dawes: I would like to know if the gentleman has any other answer to my interrogatory except that I am estopped from putting it?

Mr. Voorhees: That is generally held to be a good answer. [Laughter.]

Mr. Dawes: That may be good enough for me.

Mr. Voorhees. When the question is asked by one who is not estopped, it will be time enough for another answer.

Mr. Dawes: I would like to know whether the gentleman has any other answer to go to the country except that I am estopped from putting it? It is not of much consequence whether I am consistent or not.

Mr. Voorhees: I think I have already answered the question, perhaps imperfectly. I hold that when a State has made a constitution republican in form, has organized by the election of officers, her laws in general harmony with that constitution, and has perfected her relations with the federal government, the mere irregularity or misconduct of her legislature, its unconstitutional acts, do not vitiate her republican form of government, and do not call for federal interference.

Does the gentleman from Massachusetts [Mr. Dawes] pretend otherwise; that the unconstitutional act of the

legislature of the State of Georgia in unseating a few negroes, conceding that it was unconstitutional, warrants the federal government in reaching forth its hand, crushing that State, hurling the army into her borders, suspending civil law, striking down the right of *habeas corpus*, erecting a military despotism there, and governing the people by the cannon and the bayonet; does an unconstitutional act of a State legislature warrant the federal government to do these deeds of violence and revolution? And yet they are all authorized by the provisions of this bill.

. Mr. Dawes: If it will not consume too much of the gentleman's time, I will tell him what I understand by that. I understand that whether the United States government is authorized to do what he says depends altogether upon the character of those unconstitutional acts, and that it is the province and the duty of the United States government to decide upon such facts. The question is one of fact. I agree with the gentleman from Indiana that not every unconstitutional act would justify an interference; but I hold that there are unconstitutional acts of which a legislature or a State may be guilty that would call upon the federal government in all its capacities and all its functions to interfere to maintain within the particular State a republican form of government. Whether such a condition of things exists to-day in Georgia is a question of fact now before us. It is a question upon which the gentleman and I may differ, but it is a question of fact and not of law. Does such a condition of things exist to-day in Georgia as requires the government of the United States to exert its powers under this provision of the constitution to see that a republican form of government is maintained in Georgia?

Mr. Voorhees: I am compelled to decline to yield further.

Mr. Dawes: I am obliged to the gentleman for yielding so far as he has done.

Mr. Voorhees: Sir, who is to judge whether the acts of a State legislature are unconstitutional or not? The gen-

tleman from Massachusetts stands now squarely upon the ground that Georgia is a State. He stands there, whatever may be the ground on which other people stand. From that position he makes his argument that because of her unconstitutional legislation the federal government must interpose. Who is to judge of the character of the laws of a State? Is it any part of our duty to do so? Does the constitution empower us to take under consideration the legislation of the various States of this country? Who ever heard before of a doctrine so monstrous? Who ever heard it asserted before that Congress is an appellate court into which the acts of a State legislature can be pursued and here tried and determined?

The true theory of our system of government is that judicial tribunals are established to try such questions. The courts of the States try them, and provision is made by which, when necessary, they are brought to the Supreme Court of the United States, the tribunal of last resort, beyond which there is no appeal except to the doctrine of revolution. Our system in this respect is beautiful in its harmony.

But when you assert the power of Congress to take up the legislation of the several States and pass upon its constitutionality, the boundaries of our duties here widen as the illimitable ocean and become as confused as the storm that beats the ocean into fury. We have no guide, no chart, no compass. There is no such authority. I utterly deny the doctrine of the gentleman from Massachusetts. It is a heresy of the grossest kind. Congress has no judicial capacity to revise the legislation of the States, to determine whether such legislation is in accordance with their own State constitutions. If this doctrine was ever before promulgated on this floor, it has never been my fortune to hear it. In these times of startling novelties, this is one of the most startling. It emanates from the acute, sagacious, and comprehensive brain of the gentleman from Massachusetts, only because by his own solemnly recorded action upon this subject heretofore he can now find no other ground on which to stand and support this bill—a bill

substantially the same in its scope and purposes as the one which met his decided opposition in the last session, and to whose defeat he contributed so largely.

But, Mr. Speaker, I must pass to some other points of consideration. Was the legislature of Georgia legally organized? A distinguished person has said, in the recent debates in the Senate, that it was not. Some comfort, doubtless, accrues to the gentleman from Massachusetts from that assertion; for an illegally organized body could not, under certain circumstances, pass legal and constitutional laws. But this charge against the organization of that body is equally as unfounded and unsupported by the facts as the assertion that Georgia had not complied with the laws of Congress.

I again appeal to an authority which no one will gainsay. I appeal to one whose business it was to know whereof he spoke, and whose words have weight throughout the land. In a dispatch dated "Headquarters Third Military District, Atlanta, Georgia, July 21, 1868," to "General U. S. Grant, Washington, D. C.," General Meade writes as follows :

"Both houses of the legislature having examined into and decided upon the qualifications of their respective members under the fourteenth article constitutional amendment, I yesterday instructed the provisional governor to communicate to each house that I considered their organization legal, and withdrew any opposition to their proceeding to the business which called them together."

Here again is a square contradiction between two very prominent men. The general, however, from whom I quote has the advantage of the ground. He was there with every page of the law constantly open before him. The country will be likely to receive his statement as true, and leave my colleague in the Senate to that charity which thinketh no evil because of such grave and terrible mistakes.

But after the very able senator had asserted that "the legislature of Georgia was not legally organized," he follows it up by another statement, as if in the nature of an



argument, showing in what its illegality consisted. He says:

“There were a body of men in that legislature numbering from twenty-five to thirty, holding their seats in violation of the third clause of the fourteenth amendment.”

Sir, I am amazed at the wild inaccuracy here displayed. The exact truth was easily attainable. I have it here. I hold in my hand the long, elaborate, and comprehensive dispatch dated at Atlanta, Georgia, July 18, 1868, from General Meade to General Grant, covering and explaining the whole matter in regard to alleged illegal members in the Georgia legislature. I submit it entire as a most able and valuable paper:

“HEADQUARTERS THIRD MILITARY DISTRICT,

“ATLANTA, GEORGIA, *July 18, 1868.*

“*Gen. U. S. Grant, Washington, D. C.:*

“On the 8th instant, having been officially notified by the provisional governor of Georgia that both houses of the legislature had reported to him they were organized and ready for any communication from him, I instructed the governor to communicate to both houses that until compliance was had with the laws of Congress I considered them as provisional and subject to my control, and that I could not consider either house legally organized until it had examined into and decided on the eligibility of its members under the fourteenth article. On receipt of this communication each house appointed a committee to investigate and report. In the senate a majority of the committee reported all eligible. One member of the minority reported two ineligible. Another member of the minority reported nine ineligible. The senate, after hearing the report of the committee and excluding the senators reported against from voting, indorsed and adopted the report of the majority declaring none ineligible. This action is to-day transmitted to me by the provisional governor, who adopts the extreme report of the minority, gives his judgment that the action of the majority of the committee and of the senate is illegal, and that the nine members are ineligible; states, however, that

he has official information that certain of these members have had their disability removed by Congress, and calls on me to overrule the decision of the senate, and declare vacant the seats of those members reported against by one member of the minority whose disabilities have not been removed.

“ I am not disposed to alter the position I have assumed that it is the prerogative of each house to judge of the facts and the law in the cases of members of their houses. I consider I have performed my duty when I called their attention to the law and required action to be taken under it. I do not feel myself competent to overrule the deliberate action of a legislative body who report they have conformed to the rule I laid down for their guidance. If I was the sole and exclusive judge of the qualifications of members, I should have exercised my prerogative before allowing the house to organize. I construed the dispatch of Mr. Wilson to Governor Warmoth, prohibiting any oath but such as the constitution prescribed, as prohibiting any test in advance of the house having control and as leaving to each house the right to decide. My judgment, therefore, is to acquiesce in the decision of the senate, and leave to Congress such action as may hereafter be deemed proper in case the senate has failed to comply with the law. To adopt the course proposed by the provisional governor, and overrule the action of the senate, will bring me in immediate conflict with the legislature and produce results which, in my judgment, will be worse than allowing a few doubtful members to retain seats under the vote of their own body. It is proper that I should add that there appears at present no doubt but that the congressional acts will be complied with, even if members whose seats are questioned are left undisturbed. So far as I can ascertain, the trouble is a personal one, arising out of the contest for United States senatorship. I should also add that the senate, whose action is reported, has a decided Republican majority, and could have purged itself of such members as are clearly ineligible. What I desire to know is whether, in your judgment, my duty requires me to overrule the deliberate act

of the senate, and judge for myself on the qualifications of members. I have no doubt of my power in the premises, but do not feel that I am called on to do more than I have done.

“GEORGE G. MEADE,  
“*Major-General.*”

“A true copy.”

“R. C. DRUM, *Assistant Adjutant-General.*”

It will be seen by this dispatch of the officer then in command that there were two committees, one from each house, raised to investigate and report upon the qualifications of members. One person on one of the committees reported two members ineligible, and another reported nine. Thus there never were but eleven members of the Georgia legislature whose right to hold seats under the fourteenth amendment was ever even questioned, and that by a minority of but one member in each of the committees. The majority of the committees found none disqualified, and so reported. In the senate, General Meade informs us, there was a Republican majority; yet the report of its committee that none were ineligible was adopted, as was also the similar report in the house. These are the circumstances which have engendered, in distempered imaginations, the vision of “twenty-five or thirty men holding their seats in violation of the third clause of the fourteenth amendment.”

But this dispatch has a still higher value than even its complete and thorough refutation of the eminent gentleman who stands as the author of this bill before the country. In it General Meade lays down the wholesome and true doctrine broadly and with emphasis, “that it is the prerogative of each house to judge of the facts and the law in the cases of members of their houses.” He enforces this view at length, and construes the laws of Congress under which he and Georgia were both acting to require no more. When the two houses performed this duty, federal interference was concluded. It is upon this precise question, however, that the executive now recommends the destruction of the State. The reason he assigns

for this movement to eject Georgia was the exercise of this "prerogative of each house to judge of the facts and the law in the cases of their members." After stating in his recent message that "all the acts then required of them by the reconstruction acts of Congress" had been performed, the President proceeds to state the only complaint which he makes. He says:

"Subsequently, however, in violation of the constitution which they had just ratified, as since decided by the Supreme Court of the State, they unseated the colored members of the legislature, and admitted to seats some members who are disqualified by the third clause of the fourteenth amendment to the constitution, an article which they themselves had contributed to ratify."

Upon this statement of grievance as a cause, which he admits has been remedied by judicial action, follows the conclusion of the President, as now embodied in the measure under discussion. He therefore now takes direct issue with General Meade as to the right of the legislature to determine the qualifications of its own members. He holds that a State may be in full and harmonious relations with the constitution of the United States and all the laws of Congress, and yet if her legislature exercises this right, which every State in the Union has exercised unquestioned from the foundation of the government up to the present hour, and her action may be contrary to his partisan wishes, he rushes here and asks Congress to empower him to send the army against her, and humble her, as it is boldly avowed, into obedience—obedience not to law, for that he admits she has given, but obedience to a spirit that knows no law higher or purer than its own selfish purposes. That is his position now; and it takes but a moment to show that it is assumed without any consistency with his own record, and with a total and shameless disregard of his former committals.

In the close of the dispatch of July 18th, it will be observed that General Meade asks for the judgment of General Grant on his construction of the laws of Congress in regard to the powers and prerogative of each house of the

legislature in seating or unseating its own members. This long and very important telegram reached General Grant while in the West, far from buzzing, earwig advisers of mischief; and, in reply, he sent the following to the brave and lamented Rawlins, by whom it was forwarded to the commander of the South:

“DENVER, COLORADO, *July 21, 1868.*

“*To John A. Rawlins:*

“Major-General Meade’s dispatch just received. His conclusions are approved.

“U. S. GRANT, *General.*”

I here also submit the approval which the course of General Meade then received from other high officials and party leaders. I hold in my hand a telegram to Governor Warmoth, of Louisiana, dated June 30, 1868, which reads as follows:

“We think that persons disqualified under the fourteenth article of the amendment to the constitution of the United States, are not eligible to your legislature. This is to be determined by the respective houses, but no oath can be imposed except the oath prescribed by the State constitution.

“JAMES F. WILSON,

“*Chairman Judiciary Committee.*

“GEORGE S. BOUTWELL,

“J. F. FARNSWORTH,

“H. E. PAINE,

“*Reconstruction Committee.*”

Sir, we have seen very clearly what the conclusions were which are here approved. They were made by Gen. Meade upon the exact point under consideration. They were fully and elaborately stated, and the questions involved remain unchanged from that hour to this. Will some friend and admirer of this administration tell me and tell the country why the legal opinion of the President in regard to the functions, powers, and duties of State legislatures in December, 1869, is so diametrically opposed to his opinion on the same subject, governed by precisely the same facts, in July, 1868? I would gladly learn how the

great and lofty statesmanship wherewith we are now blest can make these long and crooked leaps and yet retain the respect of its followers. At Denver, before he attained his present summit of power, he approved the sound maxims of the constitution, as enunciated by Gen. Meade, and furnished a complete and crushing answer to the proposition now made in his message as well as to every argument produced in favor of this atrocious bill in either branch of Congress.

Where is the influence that has thus uprooted the faith of the executive in his own deliberately expressed sentiments upon a vast national question? What arguments have wrought this absolute and radical change? Where are his considerations? He does not deign to disclose them. No explanation breaks his famous silence, and I here leave him impaled and exposed to the view of the country on the point of his approval of that interpretation of the reconstruction laws which denied to the federal government any authority or right to examine or determine the eligibility of members of a State legislature under any circumstances whatever.

But, Mr. Speaker, there is one new feature in the proposed measure which has fastened itself upon it like a guilty parasite of power since this movement was launched. One more condition has been attached to the existence of a State. Party necessity, which drives with a hard whip and goads forward its devotees with a sharp and cruel spur, here describes that Georgia shall ratify the fifteenth amendment to the constitution of the United States. It is not enough that she, by her own laws, has been compelled to permit the negro to vote and hold office, but she must submit to become the tool of unscrupulous politicians who are seeking to force negro suffrage upon States and constituencies that are opposed to it.

Before Georgia can be taken by the hand as within the Union, under this bill, she must first consent to assist in breaking down the popular will of many other States. A fierce dread is upon the minds of political leaders in regard to the fate of this favorite amendment. We saw distin-

gnished gentlemen at the last session, whose States overwhelmingly repudiate it, coercing Virginia, Mississippi, and Texas into its adoption. But the coercion stops not with them. I here proclaim on this floor, and in the hearing of all my colleagues who support this measure and this administration, that there is a popular majority in Indiana against negro suffrage of one hundred thousand votes. Poor manacled and chained Georgia is driven like a slave to assist in subverting this vast majority of the free people of Indiana. Other States, the oldest of the Union, have been forced on the peril of their lives to put their shoulders to the infamous task. One more is needed to overturn the constitution and the laws of the State which I in part represent, and this odious bill drags forward another reluctant agent of tyranny, wrong, and revolution.

A few days since a communication from the Secretary of State was read at our desk, announcing the States which have ratified the fifteenth amendment. I heard with amazement the name of Indiana in the list. Could I have obtained the floor, I would then have denounced the statement as untrue, and the imputation unjust and slanderous to the people of that State. There is no party there in favor of it beyond the desperate leaders who receive their commands from this Capitol. We have our own local constitution on the subject of suffrage, and with it we are content. It was ratified by nearly the whole people, irrespective of party, within the last twenty years. No one has asked for a change.

In the canvass before the people in 1868, it was incessantly proclaimed by all my colleagues on the opposite side of the House, and by both senators from Indiana, that negro suffrage was not to be forced upon Northern States; that the will of the people of such States was to be respected, and that the tyranny of federal coercion was only to be exercised on the down-trodden plains of the South. How soon the usurpation has spread! How rapidly the contempt for popular government has enlarged its boundaries! Indiana is to bow her bright head to the dust. It is not her own act that humiliates her. She has not ratified

this degradation. At the proper time I will demonstrate that the action of a mob could as well place a provision in the constitution of the United States as the action of a few lawless members of the legislature, who were afraid to meet their constituents on this issue. I will hold up to scorn the wretched desperation of party despotism in Indiana. But well knowing, as all men do, that Indiana will never, of her own free will, accept the political partnership of the negro, one of her senators has been conspicuous by his efforts to rivet the chain upon her by enforced action of other States. He marshals Virginia, Mississippi, Texas, and now Georgia, into line as slaves, and with a lash in his hand over them, he commands them to apply the lash to the naked back of his own State. Section 8 of this bill is the scourge prepared by him for his own constituency. He holds Georgia by the throat, and promises her deliverance only upon the condition that she will commit a political felony upon the citizens of Indiana. The senator himself, with his acknowledged high ability, can not persuade or compel the people of his State to accept negro suffrage. He therefore finds four helpless, gasping, dying commonwealths, in the desolated regions of the rebellion, and goads them by the sharp and merciless necessities of mortal extremity to assume the revolting task of forcing odious laws on an unwilling people. It would hardly be less consistent with a generous nature to tempt a starving man with a morsel of bread to commit a larceny, than is such a course of legislation as we find here with the great and lofty attributes of a true statesmanship. It is the very depravity of party; it is the legerdemain of low politics by which to cheat the people out of their dearest birthright.

Sir, I have ever aimed to stand by the people in every encroachment upon their rights. I do so now. This bill is a vast stride of power. It crushes States wherever it goes; it binds Georgia again in fetters, but reaches beyond her borders; it comes with its malignant spirit of force and overturns the institutions of that noble people whom I represent. In their name, I denounce its approach; in their name, I record my vote against it. It is their right



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to make and maintain a constitution for themselves. This right is stricken down by this bill. Georgia is forced to become the executioner of the liberties of my constituents. They are not in favor of the fifteenth amendment. I speak now for men of both parties. Yet the eighth section of this bill makes Georgia enforce it upon them, and this section was drawn by the senator from Indiana [Mr. Morton]. It is not the right of a negro to vote that is here involved; it is the right of white men that is here taken away. The section is here for the purpose of depriving the voters of Indiana of their free expression upon a great question of fundamental constitutional law. It makes up the issue. With full faith in the capacity of the people of Indiana to judge correctly and to decide intelligently between the friends and enemies of popular liberty within her borders, I remit this issue to them.

## ENFORCEMENT OF THE 15TH AMENDMENT.

[A speech delivered in the House of Representatives, February 15, 1871, on a "Bill for the enforcement of the fifteenth amendment."]

MR. SPEAKER:—The condition of this House to-day impresses me painfully. A measure of the most awful magnitude is under discussion, and the hour for voting is well nigh here. In a few minutes more we will vote on a bill which changes the whole policy of the government on the subject most vital to its liberties. It can not be denied that the dominant party on this floor has paid no attention to this great matter, paid no attention to the discussion thus far; and I hazard nothing in saying that there are one hundred members who will record their votes who have neither read the bill nor heard a word of the debate. It is one of the appalling aspects of public affairs that a measure revolutionizing the entire machinery of our government can be pressed through and become a law with so little attention from the party that is responsible to the country for its legislation. And I know now that I speak to persons who do not intend to be governed by the reasons given, but by predetermined convictions and party necessities.

In the few minutes that are left to me, however, I shall make known some observations that press themselves heavily upon my mind. I call the attention of gentlemen upon the other side of the House to the great fact, now almost forgotten, now fading away in memory, that there was a time once in the history of this government when such a thing as a federal officer approaching the ballot-box in the various States of this Union and supervising popular elections all over this wide-spread land would have been looked upon with as much affright as if a wild beast had

escaped from a menagerie, and was prowling for prey in the midst of a peaceable neighborhood. Until these latter and evil days the people in the cities and towns and villages, and in their far-away hamlets, along the banks of the creeks and rivers, met and held elections, and no federal spy or informer dared tread the hallowed precincts of the people's place of voting.

In that way the government was sustained upon the principle of the fathers, for our fathers did lay down that this government rested upon the consent of the governed. They did lay down that the virtue and the intelligence of the people could alone sustain it; and whenever we proclaim that the people are not to be trusted, that it is necessary to have force-bills in their midst, that federal satraps have to go among them with bayonets in their hands, that informers have to stand at the polls with the army and the navy at their backs, to regulate the canvass, to inspect the ballot as it goes in, and after it is in, and as it comes out, it will be a proclamation that our government has failed, that its foundations are false, that their virtue and their intelligence are myths and mockeries, and do not exist. That is what your bill does here. It accomplishes this fell purpose. It lays hold upon the foundations of the Republic. It drags them to their downfall. It declares an absolute loss of faith in the people. Sir, I knew, when you entered upon your career of violence in prostrating the Southern States by your misnamed reconstruction, that it would not stop there. I knew, when the sky darkened in that quarter, that it would darken likewise in this. I knew that usurpation could not be confined to any one section of the country. I knew that despotism had no boundaries, when once begun, save the outside limits of the Union. I knew that when you overthrew and chained a portion of the States, you would seek to overthrow and chain all the others. The unlawful exercise of power is the tiger's taste of blood. It can not be appeased. It grows more insatiate upon its unnatural and horrible repast. It ravens in fierce hunger and thirst upon each new draught from the veins

of its bleeding and dying victims. The lust has not been quenched in your hearts by its unbridled indulgence.

You crushed the States of the South after their people had surrendered; you invaded their voting precincts; you regulated all their elections with the iron hand of the military; you elected such persons as you desired. There is nothing more to be done in that quarter. Your ruthless work is finished under a southern sky. And now, unlike the great Alexander, who wept because there were no more worlds to conquer, you have found new and inviting fields of conquest over your own countrymen; and this bill declares the war and orders the ravaging and devastating march—a march over the ark of the covenant of a free constitution, and over the down-trodden forms of American freemen. You turn away for awhile from your Southern captive. You turn the edge of the sword now to the States of the North. You point your cannon toward Saratoga and Monmouth and Brandywine and Bunker Hill.

What are some of the leading features of this bill of nineteen sections? My time is too short for more than a glance. You provide for the appointment of two persons to supervise, at each voting precinct, the registration of all the voters in all the cities and towns of over twenty thousand inhabitants in the several States. Who ever heard of such an outrage on local liberty in the good old days now gone, and, I am afraid, gone forever? You say these two officials shall be of different political parties. What care I? If they were both of my own party, I would denounce the principle just the same. Sir, I despise an argument based upon such an idea. I spurn it; I loathe it; it is unworthy the halls of the national legislature. I cast it from me as false and pernicious.

Another section of the bill provides that the United States marshals shall have certain high and almost unlimited powers; they shall appoint as many deputy marshals as they may desire, either for the public good or for malicious oppression. There is no limit in this respect. He may organize companies, regiments, and battalions of deputies. No words of limitation contract his powers. He

makes his selections also to suit himself. No appointments from different parties are here provided for. The execution of this terrible bill rests in the hands of the marshal and his deputies, and they will all belong to the party in power. This is a cunning device. There is a deceptive show of fairness in regard to the appointment of the supervisors, but where the real power to grind and oppress is lodged, none but the adherents of usurpation are trusted for a moment by this bill.

And what does the execution and enforcement of this measure involve? Who can contemplate it with calmness? By section twelve of this monstrous revolution—it is nothing less—provision is made that a marshal, or his general deputies, or his special deputies, or either one of them, shall, upon his own judgment, if he thinks or pretends to think that he has been interfered with or opposed in the execution of his duty, call the commander of the nearest military post to his aid, to enforce this bill with United States troops. I appeal to the gentleman from Ohio—I appeal to him personally, for he can not want to destroy his country. I do him that justice. A long service in this hall has dissipated many prejudices. I am ready and anxious to accord to all good intentions. I do not desire to be harsh in my judgment upon any one. I therefore appeal, in all candor and kindness, to the gentleman from Ohio in the face and hearing of the country, tell me what you mean when such a section as this is written; where power to command the army and navy is given, not merely to a United States marshal, but to one of his deputies—to one of the low, crawling creatures, such as were raked up in the vile purlieus of the city of New York last fall, and appointed to act in that capacity? I challenge the attention of this House—I challenge denial of the assertion that under this law any one of those bawds of politics who may be appointed a deputy marshal can call upon the commander of the military post nearest him, and compel his services with all the troops at his command; for this bill says that the officer thus called upon shall obey or incur the wrath of heavy penalties. There is no exemp-

tion by reason of rank. The tallest heads shall bow at the mandate of the deputy marshal. The plume of the greatest hero will trail in the dust at the feet of the bar-room and back-alley politician dressed in authority, by this wretched bill. William T. Sherman must obey; Philip Sheridan must obey; George H. Thomas, if alive, would have to obey; Winfield S. Hancock must bend his proud head to some poor, slimy creature born in infamy and reared in corruption, who, as a deputy, might see fit to call upon him for military assistance with which to carry an election by force. Gentlemen, if you can stand that, we can. Little by little you are giving us the advantage before the country. Upon measures of this kind you are alienating your honest followers. It was once said, "Oh, that mine enemy would write a book!" We may well say, "Oh, that our enemy will continue such legislation as this, until the mighty and colossal structure that once reared its insolent head to the very heavens and overshadowed all the land, known by the name of the Republican party, shall totter to its fall, forever!" It is not for me to complain, except in behalf of the public good. I do not complain in the spirit of party. My party rejoices and prospers in your follies and your crimes. You can not undermine the strong battlements of your party more effectually than by such gigantic, heedless, and unnecessary outrages as are contemplated by this bill. The people are resenting your lawlessness day by day, and soon will turn and rend your political fabric to pieces. It requires no eye of prophetic light to foresee this doom, unless the downfall of liberty itself is at hand.

Sir, I had no idea of engaging in this discussion until it was about to open to-day. I thereupon sent a page to the Superintendent of the Census Bureau, asking him to send me a list of the cities of the United States containing a population of over twenty thousand. I have that list here I give it as it was given to me:

*Population of cities of the United States of twenty thousand and upward.*

CITIES.	POPULATION.
New York.....	925,485
Re-enumeration .....	942,541
Philadelphia.....	657,556
Re-enumeration.....	674,022
Brooklyn.....	396,300
St. Louis.....	310,864
Chicago.....	298,983
Baltimore.....	267,354
Boston.....	250,526
Cincinnati.....	216,239
New Orleans.....	191,322
San Francisco.....	149,482
Buffalo.....	117,115
Washington.....	109,204
Newark.....	105,059
Louisville.....	100,753
Cleveland.....	92,864
Pittsburg.....	86,235
Jersey City.....	82,547
Detroit.....	79,580
Milwaukee.....	71,499
Albany.....	69,422
Providence.....	68,906
Rochester.....	62,315
Alleghany.....	53,181
Richmond.....	51,038
New Haven.....	50,840
Charleston.....	48,956
Troy.....	45,481
Syracuse.....	43,058
Indianapolis.....	41,550
Worcester.....	41,105
Lowell.....	40,928
Memphis.....	40,226
Cambridge.....	39,634
Hartford.....	37,180
Scranton.....	35,093
Reading.....	33,932
Columbus.....	33,745
Paterson.....	33,582
Dayton.....	32,579
Kansas City.....	32,260
Mobile.....	32,184
Portland.....	31,414
Wilmington.....	30,841

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Lawrence .....	28,921
Utica .....	28,804
Toledo.....	28,546
Charlestown.....	28,323
Savannah .....	28,235
Lynn.....	28,233
Fall River.....	26,786
Springfield.....	26,703
Nashville.....	25,872
Peoria .....	25,787
Covington.....	24,505
Salem.....	24,117
Quincy.....	24,053
Manchester .....	23,536
Harrisburg.....	23,109
Trenton.....	22,874
Evansville.....	22,830
New Bedford.....	21,320
Oswego.....	20,910
Elizabeth.....	20,838
Lancaster.....	20,233
Poughkeepsie.....	20,080
Camden.....	20,045
Davenport.....	20,042
St. Paul.....	20,031

Those cities are seventy in number ; and this bill makes every one of them a military post whenever a United States deputy marshal desires the presence of troops at one of their elections. There are five such cities in the State of Ohio, of which the gentleman who has charge of this bill [Mr. Bingham] is one of the representatives. At Cincinnati, Dayton, Columbus, Cleveland, and Toledo troops can, at the high and sublime command of a deputy marshal, be brought across the waters of the Ohio river from Newport barracks to surround the polls. When will the people awake to their danger? How much longer will the delusive cry of "All is well" lull them into a false security? Must they behold the gleaming bayonets at their throats on the day of election before they believe in the open and shameless advances of tyranny? Must they see the cannon trained upon the ballot-box before they will rush to its rescue? Must shot and shell lie piled up at the voting precincts before the voter will recognize an assault upon his



freedom as an elector? All these things are provided for in this bill. The regulation small-arms, the cartridge, the bayonet, the cannon, the shot, the shell, and the lighted brand are all in this pregnant engine of destruction and ruin. And all these dread implements of horror are in the hands and under the control, not of trained and tried men, high in the confidence of the nation, but most likely of vagabonds who earn a precarious livelihood in the lowest regions of partisan strife.

Gentlemen, make no mistakes. In my judgment and in my fond hopes the time is fast coming when the people will rise up and cry out in behalf of the old landmarks of liberty, of justice, and of right.

Not merely, however, are these seventy cities to be military posts, but I heartily concur in the construction given by the able gentleman from Wisconsin [Mr. Eldridge] that the term "town," as used in this bill, implies not merely an incorporated city, but will include townships as well. In New England the townships are always called "towns," and the gentleman from Wisconsin tells me that such is the case also in his State. Even if this construction is not placed on the word now, it will be hereafter whenever party exigencies require it, to uphold your waning fortunes. Then all the land will be dotted over and filled with armed stations. The township house will be the rendezvous for troops on election day. They will pitch their tents wherever the polls are opened. Their banners will be spread wherever tickets are distributed to the quiet rural populations. And all the time a deputy United States marshal will conduct their evolutions and order their charge upon American citizens.

The lessons of history upon this great subject are full of deep and painful instruction. I look at questions in their general import. By degrees, in all the ages of the past, tyranny has encroached upon popular right. The citadel of liberty was never taken by sudden assault without previous mining, battering, and treachery. The approaches have been made by numerous measures of a kindred tendency. The progress to the stronghold has been step

by step. Good men, too, have often been the instruments of these encroachments. Plausible arguments have likewise been made for them. The gentleman from Ohio [Mr. Bingham], no doubt, will rise here and tell us that all the abominable features of this measure are wise and good. So, too, the adherents of Cæsar said at Rome, when he was controlling the elections prior to crossing the Rubicon and usurping imperial power. In speaking of Cæsar, Montesquieu says :

“He raised troubles in the city by his emissaries; he made himself master of all elections; and consuls, prætors, and tribunes purchased their promotions at their own price.”

Cæsar made himself master of all the elections. This bill confers a like power on the executive of the United States. And yet its supporters will commend it in the name of the public good. The blackest crime ever seeks the brightest livery of virtue to cloak its infamy. When Satan himself came from the burning pit below, when he lurked around the courts of Eden, and finally, scaling the bright ramparts, sat down to seduce Eve in those green and ambrosial bowers, he led her to her fall and all of us to our ruin by disguising the hideous lineaments of evil in the skillful guise of good. So the advocates of this bill will tell you it is all for the best. I tell you it is all for the worst. And feeble though my voice may be, small though my influence may be, yet, in the straightforward performance of a constitutional duty, with all my strength, I warn my countrymen against a measure fraught with disaster and overthrow to the institutions for which their fathers fought and bled on a hundred fields of battle.

Some justification might be found for legislation of this kind at one time in the South—none to my mind; some to yours. But how any sane man can justify the invasion of every town, of every township, of every city, of every village, of every hamlet in all the States of this broad land, north and south, east and west, from one ocean to the other, by federal power, for the purpose of striking at the freedom of the ballot-box, is a mystery which I can not

solve. I can conceive but one intelligent motive, and that is the suppression of free elections and the substitution of arbitrary despotism. This bill overruns the land with armed troops; it sends into every section of the country informers, pimps, and spies, clothed with federal authority. In the act of which this is amendatory, there is a section providing severe pains and penalties for anybody who shall intimidate a voter. Sometimes, in the days gone by, men have had disputes at the polls, and they have settled them at the nearest magistrate's office. Sometimes, when men have labored under excitement on such occasions, and angry words or threats have been used, or blows even struck, the difficulty has been adjusted in the neighborhood court. But now, in these stranger days, comes this mighty engine of federal usurpation, and says that the man who is intimidated or threatened, or thinks he is, at the polls, shall have his right of private action for a penalty of \$500, to be recovered in an action on the case. If you should ask a mercenary disciple of this modern legislation how much he was intimidated on election day, he would doubtless answer, "\$500 worth, and I am going to sue for it in the circuit court of the United States."

The Speaker: The gentleman's time has expired.

Mr. Bingham: I now take the floor, and will willingly yield ten minutes of my time to the gentleman from Indiana, which is all I believe he desires.

Mr. Voorhees: I am obliged to the gentleman for his courtesy. I have had only fifteen minutes; time enough to enter into but a very partial discussion of this bill, nor do I deem it necessary now that I should do more. All I desire is to impress its general purposes on the minds of members, and if I should fail in doing that, thanks to the power of steam, thanks to electricity, thanks to the Globe, thanks above all to the general press of the land, men's words go forth from heedless ears sometimes in this hall to find a warm response among the liberty loving people. That has been my experience. In standing here for the rights of the people under the constitution, the people have

always sustained me. I have not faltered in my devotion to them, and their faith in me has been unshaken.

In what age, where in all past history, through all the space of time, shall we look for a proceeding like this? Here is an army of civil as well as military officials, who are to settle down upon the land, covering it all over as thick as the locusts, and as mean, perhaps, as the lice of Egypt. They are authorized to arrest without warrant and imprison without process. I may be their victim; so may you. We are all at the mercy of this more than imperial decree. It levels every right, secured by centuries of wisdom and valor, into the dust. One of the empowering terms in this bill is "to supervise." It is an excellent term for the purpose in view. These officials are to supervise the conduct of the citizens at the polls. Will this be endured? How long can this last? You entered on this despotic policy for the purpose of controlling the elections in the desolated South. You did it to uphold colored suffrage. You thought it was a part of your mission. You have pursued it until you now dare to assail the great States of New York, Ohio, Indiana, Pennsylvania, Illinois, and Missouri, and all the rest. Sir, I pledge the remnant of my life to this contest. We will dispute every inch of ground henceforth to the end. We will join issue with you on this attempt to subvert the liberty of the people. We will appeal to the people, whom you are afraid to trust, and whose rights and honor you menace and trample under foot.

Why should you do this thing? You disgust the people. You show that you distrust them. The people in turn will distrust you. They are the fountain of power. They are omnipotent. And you, the stream, can never rise higher than the fountain. I will not say that the present executive has evil intentions against the liberties of his country. It does not become any one to utter such a charge without strong and clear proof, and then with care and prudence. But the grim, silent, taciturn man of action, whose opinions are never uttered in advance, and whose purposes are enveloped in constant mystery, is to be watched and dreaded when at the head of a nation and supported by

a party reckless of constitutional restraints. I do not disparage the military capacity and the military executive ability of the present chief magistrate of this nation. No man could have achieved the results which are recorded in his history without military talents of a high order. Concentration of purpose, force and tenacity of will, a steady and even vindictive courage, together with a woodsman's intuitive knowledge of the face of a country for military operations, have combined to give him a permanent place among the great commanders of the world.

In his civil knowledge, however—his capacity for civil affairs—I have no faith. And a combination of military power and civil inferiority has in all ages produced the most dangerous enemies that ever menaced the liberties of the people. Such a man relies upon the qualities of which he is conscious. He esteems the faculties with which he is endowed, and despises those of which nature has bereft him. He can command troops; and therefore he wants to command them. He loves power; and the control of an army at the ballot-box is a certain means of obtaining and retaining power. He is conscious of no other means of securing popular support. He is unlearned in the laws of his country, knows nothing of the reasons which dictated its institutions in the minds of its founders, has never read its constitution, and openly sneers at men who have the gifts of knowledge and of speech with which to explain and enforce the great doctrines of free government. Is such a character a stranger to the minds of members? Do you not recognize and dread him?

Again, behold the fallen Emperor of France—fallen now, like Lucifer, the bright son of the morning, to hope no more. What manner of man was he twenty years ago, and how did he attain those giddy heights from which a righteous retribution, the avenging hand of God, has hurled him to the ground? Without military capacity, he was supposed to possess it, and able generals surrounded him and clung to his fortunes. History pictures him to my mind in striking semblance to the present American chief magistrate. His exterior was chilling and repellant. He

had unscrupulous favorites who would stop at nothing in his behalf, and on whom he lavished unmerited honors and wealth. He was regardless of human life and human misery. His designs were hidden. His purposes were mysterious and unknown. He climbed to power by breaking all the pledges by which he got his first foothold in the French assembly. And when the hour came, it was by virtue of just such preparations as are made in this bill that he found the way plain, the obstacles all removed, the ladder set up on which to ascend to the topmost round, till he reached the throne over the prostrate liberties of France and the bleeding and mangled forms of his countrymen. Shall this dark and startling page of history be all lost upon us?

Sir, when Cromwell designed the overthrow of the liberty of his country, what did he do? I will let Hume the historian speak. Hear him:

“Cromwell began to hope that, by his administration attended with so much luster and success abroad, so much order and tranquillity at home, he had now acquired such authority as would enable him to meet the representatives of the nation, and would assure him of their dutiful compliance with his government. He summoned a parliament; but not trusting altogether to the good-will of the people, he used every art which his new model of representation allowed him to employ, in order to influence the elections and fill the house with his own creatures. Ireland, being entirely in the hands of the army, chose few but such officers as were most acceptable to him. Scotland showed a like compliance; and as the nobility and gentry of that kingdom regarded their attendance on English parliaments as an ignominious badge of slavery, it was on that account more easy for the officers to prevail in the elections. Notwithstanding all these precautions, the protector still found that the majority would not be favorable to him. He set guards, therefore, on the door, who permitted none to enter but such as produced a warrant from the council; and the council rejected about a hundred, who either refused a recognition of the protector's government, or were on other

accounts obnoxious to him. These protested against so egregious a violence, subversive of all liberty; but every application for redress was neglected, both by the council and the parliament.

“The majority of the parliament, by means of these arts and violences, was now at least either friendly to the protector, or resolved, by their compliance, to adjust, if possible, this military government to their laws and liberties.”

And we, too, have our Ireland. There she lies, across and beyond the Potomac; and the work is done on her as it was done in the days of Cromwell. The Ireland of America is entirely in the hands of the army, as was the Ireland of Europe more than two hundred and fifty years ago. She sends up mostly obedient representatives now as she did then. In Scotland the potent chiefs of tribes disdained to hold power under the Roundhead government, and there was left to the protector the easy task of bringing in such Scottish members of parliament as he desired. But when he came, sir, to England—which, with all our hate, is still our great mother, the mother of our language, of our literature, and of our laws, and of that dauntless blood which has filled all the four quarters of the earth with its prowess and glory—when he came to England, he failed, and the people, true to themselves, returned members that were true to liberty. Defeated at the polls, he placed guards at the doors of parliament. They required from parties who sought to enter, passes signed by the council. Why should not that be the next step here? If elections can not be controlled at the ballot-box; if this frightful bill should fall short of its purpose, why not station guards at the doors of this hall, and allow no obnoxious member to enter? They might as well be stationed here and at the doors of the Senate as at my neighbor's ballot-box at home, in the West. They might as well control us as to control our brethren who toil on the land and on the seas to uphold the government. We are not better than our constituents. Our rights are not more precious to us than theirs to them. Our aged fathers, our brothers, our kindred, and our loving friends, scattered all

over the plains, the valleys, and the mountains of this fruitful land, have a stake in this measure as vital as yours and mine. If the people are to be surrounded, guarded, and controlled while they deposit their ballots, then let the lictors advance here also, and bind the people's representatives, and compel them to register the edicts of a master. The work will then be complete in which you are now engaged. Your task will be finished, your mission ended. The nightfall of liberty will be here. The curtain of darkness will descend on the prostrate and humiliated Republic, and then another curtain will rise on the haughty, insolent, and erect crest of the empire.

Mr. Speaker, I conclude by expressing my obligations to the gentleman from Ohio [Mr. Bingham] for his courtesy in yielding me time to thus antagonize a bill which owes its parentage to himself.



## DEFENSE OF HARRY CRAWFORD BLACK.

[An argument delivered at Frederick City, Maryland, April 21, 1871, upon the trial of Harry Crawford Black, indicted for the murder of Col. W. W. McKaig, Jr.]

GENTLEMEN OF THE JURY:—We have now reached that point where it becomes my duty to address you. In doing so, I have but one thought and but one purpose. I believe, with fixed and solemn convictions, in the innocence of the young prisoner who is here by my side, and I shall try, while I stand before you, to make manifest the grounds of my belief, and to the utmost extent of my humble powers, to obtain for them the consent of your minds.

Allusion has been made to my position as counsel here. It is true that I live in a distant State, but I can not feel that I am a stranger to you. We are allied to each other by many ties. We are husbands, fathers, and brothers. We have wives, sisters, and daughters. These vital and precious domestic relations form all mankind into a universal holy alliance. By them you and I are acquainted. We understand each other by their promptings. Let us come close to each other in this discussion. I can have no purposes that ought not to be yours. As a citizen of this great country, desirous of the welfare of the people, desirous of the supremacy of the laws, I can not invoke any results that you ought not also to desire. We are all wedded to the public good. We do not want to destroy the peace and good order of human society. None of us are interested in such a baleful issue. Good or evil to you and yours is the same to me and mine. A blow at your peace and homes is a blow at all the homes in the land, and an assault upon the humblest family circle puts in peril everything that we all hold dear. We meet, therefore, upon a

common level, and in a plain and simple manner I expect to speak to you in this spirit.

There is one consolation that I have in rising to address you that presents itself to my mind at once. I have stood before juries quite often, but never before, in the whole range of my experience, have I known a man arraigned for murder who produced such a record of character as has been produced here. All the powerful presumptions of a virtuous and well-spent life arise at the very opening of your deliberations in favor of the defendant. By the light of the proof let us see who it is that we are trying. You have your fingers on his pulse. You are measuring his life, and the manner of that life is all before you. He is young—but twenty-four years of age. How much of usefulness and manly life he has crowded into that brief space! If one of your sons at that age was arraigned for a high crime, how proud you would justly feel if you could call, as has been done in this case, from every quarter and from every class everybody who had ever met him, everybody who had ever done business with him, and receive from them all one unbroken strain of commendation and eulogy! The aged and gray who have known Harry Crawford Black from his infancy, have here, in your presence, praised his pure and blameless life. His young comrades have spoken of him as an example far beyond his years. His fellow-prisoners during the war describe him as a model amidst the hard and demoralizing scenes of prison life. The dusty miners from Piedmont, as well as members and senators in Congress, come here to bear their voluntary and affectionate testimony in his favor. He does not pass this ordeal alone; he has the sweet reward of virtue in the presence and consolation of those whom his good conduct has attached to his fortunes; and the voice of reason, as well as law, proclaims that such a man is not a criminal. He is not familiar with the walks of vice, where criminals are made. His hand and his heart are free from the guile and the practice of crime, and yet the learned gentlemen for the prosecution insist that he stands now at the foot of the scaffold, soon to ascend its desperate heights for the commission of

a crime without a parallel in the eye of the law. Pure, innocent, and virtuous up to this time! Do men of that kind, without just provocation, enact deeds of bloodshed? If they commit what seem to be violations of law, are they not always upon the most dreadful and imperative causes? It is this presumption which gives to character its priceless value when the motives and conduct of a human being are under investigation. But such a reputation as the defendant here produces is usually the growth of a long lifetime, and is seldom the accompaniment of early youth. Recall in your minds at this moment the friends and neighbors by whom you are surrounded at home. The best and most reliable are those of longest standing. Some you have known for more than a quarter of a century. You have seen their heads whiten as the winters and summers have come and gone. Their characters are good and solid. Little by little, day by day, week by week, month by month, they have built them up as firmly as your beautiful mountains; but it has been the labor of long years. How much more should your hearts lean to a mere boy, who has not had much time, and yet comes into court with a character that the old men of the country might be proud to produce. He has had but few years, but in them he has been so prone to virtue, so free from vice, so free from evil associations that he has not a spot or stain or blemish. Show me another boy in these bright valleys who went from home at seventeen years of age, had an army experience—always terrible—tasted the horrors of the prison-house, came out untainted in soul and body, went to the far West into the employ as chief clerk of a heavy mercantile house, returns with their warmest testimonials, becomes at twenty-two the superintendent of one of the foremost mining companies of the Alleghanies, winning at all times and places and circumstances golden opinions, and nothing but golden opinions, from all sorts of people; show me, I say, another boy like this beside me within the range of your acquaintance who has borne or can bear the mighty tests to which the prisoner has been subjected, and you will find him the cherished object of universal regard, beloved by the fathers

and welcomed by the mothers into every domestic circle as a model for their sons and an associate for their daughters. Can the mark of Cain rest upon the brow of such a one? Can the ineffaceable brand of bloody guilt be there? Such an assertion is a perversion of all the laws of human nature. The tree shall be known by its fruits; the thorn and the thistle do not bear delicious figs, and a life of innocence and peace does not bloom and ripen of a sudden into a harvest of atrocious crime.

If we were defending, indeed, a criminal, one whose character we did not dare put in issue, with blotches and stains upon him, how different would be our feelings and our positions. But now we come with all our hearts clinging closely to the defendant in his peril, believing, earnestly believing in him and in his innocence from the very depths of our souls; and we have no fear. The weight of a good name is recognized in the books of law, but over and above all it is recognized in your own hearts. When the Hebrew children were cast into the furnace, with its sevenfold heat, there appeared to the astonished gaze of the Babylonish king another form, of celestial aspect, walking with them in the midst of the flames, and comforting them under their fiery afflictions. So is Crawford Black's good name this moment hovering near him, like a beneficent angel, to guard, to bless, and to protect; and, when he merges from this trial, his raiment will not be scorched nor have the smell of fire.

Gentlemen, mention has been made of the change of venue in this case. I have something also to say on that subject. The McKaigs are a powerful, able, intellectual, and wealthy family. That family, with its numerous connections, represent, I am told, more wealth than any other five families in Alleghany county. The prisoner has no means of his own, and no kindred nearer than cousins who have. He is poor, and so is his father, and, except through distant kindred, he has not a dollar to aid him; yet he was so strong in the community where the deed was done, and his defense sprang up so powerfully in the hearts of all, that the influence of the McKaigs melted like a mountain mist

before the opening dawn. They dared not meet this stripping youth at their own homes. They fled from their native heaths. There these two young men were born; there they were raised; there one was slain, and the other awaited his trial. Upon the side of one is numerous kindred, strong, accomplished, intellectual, and full of life and power. On the other is merely a good cause and a good name; nothing more. And yet what a scene I witnessed in January last in the county of Alleghany! I never beheld the like before, and hope never to again. I saw an American State seeking to convict a man of crime, though afraid to put him upon his trial where the alleged crime was committed. It was his right there to be tried. My associate counsel has read to you the constitution of Maryland, with its bill of rights. It is there declared that one of the principal rights of the citizen is to be tried where the facts arise. When our forefathers alleged the causes on which they fought King George seven bloody years, they laid down as a marked grievance that he transported American citizens beyond the seas to be tried for offenses committed here. It was one of the prominent causes for which our fathers bled, for which Smallwood's Maryland regiment charged on the battle-fields of the Revolution. They fought for the right of trial where the offense was committed; the right to be tried by their peers and neighbors; the right to be tried where witnesses are known. The counsel for the prosecution in this case seek to invalidate the testimony for the defense. How dare they assail men in this community whom they were unwilling to confront in Cumberland, where they are fully known? Gentlemen, they ask you to do what an Alleghany county jury would not do. They come away from that county and ask you to do a deed of horror that no jury there would commit. How stands this case? The State of Maryland says: "Alleghany county acquits the prisoner, but we ask Frederick county to convict him." He has already one verdict of not guilty in his favor. The State said Alleghany county would not convict him; thereupon a change of venue was taken. It amounts to one verdict of not guilty. It is a confession on the part

of the prosecution that the county where he was born, where he was raised, and where McKaig was born, where he was raised, and where he fell, will not convict the defendant.

The attorney-general spoke of the scenes of Colonel McKaig's funeral in Cumberland; that the stores were closed, and mourners went about the streets as if a great public calamity had befallen the city. If this dramatic picture is true, if there was a deep sense of wrong and outrage in the breasts of the people against Black, why is he here for trial? If stores were closed, if there was burning indignation, if there was grief over the loss of an unoffending citizen, why are we not all in Cumberland, rather than in Frederick? What did this prosecution flee from? Why did it flee at all? It fled, hoping to hide from a jury the true causes of this disaster. The public mind was too full of knowledge where all the facts were known. The very air was full of the wrongs inflicted by the deceased upon the defendant and his family. It was too well known by the entire people that there was one desolate home, one ruined daughter, one frantic father, one broken-hearted mother, and one outraged, insulted, and menaced brother and son in their midst. The witnesses by whom we have proven McKaig's assault upon Black on that fatal morning were also too well known in that community to suit the purposes of the prosecution. This prosecution fled from another fact. A jury in Cumberland could inspect the premises and examine the ground where the collision took place. They could see the exact position these parties bore toward each other; they could determine where McKaig came from, where he was, how he crossed the street, whether there was a natural crossing there, and that Black did not seek him by crossing the street, but that McKaig sought him. All that could be seen by the jury there, and all that we lose by being brought here. This course upon the part of the prosecution is virtually a *nolle prosequi*. It amounts to a dismissal, so far as the county of Alleghany, where the trial properly belongs, is concerned. In my judgment, this law that allows the State to drag a prisoner

from his home for trial, to transport him from the location of his conduct, is unconstitutional, is not in accordance with the constitution of the United States, nor the constitution of Maryland. I believe, whenever this question is raised, and the law tested, it will be so decided.

But we come now to a close and patient examination of the facts in detail of this sad and dreadful tragedy. I will ask you to start with me on Saturday evening at Piedmont, next preceding the fatal Monday morning. There, to my mind, the curtain first rises bringing the prisoner into mental cognizance of the deceased on the subject which has wrought such wide-spread ruin. Black and his friend Henshaw were together. Henshaw, not liking to intrude upon such a subject, yet ventured to ask whether the father of the prisoner had yet been indicted. The answer was that he had not. "I thought he would have been," said Henshaw. "Why so?" inquired the prisoner. "Because," said Henshaw, "of what occurred on the fair ground." "Well," says the prisoner, "what did occur at the fair ground? I have never been able to get the truth of that. Father was not in a condition to remember, and mother will not talk to me about it." Henshaw then informed him that the deceased, Colonel W. W. McKaig, had publicly denounced the sister of the prisoner as a strumpet on that occasion. These were the burning, awful words for a brother's ear to hear and heart to feel. They wrung from his pale lips one brief exclamation of agony; he changed color rapidly, and his breast heaved with strong excitement. He grew silent, and with an ashen face invited no further conversation, and Henshaw attempted no more. He disappears from our view for that night. His tortures are not for us to fathom. In hours of darkness and deepest woe the heart has no confident this side of Omniscience. How that wretched night was spent there is no proof to show, for it passed in solitary despair. The next day dawns on him in Cumberland, now intent on solving the painful mystery connected with his sister. We find him immediately in conversation with Mr. Lowndes, a relative by marriage, and a gentleman of the highest character,

and a member of the legal profession. Was he not a most proper person of whom to make inquiry, and with whom to advise? Mr. Lowndes not only confirms the statement of Henshaw in regard to the language used at the fair ground, but also informs the prisoner that Colonel McKaig is the seducer of his sister. This is his first information as to the author of his sister's shame and ruin. It is true that he suspected she was in trouble—she was absent from home—but who was to tell this young and hopeful spirit that the idol of his childhood was worse than dead to him? His parents were silent on the dreadful theme in his presence. You heard the stricken and sobbing mother on the witness-stand: With tearful eyes and voice she told you that the wrongs of the sister were never mentioned to her brother; that it was a forbidden subject in the little circle of home upon the occasions of the prisoner's brief visits from the mines in the mountains. It was kept, as far as possible, a sealed book to him; nor is this any new phase in domestic life, or in family histories. How often do we read of one portrait with its face to the wall and its name never mentioned? It is, perhaps, the image of one who, though deeply loved, has planted sorrow and shame in the hearts of the household. The name is to be spoken no more forever. We can speak with a saddened pleasure of the dead who sleep in purity and honor. The memory of their virtues fills our hearts with love and peace, and we train white roses to bloom on their graves. But for one on whom a blight has fallen, beside which the touch of death is merciful, we invoke a deeper silence than the tomb. There is a gallery in Venice where the faces of the Doges of ancient days adorn the walls, but the eye suddenly rests upon one vacant panel—no portrait is there. He who should have filled it is blotted from the walls of memory. He fell in an hour of temptation from his high estate, and an oblivion was extended to him by his own and succeeding ages. And so, when the poor, deluded girl in this case fell into the snares of the spoiler, and the knowledge of her wayward steps came partially to her suffering parents, they strove to draw an impenetrable curtain around the



horrible event; and most of all did they wish to conceal the humiliating and harrowing truth from their son, their only remaining child—their staff and hope in the gloomy and desolate future. His life was dawning with auspicious omens; he was rising rapidly in business; his prospects were brilliant, and well might the father and mother be reluctant to mar them with a grief that always ranges in noble natures close upon the confines of madness. They were journeying toward the sunset of life, and wished to bear their burden alone. They sought to spare the prisoner in the bright morning of his existence this bitter cup of which they drank in solitude, and whose wretched dregs they are now draining in public. It was the sublime struggle of deep parental affection and fortitude under the darkest calamity that ever blasts the peace of a home. Their conduct was true to the loftiest instincts that ever adorned the annals of human nature. And so it was that the prisoner, on Sunday, for the first time, and from the lips of Mr. Lowndes, learned of the awful abyss into which his sister had fallen; who had led her trusting footstep to the brink, and hurled her into its frightful and remorseless depths. The letter in evidence was at the same time shown him, and he was reliably assured that it was written to his sister by the deceased. It conclusively proves criminal intercourse. The writer speaks with an easy and familiar sense of power over his victim. She was plainly the subordinate of his wishes. All this penetrated the heart and brain of the prisoner at a glance. The facts were accumulating upon him with startling rapidity. The night before he had learned of the defilement of his sister's name on the public fair grounds; on this day he was informed that the very man who had hawked her name as a harlot in the midst of gaping and wondering multitudes was himself the author of the ruin and dishonor which had befallen her, and which he thus proclaimed. The written proof was placed in his hands. He went next with Mr. Lowndes to his mother. If he hoped for comfort there, for once, at least, he did not find it; rather he found the revolting climax of his misery, shame, and horror. It was disclosed

to him that a child, four months old, was then in his sister's arms, at her distant place of retreat, as the result of the treacherous embraces of the deceased. Oh, gentlemen, no tongue can paint the force of this last blow upon a heart already bruised, swollen, and bleeding! The pride of the prisoner's young life—his pride in an honored and unsullied name, in the ties of home and kindred, in the friends he had won, in the career opening before him, was overthrown and trampled in the dust by the haughty and insolent tread of his sister's seducer. At the prisoner's time of life, and with such a nature and reputation as his, how sensitive is the human mind to dishonor! And the fame and good name of mother and sister are then more precious than all this world contains and than life itself. In after years, wife and children may divide the bounties of love, but to the pure and upright son and brother who has not yet left the hearthstone of his childhood, the mother that bore him, and the sister who has grown up by his side, are the tender and cherished objects of all his earthly devotion. It was so with Crawford Black. He felt in a moment all the agony of a whole life suddenly wrecked and covered with disaster. Everything crumbled to pieces in an instant. Hope died, and despair took its place in his breast; his bright dreams of the future disappeared, and a wall of darkness rose up around him. The sky, so clear before, grew black over his head; he felt, too, that all the world knew the story which was consuming his heart with bitterness and grief. It had been proclaimed by him who best knew its fearful truth. The finger of scorn is a more dreadful instrument of torture than the cruel ingenuity of man ever devised, and the prisoner now knew, for the first time, that it was upon him; that he was pointed at as one on whom the brand of a sister's degradation had been placed by the successful arts of triumphant villainy. In this mood of mind he witnessed the close of that eventful Sabbath day. To others it had been a day of rest; not so to him. To others it had been a day of grace and of blessings; to him it was full of curses and of evil—the darkest day in all the calendar of time. And when night

came with its healing influences for the weary and sore-hearted, it brought no oblivious antidotes to pain for this unfortunate prisoner. Who shall tell of the scorpion stings and lashes of that miserable and sleepless night? You have caught glimpses here and there from the mother's testimony of the dismal hours as they slowly passed away. They were laden with the baleful ingredients which kindle a frenzy in the soul and a madness in the brain. Gentlemen, have you ever passed through the deep floods of sorrow? Have you ever walked the floor through the silent watches of the night, praying for the day to dawn, and feeling that the wings of time were loaded with lead? Have grief and woe ever affrighted sleep from your eyelids and rest from your hearts? But yours, perhaps, has been the sorrow which comes of death and ordinary bereavement. Here was the blister of shame burning like a hot iron on the prisoner's brow, and a sense of disgrace, like a corroding, cankering poison, inflaming his brain with a fever which no medicinal drug can allay or cool. The art of the healer stops at the threshold of the diseased mind, and sinks down baffled and helpless in the presence of the delirium of woe. Toward day, when all the world was dark and lost to him, when the precious providences of God themselves seemed blotted out like stars in the midst of clouds and storm, he turned his weary steps toward that love which never falters or grows dim, which triumphs over dishonor and death, and shines brightest amidst the wailings of broken hearts and the ghastly ruins of domestic peace and joy. He threw himself by his mother's side to comfort and be comforted in their mutual misery. He laid his bright and manly head where he had slept the placid sleep of infancy. There, sobbing and oppressed, he sought a shelter. The pitiless and merciless storm was pelting him, and "other refuge had he none." Mother and son wept together over the erring and the lost. There is often a mercy in tears, but not in such as are shed over a loved one ruined in soul and body. Then the unsealed fountains are scalding and bitter as the waters of Marah. While the parent and child thus lament together,

we will turn from this scene of holy pathos and tenderness, and consider an important question which here arises in the order of my argument.

You have been asked, with earnest emphasis, by the counsel for the prosecution, why the prisoner was so crushed and appalled with grief and frenzy against the deceased. You are reminded that we were not allowed by the court to prove the direct fact of the sister's seduction by McKaig. You will remember our urgent offer to do so, and the determined opposition to such proof on the part of the learned gentleman for the State. The court held in your hearing that the information which the prisoner received on that subject was competent evidence, but that the fact itself of the seduction was not an issue before you. Was he informed upon competent authority? Had he a right, as a reasonable and prudent man, to believe that Colonel McKaig had seduced Myra Black, and that she had borne a child as the result of their sinful intercourse? Did the facts, as communicated to him, justify such a belief, and did he entertain it with the deep convictions of an honest sincerity? If so, then his sister's ruin by the deceased became a proven, fixed, and absolute reality in his mind, as much so as if his eyes had beheld or his ears heard the secret deeds of shame over which the deep spell of silence reigns forever. If he believed, then his mind was wrought upon by the power of a sincere faith. His emotions and his conduct were under its omnipotent influence; and in this respect he simply conformed to the great laws which have governed all the races and tribes of mankind since the birthday of human history. You and I believe in the great and merciful Father in heaven, the creator of the boundless universe, yet we have not seen Him, nor hath any man and lived. We believe that the blessed Savior walked the hills and plains of Judea, and died to redeem the souls of men, but our eyes did not behold the majesty of his face, nor our ears drink in the deep and melancholy music of his voice. We believe because we have faith in the sources of our information. We have been told, that is all. The testimony of the ages is ours. Na-

ture, throughout her illimitable realms, proclaims a God, and the Bible, the book of books, reveals Him; while the existence and the divine mission of the Messiah are established by witnesses whose evidence we read and accept as true. Upon these sources of faith Christian men and women found their hopes of immortal happiness. They make heaven an immediate reality, and uphold the martyr as he smiles joyfully amidst the blazing faggots at the stake. Nor is the power of human belief over the actions of men lessened because it may be founded in error. The untamed Indian has his faith as we have ours. He has not seen the Manito; but his trust in the happy hunting-grounds, the sparkling rivers, and the fadeless verdure of an eternal world, is as unflinching as the bravest disciples that ever died for the cause of the Cross. He sings his death-song under slow tortures, recounts his earthly deeds of merit, and anticipates his blissful rewards hereafter with all the calmness and confidence of a Christian philosopher. The eastern Mussulman worships with sincere devotion at the shrine of Mahomet, and, giving full credit to the testimony of his fathers, follows the Crescent, and rejoices in the prospect of a sensual paradise at the end of life. The Chinaman, the countryman of Confucius, has a faith in his system equally firm and unrelenting. The history of the whole human race forces us to exclaim, "How little is known and how much is believed!" The world of faith is wide, the world of knowledge is narrow. What we think we know best depends mainly upon the credibility of those who have narrated to us the facts. How few of you have crossed the mountains and beheld the valley of the Mississippi! Yet you know that there it lies, stretching from the regions of perpetual snow to the land of unending summer, an empire of present and future wealth and populations. What one of this jury has ever beheld the great father of waters as he rolls onward to the Gulf of Mexico? Yet you all know that the ceaseless and resistless current is forever there. You have listened to the tales of travelers; you have read their letters and their books, and you are convinced as fully as you could be

through the medium of your own senses. I only ask for the prisoner that these universal rules of faith be extended to him in this dark hour of his peril. I do not ask you to shield him if his belief was irrational and unnatural—if he accepted information from unworthy and unreliable persons. Put yourselves in his place; could he doubt the truth and candor of his faithful and tried friend, Henshaw? Could he distrust his kinsman and adviser, Lowndes? But, above all, were not the words of his idolized mother sacred and holy with him? No better, surer foundations of human belief ever challenged the consent of the human mind. Crawford Black as much knew, by the time the sun set on Sunday evening, that McKaig had destroyed his sister as it is given to mortals to know the affairs of this life. No doubt or misgiving for a moment mitigated his anguish. The awful fact stared him in the face with painful and maddening intensity. It confronted him incessantly. It would not down at his bidding. It taunted and mocked him in his sleepless desolation and despair. It tempted his imagination with the appalling details of the victim's surrender and debasement, and the destroyer's triumph and insolence. And if he arose and acted upon this fact and slew the man who put out the light and joy of an innocent and unoffending household, would his conduct have been without precedent, novel and strange in the history of mankind? There is a very old case and of very high authority on this point. It is the earliest on record. The daughter of Jacob was seduced by a prince of one of the neighboring tribes. Her brothers, Simeon and Levi, were in the fields at their usual avocations, when they were told by others what had befallen their sister. They believed the story of their disgrace, and with their swords, in due time, they acted upon it to the total destruction, not merely of the seducer, but of the whole tribe who supported him in his conduct. And when their father, who was old and apprehensive of trouble growing out of their terrible vengeance, deplored their fierce and sanguinary measures, they gave that memorable answer which has sprung to the lips of manly brothers in every age and clime from that hour

to this, "Shall he deal with our sister as a harlot?" Human nature is the same to-day as it was then, and Crawford Black simply exclaimed with Simeon and Levi of old. You would cry out in the same indignant words under the same circumstances. You are now asked to punish this young brother in Maryland. Were the brothers in Israel punished? God ruled immediately and directly in the house of Jacob. Are you wiser and more just than your Maker? Will you sit in judgment upon the Almighty and condemn His ways? Should you not rather find out His rulings in a case so similar to the one you are trying and then implicitly and humbly adopt them for your guidance? The patriarch and his family, including the defenders of their sister's honor, were led by Jehovah out from their enemies, up into Bethel, a place of safety. "And they journeyed; and the terror of God was upon the cities that were round about them, and they did not pursue after the sons of Jacob." They were thus protected, not prosecuted. I may cite other cases hereafter, but with the approval of God upon the conduct of the prisoner, I know that I might safely leave this branch of his defense where it now rests.

Gentlemen of the jury, the light of Monday morning at last broke over the hills of Cumberland and brought that dreadful night to a close. The sun of the morning comes with life in its beams to all. It illuminates the hovel and the palace, the home of the heart-broken and the circles of gayety and pleasure. In all its kindly visitations of human abodes, however, on that morning, it lit up no lonelier, sadder, drearier hearthstone than that around which once shone the pure and innocent face of the beloved daughter and sister, to be seen there with the angel light of virtue no more forever. The prisoner went forth from that blighted home, and the hour of retributive justice drew nigh; not by his artifice or device, but by the spirit of the avenging Nemesis who sooner or later overtakes the violators of domestic sanctity. His provocation was already sufficient in the estimation of all the ages of the past to justify the death of McKaig. While he

stands, however, on the brow of the hill, and before he descends, weary and heavy laden, into the town, let us examine still more closely into the relations which the deceased and the accused bore to each other. What were the purposes and feelings which McKaig had deliberately and repeatedly evinced toward Black? One of the oldest and basest principles of human nature was at work in the heart of the deceased. He had wronged the prisoner beyond the reach of forgiveness, and he therefore hated him. The scandal, too, of his conduct had become public, and he thought to browbeat all complaining voices into silence. His own domestic peace was doubtless in peril, and it was necessary to overawe the injured family into abject submission. He had met the insane and frantic father, and received an assault vaguely mentioned here in the evidence. No danger or menace, however, threatened him any longer in that quarter. The forbearance of the distracted father was secured by indictment and heavy bonds. There was but one other who held the honor of the name and the household in his keeping. It was the brave, generous, dauntless being here before you, and it was for him that McKaig wore his daily belt of loaded fire-arms. Conscience told the deceased that he had forfeited his life to the prisoner. He would have slain the seducer of his own sister like a dog in the highways, and the guilt in his breast bade him beware of the brother of his victim. Perhaps friendly tongues had also warned him of his danger if the accused ever made a full discovery. Thus steeped in crime I shall demonstrate from the evidence that he sought a collision with Black under circumstances of his own choosing, and with the advantages all in favor of himself. He could not retrace his steps and undo the wrongs he had inflicted. He therefore prepared to go forward and wade in blood to a place of safety—a place of security, as he supposed, against the consequences of his own evil deeds. He believed the issue would come, and he became restless and aggressive in order to have it no longer pending. Why else did he rudely jostle the prisoner in Ferguson's saloon? Between friends such an act might pass



without significance; but when men are deadly foes, when their hostility is open and proclaimed, when unpardonable wrongs have been given and received, when their blood is full of wrath, when the insulter is armed with weapons of death, then the intentional touch in passing is a threat and a challenge of the deepest and most sinister import. What Lawrence Wilson saw has that meaning and none other. It was McKaig's palpable purpose to provoke Black into a fight at a time and place of his own selection, and with his preparations doubtless fully made. Wilson is not contradicted. He located the place and fixed the time, and mentioned the presence of others on the occasion. The bar-keeper was especially identified. If this evidence was untrue, if the deceased and the prisoner were not there at the time named, if the circumstances of insolence and assault did not take place as described, the means were amply furnished by the witness himself for his detection and contradiction. If it was a fabrication, it would have been demolished long ere now. There is power and wealth and the thirst for revenge in this prosecution, and no great fact like this would be left standing if it could have been overthrown. It occurred but two weeks before the fall of the deceased, and throws a full flood of light upon his movements and motives at the final and deadly encounter. Its importance in this case can not be magnified. It is uncontradicted, and therefore conceded, that when these two young men are first brought to your view together, the deceased was the hostile aggressor, seeking to degrade or slay the brother as he had worse than slain the sister. How much longer was Crawford Black to endure? How much more of the proud man's contumely was he to bear? But the hour had not yet come; he knew not yet the full story of infamy which afterward filled his soul with horror.

But there is yet stronger and more striking evidence of McKaig's deadly purposes toward the accused. John Long, born and reared in Cumberland, well known by all, detailed a scene upon the witness-stand that will never be forgotten by those who heard it. It is said that the deceased was a

brave man. It may be so. I have no doubt he acted with courage in battle. Many have done so, surrounded by admiring comrades, inspired by hopes of distinction, who have faltered in the face of a personal conflict—especially so when not upheld by the consciousness of right. He who hath his quarrel just has a contempt for danger which the heart oppressed with guilt never knows. A troubled conscience makes many strange and devious steps. Many actions that are mysterious to the world would be thus explained if the secrets of all hearts could be laid bare. When John Long saw McKaig watching the prisoner at that street corner with his hand on his pistol, he was but acting in obedience to the hard necessities of his criminal position. The consequences of his evil career were developed in his own character. His own nature was depraved and perverted until we see him by the light of this evidence, lying in wait, meditating what measure of destruction he should next adopt against this unoffending family. It gives me no pleasure to speak these words. The truth is painful to me when it reproaches the dead, but the claims of the living here in this court-room can not be denied. What the immediate intentions of the deceased were while he was waylaying the prisoner, you and I may not fully determine. He may not have entirely comprehended them himself. To my mind he appears on that occasion irresolute, undecided, wavering, and halting between the conflicting purposes of his own disturbed and agitated breast—at one moment strongly impelled to confront and assault the prisoner, and the next hesitating and doubting, until the opportunity for decisive action went by. But an effort has been made to discredit Long. In what way? He is a native of Cumberland, and there grew up to manhood; and, though his face wears a darker color than yours or mine, yet no man dares to say in your presence that he has not borne as good a character for truth and veracity as the loftiest and proudest in that community. Although hundreds of citizens of Alleghany county have attended this protracted trial, and hundreds more could have been obtained in a few hours, yet no impeachment of the reputa-

tion of this well-known and vitally important witness was attempted in the remotest manner. This is equivalent to the affirmative support of his credibility by the entire community in which he lives. But, at the last moment, two zealous co-laborers in this prosecution rushed into court and lifted up their hands and voices to contradict John Long—Dr. Dougherty and Smith Johnson. Both admit that they are partisans in feeling against this unfortunate young man, who has never harmed them by word or deed. They tell you that, two nights ago, in the dim still hours between midnight and day, when the evil and prowling spirits of the known and the unknown world usually commit their nocturnal freaks against the peace of mankind, they inspected and surveyed the localities described by Long, decided there in the dark that he could not have seen McKaig where he swore he did see him, took the cars in haste for this city, and arrived just in time to detail their astounding discovery before the testimony in the case was finally closed. Long was examined more than a week ago. There is a line of telegraph and a railroad from here to Cumberland, and there is a venomous energy and power in this prosecution unparalleled in my experience. If Long was false, and the locality itself, as given by him, would expose his perjury, would his contradiction have been left to the finishing details of the case and to the ridiculous testimony of Dougherty and Johnson? No! Scores of men would have been promptly produced, having made careful daylight examinations of the points in dispute, and ready to tell you that this great, gigantic fact established by Long was impossible from physical causes. Gross and Ferguson, the proprietors of the saloon, and familiar with the corner where McKaig was seen, with the spot where Long stood, and with the positions of the lamps that have been mentioned, would have been the most competent and proper witnesses on this point. Why were they not called instead of these hasty, prejudiced, midnight surveyors? John Long might and would have been contradicted if his statement had been untrue, but he stands here now uncontradicted and unimpeached. Let the doctor, therefore, as-

suage his feelings in the use of his scalpel and pills upon his patients, and let him and Johnson both hereafter abandon the business of willing and anxious witnesses against an innocent man on trial for his life. If they are satisfied with their appearance in this sad drama, I will now drop the curtain, while the audience hoots and hisses them out of sight and out of mind.

But again: Long was faithful to his early playmate and friend. On the distressful Sunday, when the fearful truth was rapidly breaking upon the distracted mind of the prisoner, John Long met him, as he told you, on the bridge in Cumberland for the first time since he had witnessed McKaig's secret menaces a few days before against his life. His inquiry of him was most natural—"When did you see Colonel McKaig last?" Crawford Black's heart was bitter and sore at that moment. The sound of that name maddened him. His reply to the faithful boy that loved him was stern and angry: "What is that to you?" Grief and humiliation have their right to solitude and exclusion, and the prisoner repelled what he took to be an attempt to invade his confidence and look upon the bleeding wounds of his miserable heart. Long corrected his mistake, and narrated to him the recent strange and threatening behavior of McKaig. He put him in possession of every detail. The prisoner listened, and left in silence. He now knew not only that his sister had fallen, but that his own life was hunted. Dishonor had already come, and death was pending. His sister led to her ruin, and then advertised to the public by her destroyer as a common bawd; his aged father reviled, and denounced and prosecuted as a felon for his feeble and vain attempt at redress; and now thoroughly convinced that he himself was to be watched, threatened, glared at, bullied, waylaid, and eventually subjected to deadly assault! What more of outrage and provocation can man submit to unless, like a hound, he receives the kick and the lash of his master? Bear in mind that meeting on the bridge and Long's statement. Do not for a moment forget it. Invoke it into your presence when you retire, for with such a notice as he then received, the

prisoner had the right to kill the deceased whenever he approached him with the slightest evidences of hostility in his movements. No retreat, no delay was after this required of him. Henceforth, if he slew McKaig, he had a double defense—each one as sure and firm as the everlasting hills. His sister's cause and his own united in their appeal, and the spirit of his noble manhood responded; a volcano justly raged within his breast, and Providence dictated the moment of its eruption and the result which followed. The burden of the prisoner was more than he could bear, and he moved and acted as an instrument in the hands of a just God. You are to judge of his conduct as if you had been in his situation. That is your duty to-day. I state it in the hearing of the court, and in the presence of my professional brethren. You are not to estimate his guilt or innocence by the appearance of the circumstances to a cool, indifferent, and disinterested observer. You are to put yourselves in his place, assume his relations to others, imbibe his affections, and survey everything from his point of view; stand with him on the brow of the hill, near the old homestead, where I left him some time ago; recall to your minds all that he then knew of McKaig's conduct in the past, and of his purposes against himself in the future, and answer in your hearts whether the wealth and honors of the whole earth would have tempted you to embrace the prospect that lay before him as your own. You can not desire to take this young life, to cut the briefly spun thread of his existence; you can not wish to rear a gibbet against your sky with that elegant and accomplished form upon it, and that handsome and intelligent face shrouded for the grave. Such a doom can not be a welcome thought to you. Identify yourselves, then, with him as the waves of sorrow and of peril rolled over his head, and you will reach forth your hands, your all-powerful hands, to bless and to save him.

And, gentlemen, now as Harry Crawford Black descends into the town, the other party to this tragedy of blood, of broken hearts and ruined lives, came forth from his home at the other extremity of the place. It is claimed by the able attorney-general that he was slain contrary to the

peace of the State of Maryland. If so, then he must have been at peace himself with her citizens, and in obedience to her laws. The picture of his peaceful departure from home has been vividly drawn. As a pure work of fancy, it has high merits. The reality, however, was speedily shown when he met the prisoner. When he arose that morning, he made a toilet of death, and clothed himself with the implements of destruction. Three loaded revolvers, as the proof establishes, constituted his supply—one in the prepared pistol-pocket on his hip, and two in their leather holsters belted around his waist. He sallied forth more heavily armed than any man who had walked the streets of Cumberland since the close of the sanguinary strife between the North and the South. Instead of being a follower of peace, he was a moving machine of war. Instead of being a law-abiding citizen, his preparations were those of the desperate and deadly outlaw. And as he thus prepared himself, I ask you to look at him in the light of his previous conduct toward the prisoner; in the light of his conduct as described by Long at the corner of the street, and of his menacing insult at Ferguson's saloon. You can not mistake his fatal meaning. He was bent on bloody mischief. Black had uttered no threats against him—not one has been proven or attempted to be proven; he did not arm, therefore, for self-defense. He had not been apprised of any danger from the prisoner, except by the suggestions of his own guilty conscience. They told him, perhaps, of the necessity of prompt, determined, and aggressive action. We can only judge, however, by his acts, and they speak in clear and certain tones. When you once saw armies in these now smiling and happy valleys equip themselves with the cannon, the rifle, and the bayonet, and move forward toward the enemy, you knew that the sorrowful heaps of the slain and the wounded would soon cumber the ground and appeal piteously to heaven. So, too, when you behold a citizen in time of peace invade your streets with the most extensive and extraordinary preparations for taking human life, you at once fear and expect scenes of violence and calamity.

Am I answered that Black, too, was armed? Who ever

had so much reason to be? May not a threatened life defend itself? He had one pistol; was not one-third as powerful in conflict as his enemy; he had five balls ready for action. It is admitted by the prosecution that McKaig had twelve, and the testimony shows conclusively that he had eighteen. I have thus traced these parties, described their relations to each other, and their disposition in regard to a collision, until I have reached the time and place when and where they met. And here I again deplore your absence from the spot where a personal inspection would give you a more accurate knowledge of the transaction than any description at this distance. But, concerning the leading facts, there can be no doubt. Black was on the south side of the street, going west; McKaig was on the north side of the street, going east. Thus they were on the same street, but meeting with its whole width between them. Through Cumberland runs Will's creek, and over it, on this street, is an elevated bridge. The evidence first disclosed the deceased as he was crossing that bridge, with the prisoner in full view diagonally to his right, on the other side of the street. There they first beheld each other that morning. Every step now assumes the most terrible importance, and is charged with the responsibility of life and death. Who sought the banquet of blood? Who turned from his own pathway to interfere with the course of the other? Not an object was between them to obscure the view. The instant McKaig saw Black, he left his own sidewalk, immediately at the east end of the bridge, where there was no crossing for pedestrians, as at the intersections of streets, diverged obliquely to his right, on a line that would bring him to the sidewalk on which the prisoner stood, about thirty feet in front of him. He walked rapidly in that direction. Why did he thus leave the even tenor of his way, and bear suddenly down on Black? Why did he not pass on, and let the prisoner do the same? Was that Providence, whose moral laws he had mocked and spurned, hovering over the scene, and guiding him to his swift and awful doom? Did the fair and open opportunity tempt him to his own destruction in seeking the de-

struction of another? He could have let the prisoner alone; but a belief in the efficiency of his arsenal, and a blind and fatal infatuation, carried him with defiant confidence into a presence most dangerous to him on that morning—the presence of one who had just emerged from a night of sleepless frenzy over the injuries, the incurable and burning injuries he had received from the man who now sought and approached him.

Is it pretended that this sudden movement by McKaig had no hostile meaning? Consider all that had passed between them before; consider all the provocations, the insults, and the threats, for actions often utter louder and deadlier threats than words; consider all the past, and consider the warlike preparation of the deceased, and then determine whether he crossed that street without a purpose. But you are not left to the uncertain field of conjecture. The evidence makes his motives as plain as the light of the sun. The sinister movements of his hands make a perfect revelation of his designs. The cane was in his right hand as he passed over the bridge. Conner, a witness for the State, saw it, as well as Davis, a witness for the defense. Conner turned away and saw no more; Davis saw it shifted from the right to the left hand by the deceased, as he approached the prisoner. He saw that right hand, thus relieved of the cane, go back to the hip-pocket, and come in contact with a shining object, the polished handle to one of his pistols. Do I mistake the testimony? Would I dare do so, even if restrained by no higher motive than the success of my cause? Nothing is more dangerous than to attempt a fraud upon a jury. You have heard every word here uttered, and you quickly resent the effort of counsel to mislead you. No attempt was made to contradict Davis; this you know. Others profess to have seen the deceased while crossing the street, who were called by the prosecution. Why was not one of them asked in regard to the change of the cane? Because it was known to be true. There was no hope of contradicting this crushing fact. And the motion of the hand for the pistol is equally proven. Is there anything unreasonable in all this? He had be-



trayed active hostility on former occasions. Why not now? He was fixed for the affray; he never could be readier; he did not know the condition of the prisoner's mind; he did not know that in the prisoner's breast had been boiling a fierce caldron for the last thirty-six intolerable hours; he did not know that he was himself at that moment the one supremely horrible thought in Black's feverish brain. He thought to confront him unawares, perhaps to browbeat, degrade, and trample him under foot; perhaps to slay him where he stood. Colonel McKaig was a full man in years, large, commanding, and powerful in person. Crawford Black is slight, almost a boy in size, as in age. There was the contemptuous confidence of Goliath on the one hand, and the just cause and unquailing heart of David on the other.

Gentlemen, I need not read from books to inform you what the prisoner's rights were when he saw his mortal foe approach him, preparing with hasty strides to become his instant executioner. The law of self-defense is written in the heart of man more plainly and powerfully than in the pages of libraries. We here place our feet on its solid and eternal foundations. We build upon it a house of refuge for the prisoner, which will withstand the fury of the storm and the malice of his enemies. He was not called upon to retreat. I spurn the doctrine of being driven to the wall or the ditch, that odious doctrine of degradation, danger, and death to the assaulted party. Every inch of ground on which he stood was his own. Who had the right to command him to yield it? The free air around him was his wall, and he who sought to drive him further embraced the peril of his own lawlessness. Nor was the prisoner required to wait for the development of McKaig's designs upon him; he already had full notice. No shot or blow was necessary to make them clearer. He had the right to presume the bloody intentions of McKaig from his previous, as well as his present movements, and to act with promptitude. This is the law of the courts, and is sustained by the authority of reason. In it lies all the safety bestowed by the great principles of self-defense. The

whole panorama of the past flashed upon the mind of the prisoner at a glance, and called upon him to defend life, honor, sister, and home, without the delay of an instant. There was the destroyer, the insulter, and now the threatening assailant.

After carefully examining and comparing the testimony, I think any candid mind will agree that as the deceased stepped upon the sidewalk in front of the prisoner, they simultaneously drew their pistols. There are six witnesses who prove that McKaig had drawn when Black fired, and two of them were brought here, though not sworn, by the prosecution. The same number or more saw the pistol fall from his hand as the prisoner's first shot took effect. The cane fell from the other hand at the same time. As the evidence shows, the ball had taken effect in the side and had ranged near the spine, producing a shock to the nervous and muscular systems. The prisoner had been able to fire quicker than his antagonist from the fact that his pistol, as you have seen here, is self-cocking.

It is contended, however, that the deceased had not drawn, because Dr. Smith and some others did not see the weapon in his hand, nor see it fall to the ground. This is no proof at all; it is of a character which is always scouted from the presence of positive, affirmative evidence. What one man did not see is often seen by many others. Instances of this rule are very familiar in all the books. In this case, however, those witnesses who did not see the pistol in McKaig's hand, were also blind to his cane. Yet no one disputes that he had the cane. That is conceded by all. They say they did not see the pistol drop at the curbstone when the first shot was fired; but they admit also that they did not see the cane fall, and yet it is not denied by the prosecution that the cane fell there. If this negative testimony disproves the pistol, it likewise disproves the existence of the cane, although the cane and its fall from the hand of the deceased, the moment he received the prisoner's fire, are accepted facts in this case. But in this connection, why was Dr. Hummelshine not called by the prosecution? A strange and most lamentable feature

in a criminal trial is here developed ; it oppresses me with sorrow and apprehension. The suppression of evidence more extensive, systematic, and deliberate than I have ever known, here commences. Dr. Hummelshue's name is on the back of the indictment as the witness on whose testimony, and on whose testimony alone, before the grand jury, it was found. He has been here in obedience to the process of the State from the opening day of this court to the present hour. Yet the prosecution did not place him on the stand. The learned prosecutors closed their case without submitting to you the evidence on which the indictment was procured. Such an unnatural proceeding of course fixed our attention on this witness. We placed him on the witness-stand before you, and then it was discovered why he had been kept back. He saw the pistol fall from the hand of McKaig at the curbstone, into the gutter, when Black first fired ; thus proving conclusively that it was already drawn for action. These are the words of the original witness for the State. Was it not the clear, plain duty of the prosecutors to call him ? Do they wish to obtain a verdict against this young man by hiding the truth from you ? Do they wish to shed his blood by fraud ? Would they encompass his destruction by low artifice ? What explanation is possible here ? Have they not denied him the evidence in their own hands which demonstrates his innocence ? What is the object of a trial like this ? Is it the mere display of skill on the part of counsel in obtaining a verdict from you without scruple as to the means ? The stake here played for is a human life ; does the State of Maryland demand its sacrifice with only a partial knowledge on your part of the circumstances that have put it in jeopardy ? I appeal to you ; you represent this noble commonwealth to-day ; you have been mocked and trifled with ; you wanted the whole truth, and you had not received it when the prosecution closed and rested. They kept back a vital part and hoped we would never find it. Have you a favorable regard for such a prosecution ? Does it commend itself to you ? Those who ask and demand a verdict against the life of a fellow-mortal should do so with clean hands and pure hearts. I aim to say nothing

unkind of counsel, but not for all the land that lies between the swelling waves of the two oceans would I strive for the conviction of a human being, concealing at the same time within my own mind a fact which would justly acquit him if made known to the jury. Where, also, was young Clark, the boy brought here with so much pains by those who inspire the private branch of the prosecution? You did not hear him testify until we put him, another State's witness, on the stand. He saw McKaig's second pistol drop from the relaxed muscles of his hand when he fell. Out of the mouths of its own chosen supporters this prosecution stands condemned, and Crawford Black stands justified. But more than all this, you were not allowed by the State to know that the deceased was armed at all, that he had a single weapon upon him. The learned counsel for the State ceased their examination without suffering a word or a hint of the truth on that point to reach your ears. Yet they were possessed of all knowledge in relation to it. They not only knew the evidence of Hummelshine as to the pistol at the curbstone of the south sidewalk, but that another was also found by his side when he was raised up in the middle of the street, and the third was yet remaining in the holster of his belt. He was carried into Dr. Smith's office, where his heavily armed condition was disclosed; yet the doctor was not called in chief—only in rebutting, when we had proven all the facts that were within his knowledge by others. Then the brother of the deceased, Mervin McKaig, appears next in this wholesale suppression of proof. He took his brother's belt and pistols and disappeared. Turney picked up one in the street; a man, whose name was unknown to the witness Hall, picked up the other, and the holster yet contained the third. Why was Mervin McKaig made to remain silent in your presence from day to day throughout this entire trial?

This is without a parallel in the annals of criminal jurisprudence. I candidly and firmly believe that it is utterly without precedent in English or American history. The man who became the keeper of those weapons of death,

and who alone can tell their exact condition when the deceased fell, sits before you for two weeks, and opens not his mouth. The presumptions are all against a proceeding like this. Evidence that is suppressed is presumed to be injurious to those who suppress it. This is an ancient maxim of the law as well as a proverb of wisdom. You have a right to know the condition of those pistols immediately after the fatal affray. Were they all loaded, or had one barrel been discharged from the first or second one in the street? Is that the reason that Mervin McKaig made no explanation here? The defendant has the right to that presumption. The law gives it to him and you will not strive to withhold it. It is said that four shots were fired, and that the prisoner fired them all. Possibly it is so, but it would have been much easier to decide if the arms of the deceased had undergone the proper inspection and the result been detailed to you. There is a dark and cloudy spot here; all is not plain and fair; there is something to conceal and it is done. Two pistols have been produced here in the rebutting testimony as those of McKaig. How are they identified? Dr. Smith simply says they look like those he saw. Mervin McKaig, then, as now, present, could have removed all doubt by a word, but that word he did not speak. This strange and astounding plan for the conviction of a man by the suppression of facts, however, does not stop even here. Will some one tell me why Turney has remained dumb in this case? He has been here all the time, subpoenaed by the State, and doubtless ready to do his duty if permitted by those who brought him here. Several persons have testified that he was seen to take a pistol from the street after the deceased was removed. His name has been repeated over and over again in your hearing, and the fact that he himself was not brought forward to explain his own conduct and to inform you of the condition in which he found that fire-arm, is damning and overwhelming to this prosecution. You should not move a single step toward a conviction. You should not even consider the testimony produced for that purpose. You should stop at the very threshold, and say to the State:

“You have withheld vital and important facts that were under your control; you have not dealt fairly with us or with the prisoner at the bar, and yet you ask us to imbrue our hands in his blood. We decline and utterly refuse to join in such practice, and we dismiss your proposition as an insult to our intelligence and sense of justice.”

But it has been urged, and will be again, that after the first shot the prisoner might with safety have ceased firing before he did. The perforated coat will be displayed in your sight, and a tongue of vengeance made to speak from every rent. But if Black had reason to believe that McKaig was seeking his life, and was amply prepared to take it, at what point of the conflict was he to pause, and say that the future was secure? He had seen the deceased come to meet him. He witnessed the shifting of the cane, the right hand in deadly preparation upon the pistol, and the act of drawing, all before he commenced his defense. Was anything more needed to convince him that the awful moment had arrived when one or the other must fall—when the fight was to be to the death? And with such bloody hostility proclaimed by the deceased, the prisoner was not required to cease the strife that had been forced upon him until he knew that his adversary was disabled and rendered incapable of further attack. Such is the written law of the land as administered in its courts of justice. I announce this in the hearing of their honors on the bench as one of the great cardinal doctrines of self-defense. Without it, indeed, there would be no self-defense. It would be a delusion and a snare. When, therefore, McKaig, as described by George Garner, sprang into the street after the first fire, and put his hand behind as if to draw another weapon, Black had no reason to believe that his life was yet safe. He could not know that the deceased was hit at all. He still stood and endeavored to continue the fight with the abundant means that were upon him. There was no security or peace for the prisoner until McKaig fell. If McKaig moved from Black, the evidence shows that it was only for the purpose of obtaining time and opportunity to draw a second pistol. Under these

circumstances, was the prisoner to cease firing and allow the deceased to turn and fire upon him when he got ready? The deceased, in fact, did turn, and fell with his face toward the prisoner and with the pistol, afterward found by his side, in his hand. His arm had become nerveless, and it was too late for him to execute the last purpose of his life. And as he fell, the last scene in a long drama of secret sin and open shame, of private grief and public ruin, was closed by the sudden pall of death. But as that stalwart form lay there under the early sun of that morning, and as the liberated spirit ascended to the great fountain of life on high, what accusing word of guilt could it bear to the dread presence of a righteous God against Crawford Black. Wherein is his offense against the laws of man or the majesty of heaven? Would you have him avoid the encounter that was sought, abandon his right to the highway, and turn and flee from the face of his enemy? The laws, human and divine, make no such demand, nor does the history of your State. The fame of Maryland is glorious and full of honor in peace and in war. She is a child of the Revolution, and its baptism of fire and blood rested upon her head. Her sons are reputed brave, and her daughters beautiful and virtuous, wherever her name is spoken. The Maryland line met the scarlet uniform and the glittering steel of England, from the darker hours of Bunker Hill to the triumphant glory of Yorktown, in behalf of personal as well as national independence. With what pride you can point to that long and brilliant, though bloody record; it has extorted terms of eulogy from the pens of even reluctant historians and commanded the admiration of posterity. Nor has her soil in modern times bred the spirit of cowardice. She has not infused it into the veins of her children, and no dastard's example is in her escutcheon to tempt the prisoner to flight and dishonor. He but stood his ground, as his fathers did before him, against the armed destroyer of life and the ravager of peaceful homes.

At this stage, however, of this dark and melancholy affair, the bitter cry, wrung at last from the prisoner's

heart, is caught up by the prosecution and urged against him. Yes, when he saw McKaig fall, his lips broke forth for one brief utterance as if touched by the spirit of retributive justice. He thought no more of his own danger; he was unconscious of the peril of his own life, as the image of his poor sister, torn from her high estate of virtue, and then spurned and trampled upon, rose before his inflamed vision. It is said that the dying have a swift and far-reaching glance of the realms and records of time, but not more so than this prisoner at that supreme instant had of the pure-faced playmate of his childhood, now the prey, the sport, and the scorn of human perfidy—once wandering by his side in the early dawn of their lives; then expanding into womanhood like a “flower in flushing, when blighting was nearest;” then plucked by the ruthless hand of the seducer from the garden of honor, and flung away in a little while, withered and dead. He beheld, too, the sweet, bright home of other days, when his loving mother smiled in her narrow, but happy and untainted domestic circle; when her days and nights were not filled with weeping, and her face was not furrowed with tears; when her voice was not lifted up with lamentations more bitter than “the wail above the dead;” when his father’s brow was not bent before the gaze of men because the deceased had covered it with the mildew of shame; when he himself looked forth upon the enticing career of manhood with a proud, high heart and an unblemished name. All this came as a flash upon memory, illuminating all the dear objects of his existence, and then giving way as suddenly to the worse than midnight darkness of the present hour. In the twinkling of an eye all was changed, and home, and sister, and father, and mother, and his own youthful hopes and pride, all lay together before his eyes in a heap of ruin and misery. The imprisoned pangs of his soul burst forth, and he spoke the fulfillment of human and divine justice. He announced the execution of the decrees of God and man; he proclaimed the fate of the man who had ruined his sister, and pursued her father as a felon because he resented her destruction. Though his own life had been assailed, though



he had justly stood upon his defense, yet his tongue gave the true interpretation of the reason that his adversary had fallen. "The wages of sin is death," and they had been earned, and were now paid. Am I told that there is no law by which he who rifles a home of its most precious treasures shall be slain? Am I told that the prisoner announced a sentiment for which he should die, when he declared his sister's ruin to be the cause of that bloody scene? With magnanimity he waived all considerations of himself, and thought only of those dearer to him than life. For this shall he sup the horrors of a conviction at your hands? What more did he do, even if no principle of self-defense shielded him, than others have done in every age and in every clime? The Christian and the pagan tribes of men alike give him their examples and their support. Examine all that is left, all that can be found in every distinctive period of history since the great flood of mankind commenced to flow from a single family in the morning of time, and, with the exception of now and then a licentious reign like that of Charles II. of England, where the object was to cheapen female virtue and license the unbridled lust of the court and its infamous favorites, you can find no precedent for the punishment of the prisoner, no authority to lay your hands upon the defender of your firesides and the protector of your homes against the common enemy of the human race. And I here, in this solemn presence, with the dread issues of life and death intrusted to my care, declare, as far as my voice will reach, that he who invades the sanctuary of a home, imposes the impurity of his debased and brutal desires upon the presence of innocence, breaks the charm and halo of virtue, and defiles the altar of domestic life, forfeits his right of abode in the midst of human society, and deserves to die. The husband's hand is thrice armed for his destruction, the father rises against him in paternal majesty, and the brother may scourge him from the face of the earth wherever he is found. His offense is beyond the reach of pardon, and appeals to heaven and earth combined for redress. It is rank with crime, and invites the lash of chastisement from

every virtuous quarter. Nor is this doctrine without that same powerful sanction of which the mighty common law of England was born. That vast and splendid structure is simply the offspring of the customs and usages of the people of the British empire. Its broad and enduring foundations rest upon the long-continued habits and practices of an enlightened race and nation. It springs from the consent and approval of centuries. Has not the principle for which I contend the same great support? Is it not a common law within itself, the eldest born of all laws, antedating the days of Edward the Confessor and Alfred the Lawgiver, as wide-spread as the light of history, and as universal as the nations of the earth? Has it not the sanction of Jehovah himself in the case I cited from the pages of sacred history? Did it not blaze forth from the heights of Sinai to the uttermost boundaries of space and time? The death of the seducer and the adulterer was decreed in the high courts of heaven when the ages were in their infancy, and the decision has been followed wherever the marriage couch has been spread and the family tie has been woven. The usages of civilization; the uniform conduct of men at the same moment of time, and in different and distant parts of the globe; the rulings of judicial tribunals, and, above all, the unvarying, unbroken chain of verdicts rendered by juries since the beginning of human jurisprudence, have all combined to establish and consolidate the fatal but just decree. Modern ages have lent their sanction to the customs of antiquity. The span of our own lives in these latter days is crowded with illustrations of the great truth which I lay before you. American history has its faithful story to tell, as well as the annals of the family in Israel, and of every civilized coast and tribe from that hour until the present day.

A quarter of a century ago, there occurred in Philadelphia, the city of meek and peaceful antecedents, a full and perfect test of this common law of homicide where a seducer is slain. The Singleton-Mercer case rang out upon the ear of the world as a note of safety to the young and confiding members of virtuous homes, and of warning to those pol-

luted and polluting wretches who look upon woman in the same debasing spirit with which Satan, prowling amidst the splendors and the innocence of Paradise, looked and leered with lustful eyes upon the unsuspecting and angelic movements of Eve. No ingredient of self-defense was there. The bald and naked issue was presented. The arm of the brother was made naked, and his right hand red in the defense of his sister's honor, and a jury of the vicinage and a jury of the world acquitted him with universal acclaim. The District of Columbia has the case of Jarboe with the same unerring and philosophic result. California spoke within the last two years; and the great central State of Ohio makes her recent contribution in the case of McQuigg and his sister. I might multiply until I would degenerate into the simple narrator of a catalogue of events and names well known to you all. And when we mount up to the unclouded regions of impartial reason and natural right, why should not this rule against vice and on the side of virtue prevail? What mitigation can be offered for the conduct of the most evil monster produced from the lowest and most depraved elements of our fallen humanity? Can his crime be lessened or brightened by comparison with any other that darkens our brief pilgrimage beneath the stars? If the door or window of your house is broken, for an article of the meanest value, you may take the life of the burglar. It is only your house and its material contents that are in danger, but so tender is the regard of the written law for property, that you may arise and slay to defend it. Do your dwellings contain nothing more valuable and sacred than silver and gold? Are there not gems this moment in the circle of your households, whose luster you would not have tarnished or their presence torn away for all the glittering treasures of the Golcondas, the Californias, and the Perus? Wives and daughters and sisters are there, and the loss of one to the embrace of dishonor would rend your hearts in twain, and plant a poison in the cup of life which would never cease to rankle until the grave gave you peace. Yet it is contended that for the criminal monster who might thus destroy all for which you

live, and make life itself one long-continued and unbearable anguish, there is no personal punishment, no pain for him to suffer; that he may walk your streets in peace and security, and spend his days in ease and comfort, while his victim, pale and wasted with sorrow, is sinking into an untimely grave in some lonesome and secluded spot where she lies hidden from the un pitying eyes and unfeeling scoffs of the world. His crime is a thousand-fold blacker than murder, yet there are no prisons or scaffolds for him. For the betrayed and ruined woman there is nothing left of life except the pain of living. The joy of existence never comes again. When we see the autumn leaf falling to the ground, and the white shroud of winter spread over the face of the fields, we are blest with the certain hope that the soft air of spring will, after a little while, come back to us and renew in our midst the splendors of this beautiful world; that the fresh greensward, adorned with flowers, will again spread at our feet, and the deep foliage of the forest will weave its bright canopy over our heads. But to the soul that has loved, trusted, and lost, there comes no second spring. The solemn sky of autumn and the chilling winds of winter alone remain to her. No glad and golden summer awaits her in the future. A scorched and barren desert without verdure, without tree, or plant, or blossom, or shrub, or one single cooling fountain at which to rest in all the desolate pilgrimage, lies before her tired and faltering footsteps. She makes the rest of her journey, too, alone. The leper's taint is upon her in the eyes of the world, and friends fall off and avert their faces. And, with such a spectacle as this before you, are you willing to say that the man who thus curses the entire existence of one whose sole offense has been her blind, unreasoning devotion to him should pass unscathed and unwhipped of justice? Such a decision would spurn and trample under your feet the holiest and tenderest interests, affections, and loves of humanity, and would blaspheme all the attributes of a just and righteous God. Does some one, however, who is careful of the life of the destroyer, profane this subject with a suggestion of damages as a measure of legal

redress? The bare thought stifles an elevated nature with feelings of loathing and disgust. Who can estimate the value of family honor? Who shall lay a price on domestic happiness? Who shall remunerate you for the stolen and defiled members of your household? As well might you attempt to fix the value of a lost and ruined soul in hell. "What will a man not give for his own soul," and will he not give the same, or even a higher ransom, if need be, for the salvation of wife, mother, daughter, and sister? Without them, in their purity, the regions of time and earth would be filled with fiery tortures, and the condition of the fallen spirits in eternity could be no worse. Can you pay the husband for his wife, the son for his mother, the brother for his sister, and the father for his daughter? Can you make atonement to the heart-broken woman herself for violated vows and wanton perfidy? Can she or any of those that love her be redeemed to their original estate by the assessment of damages? A division of property between the social outlaw and his prey may be just, but, as a mode of punishment, it is vain and void of meaning. Who, also, would have such gain? If a judgment was taken in favor of the husband or father, in whose behalf an action lies, what a revolting acquisition to his fortune it would be? In what way would he expend it? If the husband invests it in "ships that go down to the sea," he makes his ventures into foreign lands and distant waters upon the wages rendered him by a jury for his wife's infamy. He traffics upon the honor of her whose dear and precious head once laid in its sweet sleep of fidelity upon his confiding heart. If his argosies come home from successful voyages, they are freighted with gains founded upon the dishonor of his bed, the debasement of his name, and the overthrow of all his fireside gods. His bills of lading stare at him as the reward of his submission to the lowest depths of degradation ever fathomed by the most abject spirits of the human race. The articles of merchandise, which he unpacks and offers in exchange at his counter, would salute him with the taint of moral death and remind him perpetually of his hideous bereavement. The ghost of his mur-

dered peace would arise and confront him wherever he turned.

If the father accepted a pecuniary award for the shame of his daughter, it would bitterly mock him in all the after years. In what channel of trade would he embark with the proceeds? If he bartered them for lands, his growing meadows, his waving corn, his ripening wheat, and flocks and herds upon his hills would seem to be flourishing over the dishonored tomb of his lost and undone child. His soul would sicken at the sight of his own prosperity springing from such a source. He would turn away, and, though filled with the peaceful precepts of our holy religion, he would invoke the death of the seducer and pray for the blessings of Heaven to rest upon the hand that smites him in his career of wickedness. This is the universal law of the human heart, and the prisoner at the bar simply proclaimed it when he slew the deceased. Such is the meaning of his exclamation when tried by all the experience, instincts, and reason of mankind.

And now, gentlemen, my labors are drawing to a close. I have endeavored to treat plainly and fairly all the material aspects of this painful and most important case. If there is guilt in the conduct of the prisoner, I have not found it. Soon you will discharge the most momentous duty of your lives. In a few hours more you will determine whether Crawford Black shall live or die. There is no intermediate point for one like him. If he is guilty at all, he tells me to say to you that he anxiously and earnestly desires the extreme and fatal penalty of the law. I join in that solemn and awful request. That untainted and unsullied spirit must not herd with hardened felons, or taste the fearful degradation of the penitentiary. The odious garb of the prison was not made for such a form as his. Far rather would I bid him farewell forever on the scaffold than to know that he lived with the stain of infamy upon him. But I will not indulge in such gloomy forebodings. I believe that you approach a cheerful and pleasing task. I believe that your faces will be radiant with happiness as you restore the prisoner to life, liberty, and the embrace

of his weeping parents. They reach forth their eager arms to carry him home. They have been lonely, very lonely there for many months. This mother has wept like Rachel for her children because they were not. One has been taken—the spoiler's prey; you will not take the other also. As the aged father in Israel clung to Benjamin when Joseph was gone, so do these afflicted parents yearn for their good and dutiful son, and long to clasp him, free and unharmed, to their bereaved breasts. In full confidence that by your verdict you will grant this blessed privilege, reunite this broken family, and solace their wounded hearts, as far as it may be done by human power, I surrender all, all into your hands. Accept my thanks, each one of you, for your kind and patient attention; and allow me to tender you my best wishes for your future welfare and happiness.

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The trial of Harry Crawford Black continued through ten days, and was conducted by the following named gentlemen for the prosecution: Hon. Milton Whitney, of Baltimore; Hon. Isaac D. Jones, Attorney-General of Maryland; Hon. Francis Brengle, Prosecuting Attorney.

For the defense: Hon. D. W. Voorhees, of Indiana; Hon. A. K. Syester, of Hagerstown, Maryland; Fred. J. Nelson, Esq., of Frederick City, Maryland; Hon. Lloyd Lowndes, of Cumberland, Maryland; Wm. M. Price, Esq., of Cumberland, Maryland. Hon. W. P. Maulsby, Chief Justice, presided, with Hon. John A. Lynch and Hon. J. Veirs Bowie, associate judges. The jury retired at five minutes of three o'clock on the tenth day, and at four o'clock returned a verdict of "Not Guilty," amidst the wildest enthusiasm.

## PLUNDER OF ELEVEN STATES BY THE REPUBLICAN PARTY.

[A speech delivered in the House of Representatives, March 23, 1872.]

MR. SPEAKER:—The condition of many of the States of this Union excites to-day the mingled pity and indignation of the civilized world. They are the theme of sorrowful and of bitter comment wherever the channels of human intelligence penetrate. They engage the attention of all the departments of this government. Executive proclamations spread evil tidings about them, and hurl every principle of their liberties, every muniment of their safety, to the ground. Congress enacts laws against them, which utterly destroy every vestige of freedom, and forge and rivet on their helpless limbs the fetters of despotism. It also sends forth its powerful missionaries of mischief in the form of committees, backed by the money and the power of the government, whose labors are to blacken the character and fame of their people, under the guise of official investigations and official reports. The head of the Department of Justice, the late Attorney-General—he who led his people into the war, and then returned to plague and lay waste the hearthstones of his followers—superintended in person the inquisition and the torture inflicted upon the descendants of those who fought in the battles of the Revolution. The army of the United States, in a time of profound peace, is launched like a bolt of destruction into their midst. It is engaged in seizing, without sworn charge or warrant of law, the youth, the middle-aged, and the gray-haired grandsires, in the sanctuary of American homes, and driving them like herded beasts into crowded prisons. The odious service of Claverhouse, Kirke, and Dundee, in the bloody oppressions of Scotland, which gave



their names more than a hundred years ago to the everlasting execration of mankind, is being repeated hourly on American soil. And the President himself, in his recent message, prepared, as he says, in haste, as if he had affairs of greater importance to engage his attention, yet found time to give his sanction to all this, and to add his malignant mite to the general arraignment and accusation.

Surrounded and confronted by this disastrous state of public affairs, I rise to address this House in behalf of free institutions, of impartial justice, and of the oppressed and outraged citizen, wherever his home may be planted. I shall speak by the authority of those who sent me here. To them I am beholden for all that I am, and to them alone I acknowledge myself responsible in this world for what I utter on this floor.

Sir, who has filled one-third of the boundaries of this Republic with all the curses and calamities ever recorded in the annals of the worst governments known on the pages of history? Nearly seven years ago, blessed peace, like a merciful, white-winged angel, came to the land. Who, since then, has poured upon the unresisting and helpless South the floods of disorder, corruption, bankruptcy, crime, oppression, and ruin? Every result has its distinct and specific cause in the moral and political world as well as in the mathematical realms of the physical sciences. The greatest thinker and writer of the present century has said :

“In the moral world, as in the physical world, nothing is anomalous; nothing is unnatural; nothing is strange. All is order, symmetry, and law. There are opposites, but there are no contradictions. In the character of a nation, inconsistency is impossible. Such, however, is still the backward condition of the human mind, and with so evil and jaundiced an eye do we approach the greatest problems, that not only common writers, but even men from whom better things might be hoped, are on this point involved in constant confusion, perplexing themselves and their readers by speaking of inconsistency as if it were a quality belonging to the subject which they investigate, instead of

being, as it really is, a measure of their own ignorance. It is the business of the historian to remove this ignorance, by showing that the movements of nations are perfectly regular, and that, like all other movements, they are solely determined by their antecedents. If he can not do this, he is no historian. He may be an annalist, or a biographer, or a chronicler, but higher than that he can not rise, unless he is imbued with that spirit of science which teaches as an article of faith, the doctrine of uniform sequence; in other words, the doctrine that certain events having already happened, certain other events corresponding to them will also happen."

But this great doctrine of uniform sequence, of cause and effect in all things, has even yet higher authority than the powerful and philosophic Buckle, or than any other earthly sanction. When the traveler over desert plains find a cooling and healthful stream, he knows there is a fountain of sweet waters above; but if the stream is impure and poisonous, it needs no argument to convince him that the source from which it descends is likewise bitter and unclean. The apple and the pomegranate, the olive and the grape, all proclaim by their own good qualities the generous and bounteous trees and vines on which they grow; but the noxious weed, the deadly creeper, and the useless bramble furnish no such evidences of their merit and worth to the husbandman. And when the mighty Nazarene made his brief but awful sojourn upon earth, he pointed to these productions of the laws of nature, and proclaimed, not merely to his followers in Judea, but to the people of all the continents and all the islands of the seas, and to the remotest generations of mankind, that the same unerring certainty also existed between the visible results of human conduct and the absolute causes from which they arise. He warned the whole world against false, corrupt, and plundering leaders of the people, and announced the means by which their spurious pretensions shall always be determined:

"Ye shall know them by their fruits. Do men gather grapes of thorns or figs of thistles?"

“ Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit.”

Let this unchangeable standard of truth, established by the physical and the moral sciences, and sanctioned by the voice of Divinity, be applied to the party now in power, and to its unbridled and unrestrained dealings with the people and the States of the South. Who has planted and nurtured the thick growth of thorns and thistles there? We have heard endless speech here and everywhere in regard to the fruits of the war. By whose wicked devices have they been turned into apples of Sodom and of the Dead Sea, and been made to mock the hopes and the expectations of the anxious beholder? By whose conduct and policies has every blessing of free government been scourged from the face of a country containing over twelve million people and larger in extent than many of the foremost powers of Europe? I call upon the majority in this House to answer. Have you not had all power from the beginning of what you call reconstruction over that subject? Has there been anything wanting to your absolute authority? What has stood in the way of your wishes, your partisan plans, your lawless fanaticism?

The constitution has been no restraint upon your actions. It has been trampled under foot, dwarfed into a dead letter, or widened and extended by fraudulent amendments, according as the unscrupulous purposes of a powerful party would be best promoted. To quote the dear and hallowed principles of that immortal instrument here now is only to excite the displeasure and the sneers of those who are bloated and overgrown with the insolence of office and a long lease of power. To express a reverence for those who bought its original draft with their blood, and to hold it up as it was before the hand of modern vandalism had assailed it, is denounced as treason. This great charter of liberty has not even been a stumbling block to your feet in your swift encroachments upon the rights of all the people and the States of this Union, and especially upon those of the South. You have taken all the powers it gave you, and you have usurped every power you desired besides. No

law, however revolutionary, barbarous, and destructive, was ever found, by your construction, to be in conflict with its provisions, if it was demanded by the interests of your party. Your own will, without let or hindrance from any quarter, has been the measure of your legislation.

The army of the United States has also been made ready and obedient to your command. It has been the irresistible instrument with which to execute your pleasure on a prostrate people. You say, "Go, and it goeth; come, and it cometh;" and nothing has withstood the accomplishment of your purposes.

The purse of the nation, too, has been in your grasp, as well as the sword. The tax-payers of America have toiled for you as the serfs of Russia have not for their rulers. Their streaming floods of golden tribute have been poured into your coffers with every motion of the pendulum of time. You have taken the laborer's earnings and lavished uncounted millions on your baleful schemes of government under a southern sky.

You have likewise controlled Presidents. When one of your own election rose up and stubbornly confronted you with your own precedents and solemn committals in regard to the inviolable existence of States, and their perpetual right of representation, you sought his overthrow and ruin with a fury and a hate until then unknown in the history of legislative bodies. While you barely failed to hurl him from his place, you were completely successful in rendering him powerless to execute his policy, or to prevent you from executing yours. This House was purged in a memorable way, in order that you might have the two-thirds majority with which to pass unconstitutional laws over presidential vetoes. Expulsions of members took place under the thin and flimsy guise of contested elections, until the minority here was sufficiently depleted, and you became paramount over the executive, and absorbed all his official functions. Lawless legislation then broke loose upon him, by which he was bound hand and foot, and made as powerless as a manacled prisoner in the depths of a dungeon. Andrew Johnson no longer divided with you the responsibility of the

government; you wielded it alone. The executive who has succeeded him, submits willingly and unconditionally to whatever Congress may propose. You hold all his powers in your hands and level them against any liberty or right of the citizen which you may wish to destroy. He avows his purposes to run any career you may point out to him, with no more mind of his own than the orderly who holds his horse. I pause not now to ask how you obtained this degrading control. Whether it is the cunning of a vaulting ambition on his part, which, with a pretended humility, has been known to push aside the imperial crown in order to be a little further persuaded, or whether it springs from his ignorance, matters not for the purposes of my present argument. The great fact that you possess all the powers and control all the departments of this government is what I demonstrate.

The federal patronage, with its immense and corrupting influences, has also come into your hands with the surrender of the executive. The venal and the mercenary have been seduced into your support by your offices and your profligate expenditure of the public money, while the timid have been overawed by the bayonet and the cannon. Every appliance by which men have ever been subdued to tyranny has been held and used in profusion by the party now in power, from the day that the war closed on the bloody soil of Virginia until the present hour. In proof of this, let the specific details of long-continued usurpation, evil government, and maladministration be presented to the candid judgment of the country.

Sir, the absolute destruction of free institutions from the Potomac to the Rio Grande commenced with the earliest dawn of peace. Sherman received Johnston's surrender upon the precise basis on which the war had been prosecuted at every stage. He stipulated that the soldiers of the South should lay down the arms of their unequal warfare, return to their States, whose existence had not then been denied, and resume the pursuits of industry where they had left off, subject only to the destruction of slavery, which was wrought by the movements of armies,

and not by proclamations. He had more than a thousand precedents in the deliberate and recorded actions of this government for his conduct. He was sustained by both branches of Congress in innumerable ways; by four years of incessant and voluminous legislation, by the enactment of apportionment laws throughout the States whose people were in rebellion, by districting them for judicial purposes, by levying upon them direct taxes as members of the Union under the constitution, by the constant reception of their representatives on this floor and in the Senate, by the most solemn and binding joint resolutions, and by every other mode in which this department of the government can commit and pledge itself. He was upheld by every document also to which the name of the executive was attached during the war—by every message, inaugural, proclamation, and order of that prolific period. The courts added their weighty sanction, from those of the lowest and feeblest jurisdiction to those of the loftiest pretensions and powers. No government in the wide-spread history of the nations of the earth was ever under voluntary and self-imposed obligations of greater force and magnitude. The word and the honor of the Republic had been plighted over and over again to its own citizens, and in the sight and hearing of the civilized world. The moment, however, that resistance ceased, and the way was opened for the long pent-up purposes of revolution, centralization, and rapine, the party in power broke with shameless haste its most sacred faith, flung aside the mask it had worn for years, admitted that its previous pretensions and promises were fraudulent, and clamored with wild ferocity against the hero of the march to the sea because he had believed they were true and sincere, and had acted on them. The terms which Sherman gave to a fallen foe had often been tendered to that foe before he fell; but they were now madly thrust aside in the hour of victory, and the general himself denounced far and wide as a traitor to his country. The hue and cry was raised against him as if he was a fleeing fugitive from justice. That memorable and disgraceful outburst can not be cov-

ered with oblivion. It more resembled the enraged scream of a beast of prey about to be baffled out of its victim than the reasonable expression of human beings. The victim, however, was surrendered to the clutches of an inflamed and victorious party, and the work of demolition and ruin was at once commenced. From turret to foundation you tore down the governments of eleven States. You left not one stone upon another. You rent all their local laws and machinery into fragments and trampled upon their ruins. Not a vestige of their former construction remained. Their pillars, their rafters, their beams, and all their deep-laid corners, the work of a wise and devoted generation of the past, were all dragged away, and the sites where they once stood left naked for the erection of new and different structures. You removed the rubbish, pushed the army into the vacant ground, established provisional governments as you would over territory just acquired by conquest from a foreign power, and clothed brigadier and major generals with extraordinary functions as governors.

This was the beginning of the present organizations—those odious and unsightly fabrics which now cumber the earth, and which stand as the open, reeking, and confessed shambles of corruption, pollution, and revolting misrule. They embrace not one single element of popular consent. They are the hideous offspring of your own unnatural and unlawful force and violence. The great body of the people of that unfortunate section had no more share in the rebuilding of their local governments than the sepoy of the East Indies have in the affairs of the British empire. They were excluded from all participation by the most elaborate and minute schemes of legislative proscription of which history makes any record.

The first duty of the provisional governments which you established was to call conventions to frame new constitutions for these old States, and to prepare them for re-admission into that Union from which you had sworn so often and so solemnly that no State could ever withdraw. These conventions were provided for by laws enacted here. The number and the quality of the delegates to them were

here specified. Who should be eligible and who ineligible was your work, and not the work of the people who were to be governed. You not only said who should be elected, but you likewise determined who should elect them. You fixed the qualifications and the color of the voters. You purged the ballot-box of the intelligence and the virtue on which alone popular liberty can be safely founded, and you admitted in their stead the suffrage of the most ignorant and unqualified race now inhabiting the globe.

Mingled with this dark and turbid tide of dense ignorance came all the vices of this lower race, together with the crimes of a more powerful and a more profligate class, with pale faces, from the North, now and then receiving their worst recruits from the apostates of the same complexion in the South. You winnowed the threshing-floor, but you rejected the wheat. You accepted the tares, and sowed them, and now you curse the soil because you have reaped nothing but tares for your harvest. You built upon a foundation of shifting sand, and now you rail at everybody but yourselves because the house has not resisted the winds and the rains that have beat upon it. When these conventions met, they represented the wretched constituency which spoke them into existence, and they went to their servile tasks with the bayonet of the federal government at their throats. They sat, in every instance, within point-blank range of shotted cannon. The delegates crept about and framed constitutions with the eyes of military governors upon them. The sword rested lightly in its scabbard, and was ready to leap forth at any moment and upon the slightest pretext to assist in devising fundamental laws for a people said to be free. The State constitutions that were thus created and thrust upon the country could not fail to partake of the depraved nature of their illegitimate origin. They sprang from the loathsome union of ignorance, vice, and despotism; and they have inherited many of the ugliest features of each one of their progenitors. The despotic principle is strongly marked in them all. It is there in obedience to the mandates of federal power, as well as in



accordance with the character of the instruments who were used to fasten it upon American citizens. Proscription and ostracism are the leading elements of every State government in the South. Intellect and virtue, public and private worth, spotless character, splendid attainments, graceful culture, and the experience and wisdom of age were all passed by under the reconstruction of violence and fraud. Those who were possessed of these traits and acquirements were pushed aside, and made to give place to the most degraded classes of mankind. The people were not allowed to select their official agents from among those who were qualified for public station, but were driven into the purlieus of ignorance and vice to choose their rulers.

In the reorganization of all the States whose present condition is matter of such sore complaint and such bitter accusations, the dominant party here, and in those States, excluded from office and deprived the people of the services of every man who, by his talents, industry, and integrity, had sufficiently acquired the confidence of his fellow-citizens before the war, to be made governor, secretary, auditor, or treasurer of state; attorney-general, judge, clerk, or reporter of the Supreme Court; superintendent of public instruction, member of either branch of Congress, or of the legislature of his state; clerk, sheriff, treasurer, auditor, or recorder of his county; judge of a probate court, whose jurisdiction follows the inevitable footsteps of death, and whose functions are those of benevolence toward the orphans and the widows of the human race; justice of the peace, or constable of his township, or notary public. Every man who had been called in former days to fill any one of these stations, and many more that might be enumerated, and who, during the conflict between the sections, was clothed with the slightest responsibility or charged with the smallest official duty by those with whom his destiny and his home had fallen, was marked by the blight of ineligibility, and like the leper of old, it was made a crime for the people to again reach forth to him the hand of friendship, confidence, and support. Even the

sacred instincts of human nature became disqualifications for office. The ties of kindred were made criminal under this new and revolting system. He who gave a cup of cold water and a crust of bread to his thirsty and famished son, under arms for a cause which he believed to be right, and for which he was willing to die, was branded with dishonor, and driven out from the councils of his countrymen. The loving mother who sheltered her weary and wounded boy, laid him in his own familiar bed at home once more, kissed his feverish lips, wiped away the gathering dews of death, and with a broken heart closed his dear eyes forever, was condemned for these acts of angelic ministering, and incurred the penalties of confiscation. He who dismounted and gave his horse to a brother in the moment of danger and close pursuit; the sister who wrought and sent clothing to him on the toilsome march; the maiden who prayed for her lover as he lay dying in the Wilderness or at Stone river, all fell under a common curse. Even the white-haired grandmother of fourscore years, whose youthful husband perhaps was at the Cowpens, Eutaw Springs, and Yorktown, or, may be, fought under Jackson, at New Orleans, in the war of 1812, was deprived of her pension, that small morsel of bounty from an ungenerous government, if her heart yearned, or her aged hand was extended in sympathy, to her children and her children's children on the plains of the South. A more sweeping and universal exclusion from all the benefits, rights, trusts, honors, enjoyments, liberties, and control of a government was never enacted against a whole people, without respect to age or sex, in the annals of the human race. The disgraceful disabilities imposed upon the Jews for nearly eighteen hundred years by the blind and bigoted nations of the earth, were never more complete or appalling. Who denies a single statement I make? I challenge and defy contradiction. Every fact that I here proclaim is contained in the laws and in the recorded transactions of this government, and will constitute, "after some time be past," and the passions of the present have subsided, the most frightful

and crushing arraignment which history ever summed up against a ruling political party.

Sir, shall a people thus bereft of every attribute of self-government, be held responsible at the bar of public opinion, or at the judgment-seat of God, for the consequences which have overtaken them? If so, then the doctrine of free agency, in measuring the accountability of man, is a snare and a delusion. As well might you go to the galley-slave, and accuse him of the misrule and the tyranny which chained him to the oar. As well might you denounce the banished exile in the snows of Siberia for the despotism of the Russian czar. With the same propriety you may visit the prisons of all lands, and rail at their inmates through the iron-grated windows, on account of the evil administration of the governments to which they belong. The fierce and marauding highwayman with the same justice can accuse his victim, at whose head he presents the loaded pistol, of obstructing the public road. The story of the wolf, with his false accusation against the lamb, and of the prompt manner in which he tore the helpless and unoffending thing to pieces for muddying the stream from which he drank, although it stood by the brink of the waters far below him, is familiar to us all, and is being re-enacted at this time on a vast scale in American history. The stream has been defiled by the party now in power, and it rends and tears the unresisting people of the South for its own offense. This shall no longer be done without exposure and warning to the country. I call upon that party to assume its just responsibility, and not to shrink back now from the bad eminence it has attained in the conduct of Southern affairs. To it much has been given, and from it much is demanded. More than the ten talents have been intrusted to its care, and the present and future generations will exact a rigid account at its hands. But now, as the ghastly and hideous results of its control in the South appear on every square mile of that oppressed and plundered section, it starts back with horror and disclaims its own offspring, the fruits of its own unholy rapine and lust. With pale lips and affrighted

mien it ejaculates, "Thou canst not say I did it." But the deeds which it has committed are of imperishable infamy, and they will not down at its bidding, nor can all the waters of the ocean wash away their guilty stains.

Having, however, now shown where the absolute, thorough, and minute management of every interest, right, and privilege of the Southern States and their people has been lodged during the whole process of pulling down and rebuilding their local governments, I shall proceed next to call upon the results which have followed.

Let the great State of Georgia speak first. The preparations which she underwent were prolonged, elaborate, and complete. The work of her purification was repeated at stated intervals until she was radiant and spotless in your eyes. One reconstruction did not suffice. You permitted her to stand up and start in her new career, but seeing some flaw in your own handiwork, you again destroyed and again reconstructed her State government. You clung to her throat; you battered her features out of shape and recognition, determined that your party should have undisputed possession and enjoyment of her offices, her honors, and her substance. Your success was complete. When did the armed conqueror ever fail when his foe was prostrate and unarmed? The victim in this instance was worthy of the contest by which she was handed over, bound hand and foot, to the rapacity of robbers. She was one of the immortal thirteen. Her soil had been made red and wet with the blood of the Revolution. But she contained what was far dearer to her despoilers than the relics of her fame. Her prolific and unbounded resources inflamed their desires. Nature designed Georgia for the wealthiest State in this Union. She embraces four degrees of latitude abounding with every variety of production known to the earth. Her borders contain fifty-eight thousand square miles, eleven thousand more than the State of New York, and twelve thousand more than the State of Pennsylvania. She has one hundred and thirty-seven counties. The ocean washes a hundred miles of her coast, provided with harbors for the commerce of the world. Rivers mark her surface,

and irrigate her fruitful valleys from the boundaries of Tennessee and North Carolina to the borders of Florida and the waves of the Atlantic. All this vast region is stored with the richest and choicest gifts of physical creation. The corn and the cotton reward the tiller of the soil, and coal and iron, tin, copper, and lead, and even the precious metals, gold and silver, in paying quantities, await the skill and industry of the miner. This is not a picture of fancy. The statistics of her products even heighten the colors in which I have drawn it. Georgia was the fairest and most fertile field that ever excited the hungry cupidity of the political pirate and the official plunderer. She was full of those mighty substances out of which the taxes of a laboring people are always wrung by the grasping hand of licentious power. She was the most splendid quarry in all history for the vultures, the kites, and the carrion-crows that darken the air at the close of a terrible civil war, and whet their filthy beaks over the fallen; and they speedily settled down upon her in devouring flocks and droves.

Sir, let us refresh ourselves at this point with some reminiscences of the former history of Georgia, and in that way fix a basis for comparisons between her condition in the past and the present deplorable state of her affairs. When the calamities of the war broke upon the country, in 1861, she was free from debt. If she had any outstanding obligations at all, they were for merely nominal amounts. Her people felt none of the burdens of taxation. The expenses of her State government were almost wholly paid by the revenues of a railroad between Chattanooga and Atlanta, which was constructed and owned by the State. Taxes throughout all her wide-spread borders were trifles light as air. The burdens of government were easy upon her citizens. Her credit stood high wherever her name was mentioned; and, when the war closed, she was still free from indebtedness. If she had incurred any during the four years of strife, she was required by the federal government to repudiate it upon the advent of peace. Now, look at her to-day, after six years and a half of supreme control by the Republican party. She had

been a member of this Union more than seventy years when the war came, and found that she owed no man anything. Her rulers in the olden times, doubtless, had faults in common with the imperfect race to which we belong, but larceny of the public money was not among them. You took her destiny into your hands a few brief years ago, incumbered by no liabilities, and you now present her, to the amazement and horror of the world, loaded with debts which reach the appalling sum of at least \$50,000,000. A large portion of these debts are officially ascertained and stated, and the remainder are sufficiently well known to warrant the statement I make. The mind recoils, filled with wonder and indignation, in contemplating this fearful and gigantic crime. It had no parallel in the annals of all the nations and the ages of mankind until the ascendancy of the Republican party and its inauguration of State governments in the South. Now, all the seven vials of the Apocalypse have been opened on that great and beautiful, but unhappy region; and the crime against Georgia is but one of many others of kindred magnitude inflicted by the same party on other States.

The authors of this stupendous burden, however, are not even entitled to the benefit of the full time since the incoming of peace for its creation. It was mainly the work of only about three years. In 1868—a year more fatal to the interests of the people of that State than the scourge of pestilence, war, or famine—the most venal and abandoned body of men ever known outside of the boundaries of penal colonies, State prisons, or Southern reconstruction, was chosen as the legislature of Georgia; not by the people, but by virtue of the system which you enacted and put in force. It contained a large majority of your political adherents, men who vote your ticket, support your candidates, and with whom you embrace and affiliate on all political occasions. They were the leaders and the representatives of the Republican party.

With them, too, came into office one who speedily secured a national reputation, and became a controlling power in

your national councils. At one time Rufus B. Bullock dictated the legislation of Congress and the actions of the executive in regard to the great and ancient commonwealth that was cursed by his presence. It was his potent finger that pointed out the pathway which led to your second assault upon her State government; and it was his voice and his presence in and about these halls that commanded and cheered you on to the breach. He was mentioned in many quarters as the probable candidate of his party for that exalted place now held by a distinguished citizen of my own State, the second highest in the gift of the American people. He was a successful, conspicuous, and brilliant specimen of your system. His advent into Georgia was as the agent of some express company. He had no permanent interests there. I have been reliably informed that his poll was his entire tax when he was elected governor. He neither knew nor cared for the people or their wants. He was there as an alien and a stranger spying out the possessions of a land that was at his mercy, and embracing every opportunity to seize them. He is now a fugitive from justice, a proclaimed and confessed criminal, with stolen millions in his hands. He went into the South on that wave of reconstruction which bore so many eager, hungry, and inhuman sharks in quest of prey; and, having in a few short years glutted his savage and ravenous maw, he now retires into the deep waters of the North to escape punishment on the one hand, and to enjoy the comforts of his plunder on the other.

With such a governor and such a legislature in full and perfect sympathy and harmony with each other, morally and politically, a career of villainy at once opened on the soil of Georgia, which will go down to posterity without a peer or rival in the evil and infamous administrations of the world.

The official existence of the legislature lasted two years, commencing in November of 1868. The governor was elected for a term of four years, and served three before he absconded with his guilty gains. Pirates have been known to land upon beautiful islands of the sea, and, with cutlass,

dirk, and pistol, proclaim a government, pillage and murder their inhabitants, and from the shelter of their harbors sally forth on all the unarmed commerce that the winds and the waves brought near them. Bandits have been known to rule over the secluded wilds and fastnesses of mountain ranges, and, with bloody hands, extort enormous ransoms for their prisoners; but the pirate and the bandit have not been worse or blacker in their spheres than the Republican legislature and the Republican governor of whom I am speaking were in theirs.

Sir, I hold in my hand the official statistics on which I make this charge. The reports of the comptroller-general of Georgia show that for eight years, commencing with 1855 and ending with 1862, there was expended for the pay of members and officers of all her legislatures during that entire period the sum of \$866,385.53. This is the record of her administration under the management of her own citizens. During the two years existence of the Republican legislature, elected in 1868, the report of the comptroller-general shows that there was expended for the pay of its members and officers the startling sum of \$979,055, only a fraction less than \$1,000,000. One legislature is thus discovered to have cost \$112,669.47 more than the legislatures of eight previous years in the single matter of its own expenses. There has been no increase in the number of members. On the contrary, there are fewer now than under the former appointment.

In earlier times the clerk hire of the legislatures of that State did not average over \$10,000 per annum. That item alone reached the sum of \$125,000 for the one legislature whose conduct I am discussing; more than equal to the expenditures on that account of any ten years of the previous history of Georgia. Her general assembly consists of one hundred and seventy-five representatives and forty-four senators, making two hundred and nineteen, taking both branches together. The record discloses one hundred and four clerks in the employ of this body while the Republican party had the ascendancy there. One clerk for every two legislators is a spectacle which I commend to



the consideration of the American tax-payer and voter everywhere. Who can doubt that such a body was organized for the purposes of robbery and extortion. There is another high-handed outrage, however, in connection with the payment of its members and officers which surpasses the deeds of even a professional highwayman. The children of the State did not escape. By the constitution of Georgia the poll-tax of its people is made a part of the common-school fund, and set aside as sacred to the cause of education. Two hundred and fifty thousand dollars had accrued from this source when the ill-omened legislature of 1868 convened. Before it finally adjourned this whole amount provided for the cause of learning and human progress was swept away. Not a single dollar was left. An appropriation for their own expenses placed it all in the pockets of the members, clerks, and other officials. They took this money, belonging to children white and black, as pay for their own base services in the cause of universal destruction, bankruptcy, and misery. They robbed the rising generations of both races, deprived them of school-houses and seminaries, and left them to grope their own unaided way out of the realms of ignorance.

The hand of the spoliator, at times in the history of the world, has taken consecrated vessels from the altar and plundered the sanctuary of God. Even the hallowed precincts of the grave have sometimes been invaded and the coffin rifled of its contents; but human villainy has sounded no lower depth than was here fathomed, in stealing the very books of knowledge from the youth of the land.

Having given these evidences of inherent depravity, this most memorable legislature proceeded naturally to its work of more gigantic peculation, fraud, and corruption. The limits of my time on this floor will permit me to bring forward only a few of its deeds, but like the specimen ore of the mines, they will satisfy the explorer that strata, veins, lodes, and layers of rascality lie under the surface beyond. The treasurer of Georgia, in his recent report, informs the public that prior to the year 1868, and since reconstruction commenced, there were issued in State bonds \$5,912,500.

He further states that he has ascertained the amount of \$13,756,000 to have been issued since the year 1868, and then proceeds to say:

“Governor Bullock had other large amounts under the same act engrossed and sent him. But this office does not know what has become of them.”

The treasurer has pushed his discoveries to nearly twenty millions, and then finds that large amounts of other bonds have been issued which are not registered, and which are now in unknown hands. The extent of these floating, vagrant liabilities may fairly be estimated by the character and conduct of those who created them. Let us, however, examine one transaction which will serve as a key to the whole history of that legislature. A charter was granted to construct what was to be known as the Albany and Brunswick Railroad, a distance of two hundred and forty-five miles. For this work the governor was authorized to issue the bonds of the State to the extent of \$23,000 per mile, making a subsidy in money to one railroad corporation of \$5,639,000. The bonds have been issued, put upon the market, the money realized from them, and their redemption will fall upon the tax-payers of the State. In the meantime the road has not been built, and the proceeds of these bonds have gone into the coffers of private individuals. This fact is not disputed; it stands confessed; and no words of mine can darken the hues of its infamy or increase the horror and indignation with which it will be regarded by the American people.

Other railroad schemes followed in rapid succession as the easiest method of plunder. The Macon and Brunswick Railroad, the South Georgia and Florida Railroad, the Cartersville and Van Wert Railroad, the Georgia Air-line Railroad, the Cherokee Railroad, the Alabama and Chatanooga Railroad, and many others, were all made the recipients of subsidies from the State, by which uncounted millions were stolen from the tax-payers. The traces of vast sums of squandered money can be found on every hand, except upon the railroad lines themselves, in whose names the work of fraud and plunder was conducted.

But while the legislature of Georgia was thus engaged in its unparalleled career of crime, the governor, in his sphere, was also busy, and by his individual deeds proclaimed to the world that a perfect harmony, not only of political faith, but of official practices, prevailed between the executive and legislative branches of the State government. He ranged in his peculations from the smallest to the greatest objects and amounts; from the petit to the grand larcenies of this new era of felonies. From a bill of \$76,432.95 paid for extra printing to partisan newspapers, without warrant of law and without consideration in work actually performed, up to the fraudulent issue of State bonds by the million, nothing seems to have been too small or too great to escape his eager eye or his rapacious hand. He has left the impress of his grasp everywhere. But his exploits in connection with the State railroad will more especially be remembered by the people of Georgia. This road, as I have heretofore stated, was built by the State of Georgia nearly twenty years ago, from the city of Atlanta to Chattanooga. It connects the regions of the Tennessee river and the lines of travel descending through them from the North with the cotton belt of the South, and with five railroad routes which come up through it and concentrate at Atlanta. It is one hundred and thirty-seven miles long, and there is not a road of equal length on this continent which is more important in its trade and connections, or which is more valuable to its owners under an honest and competent management. We have seen that before the war its proceeds paid into the treasury almost defrayed the entire expenses of the State government, and in an official report, made July 1, 1867, Colonel Jones, the treasurer of the State, and who had for eight years received the earnings of this noble public work, estimated its net products for the following year at \$600,000.

In February, 1870, General Bullock appointed one Foster Blodgett, recently a claimant for a seat in the United States Senate, superintendent of this road. He held that position eleven months. During the entire term of his

superintendency, he paid into the State treasury only \$45,000; less than the net proceeds of one month before he took the place. The repairs which the ravages of war had made necessary had been completed at a heavy expense under the administration of Governor Jenkins. The road was in good condition, and but few expenditures outside of the regular course of business were needed when Blodgett assumed his ruinous control. Its freight and travel were greater than ever before, and yet its earnings, as accounted for, were comparatively nothing. In 1867 we find it paying all expenses and yielding besides \$50,000 per month. At the same rate there are \$500,000 now retained in the hands of Blodgett and his accomplices. What answer can be made to this? Will any one pretend that such a vast sum was properly expended in equipping a road already equipped, in repairing a road already repaired, in stocking a road already stocked? I find one item of expense which may, however, indicate the character of them all. Twenty-one thousand dollars were paid as lawyers' fees to partisan favorites for alleged legal services in behalf of this peaceable corporation during these disastrous eleven months of its existence. It might perhaps more properly be said that there was a division of a general plunder under the head of expenses incurred. But the work of spoliation did not stop with the close of Blodgett's management. A law was obtained from the legislature of which I have spoken, authorizing the road to be leased in the interest of Bullock and his friends. Under that law it has been leased for \$25,000 per month, about one-half of its real value. One of the lessees under this most valuable contract is a member of the present Cabinet, and was so when the lease was made; and another is a distinguished Republican member of the other branch of Congress.

Sir, there was but one thing more to be done by this shameless adventurer whom your policy has made governor of Georgia against the consent of her people. He completed his record and finished his work by corrupting the channels of justice. He rendered the courts powerless to enforce the laws and punish criminals. The emissaries of

convicted felons crowded his antechambers and trafficked with him for his pardoning power. The record shows that the verdicts of juries were thus wiped out, the doors of the prisons opened, and the guilty turned loose to prey again upon the peace of society to an extent never before known in American history. He pardoned three hundred and forty-six offenders against the law, out of four hundred and twenty-six who made application to him! His amnesty for crime was almost universal. Indeed, his zeal in behalf of those under indictment was so great that his grace and clemency was often interposed before the trial of the culprit. He granted seven pardons in advance of trial to one man in the county of Warren, who pleaded them to seven separate indictments when he was arrested and brought into court. This special object of favor is one J. C. Norris, who haunts committee-rooms and swears on all occasions to fabulous outrages and the imperfect administration of the law in the South. As a spared monument of Bullock's mercy, with manifold villainies unatoned for, he is always to be seen lurking around investigating committees, and pouring into their ears the black and concentrated malice of an apostate against a people whom he hates because he has betrayed.

Other instances like this might be cited, but enough is here shown to account for even greater disturbances than any that have taken place in Georgia. The confidence of all classes in the supremacy of the law was destroyed. They saw the will of one unscrupulous man supplant all its authority. It afforded them no security for life or property when its most solemn decisions were set aside every day in the year. Its uplifted hand was arrested in the courtroom before their indignant gaze, and the judicial blow was averted from the guilty head of the law-breaker at the bar. If the violence of the mob thereupon ensued, the curse came from those who were charged with the execution of the laws, and who, instead of doing their duty, interposed to shield villains, both before and after their conviction. If this is not the true philosophy of mankind, I have studied its motives and its conduct all in vain.

And now, Mr. Speaker, at this point I must take leave of the State of Georgia, her plundered treasury, her oppressed tax-payers, her railroad schemes of robbery, her squandered school funds, and her mocked, insulted, and baffled courts of justice. Other impoverished fields cry to us in piteous tones for redress, and have long cried in vain. Let us at least for a few moments hearken to the story of each one's woes, whether we are willing to enter into righteous judgment with them or not.

I turn to South Carolina, once the proud land of Marion and Sumter, now the most wretched State that the sun shines on in its course through the heavens. There is no form of ruin to which she has not fallen a prey, no curse with which she has not been baptized, no cup of humiliation and suffering her people have not drained to the dregs. I am told that disorder has reigned in some counties within her borders, and we behold martial law, worse than the lawless tyranny of the dark ages, ravaging her firesides and scattering her households. Bad governments are fruitful of such calamitous results. History has taught this lesson in every age. The wickedness of corrupt rulers breeds outbreaks among citizens. How has South Carolina been governed? The Republican party has held undisputed sway there every hour since the overthrow of the rebellion. Her entire delegation in both branches of Congress belong to the party now in power. Her State officers and legislatures, of all colors, have been of the same political faith. What are their works? What trophies of progress and civilization do they bring to propitiate the judgment of the world? Not one good deed adorns the polluted pages of their record. At the close of the war, the valid debt of the State amounted to \$5,000,000. A committee of investigation, in an official report made December 26, 1871, but a few weeks ago, say:

“In regard to the State debt, the committee declare they can not believe other than the fearful truth, which stares us in the face, that the bonds and stocks printed by the American Bank-note Company, \$22,540,000, represent the liabilities of the State, for which the faith and credit of

the State, however unlawfully procured, has been pledged for payment. The contingent liability incurred by railroad endorsements swells the total up to nearly twenty-nine million dollars."

Add to this \$10,000,000 more that is disputed as fraudulent, and we have an increase of \$34,000,000 in the debt of the State since it fell into the hands of its present destroyers. All the lands in South Carolina are not worth over \$55,000,000—showing that more than every alternate acre is now absorbed by her crushing and frightful indebtedness. If she was sold at public auction for two-thirds her appraised value, she would scarcely more than meet the demands that have been created against her within less than seven years. The *New York Tribune*, of December 19, 1871, announces that over six million dollars of her bonds have been fraudulently issued by her Republican governor; but no mode by which the toiling tax-payer can escape their payment is pointed out to him. Taxation for the support of a good government often becomes a grievous burden, but when it springs directly and avowedly from fraud and forgery, it is a curse intolerable and not to be borne.

The *New York Tribune* also states that one ignorant and mongrel general assembly of South Carolina drew from the treasury the enormous amount of \$583,651.44 to defray its own expenses for one session, and incurred a debt of \$91,500 besides for furniture for the State-house which it so foully disgraced. A session of the legislature of the great State of Ohio at the same time cost the people of that prosperous commonwealth but \$90,000. This general assembly of abject ignorance and irresponsibility, in South Carolina, levied over four million dollars of taxes on the property of the State. It was in view of these and kindred facts that the *Cincinnati Gazette*, with all its party fealty, was forced to exclaim:

"The common fame of the South Carolina legislature is that it is a body in which no measure can be carried without bribery, and in which bribery can carry any measure; in which bribery is as much a part of legislation as the

payment of wages to a field-hand is of raising cotton, and is almost as open, and in which the greater part of the members regard it as the privilege of the office to plunder the State in every possible way.

“Governor Scott gives some items going to countenance this impression. He says that the appropriations for the legislative expenses of the last session were \$100,000, while that of the Ohio legislature were but \$90,000; that every senator has his clerk, page, and messenger, all at heavy pay; and besides, there is a horde of hangers-on, all on pay under various pretexts, and that there are innumerable leaks for the public money. In this we behold the gorgeousness of the African nature when it can be indulged at the expense of others, and the avidity of the political adventurer who knows that his hay-making sunshine will be short.

“This will give a glimpse of the elements that have multiplied the State debt with nothing to show for it; of the conditions which make the property-holders believe that the taxes exacted from them are robbery; of a rule odious to all the respectable inhabitants of the State, and of conditions which excite both white and black inhabitants to deadly hostility. These are some of the features of the Southern situation which have constrained us to remark that Congress should not only provide means for suppressing violence in the late rebel States, but should make a thorough and impartial inquiry into the situation, in order to find the real cause of these disorders.”

Where is the man on the opposite side of this chamber who has lifted up his voice in behalf of a thorough and impartial inquiry in order to find the real causes of disorder in the South? The greatest organ of your party proclaims Governor Scott himself a forger of more than six million bonds. He is said to be investing large sums at Napoleon, Ohio, where his home in reality is, and where he expects to retire when he is fully gorged with plunder. He went to South Carolina for pillage and rapine, and will soon return with his spoils. Your policy emanating from here made him governor. The virtue and the talent of the State



were proscribed by your laws. Alluding to the condition of South Carolina, a few weeks since, one of her citizens (Senator Sawyer) in the other branch of Congress used the following strong language :

“ It is due to the circumstance that this large number of men in the Southern States were shut out from the possibility of holding state and federal offices that we have had so many abuses in the local governments of those States. It is due to that circumstance that in the State which I have the honor in part to represent on this floor we have to-day a State government which is a disgrace to civilization. It is due to those disabilities, and to those disabilities only, that we had not an ample field from which to select honest, capable men for our local public offices, men who would have made faithful officers, and who would have been in complete harmony with the national administration and the great Republican party on questions of public policy. Instead of that, what do we see to-day? A spectacle alike disgraceful to the Republican party, under whose banner and in whose name gross abuses have been perpetrated, and to the men who have thus stained its honor; and yet senators desire us to continue a system which has been fruitful of such results.”

This was spoken by a leader of the Republican party, and I call upon those who may regard my statements as overdrawn, to carefully consider and weigh his testimony. He deliberately pronounces the Republican State government of South Carolina “ a disgrace to civilization.” There she stands, the result of your own handiwork, bankrupt in money, ready to plunge into the dismal gulf of repudiation, ruined in credit, her bonds hawked in the markets for sale in vain at ten cents on the dollar, her prosperity blighted at home and abroad; without peace, happiness, or hope; and all her liberties stolen as well as her material substances. There she stands, with her skeleton frame and withered death’s-head, admonishing all the world of the loathsome consequences of a government fashioned in hate and fanaticism, and founded upon the ignorant and vicious classes of mankind. Her sins may have been many and

deep, and of the color of scarlet, yet they will become as white as wool in comparison with those that have been committed against her in the hour of her helplessness and distress.

In North Carolina, the same scenes of misrule salute us as we cross her borders. Her debt, in 1861, was \$9,699,500. A debt now of \$34,000,000, without the ability to pay the interest on it, \$11,000,000 of her bonds besides declared to have been fraudulent and void, her people groaning beneath unbearable taxation, and despair and gloom gathering over their future, are the chief consequences which have befallen North Carolina under the policy and ascendancy of the Republican party.

Louisiana presents even a still more striking instance of scandalous and stupendous robbery. The official statistics show her to be in debt to the appalling amount of \$50,540,206; all of which, except \$10,099,074, has been created in the degenerate days that have overtaken her since the war. The human mind, as it ponders over these figures, recoils from the villainy which they necessarily involve.

The feeble State of Florida comes forward also with her burden of complaint. When she fell into the clutches of her new rulers she had a little debt of \$221,000. Now her liabilities reach the sum of \$15,763,447.54, the payment of which is utterly and totally beyond her power. She has suffered from draught and flood and worm, but the presence of Republican officials had been more damaging to her than them all combined. But I can go no further in the discussion of these terrible details. Time and space would fail me. I submit the following condensed table of figures, and I defy their successful contradiction on this floor or anywhere else:

*Alabama.*—Debts and liabilities at the close of the war, \$5,939,654.87; debts and liabilities, January 1, 1872, \$38,381,967.37.

*Arkansas.*—Debts and liabilities at the close of the war, \$4,036,952.87; debts and liabilities, January 1, 1872, \$19,761,265.62.

*Florida.*—Debts and liabilities at the close of the war,

\$221,000; debts and liabilities, January 1, 1872, \$15,763,-447.54.

*Georgia.*—Debts and liabilities at the close of the war, nominal; debts and liabilities, June, 1871, \$50,137,500. (See statement of Mr. Augier, treasurer of Georgia.)

*Louisiana.*—Debts and liabilities at the close of the war, \$10,099,074.34; debts and liabilities, June 1, 1871, including the excess of expenditures over receipts, \$50,540,-206.91.

*North Carolina.*—Debts and liabilities at the close of the war, \$9,699,500; debts and liabilities, January 1, 1872, \$34,887,467.85.

*South Carolina.*—Debts and liabilities at the close of the war, \$5,000,000; debts and liabilities, January 1, 1872, \$39,158,914.47.

*Mississippi.*—Debts and liabilities at the close of the war, nominal; debts and liabilities, January 1, 1871, about \$2,-000,000.

*Tennessee.*—Debts and liabilities at the close of the war, \$20,105,606.66; debts and liabilities, January 1, 1872, \$45,-688,263.46.

*Texas.*—Debts and liabilities at the close of the war, nominal; debts and liabilities, January 1, 1872, \$20,361,000.

*Virginia.*—Debts and liabilities at the close of the war, \$31,938,144.59; debts and liabilities, January 1, 1872, \$45,480,542.21.

The present assessed value of the taxable property of the States on whom this vast mountain of debt has been so fraudulently and so frightfully accumulated, is considerably less than one-half what it was in 1860. It was not merely the liberation of their slaves that wrought this great change. Their system of labor was broken up, great battles were fought in all their borders, their railroads were destroyed, their towns and cities and cotton burned, and every description of property handed over to the destruction of a fierce and implacable war. They emerged from the desolating conflict fit objects for the wisdom and care of a benevolent statesmanship, rather than as the proper

prey of hungry jackals, who mangle and feed upon the wounded after the battle. Their fate, however, in many respects, surpasses in infamy and in misery the worst that ever befell a conquered people.

Sir, what single benefit, what solitary blessing has been bestowed on that devastated region in return for the hundreds of millions of taxation which have been wrung from it, and the yet greater burdens which still impend over its struggling and impoverished inhabitants? Where is the great public work that tells of the outlay of these immense sums? What deed of benevolence or honest fame has been achieved? Other lands have been plundered by the oppressor, but none was ever left so naked and destitute of every advantage arising from its own mighty contributions.

The great Napoleon wasted the substance of France, and consumed her vitals in the remorseless rage of ambition; he hurled the rising generations of his empire, one after another, into the flaming vortex of war; he gave them to the edge of the sword and to the unconquerable fury of the elements; he palsied all the industries, and blighted every field and fireside; the shadow of the tax-gatherer and the conscript officer fell on every foot of French soil; and yet convulsive sobs of grief shook the breasts of his subjects when he fell, and the whole empire stood uncovered at his bier when his dead body was brought back from tropical seas to sleep in her bosom. Though he had oppressed France, he had given her glory in return. Though he had taken with an unlicensed hand, he had adorned her as a lover does the mistress of his heart. Stately buildings reared their heads on high; solid thoroughfares were opened for the people; waste lands were drained and reclaimed; education was fostered; the arts and sciences were munificently patronized; and a code of laws was passed and promulgated which established and enforced domestic justice and peace. She had these benefits of which to boast when reminded of her awful sacrifices.

And when Cæsar, the armed conqueror and spoliator of

his own and other countries, lay in bloody funeral state in the market-place, it was said of him with truth :

“He hath brought many captives home to Rome  
Whose ransoms did the general coffers fill.”

And—

“When that the poor have cried, Cæsar hath wept.”

And again the orator of his good deeds exclaimed—

“Here is the will, and under Cæsar’s seal,  
To every Roman citizen he gives,  
To every several man, seventy-five drachmas.

\* \* \* \* \*

Moreover, he hath left you all his walks,  
His private arbors, and new-planted orchards  
On this side Tiber; he hath left them you,  
And to your heirs forever; common pleasures,  
To walk abroad, and recreate yourselves.”

If he had plundered the Roman treasury, he had often filled it again; if his vaulting ambition brought sorrow to the poor, he sympathized with them; if his career was stained with extortion, he expended his gains in beautifying the Eternal City; if he had robbed the people of their substances in his lifetime, he provided that much of it should return to them at his death. And if we turn from the far-off regions of antiquity to the immediate present, still we find no parallel to the evil administrations of the South. With what a clamor the corrupt practices of four or five men in the city of New York have been hailed for many months past! The air has been vocal; the press has resounded; the telegraph has been made weary of its daily burden; and the accusing voice of self-righteous indignation has been universal and unceasing. The Democratic party, it is true, crushed these men in an instant; but still the story of their offenses salute us everywhere. And yet their work of extortion, compared to that in the South, is the mote to the beam, the mole-hill to the mountain, the speck in the sky to the cloud that overspreads and darkens the whole heavens. Their crimes, too, have a still further mitigation in the comparison. If they enriched themselves, they at least did not take all. They made New York the wonder and the glory of modern civilization. If they

robbed the people, they bestowed upon them, in return, a city more magnificently adorned with public works than Rome or Paris in their days of pride, of pomp, and of power. Her glorious parks, her vast avenues, her newly opened, solid, and far-reaching streets, will testify to after ages that her officials bequeathed to her some compensation for the wrongs they inflicted upon her good name. No such conduct illuminates a single page of the present epoch in the South. You look in vain from Hampton Roads to the Bay of Galveston for a single monument erected to the public good by that party which has so sternly and so corruptly governed in all that wide-spread region. No colleges, seminaries, or schools founded and endowed with the treasures that have been stolen; no lofty edifices or durable roads constructed; no massive bridges thrown across wide rivers; no parched plains irrigated and made productive; no rice-swamps ditched and redeemed for cultivation; no canals cut in order to connect the natural channels of trade and commerce; no rivers improved or harbors made more spacious and secure; none of these works of utility and patriotism relieve the monotonous desolation which unholy avarice and unrestrained oppression has stamped upon the South. She has nothing to mitigate her degradation. She has been stripped and robbed and left by the wayside. Her effects, moneys, and credits have been transported to other States and climes, to return to her no more forever. Her well-favored and fat-fleshed kine, feeding in her meadows, have been devoured. The frogs, the darkness, the lice, and the locusts left more blessings behind them in Egypt than this portion of the Republic has received from its modern rulers.

Sir, I challenge the darkest annals of the human race for a parallel to the robberies which have been perpetrated on eleven American States. Ireland has been made to enrich many a lawless lord lieutenant sent over by England, to govern that beautiful but unhappy island. The stories of her wrongs and pillage have been said and sung in every hamlet in the civilized world; yet her contributions to the

cause of a wicked government have been mere pittance compared to what the South has been compelled to make.

Seventy years before the birth of Christ, Sicily was ravaged and despoiled by a consul of Rome. Though more than nineteen centuries have come and gone since then, yet the name of Verres retains all its freshness of immortal infamy. He was prosecuted by the authority of the Roman senate, and fled for an asylum to strange and foreign lands. He died miserably in exile, and his dishonored dust was not permitted to mingle with the soil of the Roman republic. We find, however, in Middleton's *Life of Cicero*, that all the peculations, extortions, bribes, and larcenies charged upon Verres during his entire administration of the affairs of Sicily did not exceed \$2,000,000—equal to only one-third of the amount for which the *Tribune* of New York says Governor Scott fraudulently issued the bonds of South Carolina in a single transaction. The basest Roman consul, whose name is preserved on the pages of the historian, becomes respectable by the side of a Southern governor under the present policy of this government. The crimes of Warren Hastings, as the ruler of distant and conquered colonies, have long been the theme of swelling periods and lofty declamation. There was much in his situation to extenuate his offenses. He was charged by his government to hold its valuable possessions on the opposite side of the globe. He was in the midst of fierce, revengeful, and undying hostilities. He was surrounded by a race with which he had no bond or tie of blood or of language. It was perfidious and cruel, and mocked at the faith of treaties. But even admitting that his guilt was as great as it was painted by the flaming imagination of Burke or the impassioned rhetoric of Sheridan, yet all the burdens he imposed upon all the East Indies do not equal those which have been fastened upon the two States of Georgia and Louisiana alone since the disastrous dawn of reconstruction.

Sir, on the facts which I have stated, I invoke the judgment of the country. What right have you to expect peace and order in a land whose rulers are lawless felons?

When did a bad government ever fail to produce wickedness and crime? Do you expect the people to obey the laws when their officials do not? Do you expect them to love and reverence a government whose policy has made them bankrupt and miserable? Do you wonder that they become restless, desperate, and disobedient, as they daily behold the fruits of their toil stolen in the name of their government? Are you amazed at scenes of violence, outrage, bloodshed, and cruel vengeance, when the executive of a State sets aside the entire administration of justice? Rather should you be filled with astonishment at the forbearance and moderation you have witnessed. If the foremost agents in the work of Southern ruin and destruction, since the close of the war, had been driven from that country by its plundered citizens, who now would rise up here and condemn the act? In the disorders which afflict the South, the philosophic mind beholds the inevitable results of well-known causes. Had you sown the seeds of kindness and good-will, they would long ere this have blossomed into prosperity and peace. Had you sown the seeds of honor, you would have reaped a golden harvest of contentment and obedience. Had you extended your charities and your justice to a distressed people, you would have awakened a grateful affection in return. But as you have planted in hate and nurtured in corruption, so have been the fruits which you have gathered.



## AMERICAN RELATIONS WITH SPAIN AND CUBA.

[A speech delivered in the House of Representatives, February 23, 1872, on a "Bill making appropriations for the consular and diplomatic expenses of the government, for the year ending the 30th of June, 1873."]

MR. SPEAKER:—I desire to submit some remarks upon the subject of our relations with the kingdom of Spain, and I have sought this opportunity to do so because they would be in order upon this bill. In the measure now pending we have made haste to pay our compliments to the foremost despotic power on earth. In the face of grave and delicate complications we have been extraordinarily gracious to the empire of Russia. I pass by that matter; I raise no objections at this stage of the bill on this account. I think there is much of affectation in the eager friendship displayed by the great American Republic for the gigantic and despotic barbarian of Northern Europe, whose instincts, traditions, and institutions are all against every aspiration of human liberty. Some things I might say under other circumstances on this point which at this time I waive.

I stand here, however, to utter in this connection, as it seems to me most appropriate to do, a voice in behalf of a struggling, down-trodden, suffering, and oppressed people. If this bill can receive the sanction of the House, conveying, as it does, the highest compliment this government can pay to the strongest despotism in the world, I deem it a very fitting and proper time for us to express our traditional sympathy with those who are struggling and bleeding for liberty in other quarters of the globe. I shall withhold my assent to this bill. I shall do so because it contains an appropriation to sustain the consulship at Havana, in the

island of Cuba. As long as that officer does not receive the respect of the Spanish authorities, and can not secure safety to American citizens or American interests, just so long I will withhold my sanction from any appropriation of money to continue diplomatic relation with the government of Spain.

The power of Spain is gradually vanishing from the American hemisphere, and her retiring footsteps are bathed in blood, as was her advancing march nearly four hundred years ago. On the 10th day of October, 1868, a revolution broke out in the island of Cuba, a country embracing nearly forty-three thousand square miles of territory, inhabited by more than one and a half million people. It was a revolt against the oppression and accumulated wrongs of centuries. It was a blow inspired by ages of misrule, cruelty, crime, and indifference to human rights. I speak to-day for practical purposes. A short time since I introduced resolutions into this body, and asked for action upon them. If I had been able at that time to explain to the House the points I desired to establish, I believe this popular and more generous branch of the American Congress would have given the sanction which I asked. I believe whenever the question then presented is again raised, this House will act favorably upon the principles I therein set forth.

The members of this House, however allied to parties, or shaken by the ephemeral questions of the hour, are all, I fondly imagine, responsive to the cries and entreaties of a people fighting against desperate odds to break the chains of a bondage as old as the discovery of the New World, and as brutal as the darkest days of Philip II. I appeal to the hearts and the judgments of men, and not to the interests or organizations of parties. The facts which are in my possession, and with which I have to deal, lift me up to that high level where I hear the voice of the oppressed Cuban saying, in beseeching tones, "Do unto others as you would have them do unto you."

Sir, if the people of Cuba are in arms against Spain, the first question will be whether they have cause for their

conduct. I am ready to answer this natural inquiry. I hold in my hand a statement of Manuel Becarra, the colonial minister of Spain. He will not be suspected of stating the case too strongly against the government of which he is a high and important official. At Madrid, on the 10th of September, 1869, almost a year after the commencement of the Cuban revolution, it was justified by this distinguished Spanish officer in the following official language:

"A deplorable and pertinacious tradition of despotism, which, if it could ever be justified, is without a shadow of reason at the present time, intrusted the direction and management of our colonial establishment to the agents of the metropolis, destroying, by their dominant and exclusive authority, the vital energies of the country, and the creative and productive activity of free individuals."

He expresses it well: "A deplorable and pertinacious tradition of despotism" has followed the flag of Spain wherever it has cursed her colonial possessions. Liberty has withered at her approach, and humanity has shuddered at her horrible and sanguinary lust of power and of gold. To the student of history she appears in all her dealings with her colonies without conscience, pity, or remorse.

Need I stop here to discuss this and cite illustrations? Need I pause to recall the sickening and appalling career of Spain in North and South America, and in the West Indies? The atrocities of the Spanish gold-seeker, the enslaver, the murderer, the ravisher, and the pirate by land and sea of the sixteenth century, will never fade from the memories of men. They have committed the Spanish name to everlasting infamy in the western world. Cuba has been from the first a conspicuous victim of the rapacity and despotism of Spain. She has been a Spanish colony from the discovery of Columbus, and that statement alone reveals her miserable fate. She has had no representation in the home government. She has no council of her own; no voice in her local affairs. She has been taxed as no other people have been in human history. She has been made a servile dependency for the purpose of pouring treasure into the coffers of a distant government. She has

had a consul-general upon the island, with powers as lofty, as arbitrary, as difficult to appeal from as the edict of his royal master. The people of Cuba revolted against such a condition. Am I wrong in supposing that the great heart of the American people is in earnest sympathy with a people thus wronged striving to achieve their liberties? Am I wrong in supposing that the representatives of a Republic here assembled can not be indifferent to the fate of such a people in such a cause?

But it has emanated in various ways, and from time to time from the Department of State, that the struggle in Cuba was of small moment; that it did not rise to the dignity and proportions of a war. Upon this question I ask the candid attention of this body. I conceive there is no subject on which the public mind of this country is so little informed as on this. We are almost wholly ignorant of the magnitude of the struggle for liberty now taking place within sight of the American coast. Within sixty miles of American soil there is a contest for freedom at this hour that has had no parallel in the history of mankind for many centuries. I speak advisedly, and from a full knowledge of the facts. I hold in my hand Spanish authorities to sustain me. On the 5th day of December, 1869, the president of the council made a statement to the Cortes of Spain in regard to the forces and material of war sent to Cuba since the commencement of the insurrection. He spoke as follows:

“Last Saturday, Senor Navarro Rodrigo addressed certain inquiries to the minister of war which I could not answer immediately. I said, however, that there had gone to Cuba some thirty thousand men, and to-day I will read a statement of the land and sea forces, and of the material which has gone to Cuba since the revolution, because this proves the vitality and energy of the government and of all Spain exercised in the preservation of the island of Cuba.

“The first forces which went there were 771 volunteers; then 5,400 men of the regular service; afterward, the series of battalions which were asked for by General Dulce (may

the rest in peace). 1,000 went from Baza, 1,000 from Chiclana, 1,000 from San Quintin, and 1,000 from Simancas, who were so thoroughly equipped that they were able to take the field immediately on their arrival. Since that the successive departures have reached a total of 20,900 of the army of the peninsula: of marines, 2,600; of recruits, 1,371; and of volunteers, 9,563; which gives a total of 34,500 men, according to the accompanying statement. I would call attention to the fact that this immense sum would represent a great effort for any nation whatever.

The following is a statement of the forces embarked for the island of Cuba since the beginning of November, 1868, when the intelligence of the insurrection arrived:

Enlisted volunteers of the conscription funds.....	771
Enlisted from the army.....	5,411
Battalion of the chasseurs of Baza, preserving their peninsular organization.....	1,000
Battalion of the chasseurs of Chiclana.....	1,000
Battalion of San Quintin.....	1,000
Battalion of Simancas.....	1,000
Sixth battalion of marines.....	650
Volunteers from the army.....	456
Battalion chasseurs of Leon, with peninsular organization.....	1,003
Battalion chasseurs of Aragon, organized with regular troops.....	1,002
Battalion chasseurs of Andalusia, organized with regular troops.....	1,000
Battalion chasseurs of Antequera, organized as they were in the peninsula.....	1,000
From the regular army.....	651
Battalion of Catalan volunteers, organized and equipped in Barcelona, and two companies of guides from Madrid.....	1,206
From different arms of the army.....	476
Battalion chasseurs of Reas, organized with regular troops.....	1,000
From different arms of the army.....	420
From the Basque provinces.....	600
Recruits.....	280
First battalion of third regiment marines.....	650
From the army.....	1,500
Pizzaro chasseurs.....	1,000
Hernan Cortes chasseurs.....	1,000
From special arms of the service.....	500
Recruits.....	140
Battalion of marines.....	650
From the army.....	547

Battalion of marines.....	650
First battalion volunteers of Madrid.....	1,049
Half second battalion volunteers of Madrid.....	506
Battalion volunteers of Covadonga.....	1,000
Battalion volunteers of Cadiz.....	820
Battalion volunteers of Santander.....	1,000
Second battalion volunteers of Barcelona.....	1,037
Belonging to the second half of the second battalion of volunteers of Madrid, of Cadiz, recruits, and Basque contingent.....	1,310
Third battalion of volunteers of Barcelona.....	1,035
Total.....	34,500

“There have gone also 14 ships of war, among them two iron-clad frigates; a complete equipment for a regiment of mountain artillery, with 24 pieces, 24 caissons for artillery of 8 centimeters bore; 20 Krupp steel guns of 8 centimeters bore; 4,000 projectiles for the same; 5,000 kilograms of powder; 7,400,000 cartridges of 14½ caliber, model of 1857 and 1859; 1,000,000 metallic cartridges for needle-guns; 10,500,000 caps; 15,000 kilograms of lead; 9,600 carbines, model of 1857; 3,600 muskets, model of 1859; 8,000 Enfield rifles; 3,000 Berdan; 500 short carbines; 1,000 lances; 2,000 sabers.

“This is an amount of material which seems impossible to have gone from Spain.

“There have been sent 12,530 different articles, composed of medicine-chests, mattresses, etc.

“Fifteen hundred seamen have also gone. I hope Senor Navarro will be satisfied with my explanation.”

Sir, this is an immense force to transport across the Atlantic ocean, and implies a fearful struggle. But, large as it is, our well-informed minister to Spain, writing from Madrid, December 29, 1869, says:

“There is no doubt that the estimate is much below the number of troops raised for service in Cuba since the insurrection.”

Every effort has been made to conceal the real magnitude of the conflict, and yet it is officially confessed that an army and navy nearly forty thousand strong were launched from the shores of Spain against this American island during the first year that the banner of revolt waved

over her. This does not include the regular troops already there, the volunteers that were raised, and the vessels of war in Cuban waters when the yoke of Spain was first resisted. The American minister, General Sickles, transmitted to his government the following statement, under date of December 29, 1869. Its correctness has never been called in question:

*Estimate of the Spanish forces composing the Army of Cuba, compiled from the statement published in La Iberia of December 26, 1869, and from semi-official sources of information.*

The strength of battalions, batteries, and squadrons conforms to the regulations of the Spanish service.

*Infantry.*

Eight regiments of infantry of the line, two battalions of 800 each...	12,800
Twenty-five battalions of light infantry, 1,000 each.....	25,000
Two battalions of the guard, all veterans, 1,000 each.....	2,000
Two battalions of militia (estimated).....	1,600
Eleven battalions of infantry, organized in Cuba (estimated to be the same strength as peninsular light infantry).....	11,000
<b>Total .....</b>	<b>52,400</b>

*Artillery.*

One regiment, two battalions of four batteries each—eight companies, 1,000; one regiment of mountain artillery, two battalions of four batteries each—eight companies, 1,000.....	2,000
Field artillery being organized, force not stated.	

*Cavalry.*

Twenty-five squadrons—fifty companies of one hundred and fifty each (full strength in Spanish army).....	7,500
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*Engineers.*

One battalion—ten companies of one hundred and fifty each.....	1,500
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*Marines.*

Four battalions.....	4,000
	<u>67,400</u>

Besides these forces in the field, there are more than forty thousand volunteer troops doing garrison duty..... 40,000

**Grand total..... 107,400**

*Recapitulation.*

Infantry, fifty-six battalions.....	52,400
Artillery, four battalions, sixty-four guns.....	2,000
Cavalry, twenty-five squadrons.....	7,500
Engineers, one battalion.....	1,500
Marines, four battalions.....	4,000
Volunteers doing garrison duty.....	40,000
Total.....	107,400

Who will say that an army of one hundred and seven thousand four hundred men operating in an area not so large as the State of New York, does not signify an actual war of vast proportions and of the most destructive character? This fact defies and silences controversy on that point.

It may be said, however, that this display of strength occurred in the first year of the revolution; that the government of Spain accomplished its purposes of subjugation, and that the dimensions of the war have dwindled away since then. I submit official documents to establish the contrary. Seventeen months after the transmission of the estimate of forces which I have just given, the American minister made the following communication to this government:

[No. 349]

“LEGATION OF THE UNITED STATES,  
“MADRID, *May 30, 1871.*

“SIR:—In a recent conversation with a distinguished Spanish general, whose official employments afford him ample means of accurate information, he told me that more than forty million dollars had been expended for military purposes during the past year in Cuba. He did not state whether or not this large sum included any portion of the amount disbursed for the fleet of gun-boats maintained in those waters especially with reference to the insurrection.

“My informant added that the aggregate force under arms exceeded one hundred thousand men, more than half of whom were regular troops, and that the losses of the army of Cuba, from the various casualties of the service,



exceeded eighteen thousand men. It was his impression that the insurgent force did not number more than six thousand of all arms.

“I hear from trustworthy sources, likely to be well informed, that the insurgents have lost no ground of importance; that their troops are better armed and better disciplined than heretofore; and that in several recent actions they have gained considerable advantages over the Spanish troops, many of whom are represented as deserting to the insurgents. Reports of the most cruel severities against prisoners of war and against non-combatants, perpetrated by both parties, continue to reach Madrid.

“The consul at Cadiz informs me that several detachments of troops, destined for service in Cuba, have embarked from that port within the past two months.

“I am, etc.,

“D. E. SICKLES.”

The “distinguished Spanish general” who gave this striking information was Serrano himself. There is no higher authority in the kingdom of Spain. It is thus proven from his lips that less than nine months ago the Spanish forces in Cuba exceeded one hundred thousand men; that more than one-half of them were regular troops; that the war for the preceding year had cost more than forty million dollars, and that the loss of men in the service during the same period had exceeded eighteen thousand. I pause to inquire whether this denotes actual war or not. Will the Department of State answer? These facts are all known to the authorities of this government. Do they constitute a state of war in which two parties instead of only one must be recognized by the nations of the earth? That is the question which I press home, and to which I shall continue to demand an answer.

But the evidence on this point goes even further. Within the last five months, on the 22d day of September, 1871, the old Spanish organ, the *Diario de la Marina*, at Havana, contained an appeal to the home government for thirty thousand additional re-enforcements with which to enter upon the autumn campaign, of which the following is a translation:

“As autumn approaches we find that the emigrants (Cubans) appear to be disposed to send all the aid they possibly can to the rebels; that they possess for the purpose five or six steamers of different nationalities, to be used in bringing a few more drops of oil to keep the lamp of the rebellion from going out; that almost all the rebel bands have been reconcentrated in the eastern department and at Las Tunas, undoubtedly disposed to improve every opportunity for doing evil.

“The rebellion of Yara will soon celebrate its third anniversary, and its partisans will repeat in all languages, in America and in Europe, in the island of Cuba and in Spain, that it has entered into its fourth year of war, that the rebellion is invincible, and that, sooner or later, we shall have to give up the ground to them.

“We well know the latter will not take place; but we wish at the same time that the armed struggle be not prolonged any further than the winter campaign. To accomplish this, it is necessary to proceed with untiring activity and with indomitable energy. It is necessary to perfectly guard our coasts and to cover with troops all the territory around the rebellion. In order to obtain the former we need three or four more ships of the speed and conditions of the Churruca and the Tornado; to realize the second, we insist on asking the government of his Majesty, which is as much interested as we are that the peace of the country be re-established, that, over and above the ten thousand men now ready, to send ten thousand more, and even twenty thousand would be a hundred times better.

“We are fully persuaded—and we say it with all frankness, because the truth can not in any manner prejudice a cause so noble and holy as that which we defend—we are fully persuaded that the want of four or six thousand men disposable at the will of the captain-general of the island has been the cause that the rebellion has not received, on determined occasions, a final blow, and our conscience demands of us to do all that is humanely possible that this may not recur.

“Obeying this call of conscience, considering ourselves

the interpreter of the general sentiments of all the Spaniards of Cuba, we ask that the government may send twenty thousand men at least, and if, to maintain these men, extraordinary resources should be necessary, we will not lack the valor to demand, and even to exact, the means of those who are able to furnish them."

I am informed that this call has been responded to on the part of Spain with large re-enforcements. With over one hundred thousand in May of last year, as I have shown, these new troops, in September or later, convey to all candid minds the idea of a terrible and prolonged contest. In addition, however, to all this, Spain has had for nearly two years past over fifty vessels of war, carrying over two hundred guns, beleaguering every inlet and approach to that beautiful but ill-fated island. Is the revolution at an end? I see in the telegrams of this morning that another iron-clad minister of destruction has been added to the Spanish fleet in that quarter. Sir, the island of Cuba is in a state of siege. A vast army is on her soil. She is environed with destruction. She is encompassed with death. Her citizens are given up to slaughter. Her fields are laid waste. Her cities are pillaged and toru by the license of a brutal military mob. Every aspiration for liberty is treated as the basest crime and punished with sanguinary ferocity. How long must this be so? Cuba is an American island; she is simply a detached portion of American soil. I speak not now, however, for annexation. No one on my own side of the House need be alarmed for fear of an increase to our negro population. I speak to-day for recognition, for Cuban independence, for Cuban liberty and free government. I stand within the plain principles of public law, and plead for their application and enforcement.

It is claimed, however, by the enemies of Cuban independence that though the war has been prolonged, yet no great battles have been fought. Even if this were true it would prove nothing except the wisdom with which inferior forces are handled in the face of heavy odds. Great wars, great in their principles and in their results, have often taken place without being marked by great battles.

There were long lapses during our own Revolution when Washington did not offer or accept battle. And even when he fought some of his most important actions, they were mere skirmishes judged by the gigantic conflicts of modern days. Trenton was not a great battle viewed in this light. There were but few engaged, and only sixty-three Americans fell, yet it is a bright, immortal landmark of liberty upon the highway of history. No doubt the ministers of George III. often sneered at Washington because he did not engage their forces whenever and wherever they wished a battle to take place.

No doubt the enemies of Rome proclaimed her feebleness and speedy overthrow whenever Fabius resorted to his wise and patient art of warfare. But if it is contended that the Cubans have no troops in the field because they have not sought to engage the full strength of the Spanish army, that proposition proves too much. Does it require a hundred thousand armed men, elaborate fortifications, vast trains of field and siege artillery, and a fleet with two hundred and fifty guns to hold in quiet subjection an unarmed population of only one million and a half? If so, it discloses a military despotism so vast and so horrible that the united voice of civilized mankind should go up against it. It would show that the government of Spain did not receive the voluntary submission of a single foot of Cuban soil; and indeed this is almost literally true now. Beyond the point of the bayonet Spanish authority does not extend. It appears to me from all the lights before me that the native-born, the creole population, intend to be free or be buried in a ruined and devastated country.

Sir, if I have shown sufficiently the magnitude of this war between Spain and the people of Cuba, let us next examine how it has involved the honor and safety of American interests. Our intercourse with Cuba has necessarily been close and constant; our trade has been great; our citizens in all the pursuits of life have frequented her at all times; she teems with the most bounteous gifts of nature; her productive capacities are almost boundless; she is a prolific post of commerce, and American vessels have naturally swarmed about her

coasts. In connection with these well-known circumstances, I call the attention of the House and the country to the following atrocious proclamation of Domingo Dulce, then captain-general of Cuba :

[Translation—Official.]

“SUPERIOR POLITICAL GOVERNMENT  
OF THE PROVINCE OF CUBA.

“It being necessary for the better service of the state, and with the firm determination that the insurrection already held in check by the force of arms in the interior shall receive no exterior aid that may contribute to its prolongation, and to the ruin of property, industry, and commerce, using the extraordinary and discretionary power in me vested by the supreme government of the nation, I decree the following :

“Vessels which may be captured in Spanish waters or on the high seas near to the island, having on board men, arms, and munitions, or effects that can in any manner contribute, promote, or foment the insurrection in this province, whatsoever their derivation and destination, after examination of their papers and register, shall be *de facto* considered as enemies of the integrity of our territory, and treated as pirates, in accordance with the ordinances of the navy.

“All persons captured in such vessels, without regard to their number, will be immediately executed.

“DOMINGO DULCE.

“HAVANA, *March 24, 1869.*”

Who could fail to foresee the results of such a decree as this? The vessels seized, and the effects with which they were laden, were to be passed upon and their character determined by Spanish officials. To them belonged the task of adjudging whether such vessels and their cargoes might “in any manner contribute, promote, or foment the insurrection,” and of denouncing against their passengers and crews the instantaneous fate of pirates. It is claimed that this infamous decree has been modified; but I shall show that American citizens were shot to death under it without trial, and protesting their innocence and their

nationality. But how has it affected American commerce and the honor of the American flag? I can not recall the events of the last three years in the waters of the West Indies without feelings of shame and indignation. Seven American vessels have been boarded and seized by the powerful naval forces of Spain. Seven times the colors that we proudly imagine are known and honored in every clime and on every sea, have been hauled down under the menace of Spanish guns. The *Mary Powell*, *Lloyd Aspinwall*, the *Champion*, the *Lizzie Major*, the *Fulton*, the *Florida*, and the *Hornet* constitute a catalogue of degradation which can never be forgotten. May the spirits of *Lawrence* and *Decatur*, at no distant day, walk the deep, and wipe out, in the blood of the Spaniard, the disgrace which excites only a feeble protest now from the authorities of this government.

But by what pretext has this constant national humiliation been inflicted on us? This brings me to the consideration of the treaty of 1795. By that instrument the United States has conceded to Spain, under certain circumstances, the right to search American vessels on the high seas. This right, however, is simply that of a belligerent under the law of nations, and in order that she may lawfully exercise it, she must admit that she is engaged in actual war. By the exercise of this right, she does admit, beyond cavil or evasion, a state of war between her and her revolted subjects of Cuba. Spain is absolutely estopped on this question. This government should compel her to admit that she seized the vessels I have named as a belligerent engaged in war with another power, having also belligerent rights, or declare war against her inside of the next sixty days. This is a logical conclusion from which there is no escape; nor has the Secretary of State been blind to it. He has repeatedly called the attention of the authorities of Spain to it, but he has stopped there. He has seen the path of duty, but he has shrank from walking in it. He has beheld the right and pursued the wrong.

Sir, is Spain engaged in war? If she is not, we stand

disgraced before the nations of the earth for her insults to our flag. If she is, and claims her rights under the treaty of 1795, let us say so, and then extend a proper recognition to the other party to the conflict. Short of this is national dishonor. When we submit under that treaty to the seizure and search of our vessels, are we afraid to say that there is another party to the strife which makes our submission necessary and lawful? If Spain is a belligerent, and has belligerent rights, so has the republic of Cuba, however sore and hard pressed may be her condition. If there is one belligerent, there are two, and it is more than the fullness of time for this government to have the courage and the consistency to proclaim that fact to the world.

But how has this war still further affected American interests? The conduct of Spain toward American citizens who have fallen into her power, has been most inhuman and barbarous. Let me revive some bitter but wholesome recollections. I speak with the official records in my hand. Charles Speakman was born in Aurora, Indiana, the town where my distinguished colleague [Mr. Holman] resides. He was an humble man, but was entitled to the protection of his government at every hazard, as much so as if he had borne her proudest titles. The proof shows that he shipped from New York as a sailor for the port of Falmouth, Jamaica, with not the remotest intention of landing in Cuba. The vessel, however, was run ashore on that island, and he was left unarmed and alone. He surrendered himself to the first persons he met. There was no pretense that he was engaged in hostilities. He had harmed no one. Yet he was taken into custody at nightfall, and the next morning as the sun was rising he died, shot to death by Spanish musketry, crying out with his dying breath that he was an American citizen, innocent of any offense toward Spain, and in the peaceful pursuit of his own lawful affairs. His appeal died away in the air; the soil drank up his blood. Then the two nations corresponded about it in the most decorous and voluminous manner, and more than a year afterward we were

gravely informed by the Spanish minister that his government had decided that Charles Speakman was lawfully executed on the morning of the 17th of June, 1869. I have carefully studied all the details of this case. It was a sickening and revolting murder. Even the Spanish governor of Santiago de Cuba at the time did not pretend to justify it, but alleged that he could not prevent it on account of the ferocity of the mob. Albert Wyeth fell at the same time and in the same inhuman manner. He was a young man from Chambersburg, Pennsylvania, but twenty years of age. Out of health, he sailed as he supposed for Jamaica. His death without trial, and in the face of his protestations, followed immediately upon his unexpected landing on the coast of Cuba. But these young men are not alone in their miserable fates. I have here a list of eight American citizens who have been put to death by Spain in Cuba without trial, and while, as they protested, they were engaged in their lawful and peaceful pursuits. I find their names in the official correspondence between the government that butchered them and their own government, that stood by consenting to their death. Is this a pleasant theme on which to dwell? Does it not bow every American head with shame, and cause every American heart to throb with grief and rage? But it is not the dead alone who call for redress. Turn to pages 14 and 15 of Executive Document No. 108, Forty-first Congress, second session, and you will find the names of thirty-nine persons, said to be American citizens, who have been condemned by the Spanish authorities in Cuba to imprisonment as long as hostilities continue in that island. Some of them are ladies with familiar American names. They are in prison now. At this moment they are watering the bread of their captivity with their bitter, unavailing tears. Their sentences declare that they are to remain prisoners during the war. Who will tell me the duration of their punishment? Let this appalling fact be engraven upon your memories. From the same document I quote another list of twenty persons claiming to be American citizens, whose property has been confiscated or embargoed during



the hostilities in Cuba. On page 19 of Executive Document No. 7, Forty-first Congress, second session, will be found a decree of Domingo Dulce, issued April 1, 1869, forbidding contracts for the sale of property in Cuba from and after that date, whereby the trade and commerce of the United States has been seriously impaired, and many of her citizens ruined in their fortunes. If there is any further mode not yet adopted by Spain for the expression of her contempt for this country, for her honor, her flag, her commerce, the lives and the liberty of her citizens, it lies beyond the range of my imagination.

But, in this connection, another dreadful feature of this horrible war starts into view. What has been the conduct of Spain toward the people of Cuba, on whom she is making war because they love the examples of liberty by which they are surrounded? Now and then, in the history of the human race, the great heart of the world has been shocked by the unlicensed barbarities of war. The atrocities of Spain call for universal emotion and protest and action throughout the civilized nations of the earth. I have here the names of eighteen hundred and twenty-eight people who have been executed for political offenses since the beginning of the rebellion in Cuba. Not only their names, but their places of residence, their occupations, and the dates of their deaths are all carefully given and published to the world. In another list are contained the names, residences, and occupations of twenty-six hundred and fifty more, who are known to have been seized by the authorities of Spain, and whose fate is unknown. No; it is not unknown. They have, with but few exceptions, been massacred. They have gone to join the innumerable armies of freedom's martyrs in eternity. Here, then, is a dark and mournful column of forty-four hundred and seventy-eight Cubans, exterminated for political offenses; not slain upon the battle-field—not stricken with arms in their hands, but torn from their daily avocations, and hurried to ruthless and ignominious deaths. In addition to this frightful record, one hundred and forty-five Cubans have been condemned to death who are out of the reach of their ene-

mies. Seven hundred and seventy-seven men, women, and children have been transported as convicts to penal colonies on the coasts of Africa and elsewhere. Their names, residences, and many of the details in each case are here before me. Some of them, people of culture and refinement, are to-day working in chain-gangs with the vilest criminals beneath the sun. Among them are planters, merchants, mechanics, lawyers, clergymen, and physicians, and the representatives of all the useful classes of human society. Can we know these facts and remain unmoved?

If any one, however, doubts that such inhuman deeds can receive the sanction of Spain, I will call his attention to an official proclamation, which truly and faithfully contains the spirit of this war. It is as follows, and bears its own date:

“BAYAMO, *April 4, 1869.*

“Inhabitants of the country! The re-enforcements of troops that I have been waiting for have arrived; with them I shall give protection to the good, and punish promptly those that still remain in rebellion against the government of the metropolis.

“You know that I have pardoned those that have fought us with arms; that your wives, mothers, and sisters have found in me the unexpected protection that you have refused them. You know, also, that many of those I have pardoned have turned against us again.

“Before such ingratitude, such villainy, it is not possible for me to be the man that I have been; there is no longer a place for a falsified neutrality; he that is not for me is against me, and that my soldiers may know how to distinguish, you hear the order they carry:

“1. Every man from the age of fifteen years upward found away from his habitation (*finca*), and does not prove a justified motive therefor, will be shot.

“2. Every habitation unoccupied will be burned by the troops.

“3. Every habitation from which does not float a white flag, as a signal that its occupants desire peace, will be reduced to ashes.

“Women that are not living at their own homes, or at the houses of their relatives, will collect in the town of Jiguani, or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

“The foregoing determinations will commence to take effect on the 14th of the present month.

“EL CONDE DE VALMASEDA.”

The man who conceived and wrote this brutal and felonious document is now the captain-general of Cuba, with unlimited power over the lives and liberties of her people. What may not be expected in the shape of barbarism from a man who required the boys of fifteen to “prove a justified motive” for their absence from home, however brief the time or short the distance, or be shot? This proclamation stamps him as a cowardly and sanguinary monster. It conclusively convicts him of a nature and disposition equal to all the atrocities which have been alleged against him. But it may be said that it has been modified upon the urgent request of our government. In words it may have been, but not in fact and in deed. From the day of its date to the present hour, no prisoners of war have been taken. Spain evades the obligation to spare the lives of prisoners by taking none in battle. The helpless, the vanquished, and the wounded are slaughtered on the field. They die there, and are reported as having fallen in combat.

Yes, I call upon this House to bear witness that now for nearly three years a war has been waged, almost within our sight and hearing, with over one hundred thousand men, against a population of a million and a half of men, women, and children, in which, during that period, it is not pretended that prisoners have been taken and spared in battle. The accounts of the various and the revolting cruelties practiced by the troops of Spain, on their victims of every age and sex, can not be repeated here. They would paralyze the tongue that uttered them, and confound the audience that listened to their awful recital. When savage red men of the American wilderness burned their captives

at the stake, they were merciful in comparison to the soldiers of Spain on the plains of Cuba.

In their generous love of liberty, some young Americans have joined the Cuban army of independence. Can we censure them for the act? Did we not welcome Lafayette and Steuben and De Kalb in the darkest hours of our Revolution? Did we not hold that they would have been entitled to civilized treatment as prisoners of war if they had fallen into the hands of our enemy? Can you imagine them tortured to death by British troops, under the orders of British officers, with every circumstance of indescribable and hellish horror? Yet such was precisely the fate of Majors C. B. Collins and G. H. Harrison, Captain R. B. Moody, and Lieutenant G. P. Strong, on the 17th day of June, 1870—four gallant Americans fighting the cause of an oppressed people on a portion of American soil. Tied to trees, eyes put out, ears cut off, mutilated out of all human semblance, they perished miserably for a cause as holy as that which baptized Bunker Hill or Yorktown with immortal fame. Thousands have suffered kindred atrocities and similar fates. Their names will some day be gathered together, if their bones can not be, and embalmed in the tender gratitude and mournful affection of an independent and free people.

Let one more illustration, however, proclaim the outlawry of Spain from the pale and companionship of civilized and Christian nations. Who has forgotten the fate of the students at Havana, in November last? It amazed the world like a clap of thunder from a clear sky. I have all the facts officially stated. A Spaniard, by the name of Castanon, was killed in January, 1869, at Key West, by a Cuban, in retaliation for sufferings upon the island. His remains were taken to Havana and placed "in one of the niches of the city cemetery; it is closed by a glass plate; behind this is the tablet, upon which was hung at the time of the interment a wreath of immortelles." I quote still further from the letter of our vice-consul, Mr. Hall, dated November 28, 1871. He says:

"Post-mortem examinations, whether for judicial or other

purposes, are held in a building inside of the cemetery grounds. The medical students of the university are usually present at these examinations, and, as they occur very frequently, the students have free access to the place at all times.

“It appears that on Thursday last, 23d instant, a number of medical students, from mischievous or other motives, broke the glass before the niche of Castanon, removed or destroyed the wreath, and replaced it with another of materials of their own selection.”

This was the offense with which some forty young medical students were charged. The chaplain who remonstrated with them upon the impropriety of their conduct testified before the court-martial that the whole affair was “a mere boyish freak meriting no exemplary punishment.” But it soon was ascertained that they were not even guilty of the trifling offense at first brought against them. On the 2d of December, 1871, Mr. Hall wrote again, and this time as follows:

[No. 597.]

*Mr. Hall to Mr. Hunter.*

“UNITED STATES CONSULATE-GENERAL,

“HAVANA, *December 2, 1871.*

“SIR:—With reference to the subject of my No. 596, of 28th instant, I have now to correct some statements made therein relative to the desecration of the grave of Castanon. These statements were the common reports of the place, and I had not then had time to ascertain all the facts.

“From reliable sources it now appears that the desecration referred to consisted merely of a few scratches with a diamond upon the glass plate that closes the niche. The glass was not broken, nor has it been replaced by a new one; the wreath was not touched; the chaplain of the cemetery was not threatened, insulted, nor injured in any way by the young men.”

And this was all of their conduct. The glass case was not opened; the withered flowers were not removed; a few scratches with a diamond ring, and the majesty of Spain called for blood. At nightfall the arrests took place; be-

tween midnight and day a court-martial was convened, and at five o'clock in the afternoon eight of these harmless boys, the youngest but fourteen years of age, like one of these little pages here, and the oldest not twenty, were drawn up in a row and received the bullets of Spain into their young and palpitating breasts. May God's wrath light upon the nation which sanctions the cowardly and inhuman murder! It is without a parallel save only in Spain's own infamous colonial history in the western hemisphere for more than three hundred years. Thirty more of these boys were condemned to long terms of servitude in the chain-gangs, where they are now. Is the nation that perpetrates these enormities entitled to the fellowship of Christendom.

But perhaps it may be contended that Spain herself, shocked at these bloody excesses, has since then modified and humanized her war policy in Cuba. It is only necessary to cite the last proclamation of the captain-general, Valmaseda, to show how unfounded is such a claim, if made. On the 27th day of December last he issued his orders to the effect that all persons who failed to present themselves within the Spanish lines by the 15th day of January, 1872, should be treated as traitors, and the men, whether white or black, be put to death when captured; the white women banished from the island, and the black women returned to slavery. But nineteen days of grace were given before this decree of extermination, exile, and bondage went into effect. Horrors accumulate on this subject until I am amazed at our silence and inaction.

Sir, the time has come when further apathy on our part is a participation in the abominations of Spain. I have shown that the Cubans are entitled to belligerent rights by the repeated acts of Spain herself. But they are entitled to something far greater and more valuable. They have won their title to independence. By long suffering, by many woes, pains, and sacrifices, they have fairly won a charter of freedom for themselves and their posterity.

We are the strongest of all the American republics, and yet we are behind all the others in a friendly greeting to

this brave and deserving people. The noble South American republic of Peru, herself once a plundered and down-trodden province of Spain, rose up in the true glory of a free nation, and at an early stage of the conflict recognized the independence of the Republic of Cuba. She knew the relentless monster with which Cuba was struggling, and she knew the mighty incentives which the Cubans had to be free. All honor to the courage and humanity of Peru! Chili, too, from the far-off southern extremity of the New World, sends a recognition of the belligerent rights of the Cuban republic. She has been followed by Bolivia, by the United States of Colombia; and even poor, disordered Mexico has done what this powerful government has not yet dared to do. We alone have had no kind greeting or recognition for that unhappy people. We, the foremost—we, the strongest—we, the freest, with all our boasted power, witness the savage bloodhounds of war rending and mangling suffering humanity, and remain silent, while all the other free powers of this hemisphere have spoken. It is a sad and a miserable spectacle. It is all the more so because of the action of Spain during the late great civil war in this country. Sumter was fired upon in April, 1861. Spain recognized the belligerent rights of the Southern Confederacy in June. The roar of hostile cannon had barely reached the shores of Europe when Spain acted toward us as we have shrank from acting toward her for more than three years. How long will it be until such a foreign policy will render us the scoff and derision of all nations?

Sir, not only, in my judgment, are the people of Cuba entitled to the recognition of their belligerency and their independence, but the horrible barbarities which are inflicted upon her call for the intervention of the Christian powers of the world in the interests of a common humanity. The laws of nations do not permit governments to commit wholesale crime. This principle was declared and acted on in the treaty of 1827, by which England, France, and Russia bound themselves to intervene in the contest between the Ottoman empire and the insurgent Greeks.

That treaty declared that the rules of civilized warfare must be observed, and the powerful parties to it proceeded to arm in order to enforce their declaration. Turkey heard and heeded their voice, and stayed her bloody hand. Had I the power, I would speak in the same tones to Spain. I would also be ready to follow the word with action. I would strengthen the navy. Instead of censuring the head of that department, I would give him more force, and then call upon him to meet all the responsibilities of his place.

Much more on this point I intended to say, but my time is spent, and I must embrace some other opportunity. Thanking the gentleman from Maryland [Mr. Swann], and the gentleman from Ohio [Mr. Garfield], I yield the floor.



## REPLY TO SENATOR MORTON.

[A speech delivered at the Opera House, Terre Haute, August 7, 1874.]

LADIES AND GENTLEMEN:—When I last had the honor to address my neighbors and friends in this city, it was in response to a call made irrespective of party, and in company with my esteemed friend and distinguished political opponent, Col. R. W. Thompson. The meeting was an earnest appeal to the Congress of the United States for financial relief, and it embraced the business and laboring men of every shade of political opinion in this community. It was in the earlier days of the financial panic, which all fondly hoped would soon pass away, leaving to the various branches of business and labor their usual vitality and prosperity. Six months later, however, and we meet to-night with no perceptible improvement. The same scarcity of money for the people, the same paralysis of trade amongst merchants and mechanics, the same difficulty on the part of laborers in obtaining remunerative labor, are still painfully apparent on all sides. The only change is that, in view of approaching elections, the questions so vital to all are now to be considered and discussed by the two great political organizations. I trust, nevertheless, that they may be considered by us, and by the people of the whole country, only in a friendly and patriotic spirit, with a single aim to confer the greatest good upon the greatest number.

In the first paragraph of Senator Morton's speech of July 31st, in this city, he arraigned the Democratic party for entertaining different views in different States on the finances and other public issues. This seemed to him so grave an offense that he placed it in his opening chapter. In sounding his promised key-note, he began by tuning on this string. I have no wish to disguise, if I could, the fact that

there are marked differences of opinion amongst individual Democrats on the financial question. I freely admit that it may take the authority of a national convention to produce the entire harmony that is desirable in our ranks. But what shall be said of the unfathomable assurance which was necessary to enable Senator Morton, in view of the condition of his own party, to make such an accusation against his opponents? Take the six States of New England, and add to them the great States of New York and Pennsylvania, thus comprising the controlling forces, both in talent and wealth, of the entire Republican party, and Senator Morton has not friends enough in them to procure for him an invitation from the Republican organization of any one of these States to deliver the financial views he did here. He speaks for his party in Indiana, but he could not speak for a single county in the States I have named. He is not only opposed by the Republican organizations and the Republican press of the entire East, but he is solidly, and I had almost said contemptuously, confronted and defeated in his financial ideas and labors by his own Republican President. Indeed, the grim reference made by the senator to the President in this connection is one of the amusing curiosities of political literature. He fairly states the President's position as contained in his message at the opening of the last session of Congress; then proceeds to show that he labored all winter to carry out the principles of the executive by legislation, and, after demonstrating that he was successful in his efforts by the passage of his favorite bill, he simply says: "This bill was vetoed by the President." Simply this, and nothing more. Doubtless this is a painful theme to the senator. It recalls to him the vindictive, unjust, and ferocious assaults made upon him during the celebrated debate of last winter by the leading journals of his own party. Perhaps he sees again those brutal and infamous caricatures in the *Journal of Civilization*, the pretentious organ of pious politics, *Harper's Weekly* newspaper, in which the senator, with his brother senators, Logan, Ferry, and others, were held up to the gaze and ridicule of the American people as foot-

pads, while the President stood manful guard against the burglaries and robberies on which these senators seemed so determined. I think I may safely submit that it would have been in better taste for Senator Morton to have healed his own intestine feuds before troubling himself about those of the Democratic party, if any there are.

In thus speaking of Senator Morton, I do so with great respect for his abilities, and without unkindness toward him personally. His position at this time with his own party is different from what it has ever been before. He attempted a revolt at the last session of Congress against the power of the moneyed monopolies, which have governed the Republican party from the hour of its birth, and which control it to-day. He met with partial success, and then a final rout and overthrow. The consolidated capital of the country was too strong for him at Washington, and he lost his great opportunity by failing to appeal to the people over the head of a subsidized executive. He surrendered, and now finds himself involved in those inconsistencies and contradictions which always assail and embarrass a man who attempts to argue a question from a different stand-point than his own convictions. He appears now rather as an apologist for his attempt to increase the currency, than as the bold defender of this, the best political act of his life. While dwelling on the ponderous conflict which he waged last winter with the arrogant and dominating Eastern division of his party, and with the President, who belongs to this lucrative division, the senator's breath is bated, and his tone subdued. He hurries rapidly over this field, however, and at once assumes his old mode of warfare—that of assault—in which he is always formidable, and often apparently reckless of danger to his own lines of communication or retreat.

Under the startling head of a "Double Repudiation," he attacks the first resolution of the Democratic platform of July 15th. It reads as follows:

"That we are in favor of the redemption of the fifty-two bonds in greenbacks, according to the law under which they were issued."

This, then, is denounced by Senator Morton as a double repudiation. I presume he means the worst kind of repudiation. If he is right, the Democratic party of Indiana should be beaten at the polls; but if he is wrong, then the party that supports him is not entitled to the confidence of the people. Nobody is in favor of repudiating any portion of our national debt, and at the same time no honest man desires to pay more than we owe; no honest man desires to violate and set aside the plainly written laws of his country in order to impose burdens on the people that do not belong to them; no honest man desires to increase the toils of the laborer in order to bestow a gratuity on the rich. I shall therefore cite the law itself on this subject, for by it we must all be judged—the Senator on the one hand and the Democratic State Convention, which he assaults, on the other. On the 25th of February, 1862, the first enactment on the subject of legal-tender notes, now known as greenbacks, and on the subject of five-twenty bonds, became a law. It will be found on page 345 of the twelfth volume of the United States Statutes. The first section of that act provides for the issuance of one hundred and fifty millions of greenbacks, and then proceeds to define the purposes for which they may be lawfully used, in the following plain language:

“And such notes herein authorized shall be receivable in payment of all taxes, internal taxes, internal duties, excise, debts, and demands of every kind due to the United States, except duties on imports; and of all claims and demands against the United States of every kind whatever, except for interest upon bonds and notes, which shall be paid in coin; and shall also be lawful money and a legal-tender in payment of all debts, public and private, within the United States, except duties on imports and interest, as aforesaid.”

It would be an insult to your intelligence to dwell on the meaning of this clause. He who runs may not only read, but understand what he reads. These legal-tender notes were good in payment of everything in the shape of an obligation to pay, public or private, with the two exceptions of duties on imports, and interest upon government

bonds and notes where interest was provided for. Such is the first section of this law.

The second section of this same law provides for the issuance of five hundred millions of coupon or registered bonds, due in twenty years, with the privilege to the government of redeeming them at any time after five years, and bearing six per cent. interest. This was the first installment of five-twenty bonds, and thus they were created in the same bill which originated the legal-tender notes, and declared that with them the principal of these bonds was payable. Afterward, when the public necessities required more greenbacks and more five-twenty bonds, Congress simply extended the principles of this first legislation on the subject, and authorized the Secretary of the Treasury to act accordingly.

In the act of Congress of July 11, 1861, authorizing the next one hundred and fifty millions of greenbacks, the following plain and explicit language is again used:

“And such notes shall be receivable in payment of all loans made to the United States, and of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and interest, and of all claims and demands against the United States, except for interest upon bonds, notes, and certificates of debt or deposit.”

And proceeds further to say that such notes “shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest, as aforesaid.”

And again, March 3, 1863, Congress, in authorizing a third issue of greenbacks, reiterates the above provisions in regard to their character as legal tenders. Indeed, there never was a greenback issued without the powers above enumerated attached to it, and there never was a five-twenty bond printed and engraved by the government, which was not convertible at the pleasure of the government, after five years, into greenbacks. If it is in the power of language to make any disputed point clear, the laws of Congress have placed this proposition beyond the

possibility of a doubt. Yet Senator Morton does not hesitate, in the face of these most explicit provisions, to declare the first resolution of the Democratic platform a double repudiation! Is there a man in the hearing of my voice, whether Republican or Democrat, who agrees with him?

But Senator Morton falls back on the act of March 18, 1869, in which, after every one of the five-twenty bonds had been issued and sold subject to the provisions of law just cited, Congress declared a new meaning to the contract, and thereby almost doubled the value of those bonds in the hands of their holders, and correspondingly increased the taxation of the people. With the incoming of Grant's administration, bonds to the amount of fifteen hundred millions, which were confessedly payable in currency by existing laws, were changed into gold bonds as far, at least, as such a crime against the people can be successful; thus fraudulently adding to the national debt from thirty to forty per cent. on every dollar we rightfully owe. A greater iniquity than this has never happened in American history. A government that thus plunders its own laboring masses and repudiates its own laws in order to still further gorge the rich, needs a change of officials at its head to use no harsher expression. Senator Morton, in speaking of this wicked piece of legislation, says:

"It may be safe, therefore, to predict that the settlement of this question by the act of 1869 will not be disturbed," and that it will not be in our power to reopen it. If this settlement is right, it ought not to be disturbed; but if it is wrong, a robbery, and a felony against the people, then there should be no cessation in the popular warfare against it until it is torn open and scattered to the winds. And I now propose to show that at the time this settlement, as Senator Morton calls it, was made, he himself denounced it as an attempt to change the meaning of existing laws, and declared and proved conclusively that the five-twenty bonds were payable in greenbacks, and finally voted on the ayes and nays against the passage of the act declaring that they should be paid in gold. If I do this, may I not reasonably claim that the first resolu-

tion of the Democratic platform in favor of the redemption of the five-twenty bonds in greenbacks, and the second resolution, demanding a repeal of the act of March 18, 1869, are established and justified by the record of the senator before he was coerced into his present unpleasant situation?

Under date of March 11, 1869, on pages 53, 54, and 55 of the Congressional Globe, for the first session of the Forty-first Congress, will be found the strong and determined utterances of Senator Morton against the passage of the act in question, and which he now commends as a settlement. He opposed it squarely on the ground that the five-twenty bonds were payable by the laws under which they were issued in greenbacks, and could not legally be made payable in gold except by a return to specie payment. In the discussion in the Senate in speaking of the five-twenty bonds and the legal tender notes, he said :

“ Are these bonds a public debt? Undoubtedly they are. Every debt that is owed by the general government is a public debt; and in this third act of Congress—there is another one still—it is declared that these notes shall be applicable to the payment of all public debts, except that part of the public debt which consists of interests on notes and bonds.”

Again, in speaking of this and other similar provisions in the various acts upon this subject, he said :

“ Broader, more comprehensive, and explicit declarations of the law-making power I have never read; and when the first one begins with the declaration that these notes shall be lawful money and a legal tender in payment of all claims and demands against the United States, of whatsoever kind, is anything left out there except the exemption which follows in the language of the statute, except interest on notes and bonds? And then this language is repeated three times afterward in different acts of Congress, so that although the acts creating these bonds are silent as to how the principal of the bonds shall be paid, yet the acts creating the notes declare that they shall be applicable to the

payment of every debt against the United States except the interest on that debt."

This is conclusive that, a little more than five years ago, Senator Morton supported the first resolution of the Democratic platform which he now denounces. He believed the five-twenty bonds were made payable by law in greenbacks, and hence opposed the passage of the act making them payable in gold. He went further. He strongly stated that the measure which he now praises as a settlement was a mere stock-jobbing operation. He said: "So that all the legislation of this kind is superfluous, except that it may operate upon the present market value of the bonds."

And again he said:

"Sir, it is understood, I believe, that the passage of a bill of this kind would have the effect in Europe, where our financial questions are not well understood, to increase the demand, and that will enable the great operators to sell the bonds they have on hand at a profit. It is in the nature of a brokers' operation. It is a 'bull' movement, intended to put up the price of bonds for the interest of parties dealing in them. This great interest is thundering at the doors of Congress, and has for many months, and by every means attempting to drive us into legislation for the purpose of making money for the great operators. That is what it means, and nothing else."

No doubt the senator was then right, and that this measure did operate to the swelling of many an already overgrown fortune obtained from the sorrows, miseries, privations, and labors of the American people. So far, indeed, did Senator Morton carry his views on this subject, that Senator Morrill, of Vermont, rebuked him in the open Senate, in the following language:

"I am somewhat surprised at the position of the distinguished senator from Indiana, for I believe he goes further than our ancient friend, Pendleton, on the subject. His amendment goes so far as to pay in paper money debts that were contracted in 1848."

But nothing silenced Senator Morton in his violent op-



position to the measure he now so much approves. In another part of this debate, he exclaimed :

“ And now I propound the question. It is either intended by this bill to make a new contract, or it is not. If it is intended to make a new contract, I protest against it. We should do foul injustice to the government and the people of the United States, after we have sold these bonds on an average for not more than sixty cents on the dollar, now to make a new contract for the benefit of the holders. . . . If it does not propose to make a new contract, but simply to enforce that which now exists by law, then it is unnecessary.”

I shall make but brief comment on this overwhelming record. I have often heretofore had occasion to observe with unfeigned amazement the rapid and complete transitions which Senator Morton has made on almost every public question from one extreme to its absolute and distinct opposite. He does so, too, with the air of one who expects the continued allegiance of his followers without regard to the contradictions and inconsistencies through which he hurries them from one position to another. Why, he made a canvass of Indiana, in 1868, on a platform calling for the redemption of the five-twenty bonds in greenbacks, just as we do now. The Republicans of Indiana were all in favor of it then, and are expected to be opposed to it now because Senator Morton has changed. And so now, with his deliberate speeches on record against the gold bill of March 18, 1869, and his vote recorded in the negative on its passage on page 70 of the *Congressional Globe* of the first session of the Forty-first Congress, he comes before the people, unfalteringly, and proclaims himself in its favor as a settlement, and asks his partisans to turn about as he does.

But Senator Morton gives two reasons for abandoning his own former conclusive reasonings on this subject which call for notice at my hands, however trifling and fallacious they may be. He seems to concede still that the five-twenty bonds were payable in legal-tender notes, but seeks to escape their actual payment in that way by assuming

that they must be paid in the very identical notes in existence when the bonds were issued and in no other like kind. Even if this construction of the law was warranted, there is a clause at the close of the first section of the act of February 25, 1862, which is broad enough to carry it out. It is there provided that the greenbacks may be reissued as often as the exigencies of the public may require. By so doing the same object could be accomplished in the redemption of bonds as by the issue of new legal-tender notes. But no attempt has been made to thus comply with the law in the payment of the national debt, and the reduction of its interest demands. I do not believe, however, that the powers of Congress are so limited and feeble that after it has declared by law in favor of paying a public debt in a certain way, it has no power to provide the means to fulfill its own enactments. I am sure that if the required legislation was in the interest of the moneyed classes it would not be long delayed, and the arguments in its favor would flood the land. It is enough, however, on this point that the Supreme Court of the United States has decided that Congress has the constitutional power to issue paper currency and make it a legal tender. The power of Congress being conceded, its exercise should follow in the fulfillment of its promises to pay in that kind of money. The idea that the government may have the constitutional power to make a contract in behalf of the people with public creditors, and yet be destitute of the constitutional power to carry out the terms of the contract thus made, seems too absurd for argument. Indeed, such a technical fallacy would never be embraced by a man of the robust and vigorous intellectuality of Senator Morton, except as the resort of desperation. Every lawyer who has examined the acts of Congress on this subject knows that new greenbacks may be issued, or old ones reissued, and used in payment of the bonds under consideration.

But Senator Morton recited the act of Congress of June 30, 1864, as a pledge that the American government will never, under any circumstances, without any limitation as to time, though wars may assail us, and our necessities

be ever so urgent, issue or suffer to be issued more than four hundred millions of legal-tender notes. This pledge, according to the senator, extends through all time, and can be broken in no contingency. The history of the world is full of such foolish finalities. One generation, thinking itself wise enough for all time to come, has often attempted to bind all the generations that were to come after it. Such presumptuous efforts, however, have always been spurned whenever they stood in the way of the public wants of human progress. So they will be in this instance. If the people determine that the greenback circulation ought to be increased for the best interests of the country beyond four hundred millions by the gradual payment of the five-twenty bonds, or by the substitution of greenbacks for national banking currency, this pretended pledge will no more bind them than the obsolete blue laws of Connecticut now bind the enlightened descendants of their ignorant and narrow-minded fathers. Let us, however, obey the law and fulfill the law, and allow the consequences to follow in their natural order. It needs no gift of prophecy to foretell that they will be favorable to the laboring masses of the country, and, indeed, to every legitimate business interest.

If any further defense of the first and second resolutions of the Democratic platform is needed, I will refer my audience to the *Congressional Globe*, part 5th of the second session of the Fortieth Congress, page 4178. There we find Thaddens Stevens, who, as chairman of the Ways and Means Committee, had reported all the laws I have cited on this subject, giving his construction of their meaning. There can be no higher authority. Speaking of the five-twenty bonds, he says :

“ After they fall due they are payable in money, just as the gentleman understands ‘ money,’ just as I understand it, just as we all understood it when we passed the law authorizing that loan, just as it was a dozen times explained upon the floor by the chairman of the Committee of Ways and Means when called upon by gentlemen to explain what it meant, and just as the whole House agreed that it meant.”

And, again, the old Republican leader exclaimed :

“I want to say that if this loan was to be paid according to the intimation of the gentleman from Illinois (Mr. Ross) ; if I knew that any party in this country would go for paying in coin that which is payable in money, thus enhancing it one-half; if I knew that there was such a platform and such a determination this day on the part of any party, I would vote for the other side, Frank Blair and all. I would vote for no such swindle on the tax-payers of this country; I would vote for no such speculation in favor of the large bondholders, the millionaires, who took advantage of our folly in granting them coin payment of interest.”

Senator Sherman, of Ohio, the chairman of the Finance Committee in the Senate, gave a similar construction to the laws under consideration, and many other leaders and State conventions of the Republican party did the same. But enough on this point. How stands now this charge of repudiation made by Senator Morton against the Democracy of Indiana? Who are the repudiationists? Those who abide by the law or those who repudiate the law? I brand as the repudiators of the faith of the nation those who have broken and set at naught the laws of their country in order to obtain money unlawfully from the people. This form of repudiation is abroad in the land, and I know of no other that is. If these resolutions in the Democratic platform favor repudiation, then so did Senator Morton himself five years ago; so did Thaddeus Stevens, John Sherman, the Republican State platforms of Ohio and Indiana in 1868, and the entire Republican press of the West at that time. Add to this array of proof the further fact that Jay Cooke, then the fiscal agent of the government to sell its bonds, advertised the ten-forty bonds as the only ones whose principal, as well as interest, was payable in coin, and I am content to leave this branch of my subject.

From what I have already said, my views in regard to a return to specie payment may be easily anticipated. When the debts which were contracted, as we have seen, to be paid in paper shall have been discharged, and the business interests of the laboring masses demand, then will be the

proper time for specie payments and not before. Money is simply a means of trade among individuals and nations, and that kind of money which inspires and retains confidence, and is cheaply put in circulation, and easily handled, is the best for the people. At this time our government currency has these requisites, and there can be no object in a return to specie payment now, except to still further oppress those who are in debt, and still further enrich public and private creditors. There is much talk in regard to a system of exports and imports by which we may procure and retain a sufficient amount of gold to redeem our circulation and pay everything in specie. This is a delusion and a snare, and misleads the people with words without meaning. There never was, and never will be, a circulating medium in a commercial and agricultural nation based on a sufficiency of gold and silver to redeem more than one dollar of it in three. The actual redemption of a paper currency in the precious metals never did and never will take place. It is a theory in finance proclaimed to give confidence. If the confidence should arise from any other source, the same end would be accomplished. Gold has no more intrinsic value than any other kind of matter. It is worth to man only what it will buy for him. When Pizarro conquered Peru he shod his soldiers' horses with gold, and yet, in the midst of this seeming abundance, in many instances, man and beast starved to death together. It is the purchasing power of a commodity which gives it value, and this, paper may have as well as gold. It is the stamp of the government which gives currency to both.

The fifth resolution of the Democratic platform declares that :

“ We are in favor of such legislation from time to time as will adjust the volume of the currency to the commercial and industrial wants of the country.”

This is a most important proposition. It is an assertion of the power and duty of Congress to increase the amount of currency in circulation whenever the business of the country demands it.

There is scarcely a division of sentiment at this time among the people of the West and South on this point. There are but few public creditors in these sections to be benefited by contraction, but, on the contrary, millions of debtors, public and private, to be ruined by it. Senator Morton labors to show that a trifling amount of expansion has taken place. If so, its presence has not been perceived in the Mississippi valley. In truth, whatever Senator Morton may say here in Indiana, the national attitude of the Republican party on the financial question is that of contraction, consequent low prices to the farmer and mechanic, with no diminution of their tax rates, hard times to the poor, and all who are in debt, with vast hoarded wealth in the hands of the favorites of class legislation. No candid and intelligent person will deny that this is the position of the administration now in power. American history shows no other administration so subservient to the power of money as the present. I speak not now of its low uses in bribery and corruption, but of that power which aggregated capital has always sought to exercise in its own favor. What single demand of the capitalist has this administration denied? Not one. The demand was made, as I have shown, to forge a new meaning on the face of the contract creating our public debt, and it was granted before the present administration was a month old, thereby adding unlawfully more than five hundred millions of dollars to our lawful debt. In the midst of unparalleled financial distress, last winter, the capital and monopolies of the country demanded the veto of a bill in which it was claimed there were some elements of popular relief, and the head of the Republican organization, the Republican President, promptly acceded to the demand. A hundred similar concessions might be enumerated without a single denial of such demands. What have the people, therefore, of any party or organization to hope for from the party now in power? It belongs to the bondholding, manufacturing, railroading, and banking monopolies; it has always implicitly done their bidding, and is doing so now, and will continue to do so in the

future. If the people expect to break their oppressions, they must look elsewhere for help. In contrast with the principles of the party in power, I place the principles of the Democratic party on all the financial, industrial, and commercial questions of the day. We challenge the popular favor because we are on the side of the well-known wants and necessities of the people. Senator Morton claims that the Republican party is progressive. On the contrary, its only inspiration, on the subject of the finances, is the timid, cowardly conservatism which always emanates from hoarded and usuriously invested capital. I once heard a senator remark that nothing was more cowardly than one million of dollars, except two millions. When the chief pursuit of a party becomes the affectionate guardianship of the coffers of gold, which it has assisted its favorites to amass, then its days of progress, courage, and usefulness are numbered. That such is the attitude of the Republican party to-day, can not be successfully disputed. On the other hand, the Democratic party is unincumbered by such weights, and is in a position to become again, in the future, as it was once in the past, the universally recognized party of progress, reform, and development. Let it convince the people that its organization is placed squarely with the popular sympathies and wishes, in favor of economy, retrenchment, and purity, and in favor of a general relief against the present monopolies and oppressions, and though individual members of the Democratic party may, in some instances, mistake or fall short of their duty—though I have doubtless done so myself—yet the people with unerring instincts will rally to our flag and sustain us. It must not be supposed that the Democratic party will do anything rash on the subject of the finances or any other subject, if it should succeed to the control of the government. There are fifteen years in which to convert an interest-bearing bonded debt of twelve hundred millions into a non-interest bearing circulating medium. This can be done at such intervals and under such circumstances as not to derange or unsettle the legitimate currency of trade and commerce; and when the time comes for a return to specie payments,

it will require no wiser statesmanship to provide for the redemption of a circulating currency in coin, than for the payment of the same amount of bonds in the same way. The difference would be that the government would redeem its outstanding obligations from the whole people, and pay them the gold, instead of paying it to the bondholders, in violation of the law of the contract. And all this can be accomplished without increasing our paper circulation beyond the demands of every true and legitimate business interest of the country; and in such increase, the agricultural sections would be revived as the parched fields are by the welcome rains.

Senator Morton was pleased to refer, in very disparaging terms, to the position of the Democratic party on the temperance question. It is always unfortunate for the cause of temperance when it is thrust by its ill-advised friends into a political contest. History abundantly shows that it was never advanced by political discussion or partisan legislation. Intemperance has, in all ages of the world, been recognized as an evil of giant proportions, but the innumerable attempts which have been made by coercive and prohibitory laws to govern the various appetites of mankind have been, in every instance, conspicuous failures. There is something repulsive to the natural and commendable spirit of personal independence in the idea of determining by law how a man shall exercise that primary right of nature, to eat and drink. Mankind has submitted, with impatience, in all ages, to such restraints on inherent rights. It is for this reason that whenever the zealots and crusaders on this subject have pressed their demands too far, there has always been a reaction most damaging to the cause. The practice of temperance is an individual responsibility, and can far better be promoted by moral and intellectual culture than by cumbrous, ill-digested laws of more than doubtful constitutionality. This I believe to be the sentiment of the Democratic party of Indiana. Jefferson said, many years ago, the world was governed too much; and one of the principal vices of the Republican party is its restless desire to govern every-



body in all concerns, both small and great—to dictate on all matters relating to every phase of human existence, assuming a parental policy, as if the people were children, calculating nothing from that sense of individual responsibility which can alone rescue a man from the destruction of evil habits. This characteristic pervades the entire policy of the Republican party, and is not confined to its course on the temperance question. The Democratic party has more faith in the people, individually and collectively, and hence is willing to trust them with larger liberties. We hold it within the proper scope of legislation to regulate the sale of spirituous liquors, but not to prohibit it. The constitution of Indiana provides that all laws shall be uniform in their operations throughout the State, and a license system, which we propose, can not fail to be so.

The Republican State platform declares “in favor of such legislation as will give to a majority of the people the right to determine for themselves in their respective towns, townships, or wards, whether the sale of intoxicating liquors for use as a beverage shall be permitted therein.” Literally construed, this is a declaration in favor of the power of absolute prohibition by the “local option” of towns, townships, and wards. This is in direct violation of the decision of our Supreme Court in the Beebe case, as well as the provision of our constitution above cited. It goes further, too, than even the Baxter bill. But supposing it was the intention of the framers of that resolution to express only their approval of the local option feature of that bill, yet experience has shown it to be a failure in its operations. Under the operations of that law, any quantity of intoxicating liquor, from the smallest to the greatest, may be sold or given away without any permit at all, if the party receiving it shall only retire from the premises before he consumes it. I have seen this done with impunity under the very eyes of the well-meaning but misguided ladies who took the whole subject in hand a few months ago. No law can be worse than this for temperance people, as well as for those who keep respectable houses for the sale of liquor;

but a judicious and well-regulated license law, which shall protect society and derive a large income for the school fund, will be a vast improvement for both. We are willing to go before the people on this issue thus made up, and abide the result. And if, in this connection, Senator Morton and his followers, in whom the old leaven of Know-Nothingism yet remains, shall open a warfare on that portion of American citizens who have sought our shores from foreign countries, bringing with them their harmless and inoffensive habits and innocent recreations, the Democratic party will be true to its old and glorious record in behalf of equal and exact justice to all, come from whatever land they may.

In the course of his speech Senator Morton made an elaborate and bitter assault on the sixth and seventh resolutions of the Democratic platform, which relate to the civil rights bill, and the votes of the two senators from Indiana in its favor. On the 17th of June, the Republican State convention met at Indianapolis, and with these votes fresh in every mind, indorsed Senators Morton and Pratt with "hearty approbation" for "the fidelity and ability with which they represented the sentiments of the people of the State." On the 15th of July, the Democratic State Convention arraigned them for misrepresenting the people on this subject. Thus the issue is formed in Indiana between the two political parties. Let us examine what that issue involves. By the first section of the civil rights bill, as it passed the Senate, and is now pending for the action of the House next winter, the four million and upward of negroes in the United States are suddenly and imperatively, by the force of law, thrust into an absolute equality with the white race "in the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, or other places of public amusement, and also common and public institutions of learning or benevolence supported in whole or in part by general taxation, and of cemeteries so supported, and also institutions known as agricultural colleges, endowed by the United States."

This is the most extensive and remarkable social revolution ever attempted by legislation in the history of the world. It overthrows in a moment the habits and usages of more than two hundred years in this country, and establishes a radical change in the daily customs of forty million people. I know of no parallel to it in the history of the nations of the earth. Senator Morton says it is only a prejudice which opposes this vast measure—vast in its scope, and in its results if it ever becomes a law, as the senator vows it will. Even if this were true, and there was no higher argument against it, a wise statesman always respects the honest prejudices of the people and calls in the aid of time, and the educating influences of experience, rather than penal statutes, ruinous fines, and prison-houses to remove them. Cicero, Burke, Jefferson, and Webster could speak with toleration of the prejudices of mankind, for, after all, what is prejudice? It is nothing more than a thought, an operation of the mind on a given subject, an idea, an opinion, sometimes well founded and sometimes not, either suddenly conceived, or the result of long and settled habits, or of the accepted traditions of the past. In any view of the subject, the legislative power of a government is never warranted in violently and suddenly assaulting such convictions and denouncing the severe penalties of high crimes against those who do not surrender them. In fact, what is often denominated prejudice, as often proves to be the highest instinct of wisdom. There is no doubt that it is so in regard to the different races of mankind. Wherever this instinct of wisdom, which Senator Morton calls prejudice, has been broken down, the most lamentable and degrading consequences have followed. The pages of history are open to all, and the candid student, who will read them free from the influence of those political leaders, who not only go down in the dirt on their knees, but on their very faces, for the control of the negro vote, will there behold foreshadowed the inevitable consequences to both races by the enactment of the civil rights bill.

I will not pause to picture to you the consequences of this bill, if it become a law, in the hotels, the theaters, the

railroad cars, the stage-coaches, and the steamboats. Your own minds will readily conjure up the scenes that will take place. But, on the great question of education in all the States, we can not be too deeply concerned in view of this revolutionary measure. Does any philosophic and fair-minded person believe it a safe and judicious step, tending to the future elevation and welfare of the country, to coerce together all the children, black and white, into the same schools and colleges everywhere throughout the United States? That is the question to be answered in this canvass. Senator Morton says it is hatred of the negro, in addition to prejudice, which leads us to contend against this sweeping enactment, and he affirms that we wish negro children to grow up in ignorance and vice. In this he is widely mistaken, and with the sixth resolution of the Democratic platform before him, he was not warranted in making such a statement. In it we say :

“ We are in favor of a liberal system of education for the benefit of the negro as well as the white children of Indiana, but are opposed to the mixture of the black and white races in our schools or other educational institutions.”

The senator contends that a system of separate schools, as here advocated by the Democratic party, for the liberal education of both races, will not reach every isolated negro family in the United States. Perhaps not; nor is every white family supplied with the advantages of schools. All that can be expected is that the great bulk of our population, black and white, shall be afforded such advantages. A separate school-system for each race will accomplish this, for the great mass of the negro population is consolidated in the South, and there is hardly a school-district in that entire section in which a negro school could not be supported. And in the North, the negroes have generally gathered together in settlements, so that their separate schools could be maintained by the liberal assistance which may be extended to them. It thus appears that the negro race is perhaps as well located to receive the benefit of separate schools as the white race, so widely scattered over

the States and Territories, and beyond the mountains and rivers of the far West. They are in a situation, therefore, to be educated as a race in their own schools, and then to send forth teachers to enlighten their remote and scattered people as the white race does. This course can be pursued with blessings to all and injury to none, while the adoption of the civil rights bill will break down the common schools of most of the Southern States, drive the white children from them in others, and work the same results in many parts of the North. The rich man can and will send his children to private schools, or hire teachers at home, while the poor must educate their children at the public schools with the blacks, or not at all. Senator Morton indulged in the following sneer :

“The old bugbear of social equality, which has so often done service in the cause of the Democracy, is again paraded to affright the souls of those who do not feel entirely confident of their social position.”

I do not mean to be disrespectful to the senator when I say that those who are opposed to the civil rights bill are quite as secure in their social relations as he can possibly be in his, and that thousands of humble laborers are as scrupulous in regard to the social and educational associations of their children as they would be if they occupied the high station he does.

But Senator Morton finds it quite natural for the Democratic party to be opposed to the civil rights bill, because we were opposed to the bestowal of negro suffrage. He says that the opponents of this bill “resisted the civil rights of the negro at every step, and declared that to confer upon him the right of suffrage, would be the dishonor and destruction of the Republic.” In uttering this sentence, Senator Morton evidently hopes the people have forgotten that, after the war, he sounded the key-note of opposition to negro suffrage in Indiana, as he has since done in its favor. He opposed it both on constitutional grounds and on the general grounds of public policy. November, 1865, he thus forcibly stated the constitutional objection, in his message to the Indiana legislature :

“The subject of suffrage is, by the national constitution, expressly referred to the determination of the several States, and it can not be taken from them without a violation of the letter and spirit of that instrument.”

No proposition was ever more correct than this, and yet it was not long until the senator was engaged in violating, according to his own doctrine, the letter and spirit of the constitution, by taking away from the several States the right to determine the subject of suffrage in their own midst. On the grounds of public policy, he stated his objections to negro suffrage in the following forcible manner:

“It is a fact so manifest that it should not be called in question by any, that a people just emerging from the barbarism of slavery are not qualified to become a part of our political system, and take part, not only in the government of themselves and neighbors, but of the whole United States. So far from believing that negro suffrage is a remedy for our national ills, I doubt whether it is a remedy for any, and rather believe that its enforcement by Congress would be more likely to subject the negro to a merciless persecution than to confer upon him any substantial benefit.”

By what right a man with such a record as this denounces others for entertaining the same views, I must leave to political casuists more skillful than myself. The only thing of which I think Senator Morton can justly complain, in this connection, is the fact that the Democratic party has a tendency to stand by its convictions, and can not change with the winds as he can. But the Democratic party does not need to justify itself by the utterances of the senator, however conclusive, on the subject of negro suffrage. I only quote him against himself to show how unreliable has been his leadership to men of principle. We appeal to the deplorable condition of the South for the justification of our position on the suffrage question. Bankrupt States, beggared communities, wasted provinces, plundered cities, and deserted fields are our witnesses. The senator says, in his speech here, a week ago, that “Democracy of the South means a conflict of races.” Even if this were true,

which is not, who would be to blame for it so much as the senator himself? In his speech at Richmond, Indiana, he proclaimed that the establishment of negro suffrage and negro State governments in the South "would result in a war of races," and as soon as convenient afterward proceeded to assist in doing that very thing. If the war of races is there, it is his own handiwork.

An appeal is now made by the senator to the general principles of humanity and natural right in behalf of his course on the civil rights bill. This, coming from the leader of a party which has openly refused to permit the Chinaman to even naturalize in this country, sounds hollow and insincere. I once witnessed a debate in the Senate of the United States in which Mr. Sumner, who was always consistent, labored to have our naturalization laws so amended as to include the thrifty and intelligent emigrants from China. He was resisted by every Republican senator and member of Congress from the Pacific coast, and by a sufficient number from other States to defeat him. It seems, therefore, that there are natural rights for the negro, but not for some other kind of people. Even Newton Booth, the accomplished governor of California, can not discover the natural right of a Chinaman to become a citizen of the United States. The Chinaman is as much superior to the negro as the American is to the Chinaman. Is it prejudice or what, that causes the Republican party to shut the door in his face while preaching loudly about the natural rights of the African?

But Senator Morton grows indignant over the assertion in the Democratic platform that the civil rights bill is an attempt on the part of the federal government to take control of the schools and other institutions therein named. He says:

"The bill does not attempt to take control of all the schools, churches, hotels, railroads, steamboats, theaters, and graveyards on the part of the government of the United States, but leaves that control precisely where it is now."

He arraigns the Democratic convention for gross igno-

rance in asserting the contrary. A little further examination of this bill, however, will determine the disputed point. The second section provides that any person violating any of the provisions of the first section, or who may incite others to violate it, shall "forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action on the case, with full costs." But it does not stop at this. It is further provided by this section that "any person, whether landlord, conductor of a railroad, captain of a steamboat, stage-driver, or schoolmaster, who shall discriminate, in the slightest degree, between a negro and a white man or woman, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one thousand dollars, or shall be imprisoned not more than one year." If the declaration by law that the institutions enumerated in this bill shall be conducted in a certain way, under the enormous penalties of civil damages, penal fines, and long imprisonments, be not the assertion of a "control" over them, it is more than useless to predicate an argument on the universally accepted force of logic and the meaning of words. The remaining sections of this most odious bill are engaged in fixing the jurisdiction for the trial of offenders, growing out of a violation of it, in the United States courts, exclusively; and in especially authorizing and requiring the district attorneys, marshals and deputy marshals, and commissioners of the United States "to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense."

Here this issue, most momentous and far-reaching in its consequences to the American people, may be safely left for their decision. They will not be easily persuaded that the federal government has the constitutional power to determine the character of guests to be admitted by a landlord; the manner in which passengers on steamboats or stage-coaches shall be seated and accommodated; the regulation



of public schools, and the right of admission to colleges, nor in what graveyards people shall be buried when they die. They will rather conclude that such a usurpation of power has not been before attempted since the foundation of the government, and that it makes respectable the worst forms of federalism.

On the subject of cheap transportation, Senator Morton overlooks the principal and most obvious means by which it can be secured. Whenever the chief articles which enter into the construction and equipment of railroads shall be cheapened by a low rate of import duties, the problem, now so troublesome, will be more than half solved. But while the manufacturers of iron and steel are protected in charging nearly two prices for what they sell, the farmers may be sure that it finally falls on them, in the shape of heavy rates for transportation. If railroads have to be extensively built on account of an exorbitant protective tariff, it follows, as certainly as one day follows another, that the builders will get their money back, in turn, from their customers, the people. The first step, therefore, toward cheap transportation, is to break down the huge and oppressive monopoly of the present tariff, and place it on a basis of revenue, and on the side of the people. As it stands now, it enriches the few and impoverishes the many, and in no way more effectively than in the expensive transportation of the products of your farms.

Another means of cheapening transportation, now much discussed, is the construction of water lines of communication from the Mississippi valley to the Atlantic seaboard. This is most desirable, whenever it can be done with a proper regard for economy, and in strict subordination to the constitution. The canal and the river are the cheap thoroughfares for produce. The outlay is not great in the construction of the one or the improvement of the other. The projected canal from the mouth of the Kanawha to the James river is justly attracting great attention. By it, the waters of the Ohio, and consequently the Mississippi and all its vast tributaries, will be connected with ocean navigation at Norfolk, Virginia, by a far shorter line than

any that now exists. Competent engineers have pronounced the work practicable, and at no distant day it will be completed, if the great interests of agriculture are properly considered. Another work of similar character is under contemplation, through Georgia to the seaboard. It has every argument in its support that should insure success. An extensive improvement of the mouth of the Mississippi, that greatest of all water lines of transportation, has also been elaborately discussed. All these questions should be thoroughly considered, and intelligently understood by the laboring masses. In them, and like enterprises, the most vital interests of the producers are involved. And in the course of time they will settle the farmers' issue of cheap transportation much more safely and fairly, and more in accordance with natural laws, than any action of Congress that will ever be obtained.

The exposures of corruption in the Republican party have been so extensive and startling in the last two years, that the only apology its leaders now make is, that they themselves have detected their own swindlers. This is the plea made here by Senator Morton, and for which he claimed great merit.

He did not deny that the people had been outraged by dishonest Republican officials, but claimed, in repeated phrase, that the party had been for a good while past in a constant state of "self-examination," in which it had made the most ghastly and horrible discoveries of its own impurity. The people are not so much concerned as to how frauds are discovered, as they are in regard to the fact that they exist. The fact that a man has a fatal disease preying on him, is more important to him than the name of the physician who discovers it. If it be true, as Senator Morton virtually admits, and the history of the times abundantly proves, that the administration of the government, in all its branches, by the Republican party, has become so corrupt, that every examination, whether self-made or not, reveals immense official dishonesties, and that it takes the time of one-half its leaders to investigate the other half, then indeed has the time come for the people to rise, irre-

spective of party, and sweep the Augean stables. But poor as the plea of the senator is on this point, he is not even entitled to its benefit, for it is not sustained by the facts. He enumerates the Credit Mobilier, Sanborn, and District of Columbia frauds as discoveries made by the Republican party, and for which punishments were meted out to the guilty. Nothing could be more spurious than such a claim. When the impartial history of these times shall be written, the credit of arresting the public attention to the gigantic frauds of the Credit Mobilier Company will be awarded to Horace Greeley, who, in his speech at Indianapolis, while a candidate for the Presidency, made the first exposure of its stupendous schemes. This led to agitation and the subsequent investigations, not in accordance with the wishes of Republican officials, but against them. Public opinion, once having seized the facts given by Mr. Greeley, forced every step of the subsequent proceedings. No credit whatever is due on this subject to the Republican organization or its great leaders. They simply quailed before the storm, and traveled with the wind, because they could not do otherwise.

The investigation and discovery of the fraudulent character of the Sanborn contracts for the collection of the United States revenues, was more due to the courage and industry of James B. Beck, the able and valuable Democratic member of Congress from the Ashland district of Kentucky, than to any other one man. If my memory is correct, he first called the attention of the House and country to the subject, and took a leading position on it until Secretary Richardson was driven from the treasury by the disclosures that followed. Every effort was made at the start, by the Republican leaders of the House and elsewhere, to prevent investigation, and afterward to shield their friends in office.

The origin of the investigations which resulted in the overthrow of the government of the District of Columbia, is notoriously different from the senator's statement. The property-holders of the District, a large majority of whom are Demo-

crats, besieged Congress to order an official inquiry into the charges of maladministration and corruption with which the press was already teeming. When a respectable party of your neighbors comes to your door and alleges that there is reason to believe that stolen goods are hidden in your house, and that they desire a search made, a refusal on your part would be worse than a discovery after search, for then you could at least deny you knew they were there. So with the Republican majority in Congress. It dared not deny an investigation. It simply chose the lesser of two evils to its reputation. I am not now affirming or denying the charges against the officials of the District of Columbia. I am slow to make charges of dishonesty, and not swift to believe them when made by others. But Senator Morton, in order to gain credit for his party, asserts the guilt of these officials, and claims the honor of their exposure and punishment.

Having shown, however, that the senator's claim of discovery is totally unfounded, how shall we gravely consider his pretensions that the Republican party has punished those whom it has exposed? Punished! Who has been punished? Were all those members of Congress who held stock in the Credit Mobilier punished by being reappointed by the Speaker to the chairmanships of all the leading committees of the House? Was John A. Bingham, of Ohio, punished for his shares of this stock by being appointed Minister to Japan? Did the Republican Senate punish him by its confirmation of his appointment? Was Richardson punished when he was taken in his disgrace from the treasury, and appointed to an exalted, judicial life office; and was Senator Morton inflicting punishment on him when his confirmation was carried in the Senate? Did the President intend to punish Governor Shepherd when, upon the close of the investigation which deprived him of one office, he immediately appointed him to another? Has Sanborn been prosecuted for his offenses? Is he undergoing punishment in some State's prison for his crimes? Nothing of the kind. The political malefactors alluded to by Sen-

ator Morton are all in high favor with their party, and nearly all of them in office. Let me be understood on this question of corruption. I do not believe that human nature is changed according to the political party to which a man belongs. The Republican administration of the government has become corrupt because of its long continuance in power, and by the innumerable temptations and opportunities by which its officials are surrounded. Such is more or less the history of all parties when too long retained in power. The Republican party is perhaps more corrupt at this time than any other party of modern times, in this or other countries, by reason of the patronage and speculations of the war, and its subsequent policy, by which the entire South was turned over to official plunderers and highwaymen. A change is imperatively demanded by every public interest. Senator Morton pleads for a new grant of power to his party. What does it bring you to win your support? Discord in its own councils over the leading national issues; a Congress framing a system of finance, and the President vetoing it; financial depression and discouragement everywhere; a crash like a thunderbolt, six months ago, and its effects still remaining; the Southern States in ruins, and unable to contribute to the general prosperity of the country; the civil service of the country debauched; the revenues farmed out to knaves for collection; monopolies of all kinds fostered, until the whole people are in open revolt against them. Those are some of the fruits which the policy of the party in power now exhibits for the approval of the American people. I believe that the day of a great change is drawing near, and if the Democratic party will sincerely and faithfully adhere to the cause of the people, despite the assaults of open foes or pretended friends, and consecrate itself to the great work that is before it, the responsibilities of the government will once more be placed in its hands. If it falters now, however, as to whether it will march under the banner of monopoly or the banner of the people, its opportunity is lost, and lost forever. Let us, therefore, deeply imbue

our minds with the principles of a pure and true Democracy, and enter the contest with strong hearts in favor of restoring the government to its original purpose—a government of the people, administered by the people, and for the benefit of the people.

## FINANCIAL CONDITION OF THE COUNTRY.

[A speech delivered at Greencastle, Ind., September 24, 1874.]

LADIES AND GENTLEMEN:—I am here to-night to speak very plainly. I am not now a candidate for your suffrages, either directly or indirectly, and I never shall be. No glittering prize in the shape of office, present or prospective, tempts me to smother any portion of my convictions. I expect nothing and fear nothing from the newspaper organs of monopoly and extortion, whether they call themselves Republican, Democrat, or independent, and whether they are published in the immediate vicinity of Wall street, New York, or under its extensive and pernicious influence in the West. As a private citizen, born in the ranks of labor, and allied to its cause by every tie of blood and sympathy, I appear before you to plead for the laboring people against the bold, systematic, and stupendous robberies of their own government.

The present era in politics is one of enlightened ideas and more than ordinary self-assertion on the part of the people. In all ages of the world two principles have contended for the mastery in government—one, that the favored, titled, and noble few should govern and live in idle luxury; the other, that the toiling many should control and shape public affairs for their own benefit. There has always been a class in every country who believe themselves born to rule and to receive tribute; born booted and spurred to ride the laboring classes, who are supposed by some to come into the world saddled and bridled for menial service. During the war, and more especially since its close, in this country, in 1865, the claims and pretensions of this arrogant class have been steadily, and rapidly, and insolently

advanced on all occasions, until the spirit of alarm and resistance is abroad among the people in every rank and grade of life. The unusual and unprecedented organizations of the laboring masses into self-protecting societies, from New England to Oregon, show an intelligent appreciation of the dangers which menace the people, and a determination on their part no longer to submit to the abuses of the party in power. These organizations are the offspring of a popular discontent, which is well founded. They betoken also an earnest, popular will to reform and purify the public service. They signify, too, that the real sovereigns of this country have awakened to their power and duty, and intend to maintain the blessings of free government. I find nothing inconsistent with my party alliance in thus speaking of these labor organizations. A little more than four years ago, January 28, 1870, in discussing in Congress the subject of our national finance, I said :

“ But, while this question thus presents a common center, which, with the irresistible force of some vast controlling magnet, attracts every mind to its earnest contemplation, yet the points of observation from which it is approached and considered are widely separated, and stand apart like places of fortified hostility frowning upon each other. The great body of the people who work with their own hands through all the weary days of the year, and whose earnings constitute the wealth of the nation, occupy one position, and with painful anxiety pray for relief against the further operations of a system of appalling injustice and crushing monopoly. The owners of idle capital, the favorites of fortune and of special legislation, who, like the lilies, toil not, and yet surpass kings in the splendor of their habits and luxuries, occupy the other position, and invoke the powers of the government to make no change ; to continue forever the enchantments of their feast, for which others pay. The farmer, who forces the bosom of the earth to yield its annual product for the support of men and nations ; the mechanic, who increases the values of things by his skillful industry ; the toilers of the land and of the sea, in whatever avocations the gifts and bounties



of nature are extracted by human labor, discover in the present policy of the government toward themselves, their classes, and their posterity after them, nothing save exactions, usuries, and penalties. The man whose greatness of brain and heart consists solely in his superior ability to wring money from the hands of others, and to amass sufficient wealth to obscure his vision of justice on earth, and to darken his hopes of heaven hereafter, beholds nothing in our revenue laws in regard to his interests except emoluments, richness, and careful exemptions. Sir, of these two opposing classes, I arrange myself with the most friendless in this body, in whose behalf a voice here speaking plainly the truth is but seldom now heard. Monopoly and privilege have clamored in high imperious tones in these halls for years. They have secured a lodgment beyond the reach of the humble and the poor. Their advocates on this floor are numerous and able. They listen with impatience to contradiction, and attempt to drown the authority of reason by the force of worn-out epithets. The capitalist, for whom American legislation is now enacted, is always here. He has the time and means to look after his mighty interests at the seat of government. He is vigilant, and his face may be seen in all the corridors of the Capitol. He comes armed with the powers of bonds, banks, and manufactories; and, wherever he treads, monopoly lifts up its ugly crest, and mocks the people with the special favors it has received at the hands of Congress? Why comes not the farmer here? Why is his honest, sunburnt face unknown in the precincts of national legislation, at the ear of the executive, and in the long and busy aisles of the departments? Why are his plain clothes never seen amid the throng which surrounds and invades the capital? He is a power, above all others, which upholds the entire political and social structure. From his hard hands flow those constant rivulets which feed and swell the illimitable ocean of our revenues. Delegations crowd the official chambers of the government in behalf of every human enterprise except that which is greatest of all—the cause of labor. The farmer and the mechanic toil at home to meet the exactions of the

tax-gatherer, while those whose hands are unstained with labor, and whose lives are given to sumptuous ease, shape the legislation of the country for the purposes of private gain and individual monopolies. In the absence of the laborer, I propose, to-day, to speak for his welfare, and, to the best of my abilities, uphold his cause."

Since the above passage was spoken, time has deepened in the minds of the people a sense of the truths it contains, and as I then defined my position on the great questions of capital and labor, so now I will maintain it. I spoke then as a Democrat, and I speak now as one; and I hope to be able to show that inside of the Democratic party, and by virtue of its plainly declared principles, honestly carried out, a perfect political reformation can be fully accomplished. Let us examine the present attitude of parties.

At this hour the foremost issue in the American mind is the resumption of specie payments. When the last session of Congress convened, in December, 1873, with the wrecks of financial ruin and distress strewing the country, there was not a man in the United States bold enough to publicly breathe such a purpose. Even the President talked, in his message, of so regulating the volume of our currency as to give relief to the paralyzed industries of the nation. Encouraged by his view, and stimulated by the universal demand of all the active business interests of the people, the most eminent leaders of the Republican party took steps in Congress to secure a very moderate expansion of the circulating medium. This movement was so in harmony with the position of the Democratic party that it was hailed everywhere as a victory for the people, extorted by the financial panic from the money power which has so long controlled the Republican party. But the protracted discussion which ensued gave time for the hard spirit of greed, which had for a moment been abashed by the general suffering, to creep out of its iron vaults in the great money centers, and to gain the executive's chamber, and squat at his ready and open ear. He listened to a silent but omnipotent influence. So unexpected a veto was

hardly ever before delivered in American history. The most faithful friends General Grant ever had, and who had worked for this bill in the belief that they were carrying out his view, received the first intimation to the contrary when the veto message was read by the secretary of the Senate. No wonder that senators sat pale and appalled under its reading, and went home sick when it was finished. The administration had in a moment, and without warning, shifted its ground, and placed its policy in open defiance to the well-known wishes of four-fifths of the laboring people of the United States, and that, too, on the most sensitive subject in American politics. It declared itself in favor of a speedy return to specie payments, and consequently in favor of an immense contraction of the amount of money now in circulation. The organization of the Republican party yielded to this faithless act of the administration, and stands now, however reluctantly, precisely where the President placed it by his veto. The organs of the bondholders' unlawful robbery, the agents of monopoly, have been singing a jubilee in his praise ever since. This is just. He is entitled to the approval and support of all who think the people ought to pay more than they owe, who demand a return to specie payments before our national debt is paid according to the laws under which it was created. Let principles prevail, and let men follow where their principles lead. The Republican party now stands forth the acknowledged champion of a diminished currency in order to return to a system of specie payments. Let those who believe in such a plan of finance prove their sincerity by joining that party, while more than half a million Republican laborers will vote the Democratic ticket, if we convince them that they are not to be betrayed by us as they have been by their own leaders.

It is difficult to consider with patience much of the senseless clamor we now hear on the subject of specie payments. Its advocates scarcely ever condescend to point out any method by which it is to be done. They are not so much to blame for this, however, if a few facts are taken

into consideration. This government is possessed of not more than one hundred and fifty millions of gold, with no prospect of greatly increasing that amount at any early day. Our paper circulation of greenbacks and bank-notes amounts to about seven hundred and thirty millions. A school-boy, at his first lesson in arithmetic, will show these specie payment financiers that the amount of gold we have to resume with, will go nearly five times into our volume of currency, and that we could pay just twenty-one cents on the dollar, if resumption should be declared. These are the hard facts as they exist, and it would seem that a man who, in the face of them, would talk about speedy specie payments, was unfit to have the care of himself, much less the care of his country.

But now and then an organ of oppression more bold than others, proclaims precisely what resumption means and how it is to be reached. The *Chicago Times* says: "Destroy and burn the money now in circulation in the hands of the people until there is no more of it than there is gold to redeem it with." This is a plain and easily understood proposition, and the only one on that side of the question which fairly meets the issue. But the imagination of man can not conceive the universal, appalling, and destructive consequences of such an atrocious policy. Reduce the amount of currency in this country to a gold basis, and there would ensue such scenes of ruin, want, and wretchedness as would cause the civilized world to stand aghast with horror. The devastations of a victorious invading army would be more easily borne by the people than the destruction of values, the downfall of business, the loss of employment, which would follow such a course. With a circulating medium only equal in amount to the gold on hand for its redemption, one-half the people of the United States would have to abandon their property to the government for non-payment of taxes. Pork would not bring a dollar a hundred; wheat, thirty cents a bushel; corn, ten cents; nor a first-class horse, fifty dollars. But when we reach this point, the advocate of contraction and specie payments denies that it is intended to contract that

much. If it is not the purpose of the contractionists to reduce the circulation until it is within the reach of gold, dollar for dollar, then they at once admit that specie payment is not a reality, that it is a mere form of words to create a delusive confidence; that it is meant to deceive the people into the belief that there is a gold dollar waiting to redeem every paper dollar in their possession, when such is not the fact; that the whole theory is a deception, an imposition, a sham, a cheat, and a lie, and that the actual payment in specie of a paper circulation never did and never will take place in any part of the civilized globe. I would be glad for some of those gentlemen who have found recently that it is "statesmanlike" to utter incomprehensible sentences on the subject of specie payments, to explain whether they mean the actual thing, or whether it is an ideal resumption they are discussing. Meeting them, however, on the ground that it is a mere theory, a sort of permissible falsehood, intended to content the people by fraud, and still their miserable and rotten policy would bring to the country wholesale bankruptcy, and to the laboring masses endless misery, if we admit that three dollars in paper may circulate for every one dollar of gold the government owns, and label that policy with the spurious and counterfeit brand of "specie payment;" yet to do this, two hundred and eighty millions of our present money would have to be withdrawn from circulation and destroyed, thus leaving but four hundred and fifty millions on which to do the vast and increasing business of this expansive and growing country. No better showing can be made than this on the side of contraction and resumption; and in view of it, will any man in Indiana, with sufficient capacity to know the price of his own labor and produce, indorse such a scheme and embrace its consequences? I need not stop to portray the results that would attend a contraction of two hundred and eighty millions—the very least that can take place before even a pretended resumption can follow. A financial crash would fill the whole land, beside which, the panic of last fall would be too insignificant for mention. In order to fore-

see the calamities of contraction in the future, it is only necessary to look back briefly on the past.

According to the report of the Secretary of the Treasury issued August, 1865, the volume of our circulation at that time, including the five per cent. legal-tender notes and certificates of indebtedness which were used in the larger transactions of trade and financial exchange, amounted to \$1,152,914,892.67, upward of four hundred millions more than we have now. What was the effect of this large amount of paper circulation on the business of the country? It will be found by reference to *Hunt's Magazine and Year-book*, for 1870, a standard authority, that during the years of 1863, 1864, and 1865—the years of the greatest expansion—the aggregate liabilities of all the commercial failures in the United States amounted only to the sum of \$34,103,000. It was then, however, that Hugh McCullough, Secretary of the Treasury, began his favorite policy of contraction—of destroying the circulation in the hands of the people for the benefit of the moneyed corporations and monopolists. The same authority I have just cited, shows the fruits of his policy. The aggregate liabilities for the commercial failures of 1866 amount to \$47,333,000, being thirteen million two hundred and thirty thousand dollars more in one year under contraction, than in the three years previous. Take the next three years, however, while the work of contraction was going on, and the result is still more astounding. During the years of 1867, 1868, and 1869, the liabilities for commercial failures reached the enormous sum of \$208,739,000! But does some one ask the amount of contraction during that period? I will answer. Mr. McCullough, in his report of July, 1868, shows, as a thing to boast of, that he had withdrawn from circulation, since August, 1865, the vast sum of \$372,354,779.27. But a fraction less than a hundred and twenty-five millions a year of contraction! No wonder that the withering and deadly influence of such a policy continued to blight the business prosperity of the country. The years of 1870, 1871, and 1872 exhibit the sum of \$286,005,000 of liabili-

ties growing out of the commercial failures of those three years. And as a culmination, for the present, at least, of this most disastrous financial idea, we find that during the one year of 1873, the liabilities arising from similar failures in business reach the fearful sum of \$228,499,000. These are not the figures of prosperity and financial success. They are, rather, the figures of destruction to trade and labor. They tell of stagnation and derangement in every branch of business, and of the loss of employment by hundreds of thousands of laborers. They tell of poverty, want, and misery. They tell of the sufferings of women and children whose piteous sorrows make no noise in the great world and pass away unheralded. Yet full in the face of these figures and of the facts which they prove, Mr. McCullough returns to Indiana from his London banking-house and urges a continued contraction of fifty million a year for the future, until the amount of paper left in circulation shall reach a gold basis. His manner of speaking of those who differ from him is also very contemptuous. He alludes to the Indiana Democratic platform of July last as being made to be disregarded and "spit upon." The voters of Indiana and of the whole country will be slow to believe that it becomes a man, whose career as secretary of the American treasury was fraught with commercial ruin, and whose position now as an English banker, with Jay Cooke as his American partner, is compromised by the financial panic of the past year and the wide-spread sufferings of his countrymen, to open his mouth at this time with sneering advice on the duties of the hour. Nor will they listen with much patience to the invocations of a federalist, a capitalist, a banker, and a foreign money-changer as addressed to the shade of Jefferson, who, in express words, declared in favor of making treasury notes legal tender in payment of public loans the same as specie; of Jackson, whose whole life was a warfare against the privileges of monopoly; of Benton, whose assaults upon the system of banking made him the horror of bankers; and of Silas Wright, the determined enemy of every federal tendency of the government.

In connection with the questions of specie payment, and consequent contraction, the recent State platform unanimously adopted by the Democratic party of Indiana assembled in convention, always meets with the deep resentment and fierce hostility of those who feel that they have almost within their grasp the fruits of dishonest legislation on the subject of the finances. The angry and terrified cry of detected and interrupted plunderers has rung out against the principles of that platform ever since its adoption. A den of robbers suddenly summoned by the officers of the law to answer for their ill-gotten booty, could hardly utter louder exclamations of mingled menace and alarm, than have been heard from the adherents of the money-power against the Indiana Democracy. The bondholding drones in the hive, who eat and wax fat on the honey gathered by the laborers, put up a most indignant lamentation. I confess that these sounds are sweet music to me. Whenever the comfortable quarters of monopoly, idle wealth, and untaxed luxury are beaten up and disturbed, and their pampered inmates protest against such a breach of privilege, I then know that something has been said or done in the right direction and on the side of the people. Abuse from such sources I welcome as conclusive proof that I am doing right. Their praise is a deadly contamination to any man who receives it. The public men who at this time go before the laboring masses, bearing the indorsement of the *Chicago Times*, *New York World*, *Indianapolis Sentinel*, and other organs of bondholding robbery, will be received with open distrust, and will be punished because of the bad principles of their indorsers.

The principal point of attack made against the Democratic platform of this State, is in regard to the payment of that portion of our national debt which is comprised in the five-twenty bonds. A few weeks ago I discussed that proposition, and showed, by the laws themselves, and by the construction given them by those who drafted them, that these bonds were created and sold under the distinct and specific legal obligation that they were to be paid off in legal-tender notes. Indeed, this great historical fact was



never publicly called in question or disputed until after the election of Grant, in 1868. He carried Indiana on the distinct platform that the five-twenty bonds were payable in greenbacks. Morton canvassed the whole State, telling the people, in the words of the Republican platform of that year, that

“The public debt, made necessary by the rebellion, should be honestly paid, and all the bonds issued therefor should be paid in legal tenders, commonly called greenbacks, except where, by their express terms, they provide otherwise, and paid in such quantities as will make the circulation commensurate with the commercial wants of the country.”

Grant, as a candidate for the presidency, and all his followers at that time, stood on this doctrine, and said it was the law. In Ohio, the same position was assumed and maintained by the Republican party in the presidential canvass. It spoke as follows :

“That the Republican party pledges itself to the faithful payment of the public debt, according to law, and we hereby express our conviction that, according to the laws under which the five-twenty bonds were issued, said bonds should be paid in the currency of the country, which may be legal tenders, when the government shall be prepared to redeem such bonds.”

Senator Sherman solemnly assured the people of Ohio, and of the United States, that such was the law. Not content with this platform definition of the law, however, he wrote a letter, in which he is very carefully explicit on this subject. He said :

“My construction of the law is the result of careful examination, and I feel quite sure that an impartial court would confirm it, if the case could be tried before a court.”

This construction of the law so carefully arrived at, he stated as follows :

“I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds.”

Again, in this letter, he defines who, under his deliberate

construction of the law, are the repudiators, and likewise who are the extortioners. He wrote the following plain truths :

“ If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valued than he gave.”

I challenge the reproduction of a single Republican State platform in the United States, or the utterance of a single prominent Republican leader, prior to the election of General Grant, in 1868, declaring that the five-twenty bonds were payable in gold. It was during the canvass of 1868, that Thaddeus Stevens repelled, with such vehement indignation, the intimation made by Mr. Ross, a Democratic member from Illinois, that the Republican party were in favor of such mode of payment. He declared that such a construction of the law would be a fraud, a swindle, and a robbery of the tax-payers. This was heard by Congress and the country, yet no man opened his mouth to contradict him. Everybody accepted his statement, as they did John Sherman's, as a correct construction of the law. But now what do we see and hear on all sides? Senator Sherman, in speaking of the financial principles of the Indiana Democratic platform on the 2d of this month, at Columbus, said :

“ If it were possible to commit a crime, by the announcement of an atrocious political dogma, this would be a crime.”

That which he characterizes as an atrocious political dogma now, in a Democratic platform, is precisely what he contended for in the Ohio platform of six years ago, and precisely what he said was the law in his letter of March 20, 1868, from which I have quoted. He then believed, as the result of careful examination, that an impartial court would confirm this “ atrocious political dogma.” Then, he solemnly declared that if the holder of the five-twenty bond demanded any other kind of money than that which he gave for it, he was a repudiator and an extortioner. Now, he denounces the Democracy of Indiana as having almost committed a crime in asserting the same

principle in much less violent language. I would say that if it were a crime in law, as it is in morals, for an official servant of the people to repudiate his promises and belie his convictions, to betray his constituents in the interest of repudiators and extortioners, then Senator Sherman would rank with the most prominent criminals of American history.

The unblushing effrontery with which these assailants of the Indiana platform ignore or misstate the best known facts of our legislative history, is also something amazing. Mr. McCullouch, in his attack, says :

“By every member of the House and of the Senate who participated in the debate, when the issue of the bonds was under consideration, and who in terms alluded to them, they were spoken of as gold bonds.”

This statement is so notoriously untrue, and so easily exposed, that it is difficult to conceive that it was made by a man having any regard at all for his reputation. On page 4178 of the *Congressional Globe*, for the second session of the Fortieth Congress, will be found the declaration of Thaddeus Stevens that, at the time the five-twenty bonds were authorized, he had a dozen times explained, as chairman of Ways and Means, that they were not gold bonds, but were payable in legal-tender notes.

He also speaks, on the same page, of our folly, as he styles it, in granting coin payment of interest even on these bonds. An examination, also, of the debate in the House of Representatives, shows that the whole contest was over the question of the manner of paying the interest, and not the principal. The act of February 26, 1862, first passed the House without any provision that the interest on the five-twenty bonds should be paid in coin. It went to the Senate, and was there amended so as to call for interest in coin. With this amendment it returned to the House, and there met with violent opposition because of such amendment. On page 821 of part 1 of the *Congressional Globe*, for the second session of the Thirty-seventh Congress, will be found the speech of Mr. Spaulding, of New York, a member of the Committee of Ways and Means, earnestly

denouncing the payment of interest, much less the principal, in any other or better money than the soldiers were compelled to receive. Among other things, he said :

“I am opposed to all these amendments of the Senate which discriminate in favor of the holders of bonds and notes by compelling the government to go into the streets every six months, to sell bonds at the market price, to purchase gold and silver, in order to pay the interest in coin to the capitalists who now hold United States stocks and treasury notes heretofore issued, or that may hold bonds and notes hereafter to be issued ; while all other persons in the United States, including the army and navy, and all who supply them food and clothing, are compelled to receive legal-tender treasury notes in payment of demands due them from the government.”

On page 900 of the same volume of the *Globe*, Mr. Stevens also bitterly denounced the Senate amendment providing for coin payment of interest. He demonstrates the injustice of paying the interest in gold in the following language :

“Now, in less than a year, taking the public debt at what my colleague makes it—I make it more—\$1,200,000,000, what will the interest be upon it at seven and three-tenths per cent., for it will all center in that rate of interest? It will be \$87,000,000, and one-half of this interest, \$43,500,000, must be raised every six months, for the payment of this interest, and it is to be raised in coin, which nobody holds but the large capitalists. Does anybody suppose that they are going to give that coin for such notes as we are now about to issue, at par? They will sell the gold for what their consciences will allow, and they will compel the government to give anything they choose, unless the government consents to become dishonored. The first purchase of gold by the government will fix the value of these notes which we issue and declare to be a legal tender. The sale will fix their value at ten, fifteen, or twenty-five per cent. discount, and then, every poor man when he buys his beef, his pork, and his supplies, must submit to this fifteen or twenty-five per cent. discount, because you have

said that shall be the value of the very notes which you have made a legal tender to him, but not a legal tender to those who fix the value of these very notes."

It was thus that Mr. Stevens, the Republican leader of the House, contended that the treasury notes now known as greenbacks should be legal tender for interest on the bonds as well as for the principal. In the whole debate no one claimed or intimated the payment of the principal in gold; but after a severe contest of several days, the Senate amendment providing for the coin payment of interest was retained, as it now stands in the law. When, therefore, Mr. McCulloch says that these bonds were spoken of as gold bonds, by every member of the House and of the Senate who participated in the debate, and who, in terms, alluded to them, he manifests either a purpose to deceive or an ignorance on the subject so dense as to be equally unpardonable.

When beaten, however, on every proposition of law, and on every point of history relating to the law on which the five-twenty bonds were issued and sold, the advocates of the money power, the apologists for plunder, always fall back on that gigantic fraud known as the act of March 18, 1869. Fourteen days after the inauguration of General Grant the well-defined, plainly written, carefully constructed, and universally admitted law of the contract between the people of the United States, on the one hand, and the bondholding public creditors on the other, was sought to be set aside, and another contract enacted into its place, whereby the unlawful gain of the bondholders, and the consequent plunder of the tax-payers, would amount to at least five hundred millions of dollars. Such a piece of legislative villainy as this has no equal in history. People have been robbed to the same extent, and greater, by war, but never before under the quiet forms of pretended legislation. If the American people will patiently submit to this stupendous outrage, and continue those in power who inflicted it, then they will deserve all that can ever befall them hereafter. This act of March, 1869, is not law. It has no legal binding force whatever. The people had a vested right, under

existing laws, to pay these bonds in legal-tender notes, the lawful money of the country, and no subsequent legislation could divest them of that right. Such is the rule of law decided by every court in christendom. Every lawyer in the world knows it to be the law, and the plain man with common sense, though unlearned in the law, knows it equally as well. Senator Morton, on page 55 of the *Congressional Globe* for the first session of the Forty-first Congress, in speaking of the bearing of this act of March, 1869, on the various laws under which the five-twenty bonds were issued, says :

“It gives to those laws a construction that I do not believe in, and that I have shown is contradicted by at least four acts of Congress.”

Knowing this to be true, as I do, I denounce this attempt to contradict “at least four acts of Congress,” by virtue of which vast pecuniary interests had become fixed, as null and void. It is not now, never was, and never will be binding in a court of morals or a court of law. The act of a miserable felon, who changes a promissory note from an obligation to pay in currency to one to pay in gold, and for which he goes to the penitentiary, is entitled to exactly the same respect as the act of March 18, 1869. The one is a forgery, and so is the other. The one obtains a few dollars by fraud; the other obtains many hundreds of millions. The one is an individual crime; the other is a piece of legislative villainy so vast as to comprise innumerable crimes. The injury of the one is brief and limited; the disasters inflicted by the other are endless and universal.

If there are those who are willing to go before the people, telling them that the act of March 18, 1869, is “a fact accomplished,” and that they must now acquiesce in and support it, with no effort to get rid of it, I am not of that number. Others may, if they choose, advise the daily laboring millions that, without law, and against law, and in repudiation of law, they are to toil on, they and their children after them, to pay five hundred millions and more of money to the usurers and money-changers, not one dollar of which they owe; but may the gift of speech forsake

me, and my tongue be forever still, before I join in such advice. There are some crimes against the people too monstrous for acquiescence or compromise, and this is one. The people are the masters in this country yet. There is no wrong for which the remedy is not in their own hands. The traveler may be overpowered by highwaymen, but if he is the stronger, or has help at hand, he does not voluntarily submit. I call upon the people to assert their strength on this subject, and never cease their efforts until they are released from the shackles which perfidious legislation has placed upon their labor.

But it is urged that since the act of March, 1869, many of these bonds have changed owners; that, relying on its provisions, the capitalists of this and other countries bought them at an advanced price from the capitalists who took them in the first instance. Admitting that this is true, there is still a short and conclusive answer. When the humblest citizen in the Republic makes a contract in ignorance of the law on that subject, he is held in court to have known the law, and to suffer the consequences of his contract. So, too, in the case of the most ignorant and unlettered criminal ever placed at the bar of justice. Though he never read a line in his life, yet he is held to know all the statutes, the offenses which they prohibit, and the penalties they impose. The money dealers, however, who buy and sell bonds, are men of the highest intelligence in their calling, keen-sighted, careful, shrewd, and watchful. The laws of Congress, commencing with the act of February 26, 1862, on the subject of finances, have never been out of their sight or mind a moment. They knew them all by heart. They knew what bonds were payable in paper and what in gold. They knew that the fifty-two bonds had been sold in the beginning as paper bonds, at a heavy discount, and they knew that no subsequent act of Congress could make them legally payable in gold.

If, under these circumstances, they trafficked in these bonds on the strength of the act of March, 1869, they did so with the record before them, knowing this act to be a

brokers' operation, and a bull movement, to affect their price in the market, as was announced by an eminent senator at the time. Under such circumstances, should the people have such sympathy for these operators as to make them willing to submit to shameless robbery, for fear of disturbing their enormous gains? They speculated with their eyes open, and at their own peril, and even if now they should lose some of their winnings, I would see no hardships in it, compared to the hardships of the people. They not only had notice of record, but also actual notice given by the greatest leaders of the Republican party, that this act now relied on was a fraud, and passed for a fraudulent purpose. And let me warn them that if they insist on reaping the benefits of such an infamous enactment, the day may come when the people will think that the principle by which a debt may be increased by legislation may be as well put in practice to diminish it. If a contract may be changed in order to plunder them; it may likewise be changed in order to relieve them.

But it has been suggested by the defenders of this iniquity that the act of March, 1869, was the act of the people themselves, and hence that it is binding upon them, and irrevocable. If this doctrine was correct, there would be no escape from the most fraudulent legislation on any subject. And let me here ask, why this principle was not advanced when this very act of March, 1869, was brought forward to contradict, as Senator Morton said, four prior acts of Congress on the same subject? What greater power had it to repeal these four prior acts, by which the rights of the people had been secured, than an act of Congress hereafter would have to repeal it? Why is one act of Congress so much more sacred and irrevocable than all others in regard to the same matter? Only because under this one act of March, 1869, a stupendous national robbery has taken place, and the plunderers are fighting under its provisions to retain their spoils.

It has been suddenly discovered, however, that whatever the law may have been, or now is, yet the greenback currency is totally unfit to pay such debts of dignity as the



bonds. For two months past, we have read every day that the treasury notes now in circulation, called greenbacks, were really nothing but valueless "shinplasters;" an irredeemable "rag circulation;" not money at all; entitled to no respect whatever, because they did not represent their face in gold coin, hid away in some bank-vault. There is a loud cry for their destruction, as if they were noxious in the sight of the fastidious money kings. Those who defend them, and want the people to have more, are called "shinplaster swindlers" by the organs of dishonest gain. But while the character of the people's favorite currency is thus traduced by the hired harpies of Wall street, let me enumerate a few of its virtues:

1. It is worth in the very house of its enemies, in the gamblers' gold-room in New York, ninety-one cents on the dollar, in spite of every effort to depreciate it, and it rose under the pressure of the panic. This is miscalled its value on a gold basis. If its value did depend on an actual gold basis, it would be worth but twenty-one cents on the dollar, as I have shown. It has, therefore, to-day a value of seventy-one cents above an actual gold value. Will some disciple of a specie basis explain how this comes? He can not, but I can. It comes in nowise from the belief or desire of the people that this currency will be redeemed dollar for dollar in gold, but it arises solely from their confidence in the stability and perpetuity of the government which issued it. We have, therefore, a currency worth only nine per cent. less than gold among the sharks themselves, while it has only twenty-one per cent. of gold to lean on. The truth is, it does not lean on it at all. It exists independent of it, and would be just as valuable a circulating medium if there was not a dollar of gold locked up at Washington.

We hear much lamentation that the balance of trade with foreign nations is against us, and that this country is consequently deprived of its gold. If the balance of trade is against us, it signifies that we are importing into the United States more in value than we are exporting; or, in other words, that we are bringing more wealth into the

country than we are sending out of it. And even if gold and silver are exported to accomplish this object, it would seem that they could be put to no better use. If this is thought to be a heresy by the specie-payment financiers of the present day, I can only rely for my support on the principles of a work which has been a standard authority for a century past. The greatest political economist and financier the world has produced was Adam Smith, the author of "The Wealth of Nations." In it he says:

"The balance of produce and consumption may be constantly in favor of a nation, though what is called the balance of trade be generally against it. A nation may import to a greater value than it exports for half a century together; the gold and silver which come into it during all this time, may be all immediately sent out of it; its circulating coin may gradually decay, different sorts of paper money being substituted in its place, and even the debts too, which it contracts in the principal nations with whom it deals, may be gradually increasing; and yet its real wealth, the exchangeable value of the annual produce of its lands and labor, may, during the same period, have been increasing in a much greater proportion."

The conclusions of the great Scotch thinker and writer are amply sustained by the history of the wealthiest commercial nation on earth. "England has been growing in wealth more rapidly during the last quarter of a century than any other nation. Yet the balance of trade has been all the time and heavily against her." Here are the facts showing, by periods, the growth of her commerce, and the invariable balance of trade against her:

1855—Imports into the United Kingdom.....	\$717,714,250
1855—Exports from the United Kingdom.....	583,456,500
Balance of trade "against" England.....	131,257,500
1860—Imports into the United Kingdom.....	1,052,654,365
1860—Exports from the United Kingdom.....	822,606,755
Balance of trade "against" England.....	230,047,640
1865—Imports into the United Kingdom.....	1,355,862,425
1865—Exports from the United Kingdom.....	1,094,157,880
Balance of trade "against" England.....	261,763,540
1870—Imports into United Kingdom.....	1,516,287,465
1870—Exports from the United Kingdom.....	1,220,402,885
Balance of trade "against" England.....	295,884,580

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1872—Imports into United Kingdom.....	\$1,773,468,120
1872—Exports from the United Kingdom.....	1,572,944,170
Balance of trade "against" England.....	200,523,950

If this balance of trade "against" England was a loss to her, she would, in twenty years, lose nearly five thousand millions of dollars, and would long since have been bankrupt. Men ship goods to foreign lands, not to lose, but to make money. A sound thinker and a brilliant writer in this country furnishes the following valuable reasoning on this point:

"The balance of trade, as a general rule, measures the profit accruing to the country against which the balance seemingly stands. The goods we import are worth to us what they cost us delivered at our door; otherwise we would not import them. If we receive foreign goods worth \$500,000,000, and send out in exchange goods worth only \$400,000,000, we make by the exchange the difference in the true values, notwithstanding that there is a seeming balance of trade of \$100,000,000 against us. The extent of this balance of trade shows our profit in the exchange. If a house in New York ships to Liverpool cotton to the value of four million dollars, and orders the proceeds invested in railroad iron, and the iron received in exchange when it comes to the port of New York, is valued at five million dollars, there is a balance of trade shown against the New York house of a million dollars on the books of the custom-house, but that balance does not show that the house has lost a million dollars in the transaction, nor that it has a million dollars yet to pay in order to make the transaction square; it shows simply that it has traded four million dollars' worth of cotton for five million dollars' worth of iron, that it has made a million of dollars in the transaction, and that the transaction is ended."

In this connection, another absurd idea is always advanced by the defenders of a gold basis, and a speedy return of specie payments. It is contended that we send abroad gold enough to pay the apparent balance of trade against us. If this were true, the amount of specie shipped

abroad would exactly correspond with the amount of this balance of trade. But the wide disparity of the two amounts shows the fallacy of this proposition. According to the last annual report of the Secretary of the Treasury, the gold value of the balance of trade against us during the fiscal year ending June 1, 1873, was \$119,550,647. The export of gold and silver over the import for the same period was \$62,127,637; only a very little more than one-half the amount of this balance of trade so much spoken of by pretentious financiers. The truth is, our exports of specie perform exactly the same service in paying for products received in exchange, as the corn, cotton, wool, pork, and other commodities that are shipped abroad.

Thus it will be seen that the idea so constantly put forth, that the balance of trade has drained this country of its gold and silver, and thus prevented a return to specie payments, is a fallacy, and easily exploded by the facts. Indeed, American history, as well as English history, confirms the conclusions of Adam Smith, just cited. Our circulating coin has decayed, paper money has taken its place, sustained as a valuable medium of commerce and trade, not by a specie basis at all, but by a confidence in the real and constantly increasing wealth of the country, "the exchangeable value of the annual produce of its lands and labor." And now let us see what this currency, resting on such a basis, has done for the American people in the past.

With legal-tender notes the debt of the State of Indiana, amounting to upward of ten millions, was paid. Much of this debt, too, was contracted before the war on a gold basis. The debts of nearly all the States were paid in the same way. Greenbacks, heretofore, were good enough for State creditors. Are they not good enough for national creditors? It was not called repudiation then. Why should it be called repudiation now?

All private debts have been paid in this currency for more than twelve years past, whether such debts were contracted when gold and silver were the only legal tender, or afterward. In this way payments have been made between

individuals amounting to more than five times our national debt. It seems that the people were not yet aware that this currency was mere "shinplaster scrip," such as is issued by a wild-cat bank in the backwoods. Do they think so now?

Greenbacks were also good enough to pay the soldier for his blood and his life during the war, and that, too, when they were worth not more than half as much as they are now. They paid him for the long march, for the smoky battle, for the picket line, for the headlong charge, for the bursting shell over his head, for his shattered limbs, for the amputating knife and saw, for the sad scenes of the hospital, for the gathering dews of death on his face, for his glazing eye, for his faltering heart, and his expiring groan. They paid for all these sacrifices, and no one cried out repudiation then, who cry out so loudly now in behalf of the shylocks who are demanding their pound of flesh.

Greenbacks were good enough to pay the widow for the loss of him who strained her to his heart and then went to the front to die; they were good enough to pay the mother for the loss of him who went from her in the beautiful dawn of manhood and came back no more forever; they were good enough to pay the veteran for his pain who dragged his wounded and broken frame home to subsist as best he could; they have been for many years good enough for such services as these, but just now they are found to be far inferior to the merits and claims of a bondholder.

There was a time, however, strange as it may now seem, when greenbacks were esteemed good enough for even the bondholder. But it was when he paid them out in the purchase of the bonds for which he now demands gold. They paid for every five-twenty bond that was ever in existence. When they were worth only fifty cents on the dollar, they paid for these bonds dollar for dollar. One thousand dollars in greenbacks worth five hundred dollars in gold, bought a thousand-dollar bond, which it is now claimed shall be paid in gold at its face. When legal-tender notes were rendering this welcome service to the cap-

italist, they were not "shinplasters" nor yet "irredeemable rag currency."

They were then recognized as the money by which the Union was preserved; by which our credit was upheld at home and abroad; by which our country grew and developed its resources even amidst a tremendous war; by which the Pacific railroads were built during a period of civil strife, and by which a commercial prosperity prevailed which we have never had since. Then it was held to be disloyal to oppose them as a legal tender. They then served the purpose of capitalists as well as the people. Now the capitalists desire gold, while the people still have faith in greenbacks and want more of them.

If the bondholders should be required to receive the same kind of money in payment for the bonds which they paid for them, and thus redeem themselves from the charge of being repudiators and extortioners made by Senator Sherman, would they be sufferers in an equitable point of view? I have considered the law, and all the world knows what it is. Let us look into the equities. It will be borne in mind that all the bonds were purchased for greenbacks when greenbacks were worth from twenty to forty per cent. less than they are now. I have examined this question closely heretofore by the books of the Register of the Treasury, and my statements will not be successfully contradicted.

In 1862 the government sold six per cent. five-twenty bonds to the amount of \$60,982,450, and received for them greenbacks, at their face, dollar for dollar. The demand now is, that these bonds shall be paid in gold at their face, and yet, owing to the depreciation of greenbacks at the time of their purchase, only \$44,030,649 in gold was paid for them. This makes a clear speculation of \$16,951,801 in favor of the bondholder in this first transaction. On this clear speculation, the bondholders have received interest for eleven years, amounting to \$11,187,188, which, added to its principal, makes the sum of \$28,138,989 already received in that single transaction, for which not one dollar was ever paid.

In 1863, the government sold of the same kind of bonds, \$160,987,555, for which it received an equal amount in greenbacks. A standard authority placed the average price of gold during that year at \$1.58 in currency. It will thus be seen that these bonds cost their purchasers but \$101,890,854 in gold, leaving a profit of \$59,096,696, without including the interest. For ten years, however, the government has paid interest on this naked profit, this principal without any consideration. The interest thus paid amounts to \$35,458,017, which, added to this fictitious principal, makes \$94,555,713 now in the pockets of the bondholders on that year's operation, for which they never paid anything.

In 1864, the government sold these bonds, amounting on their face to \$381,292,250. Again the government received only depreciated paper for these bond obligations, and at that time our currency was enormously depreciated if tried by the gold standard. The price of gold during that year was at an average of 201 in currency. The sale of these bonds, therefore, which are now assumed to be gold bonds, only realized to the government \$189,697,636 in gold—less than one-half of their face value. There was left to the capitalists, who speculated in them as purchasers, the immense profit of \$191,594,614. This was the amount of the broker's shave, and on it he has drawn interest from the people for ten years, amounting at this time to \$114,956,768. Add this to its principal, which stands as pure speculation, and we find that the bondholders have made as clear gain, as something for nothing, the sum of \$306,551,382 on the one year's transaction of 1864.

In 1865, the government sold bonds to the amount of \$279,746,150, on which it suffered a discount of \$71,532,060 at the hands of the capitalists. The interest already paid by the people on this discount reaches \$38,627,307; making this year's operation realize for the bondholders \$110,159,367, for which not one cent was ever paid.

In 1866, the government sold \$124,914,400 of its bonds, for which it received depreciated paper currency amounting to \$88,591,773 in gold, according to the then price of gold.

The difference between the face of these bonds and the amount they realized to the government was \$36,332,627. Eight years' interest received on this shave amounts to \$17,434,556. Adding this interest and its principal together, and we find that the bondholders have received \$53,757,183 out of this year's sale of bonds, for which not one dollar ever left their coffers or reached the United States treasury.

In 1867, the government sold of its bonds the immense sum of \$421,469,550. The purchasers paid for them \$303,215,503, leaving a clear profit to them on the operation of \$118,254,047. Taking the interest on this profit for seven years, amounting to \$49,661,694 already paid, and the speculators have in their pockets, if these bonds are to be paid in gold, the sum of \$167,915,741 on this year's brokerage, and for which they never gave a farthing in consideration.

In 1868, the government sold its bonds to the still further amount of \$425,443,800. Their purchasers paid \$312,826,323 for them, clearing by that annual speculation the sum of \$112,617,477. Add six years' interest on this bonus, amounting to \$40,542,288, to the bonus itself, and we find that these traffickers in a nation's perils have received in this operation \$153,159,765 of the people's money for which not the slightest equivalent was ever paid into the United States treasury.

In addition to the foregoing six per cent. bonds, the government, at different times during the years mentioned, issued and sold \$195,139,550 of bonds bearing five per cent. interest. They realized to the government \$122,957,410, thus leaving to the purchasers a net profit of \$72,182,140. Interest already paid on this profit amounts to \$26,115,724, which, added to the profit itself, makes the sum of \$98,297,864 as the amount now in the pockets of the bondholders growing out of their operations in the five per cent. bonds, and for which there is not the slightest consideration.

An account of the bondholders' clear profits arising from no investments at all, may therefore be stated in the following tabular form :



1862.....	\$28,138,989
1863.....	94,555,713
1864.....	306,551,582
1865.....	110,159,367
1866.....	53,757,183
1867.....	167,915,741
1868.....	253,159,765
On account of five per cent. bonds.....	98,297,864
Total.....	\$1,012,536,004

No man will gainsay these terrible figures. Abuse will be heaped upon me, but no other answer will or can be made. More than one thousand million of dollars have, up to this date, been taken from the tax-payers and given to the bondholders as a mere gratuity—as the proceeds of a large speculation which cost them the outlay of not a single dollar; and the robbery still goes on with every sweep of the pendulum of time.

The amount the bondholders did actually pay to the government may be stated as follows:

1862.....	\$44,030,649
1863.....	101,890,854
1864.....	189,697,630
1865.....	208,214,090
1866.....	88,591,773
1867.....	303,215,503
1868.....	112,826,323
For the five per cents.....	122,957,410
Total.....	\$1,371,424,238

On this amount, thus actually paid, the holders of the bonds have received as interest \$638,345,820 in gold.

Add this last legitimate item of interest to the item which is all profit and speculation, and we find the following result:

Clear profit.....	\$1,012,536,004
Interest.....	638,345,820
Total.....	\$1,650,881,824

Being the whole amount already received by the bondholders on an actual investment of \$1,371,424,238. Thus it will be seen that these objects of so much tender solicitude and of so much patriotic zeal have received \$279,457,586 more from the overburdened tax-payers of this country

than they ever advanced to the government. If the people should, therefore, now conclude to change the law of the contract in their favor, as was done against them by the infamous act of March, 1869, and determine unlawfully never to pay another dollar on account of these bonds, the speculators would still be the winners in heavy sums. This would be repudiation, which is universally reprobated, but it would be no more repudiation than is attempted by the act of March, 1869, and involves far less dishonesty and moral turpitude in an equitable point of view. The one was an act of repudiation of the law by which to rob the people; the other would be an act of repudiation by which to relieve the people.

I denounce repudiation and repudiators, but I begin with the act of March, 1869, and its authors, and in the name and by virtue of the authority of the Democracy of Indiana, I demand the repeal of the one and the condemnation of the others. I am in favor of paying the national debt honestly, according to law, but no more. And if the bondholders should be required to take legal-tender notes in payment for their bonds, they would receive far better money than they gave. The greenback is worth thirty per cent. more now than it was when capitalists bought bonds with it; and if two hundred millions in payment of bonds were added to the circulation to-morrow, there would be no depreciation, except such as would be declared by the den of gold gamblers in Wall street, who assume a fallacious and an absolutely fictitious gold basis as the standard of values.

In considering the equities, however, between the bondholders and the people, the question of taxation can not be omitted. The poor laborers, the farmers, mechanics, and the moderate business men have paid the taxes of the wealthiest classes for many years.

If a farmer realizes three per cent. per annum on his farm and stock, he is doing better than the average, and yet his taxes will range from one and a half to two and a half on the hundred. The bondholder, on the other hand, realizes an income of five or six per cent. in gold, and pays not a

farthing of taxation. The producing classes pay for all; they pay their own taxes and the taxes of the millionaire besides. They pay all the expenses of the State, as well as the counties. They build and support all the asylums and other public institutions. They erect and maintain all the public schools. They construct all the roads and keep them in order. They pay for the maintenance of the poor who are thrown on public charity. In these duties of the citizen the bondholder takes no part. He stands idly by, looking at your toils in much the same manner that a cotton planter in the olden time might have gazed on his slaves at work for him in the fields of the South. He wants no change in this financial system, certainly not; why should he? He is delighted when he hears a speech made, and especially by a Democrat, acquiescing in this system, and saying that we can not go behind the act of March, 1869. He feels that his crib, where his untaxed stores are hoarded, is thereby strengthened against the just demands of the people. He feels that there is one more recruit on the side of extortion and arrayed against the ranks of overtaxed industry. This exemption of the bonds from taxation has been worth to the bondholders \$50,000,000 a year at the lowest estimate. Considering the different years in which the bonds were issued, it is fair to say that this exemption has been running now, for nine years. This fact discloses another enormous naked profit to the bondholders, amounting to \$450,000,000. They have saved this by not paying taxes. Others have paid just that much in addition to their own taxes. Look at these figures and ponder them deeply. I envy not the laboring tax-payer who can read them over and remain content with the financial policy of his government. Rather should the people, without regard to party names or lines, rise as one man and move against such a policy, as they would against a citadel of foreign foes or domestic traitors.

Sometimes the people are told that they owe a debt of gratitude to the capitalists for their patriotic services during the war. A more tremendous mistake was never made. No throb of patriotism ever moved the hard heart of capi-

tal in our most perilous days. It neither volunteered nor submitted to the draft, while flesh and blood did both. It was only lured from its hiding places by the most enormous bribes ever offered to remorseless avarice. It heard unmoved, every appeal to its love of country. It saw the ensign of rebellion advanced in sight of the capitol of the nation without concern. It waited until it could drive the hardest broker's bargain the world ever saw, until it could make two dollars by the outlay of one, and also exempt that two dollars from taxation from any further support of its government for all time to come. This arraignment of the capitalists for their conduct during the war is not of modern origin or Democratic parentage. As early as February, 1862, when the government was imploring the aid of all its citizens, when the cloud of war hung low, black, and heavy on the horizon, Thaddeus Stevens, the old leader, the ablest man I ever met in Congress, spoke of "that favored class, the banks and brokers, and nobody else." He said he did not wish to use hard names; but he deplored the necessity of being placed "in the clutches of these harpies." He denominated them "money-changers," and in view of their plan of finance he exclaimed:

"Was ever before such a machine got up for swindling the government and making the fortunes of the gold bullionists in one single year?"

He denounced the "doleful sound that came up from the caverns of bullion brokers and from the saloons of the associated banks." All this, and more, will be found on page 900 of part 1st of the *Congressional Globe*, for the second session of the Thirty-seventh Congress. Other Republican leaders spoke in the same strain at that time, and proved that, of all classes of American citizens, the capitalists were the least patriotic during the great civil war. Judging from their conduct at that fearful time, we need not wonder that they now demand that the government shall break its faith, and repudiate its laws, in order to pay them more than is their due. The war, by virtue of which our national debt was created, was a period which called for

universal sacrifice, and everything came forth, and was laid as an offering on the altar, except the treasures of the capitalists, who now again so boldly ask for additional unlawful privileges, gains, and exemptions.

My countrymen, the financial issue made by the Democratic party of Indiana is before you. Its importance can not be overestimated. Its dimensions embrace the hearthstone of the peasant and the gilded palaces of accumulated wealth. The principles which it involves are as dear and precious to liberty and equality as were those for which your fathers fought at Bunker Hill and Yorktown. It offers you freedom from debt according to law. Its opponents offer you, and the generations after you, enslavement for debt in violation of law. "Choose ye this day whom ye will serve, God or Mammon." The contest upon which we have entered is not easy or brief. Our opponents are armed with all the appliances which appeal to the ambition or cupidity of man. The power of gold has caused the betrayal of the people in all ages of the world. Its mission will be the same now. It will seek to divide and scatter the people by raising up false teachers in your midst. I therefore call upon you to rally closely together, and stand firm. I call upon the laboring masses of Indiana and of every section of the Union to unite in this cause for the redemption of themselves, their wives, and their children from a perpetual vassalage. Be not deceived by mere names and definitions; look at the merit of things. If "hard money" would benefit the people at this time, I would be for it; but knowing that a return to it would ruin you, only to further enrich the monopolists, I am against it. That cry is not raised in your interest. It is the specious plea of the extortioners, the usurers, the money-changers in the temple, the repudiators of the law. Remember that our present financial condition is an exception to all former experiences in our history. Remember that if all the gold that has been dug in the mines of California since its discovery, was piled together in one shining mass, it would not be sufficient to pay our bonded debt at this hour. Let this vast mountain of debt be first

legally removed before we listen to the financial ideas which prevailed when no debt existed.

For my part, my course is fixed on this subject. When the platform of the Democratic party of Indiana was adopted in July last, without one dissenting voice, it had the earnest approbation of my mind, and it has now. I shall defend it on all proper occasions. A few weeks since, a political organization was effected at Springfield, Illinois, under the lead of Cyrus McCormack, the greatest patent monopolist in the United States—one who has made many millions by the sale of patent protected agricultural implements to farmers, at two or three times their real value. At that time, and under such auspices, Governor John M. Palmer announced the watchword of the clan. It was: "Aggression! aggression! aggression!" This defiant menace against the equal rights of the people will be accepted, and the people will not wait for the threatened assault, but will themselves lead to the conflict. Wherever that conflict is waged, let us do our plain duty as citizens fighting under the banner of law, of equity, and equal rights, which now floats so proudly over the Democratic ranks of Indiana. If others falter now, and repudiate that banner, it will not fall to the ground. It belongs to the people, and they will uplift it. It represents the people's cause, and they will take care of their own.

## TRIBUTE TO JUDGE LAW.

[Remarks made before the Terre Haute Bar, October 10, 1873, on occasion of the decease of Judge John Law.]

MR. CHAIRMAN :—I can not, in justice to my own feelings, permit this occasion to pass without paying the tribute of my affection to the memory of Judge Law, and of my sorrow over his death. He honored me for many years with his warm and constant friendship, and now that the silver cord that bound him to life has been loosed, and the golden bowl broken at the fountain, I rise to bear my humble but heartfelt testimony to his high ability, and the great worth and goodness of his character. No nobler, kindlier, purer nature has ever adorned the annals of the State or nation, than that which passed from this earth when John Law expired. We honor ourselves by reverencing his memory.

Sir, I well remember the first time I ever saw Judge Law. He was on the bench at Greencastle, in the full meridian of his splendid mental and physical development. I was a boy at school, standing back in the court-room, looking eagerly at the scene before me. The trial, I remember, was in reference to a bridge at this place, and the case had been taken from this county by a change of venue. I recall the presence of Mr. Usher, Judge Gookins, Mr. Griswold, Henry Secrest, Mr. McGanghey, and others at the bar; but I was more deeply impressed with the personal appearance of the presiding judge than with all else in the court-house. His commanding and elegant person, the elevation of his countenance, and the dignity of his expression in the discharge of his duties, so stamped themselves on my recollection that I have often, in subsequent years, spoken of the fact. I have never since beheld a member of the judiciary, whether state or federal, who appeared to a more striking advantage wearing the judicial ermine

than did Judge Law. Nearly ten years afterward, when I was introduced to him by the brilliant and gifted Hannegan, I found the opinions of my boyhood were more than realized. Judge Law was two years older than my father, but from the first hour of our acquaintance he was considerate in every office of friendship, and most winning and engaging in manners. He won my highest esteem and most sincere affection, and retained them always.

When I entered Congress, twelve years ago last July, I there met Judge Law, as the senior member of the Indiana delegation. Our intercourse then became constant and intimate. I rejoiced that he was my colleague, and always sought the benefit of his experience and ability. For four years I sat within a few feet of him, and conversed with him daily, when the House was in session. The period of his public service was stormy and bitter, yet I never knew Judge Law other than temperate, wise, and just, both in his speeches and votes. The younger and more impetuous members of his own party were often restrained and improved by his advice and persuasion. He was regarded also with the highest respect and consideration by the leading members of the dominant party. They treated him with courtesy and deference on the floor, and made him a favorite in social life. Thaddeus Stevens, the leader of the administration side of the House, held more friendly relations with Judge Law than with any other member of the minority in the Thirty-seventh and Thirty-eighth Congress. Mr. Stevens was very harsh and intolerant of inferior men, and bestowed his respect and friendship on but few. He discovered in Judge Law those qualities which he most prized, and for which he himself was so greatly distinguished—strong practical sense and an unbending devotion to the principles he espoused. Nor did any one ever question Judge Law's love of country even in the darkest and most censorious times. He gave a cordial support to the army and navy during the terrible war of the sections, and labored to maintain the Union, as guaranteed by the constitution and the laws. How could his course have been otherwise? His veins were filled with the blood of revolu-



tionary ancestors. His grandfather served in the Continental Congress, while the armies of the Revolution fought from Boston to Savannah for American liberty. His father was a member of the Congress of the United States during the war of 1812, against the same foe.

All the examples and traditions of his family were in behalf of liberty, union, the constitution, and the laws. He often announced, in a voice and manner full of emotion, that his only desire was to transmit the same government of union and of law to his children which his fathers had bequeathed to him. I have also heard him comment on the singular fact that three generations of his family had served in the American Congress at the periods of our three great wars. He therefore asserted an inherited as well as a natural love for the flag, and always manifested it. Now that death has come to declare his work finished, and the asperities of the past are fading away, I have deemed it fitting and proper to bestow this brief notice upon his Congressional life.

Conspicuous, however, as were Judge Law's abilities and qualifications as a jurist and a legislator, yet his social virtues shone so brilliantly under all circumstances, that his personal friends will always recall his memory first, and most tenderly in connection with their display. His resources in this respect seemed infinite. His mind was stored with the good things which people of the highest culture loved to hear. His supply was inexhaustible, and his conversation was charming and inimitable. His power of sketching individual character, narrating early incidents of adventure, and reciting anecdotes of persons and events, I have never known equaled. While in Washington, his society was much sought on this account, and he often held large and distinguished dinner-parties in riveted attention, while he pictured the early settlement of the Wabash Valley and the manners and customs of those frontier times. But why need I dwell on these fascinating traits, so well known to us all! How often have we all listened to that genial voice which we shall hear no more! How often have we heard him paint the dawn of civiliza-

tion in all that region that lies between Evansville and La Porte! How often have we heard him describe life on the circuit, and delineate the characters of pioneer lawyers, juries, and people! But the musical tongue is still, the beaming eye is closed, and a long, useful, and instructive life is terminated forever. Judge Law, the gentleman *sans peur et sans reproche*, the Chevalier Bayard of public and private life, has "wrapped the drapery of his couch about him, and laid down to pleasant dreams." I saw him one year ago for the last time, until we shall meet on the plains of immortality. We literally sat down together under his own vines, and there, while eating his ripe and purple grapes, he talked of the long and happy years that had been granted him in this world, and of his gratitude for the rich blessings he had enjoyed. He said with deep emphasis, that if his life could be given to him over again he would take it gladly, just as it had been—with the same surroundings and without change. Some trials he had had like others, but the sunshine in his life had so largely prevailed over the clouds that he contemplated the past with pleasure. When I took my leave, he said, calling me by my first name, that we should never meet again on the shores of time. He spoke with his old, cheerful, and benignant smile, and without a shade of sadness, though my own eyes were dim. He said that God had given him long life and happiness, and that he was ready to go when He called.

Sir, he has gone to meet the companions of his earlier manhood. He had been permitted to stay longer than the generation with which he grew into distinction. The names he most loved to dwell upon "have been carved for many a year on the tomb." If there be a reunion of friends in the realm of spirits, he has already been welcomed by those who were dear to him here. He has met Howard, Hannegan, and Huntington, and Porter, and Farrington, and Whitcomb, and Wright, and Blake, and others with whom the bright days of his manhood were spent. His example now alone remains to us. Let it admonish us to integrity of purpose and industry of action. Let it also

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inspire us with amenity of spirit in our intercourse with each other, with gentleness of manners and suavity of temper in all the cares and labors of our profession. If the living thus benefit by the examples of the dead, the world will have made a step in the march of progress whenever a great and good man has lived and died.

I move, Mr. Chairman, the adoption of the resolutions offered by the committee.

## THE INFLUENCE OF THE PHYSICAL SCIENCES ON THE PROGRESS OF CIVILIZATION.

[An address delivered before the Literary Societies of the University of Missouri, June 22, 1874.]

LADIES AND GENTLEMEN :—

The relations which exist between the human mind and the works of physical creation, involve the entire problem of human progress. When man first arose from the dust, he was proclaimed the master of this planet. He received from the divine hand a grant of power, infinite in its scope and value. It was determined that he had a right to dominion over the fruits of the fields and the beasts of the plains, the bosoms of the oceans and the dwellers in the deep, the winged inhabitants of the air, and even the swift winds themselves, and the subtle and burning contents of the angry clouds. This decree was not in consequence of his physical ability to sustain his supremacy over nature by force, but because of the intellect with which he alone, of all created beings, was endowed, and with which it was possible for him to accomplish the task before him. He was placed in such relations to the other works of creation that, by the proper development and exercise of his own powers, he could find out their principles and subjugate them to his uses, and to the happiness and the glory of the human race.

The dominion to which he thus became heir in the beginning, it will be observed, however, was a right announced, and not a possession bestowed. The inheritance was spread out before him to entice him forward to obtain it. Its wealth and splendor were in view to stimulate him to action. Its luxuries appeared to tempt his desires; its honors to awaken his ambition, and its obstacles and dangers to arouse and excite his courage. In proportion

to the response which man has given to these powerful inducements, so has been his progress and useful achievements in every period of the world's history. And yet how indifferently, for unnumbered centuries, he looked upon the material universe, wherein he all the time had the vested title of a conqueror, whenever he should penetrate its mysteries, and discover the science of its various elements! How limited his range of vision and of knowledge! The earlier tribes of humanity saw the fields immediately about them filled with corn and wine; they saw the flocks and herds on the hills that were to feed and clothe them; but beyond the control of these things, they did not seek to advance their standard of dominion. Their power over the forces and gifts of nature was feeble and limited. Their period was the infancy of the human race, during which its simple wants alone aroused it to action. The conditions on which the children of men were to climb the heights of civilization, and reduce the earth and its fullness to a state of vassalage, were unheeded in the primitive ages. There was no struggle then to enter into possession of the inheritance by the appointed gateways. If there was labor, it was without understanding; and hence there are thousands of years of human existence engulfed in almost total oblivion, leaving but here and there a dim, uncertain page of history, without a single achievement worthy of record or memory. The one vital condition on which depends the progress of man is a knowledge of the objects, the elements, and the scenes which on all sides salute his senses. Long and dreary ages rolled away, whose pathway is barren and cheerless, before we find the human intellect even considering this great question. It is often claimed that labor is the primary agent of human advancement. It is but secondary. Knowledge must be its forerunner. It must be guided by eyes that see and ears that hear the truths and harmonies of the material world.

The realms of history are filled with the melancholy monuments of toil, directed by ignorance, superstition, and despotism. The massive walls and gorgeous palaces of

Babylon, the hundred brazen gates of Thebes, the aspiring and impious tower of Babel, the pyramids of Egypt—those gigantic relics of pride, folly, oppression, and mental darkness—all tell their sad stories of unenlightened and unrequited labor. They brought not a single blessing to mankind. They arose in obedience to no requirement of beneficent nature. On the contrary, they originated in the vain conceits of an ignorant tyranny, and were reared and cemented in the blood and tears of benighted millions. They stand as the shame and not as the glory of labor. It is true that the student of antiquity often dwells with veneration and enthusiasm on the achievements of Asiatic and Egyptian civilizations. We have the traditions of their success in certain pursuits, but they have left no permanent additions to the sum of human knowledge or human happiness. They did not conquer the elements of nature or find out her now familiar principles. Agriculture, the foundation of all national greatness, was a degraded profession. The farmer, in those periods and countries, was a serf, and knew but little more of the qualities and capacities of the soil than the inferior animals that assisted him to till it. Commerce was confined to a limited coasting trade, because the expansive regions of the oceans and seas were filled with imaginary terrors to ignorant minds.

The laws of navigation, the needle and compass, the shape of the earth, and the steadfastness of the north star were all unknown. Instead of the merchantman spreading her prosperous sails from port to port, or the steamship under intelligent guidance traversing the waters of the Mediterranean, the Indian Ocean, the Arabian Sea, the Persian Gulf, the Bay of Bengal, the Red Sea, and the Caspian, trains of weary footed and heavily laden camels toiled slowly over the sands between Cairo and Damascus, Babylon and Bagdad. Nature held out her gifts and powers then as now. There is an absolute eternity in the laws of the material universe. It was blind, undeveloped man, with wealth, and dominion, and glory on all sides, and under his feet, and over his head, without the knowledge to reach forth his hand and possess them. He had no just

conception of the relations which he bore to the Creator, or to the creation. He confounded the works which he daily saw with that Author whom no eye hath seen. The most learned Egyptian knew not enough of science to satisfy him that a loathsome reptile, or a helpless brute, was not the God of the heavens and the earth, and entitled to his humble and abject worship. He saw the crocodile live and die and rot in the sun, and yet cherished his faith in its wisdom, omnipotence, and immortality. His race dwelt for more than two thousand years along the banks of the Nile, in a valley not averaging twenty miles wide, without ascertaining that the rains in the mountains, and not a river god, caused the waters to swell and inundate their fields with rich and fertilizing deposits. No explorer ascended the life-sustaining stream. The centuries came and went; the generations arose and followed each other, like waves, to the viewless shore of eternity; ages upon ages were added to Egypt's hoary history, and yet no Egyptian Speke or Livingston ever went up the Nile, over the mountains and beyond the equator, to find its deep and everlasting fountains. Fear, the child of superstition and ignorance, chained him to the little valley of his ancestors. The order of things proclaimed by God was totally reversed. Man was not the master, but the slave of nature. He did not control her: she controlled him; and his submission was absolute and degraded. No genuine civilization can spring from this unnatural basis. No healthy products can accrue to mankind from such an apathy and perversion of the mental powers. By virtue of her location, Egypt was simply the foremost power of Africa. This was not much, but it was all.

If we cross over that narrow space, however, between the approaching extremities of the Mediterranean and the Red Sea, which separates Africa from Asia, and penetrate north and eastward into the most ancient and renowned seats and habitations of the human family, the same ignorance of the laws of the universe meet us at every step. Who in all those vast realms, where the innumerable millions of the Oriental races have swarmed throughout all

the ages of the past, has given his name to history as an inventor, a discoverer, or an explorer of the natural sciences?

On the plains of Asia, more of human history has been enacted than in all the other four quarters of the globe combined. I speak not now of that limited race, with its narrow possessions, which was set apart and isolated for a special and divine purpose. It is true that it might be done with safety; for while the Jehovah revealed Himself to the Jews, there is no evidence that they were wiser in the laws which govern the earth and its productions, the seasons and their influences, than the other far more numerous and powerful nations of Asia. But the manner of their existence was an exception to the general order of the world, and philosophy will reject them when seeking to establish general principles upon the concurrent testimony of mankind.

The various and wide-spread peoples, coming and going with the moving centuries, as countless as the leaves of the forest, or as the falling rain-drops, and from whose teeming ranks were drawn such armies as that which followed Xerxes to "sea-born Salamis"—as that which Cyrus led to the conquest of Babylon, and Alexander overthrew under Darius—must make answer for the achievements of the ancient East and her systems of thought and industry. Where are their practical and useful philosophers? Who will point out their monuments of learning? We have the remains of their poetry as florid and as fervid as the sunbeams of the meridian. Broken fragments of their fables and their fictions have also descended to us. They tell of imaginations riotous and luxuriant; but where are the traces of a mind in Oriental literature which labored to acquire that scientific knowledge of the physical creation, which alone constitutes man's power and supremacy over it? The attempt even was never made. There are traditions, it is true, that the Chaldeans knew something of the plainer rudiments of astronomy; but the most careful researches into the writings of that and subsequent periods will fail to show them more learned in that science



than the experienced woodsman or herdsman, who has spent his days and nights beneath the open and instructive sky. The now ascertained and measured movements of the heavenly bodies were to them sealed mysteries. They beheld the stars blazing from the bended firmament, and invested them with strange and weird influences over the births, the lives, the deaths, and the final destinies of the people. They halted amidst the delusive snares and dreams of astrology, and there remained forever. Nor were the ancient eastern founders of religious faith in a great First Cause ever aided in their inquiries by a knowledge of the properties and laws of those objects of creation with which they were in perpetual intercourse. They walked upon the earth from their cradle to their graves, but they never challenged for inspection its eternal records of dates and formations. It bore no testimony to them of the time and the ages whence it came. The voices of the rocks and the stratas were silent to their ears. The truths of geology lay buried and hidden in the unexplored recesses of matter. No spirit of investigation called them forth to number the years of this planet, or to reveal and mark the changes and convulsions which have taken place in its seasons, its structure, and the myriad forms of animal life with which it has abounded. And in the absence of all this knowledge, the imagination sported in unrestrained license with those vast questions which concern the attributes of Deity, and the truth and harmony of His works. The Hindoo, arbitrarily and without a gleam of science or reference to a single fact, allots to his own nation a period of over two thousand million of years, and to the earth itself much more. In disregard of the plainest principles of our physical existence, he assigns to his earlier ancestors an average lifetime of eighty thousand years; and as if to show the extent to which the imagination can carry a people wholly surrendered to ignorance and superstition, it is a recorded fact in Hindoo history that the first king, Anchorite, and saint of that nation, lived until he was eight million and four hundred thousand years old, during which time he reigned over his people for more

than six million of years. Such stupendous errors in regard to the works of creation were necessarily accompanied by a total ignorance of the character and purposes of the Creator. As an evidence of this, the Hindoos of antiquity worshiped a triad of malignant beings, the principal of whom was a monster in human shape, clothed in the skin of a tiger, "encircled with a girdle of snakes, with a human skull in his hand, and wearing a necklace composed of human bones," while "over his left shoulder the deadly cobra de capello rears its head," as if to strike. With this revolting being was supposed to roam his wife, as sanguinary and as horrible as himself. If knowledge is power, what indescribable weakness does such mental darkness as this disclose! If such were the ideas of those who wrote histories, made literature, and lived in the front lines of their race, what tongue or pen can portray the deplorable condition of the inferior ranks in their rear—of the laboring masses, on whose intelligent industry the prosperity and civilization of all nations must depend? They came forth into being, and then passed away like the frail and aimless insect tribes of the air, leaving no trace of a useful existence. They left not a single sign in the direction of progress.

But the foremost and most conspicuous place in national antiquity, while the regions of the Orient yet embraced the discovered portions of the human family, was always held by the empire of Persia. The names of her warriors and heroes, her once renowned cities, and her famous battle-places are all familiar in the pages of modern books. She has been the theme of the sweetest song and most fascinating romance; and the author and the orator have often pointed to her as the theater of human progress and human glory. A resolute look, however, at her systems of thought and action, stripped of that alluring enchantment which distance lends to the view, will speedily demonstrate how meager are her claims to this distinction. The true dominion of man over the forces and the elements of nature was nowhere asserted, much less accomplished, in all her far-reaching boundaries. The laborer was a slave, who

toiled to pay tribute in time of peace, and followed his master to a nameless grave in time of war. His position in the social scale and in political consideration was no higher than that assigned to a beast of burden. His calling, as he wrought in the fields, was a badge of the lowest inferiority. Nor did he possess a particle of that information in his pursuits that always enforces respect and confers dignity. The rudest and simplest contrivances of wood sufficed to extort his scanty returns from the spot of his temporary culture and sojourn. His chief reliance was upon the spontaneous bounties of nature. His flocks and herds grew in the green pastures that lined the water-courses, and afforded him a subsistence without mental or physical exertion. His manner of life was no higher than that of the semi-civilized American Indian who plants and rudely cultivates his few acres of corn on the outskirts of the white man's settlements, and depends for his meat on the wild cattle, the elk, and the deer of the neighboring plains. There was no effort made to spread light and knowledge in his darkened sphere. The school-house, the college, and the seminary for the masses were unknown. And, indeed, amongst the titled few, who aspired to be thought learned, no such institutions were heard of. In their places were vain and speculative sects, styling themselves philosophers, reasoning from premises of superstition and ignorance, leading themselves and their followers in wild and visionary paths, and reaching conclusions exactly opposed to a just conception of the duties of mankind and the real purposes involved in the existence of the human race. Take their ideas of divine worship. In the absence of the natural sciences to inform them of the qualities and rules of the material universe, they seized upon its more commanding and brilliant parts, and deified them with their unenlightened devotions. They saw the sun in the firmament, and knew not whence it came or whither it went, of what it was composed, or the mighty functions which the omnipotent hand of God had appointed it to perform. They knew not that it was a stationary center, around which moved innumerable worlds, each in its given

pathway, without deviation or weariness, since the morning stars sung creation's hymn, and each receiving its allotment of light and heat from the inexhaustible fountain of both. This was a mystery which awaited a higher type of man and a nobler development of his powers for its solution. The Persian mind worshiped what it could not comprehend, and built altars and burnt incense to the sun as the supreme Deity.

Fire was thought and felt to be an emanation from the sun, and hence it, too, became an object of ignorant reverence and devotion. It may perhaps be justly conceded that of all the systems of Pagan mythology, that of the fire-worshippers was the most elevated, and had more visible reasons, to an uninstructed mind, in its support than any other. They constantly witnessed the wonderful and benignant influences of the heat and the light of the sun. They beheld all nature revive and live and grow under its warmth. The tender blade of grass put forth; the meadows were mantled in green; the stripling corn became stalwart and strong; the gay colors of flowers delighted the eye, and their perfumes enriched the air; the leaves of the forest spread their more than royal canopies, overhead; the fields ripened for the harvest, and brought forth their welcome returns; the orchards and the vineyards produced their treasures of purple and of gold; and the cattle on the hills fattened, for the use of man, on the bountiful repast of nature. And when winter came, and the heat of the sun was withdrawn, the fire on their hearthstones was its representative, and kept them alive, and administered to their comfort. They saw, too, the awakening power of light, which came from the presence of the great luminary, and the death-like influence of darkness, which fell upon the world in its absence. With the fresh breaking day, came the sounds and movements of busy life, and with the descending curtains of nightfall, came sleep—the counterfeit resemblance, the twin brother of death. It is not, therefore, a matter of wonder, though it may be of regret, that an untutored mind, with these striking phenomena, and many more than can be here enumerated, for-

ever attendant upon heat and light, and constantly present for its contemplation, should be led to a belief in the supernatural attributes and powers of the source whence they come. But can such an awful misunderstanding of the relations between man and his Maker, and between man and the works of creation, be accompanied by a vigorous and healthy civilization? Can a people be successful in their systems of agriculture, commerce, navigation, and general enterprise, who know not why or whence the seasons come—what natural laws cause the balmy breath of spring, the ripening heat of summer, or the cool and drying atmosphere of autumn; who can not comprehend the source of the dews, or why the rains will fall at their appointed times for the growth of vegetation?

Can a prosperous and abundant husbandry be built up and established by those who are ignorant of the principles by which the seeding-time and the harvest are governed? History gives no uncertain answer to these questions. The moldering ruins and blighted plains of antiquity are all filled with voices proclaiming the shortcomings and the failures of man in the absence of scientific discoveries. And if we follow the migrations of the human family, as it sent forth its branches from the regions of the Euphrates and the Tigris, and from all the eastward realms beyond, we will find this great truth still further illustrated and established. In this connection, let us look at the map of the world.

An intelligent look at its instructive face reveals the natural pathways of emigration and of empire. They have forever led from the east to the west, when not diverted temporarily aside by the lust of conquest. The first great movement which we can now discern, commenced in the dim twilight of history, by the discovery of that far eastern point of the Mediterranean Sea, which penetrates so near to the abode of our first parents. The tribes of men, whether civilized or savage, follow streams and bodies of water, and they soon found their way from the mainland of Asia Minor to the island of Cyprus, and in due time to the Archipelago, in the midst of which the

jutting peninsula of Greece pushes out into the waves. There, for indefinite centuries, the human race halted in its westward march, and put forth a strength and glory until then unknown. That veneration, which is prone to hallow everything ancient, and covered with the dust and mold of ages, here usually delights to dwell, and revel in the alleged superiority of the past over the present. All, perhaps, have felt and indulged to some extent in this sentiment, and yet who can successfully defend it? The imagination always feels itself at liberty to adorn remote periods and distant objects with pleasing and attractive illusions; but how often they vanish at the touch of reason and of fact! There is much, it is true, in Grecian history to admire, and a few things for mankind to imitate. A noble and majestic language was there formed and spoken, and became the channel of a powerful eloquence, and resounding and melodious poetry. A wonderful conception of the human face and form remains in marble for the instruction and enthusiasm of the modern sculptor; and the painter and the architect likewise gave immortality to their works. They remain as the evidences of lofty genius and refined cultivation in those pursuits; but in all the more solid and useful branches of knowledge, which underlie the foundations of human greatness and permanent progress, the conscientious student will find the Greeks—the polished Greeks in comparison with the ruder barbarians around them—occupying merely the vestibule, and not the inner courts of the temple of science and learning. Their climate and locality favored a superior physical development, both of form and feature; and with high health and strong vitality, came daring spirits and bold fancies. Their soil and their sea were prolific of their offerings; but in what way did they seek to assert their supremacy over them? Was knowledge their guide to that proud dominion which has been bequeathed as a heritage to man? What were their ideas of the world in which they lived and ambitiously aspired? An eminent author has given an answer which I quote and adopt. He says:

“The Greeks believed the earth to be flat and circular, their own country occupying the middle of it, the central point being either Mount Olympus, the abode of the gods, or Delphi, so famous for its oracle. The circular disk of the earth was crossed from west to east, and divided into two equal parts by the sea, as they called the Mediterranean and its continuation, the Euxine—the only seas with which they were acquainted. Around the earth flowed the river Ocean, its course being from south to north on the western side of the earth, and in a contrary direction on the eastern side. It flowed in a steady, equable current, unvexed by storm or tempest. The sea and all the rivers on earth received their waters from it. The northern portion of the earth was supposed to be inhabited by a happy race named the Hyperboreans, dwelling in everlasting bliss and spring, beyond the lofty mountains whose caverns were supposed to send forth the piercing blasts of the north wind, which chilled the people of Greece. Their country was inaccessible by land or sea. They lived exempt from disease or old age, from toils or warfare. On the south side of the earth, close to the stream of Ocean, dwelt a people happy and virtuous as the Hyperboreans. They were named the Ethiopians. The gods favored them so highly that they were wont to leave at times their Olympian abodes, and go to share their sacrifices and banquets. On the western margin of the earth, by the stream of Ocean, lay a happy place named the Elysian plain, whither mortals favored by the gods were transported, without tasting of death, to enjoy an immortality of bliss. This happy region was also called the ‘Fortunate Fields’ and the ‘Isles of the Blessed.’ . . .

“The dawn, the sun, and the moon were supposed to rise out of the Ocean on the eastern side, and to drive through the air, giving light to gods and men. The stars also, except those forming the Wain or Bear, and others near them, rose out of and sank into the stream of Ocean. There the sun-god embarked in a winged boat, which conveyed him round by the northern part of the earth back to his place of rising in the east.”

After this dark picture of ignorance in relation to the visible works of the material universe, we are not so much amazed at the following portrayal of a miserable faith in the beings of the invisible world: "The abode of the gods was on the summit of Mount Olympus in Thessaly. A gate of clouds, kept by the goddesses, named the Seasons, opened to permit the passage of the celestials to earth, and to receive them on their return. The gods had their separate dwellings; but all, when summoned, repaired to the palace of Jupiter, as did also those deities whose usual abode was the earth, the waters, or the under world. It was also in the great hall of the palace of the Olympian king that the gods feasted each day on ambrosia and nectar—their food and drink—the latter being handed around by the lovely goddess Hebe. Here they conversed of the affairs of heaven and earth; and as they quaffed their nectar, Apollo, the god of music, delighted them with the tones of the lyre, to which the muses sang in responsive strains. When the sun was set, the gods retired to sleep in their respective dwellings."

Can we wonder any longer that a people so bereft of light, so immersed in the darkest superstitions, should have left but little, if anything, for this wise and practical age to adopt, or that their institutions and civilizations should have fallen and passed away forever? Truth alone contains the elements of perpetuity, and the Greeks built upon errors as stupendous and flagrant as have ever blinded the actions of men or disfigured the pages of history. If I am reminded that Plato reasoned well on the immortality of the soul, my answer is that the Red man of the American forests, when first found, untamed in his solitudes, reasoned better, and reached loftier, firmer, and more sublime conclusions. Unaided and solitary in the woods and in communion with the aspects of nature alone, he found one supreme, spiritual Deity who rewarded virtues and punished vices, and to whom immortality returned when it put off the mortality of time. The accomplished Athenian rambled in his wavering faith through a Pantheon of many gods, while the untutored Indian was



as unshaken as the rocks in his beautiful belief in one. And if Socrates died like a philosopher, calmly disregarding the terrors of death and speculating on a future state of existence, so have unlettered heathens accepted martyrdom with equal fortitude and far greater cruelty, and triumphed in the absolute assurances of an eternal life. If the swift-footed hunter and the painted warrior have asked that the dog and the horse be slain upon their graves to accompany them in another world, so the Grecian sage, after drinking the hemlock, directed the sacrifice of a cock to propitiate a purely fabulous and imaginary deity. In regard, therefore, to an understanding of the attributes of the Supreme Being through the observation and study of His works, there has been but little difference between the most cultivated and the most savage nations of the Pagan world. We find the same absence of scientific truth in both, and consequently neither have ever risen to a durable condition of progress and prosperity.

But still farther to the west, and on another and larger peninsula penetrating the waters of the Mediterranean, arose another form of human society and human government, which swallowed up Greece and all her arts, her ideas, and her possessions, and soon became a vast reservoir into which were thrown the systems and nations of antiquity, in confusion, subjection, and almost in oblivion. The extent and magnificence of Roman power has dazzled every succeeding age, and may well fill the greatest minds with wonder, if not with awe. The majesty of Rome, which fills our schools with declamation, was indeed more than a mere sounding title. For seven centuries, the name, the form, and many of the principles of a free government were preserved and enjoyed by her citizens. Under the banner of the republic, all her unparalleled conquests were made, except Britain, Dacia, and the eastern provinces that submitted to the sword of Trajan. Her sway was absolute from the Straits of Gibraltar on the west, to the Euphrates and the Persian Gulf on the east; from the Rhine and from beyond the Danube on the north, to the torrid sands of the interior of Africa on the south—

embracing an extent of country far greater than that over which the American flag flies to-day. Through these gigantic possessions, for twenty-six hundred miles, stretched the calm and glorious Mediterranean Sea, so named because it was supposed to be in the middle of the earth. Every foot of its fertile shores, and all the islands of magical loveliness and wealth which adorned its bosom, were owned and held by the republic, and then by the empire. The Romans sat down by this beautiful sea, in the midst of the teeming bounties of all the elements, overspread by the serenest skies, and invigorated by the kindest climate, and reaching forth their powerful hands, seized upon and rendered tributary the richest and most productive portions of the then known regions of the globe. Their ancient boundaries, explained by the modern map, reveal the startling magnitude of their dominion. The greatest kingdoms and empires of the present day were their obedient provinces, and toiled, not for themselves, but for their masters at the eternal city of the hills. Spain, Portugal, France, England, Belgium, Switzerland, Turkey, Greece, and large portions of Austria and Prussia, comprised the European possessions of Rome outside of Italy, her legitimate home.

In Africa, she was mistress of Morocco, Algeria, Tunis, Tripoli, and Egypt—the five states of Barbary—constituting a productive belt nearly three thousand miles long, with an average of one hundred miles wide, lying in the temperate zone, and between the destructive sands of Sahara on the south, and the sea on the north. In the other great division of the eastern hemisphere, her arms embraced all now held within the confines of Asiatic Turkey, together with extensive regions of Persia and Arabia. A territory so expansive, comprising such a variety of climates, soils, rivers, oceans, and inland seas, was never before or since ruled by a single government. Those admitted to the citizenship of Rome, together with their wives and children, numbered twenty million of souls; the inhabitants of her provinces forty million, and her slaves sixty million; making the enormous aggregate population of one

hundred and twenty million—more than three times the present population of the United States. It thus appears, however, that twenty million of people held one hundred million in military subjection and in personal servitude; a fact which of itself goes far to explain the final overthrow of this colossal power. But there were other and even more inevitable causes at work upon the vitality of Roman civilization. The inferiority of the nations and tribes by whom Rome was then surrounded, contributed more to her comparative elevation and greatness than her own useful achievements, if tried by the present standard of knowledge and utility. No enlightened historian pretends that her principal concern was for the development of the great industrial pursuits, or for the advancement of those practical and beneficial sciences which have given modern humanity its splendid dominion over the fields of nature. On the contrary, it is admitted by the most eminent authors that the tillage of the earth was pursued mainly for the support of her great and numerous armies; and commerce was encouraged for the purpose of ministering, with the silks, the perfumes, the precious stones, and diamonds of distant countries, to the demands of the opulent and effeminate classes.

That wonderful, though now common article of wealth and food, designated in general as corn, was then wholly unknown, and Gibbon, the warm eulogist of ancient Rome, in touching on her principal products, condescends to make no mention of any great staple of breadstuff as a substitute. This eloquent, though partial historian, makes but a feeble exhibition in behalf of the industrial classes. He enumerates the apple, the apricot, the peach, the pomegranate, the citron, and the orange as fruits cultivated by the Roman people. He mentions their flowers, and dwells with delight on the generous vintage of their bounteous and unfailing vines. The olive also attracts his attention; and he closes his notice of the agricultural products of Rome with the brief statement that the cultivation of flax was transported from Egypt to Gaul, and that the farmers of Italy and the

provinces were familiar with artificial grasses, which supplied their cattle with food during the winter.

His mention of Roman commerce is equally significant. After describing the periodical voyages down the Red Sea, and across to the coast of Malabar and to the island of Ceylon, he says :

“The objects of Oriental traffic were splendid and trifling : Silk, a pound of which was esteemed not inferior in value to a pound of gold ; precious stones, among which the pearl claimed the first rank after the diamond ; and a variety of aromatics that were consumed in religious worship and the pomp of funerals. The labor and risk of the voyage were rewarded with almost incredible profit ; but the profit was made upon Roman subjects, and a few individuals were enriched at the expense of the public.”

Here is the graphic picture of a civilization which oppressed and enslaved the laborer, and corrupted and enervated the rich and the indolent. To be impressed with the grandeur of Rome, we must leave the furrow of the plowman, the fields of peace and industry, and follow the march of her mailed legions.

War was her element, and helpless nations were her prey. The plowshare and the pruning-hook were not the emblems of her pride and glory. She bowed before no prince of peace, but lavished her devotions on Mars and on Terminus, the god of slaughter and the god of boundaries. Her vast history, expanding over the events of eleven hundred and sixty-three years—from the founding of the city until it was sacked by Alaric and his Goths—surrenders almost every page as a catalogue of armies, conflicts, marches, sieges, battle-fields, pillages, robberies, accounts of the number slain, and the still more miserable captives spared alive.

The mind becomes jaded and sated with the endless repetitions of sanguinary and revolting scenes ; the heart shrinks back stifled and appalled, and pants for a purer, higher, and better atmosphere. All the knowledge possessed by the Romans in regard to the earth, the seas, the rivers, the heavenly bodies, the recurrence and the influ-

ences of the seasons, and the division of the year into days, weeks, and months, was incidental, and subservient to their genius and love for war. Geography, that splendid and fascinating study, was unknown beyond the countries that were conquered. They were compelled to survey contiguous regions in order to penetrate and subdue them. The establishment of a boundary, or an outpost, was the signal for exploring parties to advance and mark for conquest the realms immediately beyond. Routes for military movements were required to be laid down on maps with accuracy and care—not merely marking the distances from place to place, but also describing the character of the roads, the rivers that were to be crossed, and the mountains whose summits were to be scaled, or whose gaps and defiles were to be passed, and guarded. And after the battles were over, and a country was subdued, among other ample preparations to hold it, none were more necessary and efficient than the construction of those solid and durable highways leading to the capital, the remains of which are yet to be seen. They were links in the powerful chain which bound the provinces to the center. “They united the subjects of the most distant provinces by an easy and familiar intercourse; but their primary object had been to facilitate the marches of the legions; nor was any country considered as completely subdued, till it had been rendered, in all its parts, pervious to the arms and authority of the conqueror.” Such were the ferocious purposes for which the most useful monuments of Roman industry were erected!

But her warlike spirit, as well as her desire for the gaudy wares of the East, impelled Rome to attempt the art of navigation. All Europe, Asia, and Africa were open to her by land; and the whole world, then as now, invited men of science to sail whither they listed on the waters, and establish the peaceful triumphs of knowledge over the secrets of space and matter.

The lust of conquest, the love of riches, and the natural thirst for information, however, all combined, produced not one single correct conception of the material universe in

the minds of the Roman people, or their wisest philosophers and explorers. The wildest and most fanciful conjectures prevail in all their writings on subjects that are now the most familiar and practical. Mela, Pliny, and Strabo, after Herodotus, were the great geographers of antiquity. Their opportunities for the discovery of truth have never been surpassed; yet their theories are vague and absurd, and their facts limited to a few of the plainest. Herodotus, styled sometimes the father of geography, visited Persia, Assyria, Egypt, Thrace, Scythia, and other distant countries; but he did not even attempt to combine them into a general system of creation, or apply to them the principles of mathematics or astronomical calculation. The globular form of the earth and its rotary motion were treated with scoff and jest by him. He judged it simply as far as he saw it; and science, which, by unerring rules, finds out unknown things from those that are already known, was not called to his assistance. He speedily becomes mystical and fabulous; and this eminent authority of the ancients gravely assures us that he found in his journeyings a race of men with the heads of horses, and others with no heads at all. His successors, five hundred years afterward, were scarcely more intelligent. They knew no more of the physical sciences than he did; and the still unconquered dangers of the ocean prevented them from discovering the nature and shape of the earth by actual observation. Gallies pulled by oars were not to be trusted far from familiar coasts. Thus the dominion of man over the earth, and the fullness thereof, declared to be his birth-right in the beginning of time, was not accomplished by the most powerful and most gifted nation of the past. It failed from a want of knowledge. It passed away without the slightest conception of the true mission and destiny of the human race, or of the extent and character of the sphere which we inhabit. It fell, too, from the force of its own example—the example of violence and bloodshed—the sure accompaniments of national ignorance. It had sought not that peaceful supremacy over the natural elements which constitutes permanent progress and glory, but rather the

dominion of man over his fellow-man. And for a thousand years after the downfall of Rome—from the fifth century of the Christian era to the fifteenth—the human race gave all its faculties and energies to fields of strife and carnage, and none to the higher and nobler fields of useful industry and intellectual pursuits. In all that barbaric love of war which marks the absence of a high civilization, the dark ages, however, were but a continuation of the spirit and the practices of the nations that had gone before, and that boasted of superior light. Man still perverted all his powers, and strove to dominate over and destroy his species, rather than advance himself along the shining and celestial ways of scientific truth. The highest honors and the proudest distinctions were still awarded to him who had achieved the greatest slaughter of his kind. It was so in all the nations of antiquity—in Persia, in Egypt, in Greece, and in Rome—and the dismal centuries which followed their decline and fall only imitated, in that respect, the habits and customs of those for whom even yet an exalted civilization is so often claimed.

But the fullness of time came at last, when the human mind commenced awakening to its destiny of discovery and dominion. The impulse toward scientific researches was first felt in the fifteenth century, and aroused the intellectual world like the dawn of a divine revelation. Whence or why it came at that time more than any other, can no more be told than whence the winds come or whither they blow. We only know that man's empire over the physical world was ordained from the first, and that sooner or later the judgments of God must be fulfilled. In the year 1435, at the city of Genoa, the son of a humble laborer—a wool-carder—was born, whose presence in the world has produced greater revolutions and grander results than ever before attended the efforts of mere man born of woman. Christopher Columbus was the John the Baptist of the sciences which now so brilliantly illuminate the universe. He literally proclaimed their truths in the wilderness—in the wilderness, dark and dangerous with ignorance and ferocious superstition. The

power of his intellect and the greatness of his soul almost defy comprehension, when we consider the age in which he lived, and the circumstances by which he was surrounded. The age was one in which aspiring thought was restrained and enslaved by religious intolerance. To think on any subject contrary to the dogmas of the church was to incur its destructive thunderbolts. The ignorance, too, of the public mind was equally appalling to the spirit of science. The city of Thinea, in Asia, was the eastern limit, and the Cape de Verd Islands, the western terminus of the then known world. That portion of the human race which has established letters and made history, knew no more at that time. Even the coasts of those continents whereon the empires of antiquity had arisen and fallen, were less known to the people with whom Columbus associated, than the coasts of the Arctic regions are at the present day to us. Ptolemy was a standard authority on the physical sciences in the fifteenth century, and yet his followers "still thought that the earth, at the equator, was girdled by a torrid zone, over which the sun held its vertical and fiery course, separating the hemispheres by a region of impassive heat. They fancied Cape Bojador the utmost boundary of secure enterprise, and had a superstitious belief that whoever doubled it would never return. They looked with dismay upon the rapid currents of its neighborhood, and the furious surf which beats upon its arid coast. They imagined that beyond it lay the frightful region of the torrid zone—a region of fire, where the very waves which beat upon the shores, boiled under the intolerable fervor of the heavens. It was in the face of such towering mountains of ignorance as this that Columbus struggled, and dreamed, and speculated in the midst of penury and want from the time when he went to sea on his kinsman's vessel, at fourteen years of age, until he sailed on his immortal voyage at fifty-seven. But when his three little ships left the bar of Saltes early in the morning of the 3d of August, 1492, the spell of the past was broken forever. Old ideas, which had held the human understanding in bondage, passed away. As they



sailed on where the winds had never before fanned a fluttering shroud, and where the waves had never kissed a prow, the secrets of nature were overtaken, and gave themselves up to the dominion of man. All the vast fabrics built by all the blind ages since creation, tottered and fell to rise no more. A new era had indeed dawned, illumined by a sun that was never to set, but rather to continue to grow in brilliancy and power until all the boundaries of the universe were filled with light. But even the bold Genoese adventurer, who had spent nearly his three-score years in developing a knowledge of the natural sciences, did not, with his far-reaching mental vision, behold the full glory that lay before him. He had satisfied himself that the earth was a spherical globe, and he had speculated on the necessity, in the proper order of nature, of a hemisphere in the west to balance the one that was known in the east. He tells the objects and expectations of his voyage, however, himself in his diary, kept "very punctually from day to day," and addressed to his patron sovereigns, Ferdinand and Isabella. After recounting the downfall of the Moors at Grenada, where he had fought under the royal banners of Spain, he says: "And immediately, in that same month, in consequence of the information which I had given to your highnesses of the lands of India, and of a prince who is called the Grand Khan, which is to say, in our language, king of kings; how that many times he and his predecessors had sent to Rome to entreat for doctors of our holy faith to instruct him in the same; and that the holy father had never provided him with them, and thus so many people were lost, believing in idolatries, and imbibing doctrines of perdition. Therefore, your highnesses, as Catholic Christians and princes, lovers and promoters of the holy Christian faith, and enemies of the sect of Mahomet, and of all idolatries and heresies, determined to send me, Christopher Columbus, to the said parts of India to see the said princes and the people and lands, and discover the nature and disposition of them all, and the means to be taken for the conversion of them to our holy faith; and ordered that I should not go by land to the

east, by which it is the custom to go, but by a voyage to the west, by which course unto the present time we do not know for certain that any one hath passed.”

It is thus seen that he sought the east by the way of the west, in the sublime faith that he could circumnavigate the globe—a thought even then deemed blasphemous by the theologians and schoolmen. It is true, Columbus expected to encounter islands in his voyage where he might rest his crews and replenish his vessels; but the mighty hemisphere which lay impassable in his course, and put an end forever to his missionary views in the East Indies, was a discovery too vast, too tremendous to be realized by the human mind in theory. Experience alone could comprehend and solve it.

If we should pause for a moment at this point, and transport ourselves in imagination back to the period I am considering, how hard it would be to realize the nature of the prize that lay before the great admiral, the condition in which he would first behold it, and the events which would so swiftly follow! The wildest fables, the most fanciful dreams, the most brilliant scenes ever wrought by the incantations of magic, the most flaming inspirations ever uttered by the frenzied poet, all wither and fade away into nothingness in comparison with the reality which the human mind was now about to encounter, possess, and conquer in the physical world. And how brief is the period since this occurred. Only three hundred and eighty-one years ago—a mere span, the sweep of a pendulum, a throb of the pulse, the flight of a second in the lifetime of this universe of matter—and this gigantic hemisphere on which we stand this hour, lay utterly hidden from every intellectual and civilized portion of the earth. From the beginning, whenever that was; from the time light was commanded, and there was light; from the creative period, when chaos assumed form, on down through incalculable millions of years, the American continents, as well as the others that constitute the globe, had existed. The sciences demonstrate this now as plainly as the problem is proven on the blackboard. Yet no history gives us a

glimpse of what occurred here during those illimitable and solitary ages. What man did beyond a few simple arts of savage life, if anything, will remain forever unknown. The slight vestiges of buried towns, which have been discovered in Central and South America, are not sufficient on which to construct a theory of far remote civilization. We only know that nature was here, and man, too, in his natural state. We only know that all the wealth, gifts, forces, and principles of nature were here then as now, ready to submit to the human intellect, and to enrich, ennoble, and glorify the human race. The valleys slept their long sleep with the elements of future teeming harvests in their bosoms undisturbed; the mountains reared themselves up their gradual slopes from the plains, and hoarded their secret treasures of gold and of silver, of coal and of iron; the rivers ran to the oceans awaiting the enterprise of intellect; while the bays and harbors of the coasts invited the commerce of mankind, and invited it in vain. All was here as it left the Creator's hand. The sun lit up these solitudes, and the stars looked down upon them in the deep watches of the night, but the light of thought and of history had never penetrated them. Adam had founded the human race; Noah had preserved it from extinction by the flood; Jesus of Nazareth had died on the cross in the midst of darkened heavens, a trembling earth, and opening graves to redeem it from eternal punishment; and yet, until less than four hundred years ago, not one of these stupendous facts was known, or a name connected with them heard, in all the regions that lie between Behring Strait and Cape Horn, now the abode of more than a hundred million of people.

When the veil of darkness, however, that had hung so long between the Old and the New Worlds was lifted, floods of strange light poured in upon both. Knowledge on all subjects came like a sunburst in the morning of a new day. But first in the bright train after the discovery of America came the science of astronomy. When it was once known that the earth was a spherical body and suspended in space, other facts connected with the planetary system of the

universe necessarily followed. Until then the physical sciences could not proceed. They were at a dead halt, and could not take another step until the form and nature of this planet were known as Columbus revealed them. But when a correct map of the earth was finished, a map of the heavens had to follow in the order of logical thought. When a map of this world was marked and measured, a map of the other worlds which move in harmony with this, was an imperative sequence to the problem that had just been solved. In this fact lies the reason why the ancients bore such a blind relation to scientific truth. They were ignorant of the shape and properties of their own planet, and lacking this key of knowledge, the doors of all the other realms of the material universe were locked against them. With this key furnished, however, though, it seems to us, at a late day in the duration of the ages, the portals which concealed the priceless gifts of the natural world, have one after another been rapidly and widely opened. Copernicus, Galileo, and Newton followed Columbus, and entered into the untrodden realms of the universe, forcing the great secrets of the unknown by virtue of the facts already known. A knowledge of the laws of gravitation was among the first fruits that were gathered from the rich discoveries of the fifteenth century; a knowledge of those wonderful principles which govern and hold in their proper spheres and pathways, without discord or collision, the worlds, and the systems of worlds, which inhabit space, and revolve and fly through its trackless depths with the speed of thought. They were found to move on a timetable, devised and kept by that Almighty mind under whose regulations all has been safety and harmony for unnumbered centuries among those swift, rushing bodies of blind matter. How awful appears the wisdom of that mind, when we contemplate the design of the universe and the absolute obedience to law impressed upon every part! How sublime its conceptions and how infallible its results! Is there a fool who hath said in his heart there is no God? Let him study the plan of physical creation; let him understand this earth, and then explore the other planets;

let him comprehend the laws which govern them in their movements around the great center of light and heat, as the hand of the pilot guides the ship on the ocean, and he must either conclude that matter itself is instinct with thought and has established its own rules with a wisdom that is infinite, or else that, far beyond and higher than all, there exists a Supreme Author, who has fashioned everything, and to whom His works render obedience.

For about two centuries and a half after the discovery of America, the minds of scientific men were engaged in completing the circle of knowledge around the earth and through the planetary systems of the heavens, and in brushing away the musty fables, and the venerable and stubborn follies of the ancients. Then came another era in the relations between the human mind and the physical world, which has extended to the present hour, and which has filled the nations with the marvels and glories of human progress. It is the era of analysis, of analytical investigation, of chemical solution, and of mechanical invention. It is the era in which the mind, having acquired the general principles of nature, proceeded to inquire into her minutest details. The shapes and relations of the great bodies of matter being once fully understood, the aroused spirit of science next found out the substances that composed them. The soil of the plains, the ore of the mines, the stones of the mountains, the waters of the rivers and the oceans, the air that we breathe, the light of the sun, the bursting blaze of the clouds, have all been thrown into an inexorable crucible. They have been dissected, particle by particle, and all their mighty hidden forces discovered and appropriated to the use and advancement of modern civilization. Every step taken in the gigantic progress of the eighteenth and nineteenth centuries has been due to these wonderful developments of the physical sciences. And, in connection with the increase of scientific knowledge, there arose in the minds of men new purposes for which to live and to labor; new objects to be attained for the welfare of the human family, and new systems of practical philosophy to supersede the vain and useless theories

of the ancients. When it became fully known that man could establish his supremacy over this earth and subjugate all that it contained, to his comfort, wealth, and happiness, the thinking world bent all its powers to obtain that result. The struggle then commenced to make everything useful. Lord Bacon was the author of this great departure from the rules of antiquity. His philosophy was the simplest and most beautiful that ever dawned upon mankind. Macaulay, in speaking of it, says: "Two words form the key of the Baconian doctrine—utility and progress." The ancient philosophy disdained to be useful, and was content to be stationary. It dealt largely in theories of moral perfection, which were so sublime that they could never be more than theories; in attempts to solve insoluble enigmas; in exhortations to the attainment of unattainable frames of mind. It could not condescend to the humble office of ministering to the comfort of human beings.

All the schools regarded that office as degrading; some censured it as immoral. Once, indeed, Posidonius, a distinguished writer of the age of Cicero and Cæsar, so far forgot himself as to enumerate among the humbler blessings which mankind owed to philosophy, the discovery of the principle of the arch, and the introduction of the use of metals. This eulogy was considered as an affront, and was taken up with proper spirit. Seneca vehemently disclaims these insulting compliments. Philosophy, according to him, has nothing to do with teaching men to rear arched roofs over their heads. The true philosopher of the ancients does not care whether he has an arched roof or any roof. Philosophy has nothing to do with teaching men the use of metals. She teaches us to be independent of all material substances, of all mechanical contrivances. The wise man, according to this absurd creed, lives according to nature. Instead of attempting to add to the physical comforts of his species, he regrets that his lot was not cast in that golden age, when the human race had no protection against cold but the skins of wild beasts, no screen from the sun but a cavern. To impute to such a man any share in the invention or improvement of a plow, a

ship, or a mill, is an insult. Seneca pronounces the inventing of such things to be drudgery only fit for the lowest slaves; and he finally expresses his indignant fears that he shall next be told "that the first shoemaker was a philosopher." Bacon, on the other hand, held nothing unworthy of his attention or labors which promoted the health and physical well-being of mankind. He established that school of thought and action in which practical utility transcends all abstractions. The age in which we live is the offspring of his system of ideas. The inventor of the plow which turns the deep soil of these fields, of the drill which plants them with grain at seeding-time, and of the reaper and mower which glean their bountiful harvests, is more honored to-day than all the founders of all the most famous sects of antiquity. The humblest millwright has done more to endear himself to the human race than those who built the walls of Babylon or wrought the columns of the Coliseum at Rome. The names of Arkwright, Hargreaves, Crompton, and Cartwright, for their inventions in the manufacture of cotton, rank as benefactors far above and beyond all the dazzling and blood-stained heroes of history. Far better and brighter, too, is the fame of Robert Fulton, whose genius walks the waters of the world, than that of Alexander the Great. Franklin and Morse will live and shine as deathless as the eternal stars in the heavens, when the shades of a gloomy oblivion have gathered around the memories of Cæsar and Napoleon. Even that humble companion of the fireside, the family sewing-machine, is entitled to more veneration and respect than the pyramid of Cheops; and its inventor has done more to advance the happiness of the human race than all the kings that lie embalmed in the catacombs of Egypt. The engineer and architect of the bridge over the Mississippi river, at St. Louis, will live in fresh and vigorous immortality in the minds of distant generations, when the very names of victor and vanquished at Pharsalia shall have been forgotten. Professor Maury, the great geographer of the sea, now sleeps in his lonely Virginia grave, with no monument towering over his honored dust, and

with but slight memory or mention of his useful life in the minds or on the tongues of his own generation, but the practical good he has wrought for mankind has given him a sure and safe place among the few, the immortal names that were not born to die. He explored the bottom of the great deep; made a map of its channels, its volcanic upheavals, its dangerous reefs; marked the undeviating currents which sweep over them in obedience to physical laws, and pointed out secure highways for the commerce and travel of the human race. The enlightened nations of the earth will hold his name in grateful memory, and around it will gather, as the centuries move on, a halo brighter, and more to be coveted, than ever encircled the brow of sea-king or naval conqueror. And in the same shining list will appear the name of another American, who now, from day to day, signals the coming storm, tells in advance where the hurricane will strike, and gives notice of the approaching fury of the elements. The probabilities of the winds and the rains, and of the pathway of the swift-rushing tempest, have been ascertained and reduced to a science for the benefit of this practical and utilitarian age.

It is the blessed fortune of the inventor, the practical discoverer of useful improvements, that his achievements are permanent. His additions to the sum of human knowledge remain. They supply the wants of mankind, and become the property of the world in common. Governments have reared their proud heads, and proclaimed the principles of their existence eternal. But kingdoms, empires, and republics have alike been torn and scattered by the storms of revolution. Their wrecks and remnants incumber all the pages of history. Their brief duration is the scoff and jest of the ages. Creeds of faith, systems of religion, schools of morality, have also come and gone, as shifting and changing with the waves of time as the sands in the bed of the ever-flowing river. The vain speculations of a thousand philosophic sects have perished; the founders of as many religions are forgotten; the learned wranglers of the schools pass away, leaving no useful mon-



ument of their existence. "The discoveries of genius alone remain; it is to them we owe all that we now have; they are for all ages and for all times; never young and never old, they bear the seeds of their own life; they flow on in a perennial and undying stream; they are essentially cumulative, and, giving birth to the additions which they subsequently receive, they thus influence the most distant posterity, and after the lapse of centuries produce more effect than they were able to do even at the moment of their promulgation."

*Gentlemen of the Athenæan and Union Literary Societies:—* I have endeavored to-night to establish the fact that the civilization of the present era is superior to any other heretofore known, and also to point out the reasons for such superiority. I have aimed to show the sublime harmony which exists between the original purposes of the Creator and the swelling results of these modern days. We are drawing nearer to the great design of man's power and supremacy over all other works and elements of creation than the human race ever approached before. The doctrine of utility has been emblazoned on the banners of progress, and mankind has marched forward beneath its folds for the last four centuries into new and illimitable fields of discovery, invention, conquest, and imperishable glory. The mechanical contrivance of printing was of humble and obscure origin, but it was useful, and became at once the herald and the torch of advancement from the darkness of the night to the light of the morning. The ancients stand afar off from us both in time and achievements. They had a grandeur of their own, but it was glittering, specious, and useless, and consequently not enduring. Modern civilization has been built upon the rock of scientific truth, and it can not fall. It is sustained and fed by knowledge—knowledge which, at its pleasure, ranges the heavens above or dives into the sea and earth below. Speaking, however, in this presence, I would not discourage the study of the literature, the languages, the habits, customs, and histories of antiquity. No man can properly understand and appreciate the present without correct in-

formation of the past. Combine, therefore, as far as possible, the practical and useful ideas of your brilliant age with a full knowledge of the various developments of the human race in other ages and under different circumstances. But let not the alluring voices of the classics cause you to linger on old and barren fields expecting to gather fresh fruit. Seek not to dwell in tents that were struck and abandoned more than two thousand years ago. Go not to the rear in quest of victory. The honors and the spoils of mental conflict and triumph are not there. Turn your faces to the front and strive for the laurels of the present and the future. If you would be leaders in this great and active period, you must equip yourself with its vital and progressive philosophy, rather than with the rusty and broken armor of the decayed systems of the Pagan world. It may not perhaps be given to you to scale the heights where Humboldt stood, or to sound all the depths and shoals of science where Agassiz walked with familiar tread; but it may be yours to enrich your minds with their sublime discoveries, and then, upon leaving these walls, you will go forth heralds of light, assisting to illuminate the world in all its parts. In order to do this and to crown your lives with usefulness, you must learn now, in the days of your youth, the priceless and inestimable value of time. He who inscribes this truth on his heart and brain, and counts the moments of time as more precious than pure-washed grains of gold, and the hours devoted to mental labor as more to be prized than the diamond fields of Southern Africa, holds the key by which the gateways of glory are lifted up, the broad avenues to immortal fame are opened, and the high plains of an unbounded success assured. Be therefore industrious and vigilant disciples of a progressive faith, and the future will place its proudest honors at your disposal.

*\*Mr. President:*—I find it impossible to close my connection with the duties of this hour, without giving utterance to some of the thoughts which crowd upon me as I stand in your presence. I come from a theater of your former labors. The mental growth and material development of

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\* Daniel Read, D.D., L.L.D.

the State of Indiana are forever associated with your name and fame. As an educator and a lawgiver on the subject of education, your influence will there endure for ages, and your name be spoken with gratitude and veneration by generations now unborn. He who gives progressive action to a people, ingrafts the principles of culture and development on their organic laws, and devises a system for the general dissemination of knowledge in their midst, merits their highest honors and richest rewards while living, and their costliest marble and brass should protect his dust after his work is over. Sir, this much Indiana owes to you, and as one of her citizens, I tender you her grateful recollections and appreciation of your great services. I salute you, too, with congratulations on your noble career of progress and utility since you left our borders. I find you in the midst of brilliant triumphs. After fifty years of continuous and unbroken services as a college officer, now the oldest in commission in the United States, you still stand forth with eye undimmed and natural force unabated, ready for all the toils and duties of your exalted sphere. It is most gratifying, also, to reflect that your labors here have borne rich and abundant fruit; that the foundations of this noble institution of learning have grown wider and stronger, and its towers loftier and brighter in the sight of the world, under your wise and conservative administration; that a fully equipped university has arisen within a few years from a state of almost complete exhaustion, and, with every department of university education in prosperous operation, is now shedding luster on the State of Missouri, at home and abroad. When Wolsey, the great cardinal, lost the favor of his king, and was hurled from his eminence, and stripped of his honors, the honest chronicler of his good deeds, anxious to place his fame on a secure basis, exclaimed:

“Ever witness for him

Those twins of learning that he raised in you,  
Ipswich and Oxford! One of which fell with him,  
Unwilling to outlive the good that did it;  
The other, though unfinished, yet so famous,  
So excellent in art, and still so rising,  
That Christendom shall ever speak his virtue.”

So will the great States of Ohio, Indiana, Wisconsin, and Missouri, with their flourishing institutions of learning, which you aided to establish, be called to witness for you in the diffusion of useful knowledge. And as the past has been full of honorable achievements, so will your future be rich with your mental enjoyments. You have been a leader in the progressive school of thought. You have held familiar converse with the sciences which have developed modern civilization. They contain eternal truths, and furnish an unending banquet to the philosophic mind. You can truthfully adopt, with reference to them, the language of Cicero, in his defense of the poet Archias: "*Nam cetera neque temporum sunt, neque ætatem omnium, neque locorum, hæc studia adolenscentiam alunt, senectutem oblectant, secundas res ornant adversis, per fugium ac solatium præbent; delectant domi non impediunt foris; pernoctant nobiscum, peregrinantur, rusticantur.*"

*Ladies and Gentlemen, Patrons of the University of the State of Missouri:*—No nobler theater for the onward march of progress, the triumphs of a grand civilization, and the development of the physical sciences, can be found on the maps of ancient or modern history, than your own great State. In extent of territory, in the fertility of its soil, in the richness and boundless variety of its mineral resources, in its mighty water lines of cheap transportation, and in its central geographical position, Missouri is an empire of material wealth within itself. The great intermediate city between the two oceans is also yours. St. Louis lifts up her proud head, the unrivaled queen of the valley of the Mississippi. Standing midway between the sources and mouth of the longest river in the world, and commanding a trade by its channel as far north as perpetual snow, and as far south as perpetual flowers, she also rises up in the great pathway of commerce and travel that the hand of nature has drawn between the east and the west. Like the city of the desert on the plains of Asia, she is the mart of exchange for the commodities of all sections, and the halting place for the mighty caravans of trade that now float upon the waters, or fly across the country on tracks of iron.

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Your State, too, is in the infancy of its development. Only fifty years ago, it was admitted into the Union, and, though a giant at its birth, it has still a growth to attain which will place it among the foremost political commonwealths in the world. In this development of your State, and in its future glory, no agency will be so potent, no instrumentality so direct and effective, as the light which has already gone forth, and which will continue to flow from this institution, if you affectionately uphold it by your love, your prayers, and your labors.

## TRIBUTE TO PROFESSOR MORSE.

[On the evening of Tuesday, April 16, 1872, a meeting was held in commemoration of the memory of the great philosopher and discoverer, Samuel F. B. Morse, in the hall of the United States House of Representatives. Speaker Blaine occupied the chair. After an appropriate prayer by Rev. Dr. W. Adams, of New York, remarks were made by Speaker Blaine, Dr. C. C. Cox, Senator Patterson, Hon. Fernando Wood, General James A. Garfield, Hon. S. S. Cox, Hon. D. W. Voorhees, and Hon. N. P. Banks; and telegraphic dispatches from this country and abroad were read, testifying sympathy in the great loss sustained by America in the death of this brilliant light of science. After the reading of a message of sympathy from the operators of England, Ireland, and Scotland, Speaker Blaine introduced the Hon. D. W. Voorhees, who spoke as follows:]

Honors paid by the living to the dead are as old and as universal as the races of mankind. They follow the bereavements of the cabin and the palace. Simple ceremonies attend the humble and the lowly, and frail memorials mark their resting-places; while the long procession, the solemn and lofty dirge, the crowded assemblage, and the voice of eulogy, all wait on departed eminence and glory. The barbarian chants a requiem over the grave of his fellow-mortal, and the Christian celebrates the virtues of his fallen comrade. No one ever dies all forgotten, and no one ever wholly perishes from the face of the earth. The influences of a life, even in this world, are eternal. The tomb can not inclose them. They escape from its portals, and continue to pervade the daily walks of men, like unseen spirits, guiding and controlling human thought and action. Who is free from their touch? Whose life and destiny have not been colored and fashioned by the influences of those who have passed away, even unknown to fame? The greatest actors on the broad stage of human affairs have pointed back from the loftiest points of their elevation to the mother with her prayers, to the father with

his toil and devotion, to unselfish kindred, to self-sacrificing friends, and bowed with reverence before the living power, associated forever with their names and memories. Every mind and heart reproduces some of its achievements and some of its qualities in the minds and hearts of others, after it has gone to far-off spheres and realms. And this is the average of human influence—the silent, but mighty, stream of causes producing effects, on which mankind, from its birth, has been borne gradually and steadily forward in its vast career of progress and development. Now and then, however, the current of this stream receives a new and startling velocity. Some intellectual force, towering over all others of its period, occasionally imparts to all the world at once an impulse, which condenses the ordinary advancement of centuries into the thrilling compass of a single day. Then nations and generations, and not merely individuals, become the subjects of an irresistible and everlasting influence. A new era is then noted on the page of the historian, and new gateways are opened for the onward movement of humanity. Such an event happened in this capital, when, only twenty-eight years ago, a single wire was drawn through the air as a messenger of thought, as swift and unfailing as the light of the sun. It was a period of mental activity and pride, and men were boastful of the light and knowledge which the world already possessed; but the results which followed this achievement were as the awakening of dawn after long and heavy darkness. A revolution, forward and upward in the progress of the world, was at once accomplished, of greater practical consequence to the human family than any other known in history. The toils, the penury, and the hopes deferred, which had darkened many years of the life of the student and the philosopher, were succeeded by a triumph whose proportions will continue to swell and expand until time shall be no more. The influence of this one man has taken to itself the wings of the morning, and visited the uttermost parts of the earth. It dwells in all the four quarters of the globe, and shapes the destinies of men and nations with a power second only to the omni-

present omnipotence of God himself. Professor Morse, in one sense, is dead. His body, after its labors of fourscore years, has laid down to rest, and to sleep until the voice of the Master shall awaken it again. But, even in this world, his life has just begun. As his great soul enters upon its new career in the regions of immortality, so does the influence which he left behind him here move forward each day to new developments of glory and of power. We are here to-night because he lives in his works, and because his undying genius still sways and governs our conduct. Forty million people, whose representatives we are, bow reverently at his tomb for the same reason. All the civilized races of the earth are his mourners, because his great discovery has testified of him in their midst. Memorial services, however, can not reach him. He is beyond the sounds of praise or the fragrance of its incense.

“ Can honor’s voice provoke the silent dust,  
Or flattery soothe the dull, cold ear of death ?”

No ; we simply honor ourselves on this occasion by recognizing the gigantic power of the mighty dead, and attesting his immortality here on earth. Thus I interpret the meaning of these imposing national solemnities.

If we pause here for a moment to reflect upon the class to which the discovery of Professor Morse belongs, we find it in that field which has produced nearly all there is of useful knowledge. The physical sciences alone can place man in his true relation to the material universe. He arose from the dust, in the hour of his creation, a master and a conqueror by divine right, in the world of nature. Dominion was given to him over all. Power was granted him as the lord of a domain, and all it contained ; but it was a power which had to be reduced to possession by knowledge. He who is ignorant of the proper ties and laws of the physical world, can have no control of its tremendous agencies. The most polished nations of antiquity, therefore, rose to no higher fame than that which is acquired in wars and conquests. The shape and motion of the heavenly bodies, the electricity of the clouds, the magnetism of metals, the qualities and power of steam, were



to them almost entirely sealed mysteries. If they sometimes caught a glimpse of an element of science, they applied it to no useful purpose. Cicero, it is true, with that universal wisdom which distinguished him, admits the importance to the human understanding of physical investigation. "*Est animorum ingeniorumque nostrorum naturale quoddam quasi pabulum considerato contemplatique naturæ.*" But in this he stood almost, if not quite alone, and it was left for modern ages to produce those wonderful results which attend a revelation of the secret forces and principles of nature. They are numerous and beneficent to the wants and comfort of the human family; but the discoveries which caused the steamer to plow the deep in safety, and the railroad train to fly across a continent, and which led to the instantaneous transmission of thought to the opposite regions of the globe, stand unrivaled in the history of mental triumphs over the elements of physical creation. And these sublime achievements are American! Fortunate and glorious as our history has in many things been, it has no page so bright as this. Fulton and Franklin and Morse are American names. We have lived as a nation less than a century, and yet, in the realms of useful philosophy, practical art, and beneficial science, all the centuries of all the past furnish no parallel to our glory. The American mind has contributed more in these walks to the elevation and happiness of mankind than all the other nations and ages of the world combined. All else may fail us, but this will never fail. Our liberties may be lost, our free form of government may fall to the ground, our very name may be blotted from the map of nations; but the inventions of American genius will continue to illuminate the world with a light as imperishable as the stars in the heavens.

There is another reflection, however, which presents itself for brief mention on this occasion. In the brilliancy of the discoverer's fame, after his success is complete, the world is apt to forget the price he paid for his immortality. It is often a most melancholy task to trace the weary and painful struggles which men of science have made, in

order to be permitted to bless mankind. Looking behind the sweet hour of their triumphs, we usually behold a dismal plain of poverty, and an almost friendless life of vigilant, unremitting, and exhaustive labor. The feverish, throbbing brain; the anxious, sleepless nights; the longing, sick, and disappointed heart—all are there. The sneers of dullness, the opposition of envious intelligence, and the cold and stinted patronage of the timid and doubting also attend the efforts of every daring explorer in unknown regions after new truths. Columbus was fifty-seven years of age when he at last sailed on the fulfillment of his long and troubled dream. In the prosecution of his vast design, he had begged bread and water at the gates of the convent of Santa Maria de Kabida, and encountered the malevolent superstition of Spain in the fifteenth century before the council at Salamanca.

He followed the camp of Ferdinand and Isabella for years, and fought in their bloodiest battles against the Moors, in order to be near the court and solicit its aid in the discovery of a new world. He borrowed money to buy suitable apparel in which to appear in the presence of his sovereigns. He journeyed, foot-sore and travel-stained, with the peasants on the highways. But in the midst of it all, whether in want or in humiliation, in fatigue or in danger, whether battling under the cross against the crescent, or lingering in the antechamber of royalty for an audience, he never for an instant lost sight of the mission on which he had embarked his life. He was present when the last Moorish king surrendered the keys of the Alhambra, and he was a spectator when the whole court and army of Spain were abandoned to jubilee—when the air resounded with shouts of joy, with songs of triumph, and hymns of thanksgiving. Yet, at this great moment, an old Spanish writer thus describes him: “A man, obscure and little known, followed at this time the court. Confounded in the crowd of unfortunate applicants, feeding his imagination in the corners of antechambers with the pompous project of discovering a world, melancholy and dejected in the midst of the general rejoicing, he beheld with in-

difference, and almost with contempt, the conclusion of a conquest which swelled all bosoms with jubilee, and seemed to have reached the utmost bounds of desire." So too, perhaps, might the great American whose deeds we commemorate to-night, have been seen in the halls of this capitol, when, at the age of fifty-two years, he witnessed general rejoicings over the success of small events in comparison to that which was so clear and so immeasurably great to his view. In some niche or corner or gallery he watched and waited for the succor he had so long sought in vain. It came at last, as did the three small ships to Columbus, and similar results followed, to a certain extent, in both instances. Success was immediate and glorious. One delivered a new hemisphere to the knowledge of mankind, and the other compelled the lightning to carry instant communication between both hemispheres. They rose from adversity and culminated in conquests alike, but their fates and fortunes there diverged. The mighty Genoese admiral realized the anguish of those who hang on princes' favors. He drained the cup of his country's ingratitude to its dregs. His great heart was broken in prison and in chains. He was three hundred years in advance of the powers whom he served. He died in sorrow, and with the unpropitious clouds of his early life again lowering over his head.

Not so with Professor Morse. Happy and bright was the age in which he achieved his triumph. He was shorn of none of its honors or its profits. He took his place permanently in the temple of fame, and received the well-earned rewards of his toils and his genius. He lived with the affections of the world clustering about him, and died honored, revered, and mourned by the human race. The world has advanced, and it still advances.

## LOUISIANA AFFAIRS.

[Remarks made in the House of Representatives, January 22, 1872, upon the difficulties attending the organization of the Legislature of Louisiana, in January, 1872.]

MR. SPEAKER:—I voted for this investigation, and to raise this committee. In doing so I differed from many of my political friends on this side of the House. I did so, however, because I believed there was a necessity for something to be done; and although it was a matter of doubt in my mind whether it was within the province of this government to interfere with such a local contest as is now raging in Louisiana, I gave the occasion the benefit of the doubt.

As I look upon the scene which has been exhibited in the city of New Orleans for the last two weeks, I think no gentleman upon this floor has exaggerated its importance. No one has colored the affair too strongly. And the gentleman from Massachusetts [Mr. Dawes] is entitled, in my judgment, to the thanks of the country for the independence of his conduct in moving the proposed investigation. He is a leader of his party, and the official leader of this House, and the effects of his measure must fall upon his political friends. His conduct is all the more commendable for that reason.

Sir, what do we behold in Louisiana? An American State has been trying for two weeks to convene her legislature, and trying in vain. She has been endeavoring to assemble the law-making branch of her government, and up to this hour has failed. During that time we have seen an American officer in command of United States troops, moving them every day to and from the government barracks, interfering in the struggle, under orders from somewhere, until at last the mob arises and goes to his head-

quarters. It there makes a demand, disgraceful to them and to the age in which we live; asks the officer to proclaim martial law. The answer given by him was not creditable to his uniform or rank, but it was, perhaps, just to the servile mob, clamoring for tyranny to be established on their bended necks. He tells them to go away, or he will give them the martial law of grape and canister. These are strange events in a land of law.

Mr. Maynard: If the gentleman will allow me to interrupt him, I will say that the statement he is referring to has been denied.

Mr. Voorhees: Be it so; but the legislature is not convened, and somebody is to blame for this great scandal. And at last there comes this morning a declaration of war. I know not whether the intelligence is true or false; I know not whether the Louisiana officials have acquired Mexican habits of issuing proclamations for amusement and not for purposes of battle. Be that as it may, the good name of the whole country is disgraced; public decency is outraged; the leader of one faction proclaims that he will at a given hour proceed in battle array to open one branch of the legislature by force of arms. With due military regard to the safety of non-combatants, he tells them to close their houses and places of business and to keep out of the streets. This is a declaration of civil war. This time it is not a slaveholders' rebellion; it is a war of two wings of a great and powerful political party. Has it commenced? Who can tell me? I do not know whether it has or not, but if this matter does not call for prompt action on our part, then I can conceive of no outrage on American soil that should challenge the attention of the American Congress.

Sir, this trouble arises from the system upon which Congress has acted in reconstructing the South.

Mr. Farnsworth: Before the gentleman passes from this point, I desire to ask him what Congress could do when it found the facts to exist which he has stated?

Mr. Voorhees: Ah, do not ask me what this Congress will do. [Laughter.]

Mr. Farnsworth : Well, what ought it to do ?

Mr. Voorhees : In my judgment, it ought to do many things connected with Southern affairs that even he, with all his liberality and strong sense of justice, which I recognize, in his dealings with the Southern people, would not agree with me upon. There is much which ought to be done which will always be left undone. I have been in the South this summer in connection with an investigating committee, and I assert that the worst governments in the whole world, without any exception, are the governments of the Southern States at this hour. There is nothing comparable to them. They are unparalleled for their iniquity, their infamy, and their outrages. Their law-makers are incompetent to make laws. With legislatures four-fifths of whom can neither read nor write, and who pay not even a poll-tax, enacting laws and levying untold millions of taxes upon the property of the States, what can you expect except the worst government beneath the sun ?

This state of things exists not merely in Louisiana, but everywhere else in the South in the States that have been reconstructed. In Virginia, it is true that matters are not so bad, but she, too, has been plunged into an enormous debt since reconstruction commenced. It is the fault of a pernicious system. You have called into power an influence and a class which would paralyze and destroy any State that exists upon earth. In Louisiana to-day it is a contest between two factions of the same party, but there is this excuse for one of those factions, that it represents the popular sentiment rebelling against unmitigated and unbearable wrongs. The present State government of Louisiana has crushed the people by force of its infamous laws, and by the imposition of taxes, until the instinct of resistance is too strong to be longer repressed. I do not say that the one party in this contest is better than the other, or that one party would do better in control of the government than the other, but the Warmoth administration has ruined the State.

To-day there is a debt of between fifty and one hundred million dollars resting upon the State of Louisiana and the

city of New Orleans. At last this administration of pillage and crime has provoked the sentiment of the State to resist it. You see this fact recognized by Governor Warmoth's own conduct. When, a few days since, the United States troops ceased to pass back and forward from the barracks of the government to the Mechanics' Institute of the city of New Orleans, when they were told at a late hour from here to stay in their quarters, and Governor Warmoth found himself stripped of their support, he then hastened to have repealed a list of obnoxious laws, a system of infernal and oppressive legislation. I say to the House that I care little what becomes of either one of these factions, but it does matter much to the character of the American government whether a State shall literally disorganize itself and dissolve into elements of anarchy. As well almost might you install the Baratavia Bay pirates again upon the coast of the Gulf of Mexico as to allow these people their unbridled sway. What the remedy is, involves too elaborate and too vast a question for me to enter on now.

Upon some more fitting and appropriate occasion, I may submit my views upon that subject. In my deliberate judgment, the governments have been built in the Southern States, if you will allow the expression, upon the wrong end. The pyramid stands, not upon its base, but upon its apex. You have founded your governments upon the vice, upon the ignorance, upon the irresponsibility of mankind; not upon the stability, not upon the intelligence, not upon the classes that are responsible for the peace, order, and welfare of society, and now you are reaping some of the fruits of your system. "Do men gather grapes of thorns, or figs from thistles?" No; neither will you gather the blessings of good government from a system which has brought into power and place the worst and most ignorant classes of the human race. I allude not merely to the black element of the South; I allude also to the opportunity which your plan of reconstruction gave to adventurers from the North, and to the vicious and corrupt of all races and from all quarters of the world. I allude to that feature of your policy, disfranchising the intelligence and the

virtue of the South, which a distinguished gentleman from South Carolina, a few days ago in this capitol, declared had made his State government a disgrace to the civilized world. It is confined, however, to no one State. The evils of your legislation are spread broadcast throughout all the South. It salutes the eye everywhere. Your failure to establish peace and prosperity is universal.

Sir, I voted for this investigation because I believed the subject could not be touched without benefit to the public. I did not vote for it in any narrow partisan spirit, or merely because I believed it would injure your party or benefit mine. I am not free from partisan feelings, it is true; but I trust I had higher motives. I have no doubt that the faults of your system of government will be exposed in every investigation set on foot in that section. I have been connected with one, as I have already said, during the past summer. Perhaps there are gentlemen on the opposite side of this chamber who expect to derive much party benefit from the recent investigation into the outrages in the South. In this they will be mistaken. It is true there have been crimes there, crimes that have made my blood boil with indignation when I heard their recital. But when I traced them back to their causes I found simply bad governments making bad citizens. You made the governments, and the consequences belong to you. When did oppressive and corrupt governments fail to beget lawlessness and crime. If you expect to gain votes by these issues in the coming campaign, you may lay aside that delusion. It will not be so. While you will prove that individual offenses have been committed, that in some instances the courts have been paralyzed and have not done their duty, while you will prove midnight scourgings and whippings, and outrages of that kind, all of which I denounce and abhor, yet you will find at the same time that by your policy and your system you had all the powers of government under your control; you had the courts, in which your judges could not take a seat upon the bench without taking your test-oath, and in which all the officials had to join him. The jurors belonged to you, and all the



officers of the courts were under your control. You will find that instead of their assisting to execute the laws of the country, in many instances they stood in the way of their just administration. You will find, in the case of the governor of Georgia, that out of four hundred and forty-six applications for pardon, he granted perhaps three hundred and fifty; less than one hundred applications were denied. Pardons were granted in many instances before trial. He armed criminals with pardons in advance, that they might go into court and plead them at the bar and return free, again to prey upon society. The people of the country will find in these reasons which I have given, powerful excuses for the evils and riots and crimes that have prevailed, I am sorry to say, in some sections of the South.

More than that, you will find taxation, the worst curse of government that comes upon mankind; you will find taxation which is a scourge and a burden even when it is laid by a good government and laid righteously. You will find it there in the most flagitious, corrupt, and devouring forms that the world ever saw. You will find that the fat cattle, well-fleshed and favored, have been eaten up by the lean and poor kine. You will find the whole land swept of every green thing. Let gentlemen from the Southern States say what they will to uphold their State credit, yet almost from the Potomac here to the Rio Grande, State bankruptcy universally prevails at this hour. You may perhaps except Virginia, but when you strike the Carolinas and Georgia, and poor little Florida, and turn your attention to the ruined States of Louisiana, Texas, and elsewhere, you behold them living and breathing upon the indulgence of their creditors, who have not yet forced them into absolute bankruptcy. Their inability to meet their liabilities is well known in financial quarters, and they are now in many instances issuing new bonds to pay the interest upon their bonds already due. This tells the whole story, and proclaims that form of repudiation which arises not from dishonesty, but from abject poverty and ruin. And all this has been the work of only six years and a half of your party ascendancy.

Why, sir, Georgia had no debt when the war broke out. Eleven years ago, Mr. Speaker, when you and I first met here, she owed nothing. Under the old *regime* slaveholders may have governed her; "robbers of other people's labor," in the language of the day, may have held sway; but they did not steal the public money. They doubtless had their frailties, in common with all mankind. But from the days of the Revolution, until the bitter and black cloud of war fell upon the land, Georgia was so governed that she had no debt; she owed no man anything. And when she emerged from the fiery conflict of war—when the rebellion closed—if she had contracted any debt during the days of the Confederacy, it was wiped out at the dictation of the federal government. So that, when the party in power took possession of that State six and a half years ago, they took her free from all liabilities.

But instead of having been elevated from her impoverished condition and restored to prosperity, instead of having her towns rebuilt and her railroads reconstructed, instead of being kept free from debt and taxation, the State of Georgia this hour has liabilities resting upon her that can not be liquidated for less than \$50,000,000. This is the work (I say it in no spirit of party bitterness) of your party, the party that thought it had found the golden key to national success in the system of so-called "reconstruction." I never believed in that system. It has not proved a success. It has proved a Pandora's box of mischief and ruin. It has covered the land with men who have enriched themselves at the expense of the tax-payers, who have broken down public confidence and ruined whole States; and it has now culminated in a civil strife between factions, which have blocked the wheels of government in one of the States of the Republic.

There stands that State to-day. Perhaps at this moment blood is running upon her streets. There she stands with her citizens menacing each other, their hands upon their dagger-hilts ready to strike at each others' hearts. It is the end of six years and a half of Republican government. Gentlemen, are you content with it? Can you go before the

country and as honest men say, "Our plan of government has borne the fruits of peace, of honor, of prosperity, and integrity." Can you say that with all the powers of this government committed to your hands you have restored that beautiful land that lies under the southern sky to the prosperity with which you and I and all of us would desire to see her blessed? Can you say so? Not so, not so.

I do not wish to seek party advantage. I have already said much more than I intended. When this committee was raised, the Speaker did me the honor to ask me to serve upon it, and I agreed to do so. I intended to go to New Orleans, and do my duty to the best of my ability. Private affairs, as well as public duties, have, however, so pressed upon me that I have been compelled to ask the Speaker to relieve me, and send in my place some one who will do the work required perhaps much better.

It has been said that the legislature of Louisiana has not called upon Congress for intervention. How can the legislature call when it can not convene? Anarchy is there; lawlessness is there; murder is there; rebellion is there. I cordially thank the gentleman from Massachusetts [Mr. Dawes] for bringing the question before us in the shape in which it has been presented.

## ENFORCEMENT OF THE FOURTEENTH AMENDMENT.

[A speech, delivered in the House of Representatives, April 6, 1871, upon the bill to enforce the provisions of the fourteenth amendment to the constitution of the United States.]

MR. SPEAKER:—It was not my intention until a few moments ago to embark at all upon the wide and turbid stream of this debate; and I shall do so now only for a very brief space. The limits of my time forbid more than this.

During this weary and protracted discussion I have been absent from the halls of Congress, returning but a few days ago in order to cast my vote upon the vital principles involved. I have been among the people in their daily avocations, and wherever I went I found peace and quiet. The people of this country are well informed; they read newspapers, and are full of intelligence in regard to public affairs. Yet they are not convulsed; they see no visions of horror in the South or anywhere else; they hear no shrieks of murder on the midnight air; they behold no portion of this country inflamed with riot and bloodshed. The farmer is at his plow in the beautiful spring-time, preparing for the fruitful harvest; the mechanic is toiling at his bench or his forge; the merchant is selling his merchandise, and every class is engaged in its calm and peaceful pursuits.

Could this be so if one-half of the territorial boundaries of the Republic was in such a condition of insurrection, crime, and lawlessness as to call for a declaration of war, the suspension of the great writ of *habeas corpus*, and the enrollment of volunteers? Upon returning, however, I find Congress engaged upon a bill which could not be

justified even if civil war was open and flagrant. I find the dominant party pretending to be in a state of fearful agitation over the condition of the Southern States. I find certain leaders here working themselves into an artificial fury over unreal and fictitious outrages, in order, like the jugglers of the East, to impose upon the gaping multitude. Let me assure these gentlemen, whose political capital consists in fabricated stories of blood and carnage, that they no longer deceive the people; they no longer delude the honest tax-payers away from the real issues at stake; they no longer mock and dupe their plain hard-working adherents by appealing to the lowest and most depraved prejudices of mankind.

Sir, it is well known of all men that the constitution of the United States, as it was originally made, provided for the enforcement of peace and order in all the States of this Union. If troubles should occur throughout the Southern States, the original constitution (before it was thrice amended) provides for the assistance of the federal government, under proper circumstances. When the legislature of a State is in session, it is its duty to call for federal aid if an insurrection takes place too strong to be suppressed by State power. In the absence of the legislature, the governor makes the call. And now I ask members on the opposite side of the chamber, at the close of this long debate, to look at the attitude in which you stand before the country. Of the eleven States which were in insurrection and which have been reorganized by what is called "reconstruction," ten have had radical governors presiding over them until within two months past, and at this time there are nine that still enjoy that distinction. Virginia has a Democratic or Conservative executive; and there, you admit, all is peace and obedience to law. You admit here on this floor that security for life, liberty, and property is in all her borders.

In that great Commonwealth, where there is a Conservative governor, even the persistent and malignant ingenuity of the gentleman from Massachusetts [Mr. Butler] himself does not discover or charge any riot or turbulence or

disturbance. Alabama has a Conservative governor, but she has only very recently obtained that blessing, and so far as complaint is here made against her domestic affairs it applies to her while under radical rule. There are no allegations against her present executive. Then you sweep south from Virginia, and in the whole of the ten States besides her, up to a few months past, and now in only one solitary instance, there has not been a governor in any one of the executive chairs, except of your own party. You have had your legislatures also, and not one of them, when in session, called upon the federal government for aid. They had the power all the time to do so and were your own partisans. You say there are and have been troubles there, that there are riots, violence, insecurity, and strife; but your own political associates, acting under the sanction of official oaths, say, by their official conduct, that your statements are not true. Whom shall we believe?

The constitution of the United States tells the legislatures of States to call when help is needed. What one of your radical legislatures has made this call? Point it out to me. Are they scoundrels, and have they allowed men, women, and children, black and white, to be shot down and hunted down and hung by the highways without lifting up their voices for that assistance which the constitution proffers? Either your statements, your inflammatory charges are false, or else your party in the South is composed of villains without a parallel; villains who have stood by silently and seen their political friends murdered when they had the most ample power to prevent it. Take which horn of the dilemma you choose. There stand those ten States as perpetual witnesses against you. Your own partisans in office, from the highest to the lowest, are witnesses against you. They make no outcry. They do not clamor for assistance. If riot and bloodshed are abroad in the borders of those States, why is all silent in that region? Why are the radical governors silent? I will tell you why. It is because this clamor is false, spawned by the minds of bad men for base political pur-

poses. The whole country knows it. You deceive no one on this question.

If the Southern States were in flames, your own officials there would have cried out long since and asked you for this aid. Do you tell me that there are forty thousand men under arms in North Carolina, as has been asserted by the gentleman from Massachusetts [Mr. Butler], and I believe by my colleague in the other branch of Congress [Mr. Morton], and at the same time admit that you have all the time had a radical governor there, and have now? But the gentleman from Massachusetts [Mr. Butler], in a wailing tone, announced that Governor Holden had been run out of the State, and held him up as a victim to the lawlessness of the people. I say to the gentleman from Massachusetts that he knew better. You know that Governor Holden was impeached and convicted of malfeasance and corruption in office, of high crimes and misdemeanors, and convicted, too, by the votes of your own party. Thus he was removed and another radical takes his place. This is your conspicuous victim of Southern outrage! But even he, while governor, had not the brazen audacity to allege a state of affairs in North Carolina which called for the interference of federal troops. I talk plainly. You know he was governor until a few weeks since. Why was even he silent on this subject on which you are so fierce, loud, and sanguinary? Did he not know whether there were forty thousand men banded together committing murder without limit? Yet he sat in his chair; he slept at his post, and said that all was well within his borders. Who is it that is false? Somebody is. Who are the witnesses to be believed before the country? You or your governors and legislatures in the South?

Not only is all this true, however, but it is likewise true that within the last four months every one of these ten governors of these ten States, in regular messages to their legislatures, asserted as a fact, before the people of the United States and before the world, that peace reigned in their midst; every one of them thanked Providence for the blessings of peace. This formal and solemn record,

which can never be destroyed, would of itself damn your atrocious accusations into disgrace and disbelief with the people. I call upon the people of all parties to read the messages of the radical governors of the Southern States delivered during the past winter. It will there be fully and abundantly seen whether false witness has not been borne on this floor and on the floor of the Senate against a helpless people. And even now, while we are here agitating this question and wasting time and money, Governor Alcorn, of Mississippi, is telegraphing to the delegation from that State to mind their own business and let the State of Mississippi alone; that he needs no federal aid; that he can keep the peace without a military invasion ordered by this lawless bill. He does not stop there. He compares the statistics of crime committed when the State was held by a military governor, with troops at his command, with the statistics of crime committed under his own administration as a civil executive. He shows more than one hundred per cent. of an advantage over the late military governor in point of public virtue, peace, and order. He is one of your governors, not mine. Does he speak the truth or a falsehood? He is on the ground and well informed. You are not. Do you answer me that you have evidence? The testimony of witnesses taken before investigating committees?

Sir, the vilest use to which the power of Congress was ever put is the raising of a committee of investigation when the object sought to be accomplished is the advancement of party interest and not the development of truth. It becomes, then, an infamous inquisition, where the most odious and loathsome wretches that pollute the earth are eagerly embraced for the sake of their wholesale perjuries and scalding calumnies. They know they are sustained by a great party, and the value of their services, they understand, depends upon the amount and skill of their falsehoods. If they can retail nothing in the committee-room, the great leaders of the party, the dispensers of a nation's patronage, turn their backs on them as useless rubbish. If, on the other hand, they can concoct a tale of horror



that will read well on the eve of an election; if they can manufacture some sinister and ferocious conspiracy, and recite it well to the committee, their consequence is magnified, and a good office is secured by way of pay for political services rendered. This is no new phase of human nature. It is very old as well as very mean. The creatures who have recently been before an investigating committee of the Senate have had many a counterpart in history. Their names are all synonyms of infamy, as the names of these scavengers who are now trying by perjury to drench this land again in blood will be in all time to come. The low-browed villain of English history, Titus Oates, by his false oath, murdered many innocent people on the scaffold and on the streaming and gory block. He had his day of power. Vast crowds followed him, and the most exalted in the kingdom patronized and welcomed him. His word made the purest, the noblest, and the best turn pale and make ready for death. But with what satisfaction the historian records the close of his career! The scourge, the branding-iron, the cropping-knife, the pillory, and the cart's-tail all befell him. And a similar fate, and more also, would be the just reward of those who are now engaged, by false swearing, in precipitating death and ruin into the midst of peaceful and law-abiding communities.

Sir, it is to your interest, as a party, that lawlessness should prevail, or at least appear to prevail, in the Southern States. It is a strong diet on which to feed the prejudices and antipathies of the Northern people. You have tried it often before, and you are trying now again. It is to the interest of the Democratic party, on the other hand, to have peace. We suffer by every disorder that takes place, or that is falsely alleged to have taken place, at the South. How do parties, as well as persons, act upon questions of self-interest? Is it difficult to answer? If a murder or any other crime has been committed in a community, and there is but one person within your knowledge who was or could be benefited thereby, would not your gravest suspicions at once fall on him? Is not this a rule

of reason, as well as of the written law of the land? Apply it to the subject now under discussion. You, as a party, are benefited by murder, by riot, by insurrection, and by general disobedience to law in the South. It follows, therefore, that the unscrupulous leaders of your party will labor first to create murder, riot, insurrection, and disobedience to law in that section, and, failing to accomplish these diabolical purposes, they will, by false witnesses and unfounded clamors, labor to make the people believe that such crimes exist when they do not. The condition of your party at this time is well understood. The grinding in your mill is low. Your hopper is running almost empty. A new grist of Southern outrages, whether spurious or genuine, must be poured in. On all the great questions of domestic economy—bonds, finances, revenue, taxation, tariff, and San Domingo—you are bankrupt of political capital. You seek to reinstate yourselves by an issue on which you think you can inflame anew the almost extinguished animosities of the war. I have demonstrated, however, that your own allies in the South prove your issue to be false, and you will signally fail.

It is a miserable spectacle to behold a political party endeavoring to build its fortunes on the ordinary frailties and the average amount of crime in any State or locality. No spot on the civilized globe is entirely free from the disorders that arise from the fallen and sinful nature of man. Evil spirits infest alike every State of this Union and every nation beneath the sky. If there was everywhere perfect and absolute obedience to law, if no statute was ever broken, we would have the Utopian government of Plato established or the Garden of Paradise restored. As it is, however wise and just, men in public life legislate for society and for human nature as it has been proven and known to be for all the ages of the past. Doubtless the South has her full average of crime, as the North also has. There is not a State in the North within whose borders, at some time or other, there has not been summary punishment inflicted, without trial, upon criminals or supposed criminals. As there was no party capital, however, in the subjects at

the time, no one attempted to overthrow their State governments on that account.

But it is the duty of all men to oppose and denounce lawlessness everywhere. It is the interest, too, as well as the duty of the party to which I belong, to do so. There never was a man upon this floor more utterly and entirely opposed to the riotous, the lawless, and the marauding spirits of the land than I am. My whole nature and all my instincts are at war with such people. And as the time now rapidly approaches when, in my judgment, the Democratic party will obtain the control of the country, I here proclaim, as far as my voice will reach, that "obedience to the constitution and the laws" will be the sign in which we will conquer, and will be the motto of a Democratic administration. We will enforce the laws and keep the peace everywhere. We will do it in the South; we will do it in the North. We will disband masked highwaymen, if there are any. We will restore the confidence of the people in the equity and justice of their government. We will do this without such lawless legislation as is here proposed; and by building up instead of destroying popular rights.

No party is fit to aspire to the supreme responsibilities of this government which does not consecrate itself to the maintenance of order and the security of life, liberty, and property to the utmost limits of its vast boundaries. This shall be our mission, and this we will do if the power is placed in our hands. We bring you already the proofs of sincerity, the fruits of our faith. I have pointed you to Virginia. I point you also to West Virginia. I am reminded of her by one of her distinguished representatives on this floor [Mr. Hereford]. She was born in the midst of storm and revolution, ripped untimely from her mother's womb, and, until the last few months, remained under radical rule from the hour of her birth. During all this time she was garrisoned by federal soldiers. It was deemed necessary in order to preserve the peace and security of the State. When she rose up, however, and broke the shackles of party despotism, never again to be fastened on her proud

young limbs, and gave the control of her future destiny to the Democratic party, a singular spectacle was witnessed. The troops are all withdrawn. Not an armed soldier now menaces her people or treads her soil, and yet the sun in its course through the heavens shines not on a more orderly, law-abiding political commonwealth on the whole face of the earth. The Democratic party has brought to her civil government, the removal of the military, and perfect domestic tranquillity. Will not the country trust that party which gives repose and peace and prosperity to every State where it has secured the ascendancy?

I have seen it stated by my colleague in the other end of the capitol [Mr. Morton] that the issues in the canvass of 1872 were to be confined to this wretched subject on which this dreary debate is drawing to a close. We can well afford such an issue, and crush him and his followers with the facts, but he sadly underrates the intelligence and the wants of the people. The laboring masses are asking for bread, and he would give them a stone. They ask for a fish, and he would give them a snake. The tax-payers want equal taxation. Why does he not give them that? The wealthy escape taxation on their most productive capital. What does he propose on this vital question? The bondholder is getting millions in gold for his bonds, when gold is not his due. A vast, gigantic robbery, misnamed the tariff, overshadows all the land and plunders the hard earnings of every toiling household.

What relief does my colleague and his party bring forward in behalf of the laborer? The administration is spending upward of a hundred millions of the people's money more than an honest and economical administration could render the same service for. Profligacy prevails in high places; offices are bartered as openly as upon a stock exchange, for pay; the odor of corrupt jobs and fraudulent schemes taint the air in every direction, and fraud and speculation is charged upon the administration under the sanction of the oldest and most honored names in the Republican party. These questions are here at our own doors, and the people will enter into judgment upon them at the

earliest possible opportunity, and in the spirit of unrelenting justice. They will not be subordinated by other issues presented by designing men to lead the minds of the people away from their real interests.

Another shameless statement made by my colleague occurs to me. To what desperation must a party leader be reduced, when he can assume sufficient audacity to state that the Democratic party, if placed in power, would pay the rebel debt, and also pay for the slaves set free by the late war! There never was a man who believed this statement; not even the man who made it. Everybody knows it to be false, and made to deceive. I but speak the sentiment of the entire party to which I belong, when I say that not one dollar will ever be paid for the purposes stated by my colleague. It is time that fraudulent and designing assertions like this should be met the moment they are uttered, and denounced as they deserve.

And now for a few moments let us inspect the provisions of this bill, inspired as it is by the waning and decaying fortunes of the party in power, and called for, as I have shown, by no public necessity whatever. The first and second sections are designed to transfer all criminal jurisdiction from the courts of the States to the courts of the United States. This is to be done upon the assumption that the courts of the Southern States fail and refuse to do their duty in the punishment of offenders against the law. Upon this assumed fact you propose to commit a violation of the constitution yourselves, and break down the judicial system of this government. But I again deny your assumption. I deny that the cause which you allege for this assault upon the judiciary of the States exists. I deny that the administration of justice in the South is a failure, and I again call your own witnesses to overthrow your assertions.

Sir, when you reconstructed the States of the South you sifted all the public offices in that section free from every taint or speck of disloyalty. Your test and iron-clad oaths excluded from all places of trust, honor, and profit every man and every class of men who were not in political agreement with yourselves. Thus the courts, with all their

machinery, from the Potomac to the Rio Grande, passed into your hands, and there, with but rare exceptions, they remain to this day. The judges, the prosecuting attorneys, the sheriffs, and the very bailiffs, are only such as can take the Radical test-oath before they enter upon the duties of their offices. Ninety-nine out of every hundred of these officials throughout the South belong to your party and vote your ticket. This you know and the whole country knows, and yet you all stand up here and deliberately assert that they will not enforce the laws against crime! Even if your charge was true, upon whom would the shame and dishonor rest? Certainly upon your party for elevating such men to office, and not upon mine.

If your statements on this floor are correct, they simply show that there are more knaves belonging to your party holding official stations than even I had supposed. The necessity which you allege for the first two sections of this measure is a terrible impeachment of Radical office-holders in the South, and falls harmless at our feet on this side of the chamber. If the laws are not enforced, I ask you why? Are your judges corrupt? Are your prosecuting attorneys incompetent, or worse? Are your sheriffs in league with this midnight marauding devil called Ku-Klux? The courts are held every day, every week, and every month in the year in that section. I have never heard of their being disturbed or broken up, except in the recent instance at Meridian, Mississippi, where a Radical negro shot and killed a presiding magistrate while on the bench. There are laws against every form of crime in all the States. Their enforcement is in the hands of your own partisans everywhere. Yes, and I will rescue your judiciary in the South from much of the obloquy you have heaped upon it.

I will not permit you to thus sacrifice and disgrace your party allies in the South for the sake of political capital at the North. I here assert that they are doing their duty reasonably well in the administration of justice; that your partisans connected with the judiciary of the States in the South are doing better than their brethren in any of the other offices in that afflicted region. Have they asked you

for assistance? Has a single one complained that he is obstructed in his duties? Has a judge in a single instance invoked protection for his court? Has any attorney of the commonwealth asked for a guard while he was engaged in bringing desperate malefactors to justice? Have the sheriffs reported that they could not serve process and called for troops to act as an armed *posse comitatus*? Nothing of all this; not a word. All these officials, more than a thousand in number, are thus the most powerful witnesses against you. Their silence is conclusive. While the air is here vexed with your ravings, they are pursuing the even tenor of their ways at the very places where you locate your imaginary horrors; and they neither see nor hear the frightful scenes which your distempered fancies have conjured up and sent forth from these resounding halls.

But the chief wickedness of this bill is contained in the third and fourth sections. By them every power of the government is surrendered absolutely, and without the slightest reservation, to one man. The President is authorized to decide without the aid or advice of any one when and where there is insurrection, domestic violence, unlawful combinations or conspiracies in any State; whether they obstruct or hinder the execution of the laws; whether they deprive any portion or class of people of such State of any of their rights, privileges, or immunities; whether the constituted authorities of the State are unable, or from any cause fail or refuse protection of the people in such rights, and whether these constituted authorities have failed or neglected to call upon the federal government for aid when it was needed. When he has decided this wide range of fact for himself, and in his own way, he is authorized to "take such measures, by the employment of the militia, or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary," to suppress whatever he may call an insurrection, domestic violence, or unlawful combinations.

This is an accurate and correct statement of the third section, and I pronounce it the most horrible legislation that ever polluted the records of this government. Tell

me what there is to prevent the President from making war and moving with the army into every State in this Union the day after this monstrous measure becomes a law. Is he not empowered to determine the facts upon which he is to act, and then to take the whole military power of the government and do with it as he pleases; do what he deems necessary; do whatever he wants to do for his own success and aggrandizement? Not one word of this can be denied. Here are these powers plainly written down in this most unrighteous measure. There is not a king or an emperor in the world, at this hour, who possesses a power to make war upon his own subjects so unlimited, so completely within his own discretion, as is here wantonly given to an American executive to invade and attack the homes of American citizens.

This is not the language of extravagance. Every civilized nation upon earth bears witness to the truth of my declaration. You tender General Grant the sword, and tell him to wield it upon his countrymen in any direction he chooses; strike whenever his passions, his hates, his ambition, or his interests dictate, and upon such cause or provocation as to him alone may appear sufficient. Do you wish to establish lawless tyranny in this land? Here is its charter. Do you desire to raise up and clothe a lawless tyrant in the executive chair? This measure would tempt a far better, wiser, and more virtuous magistrate than is now at the head of our national affairs. It would breed thoughts of unholy and unlawful ambition, and hatch forth schemes of treason against liberty, in a far humbler and more undesigning heart than that which now beats with impatience for the passage of this despotic and infamous bill. There was but one thing more needed to make this blasphemy against free institutions complete, and it is to be found in the fourth section. The President is there authorized to suspend, whenever the whim or fancy seizes him, that great writ of human liberty, the writ of *habeas corpus*, which for more than two hundred years, in England, the royal mandate has not dared to touch, and which only during the convulsions of a dreadful civil war was ever suspended in



this country. The executive can smite the land, at his own imperial will, with steel and fire and blood, and fill the prisons as he goes with those whose lives are spared. You make him a creature of unbridled license. The chief of a pirate band is not more so. His own will is his law, and you withdraw from him every shadow of restraint by this enactment.

Mr. Speaker, my hope for the redress of such wrongs as this measure inflicts is in the intelligence and justice of the people. They perceive the designs of the party in power. You have already enacted a law authorizing the use of military force at every voting precinct in the United States. Now you propose to make the present executive an omnipotent and irresponsible ruler—to place in his hands the issues of life and death, peace and war, liberty, property, and all the rights that organized human society cherish and prize as sacred. There is method in all this legislation. It has a purpose as plain as if it was avowed here in this discussion. You are laying the ax at the roots of the tree, and it means that the tree in due time is to fall. Usurpation is intended—how much and how far is to be determined by circumstances and party necessities. You are preparing fully and carefully to defy the popular will if it should be expressed against you. All this is now too plain to be doubted or denied by intelligent, candid minds. The country is warned in time. I can not believe that you will be sustained in such outrages upon all those great civil rights for which governments are instituted among men. If the American people will uphold such measures of legislation as this and the law for the use of the bayonet at the polls, then they will not only lose their liberties and bow their necks to the yoke of bondage, but they will deserve the fate which they might have averted while they were yet free. But I have no such gloomy misgivings. I believe your party will be driven from power, and that the dawn of a long and brilliant career of peace, order, wealth, and prosperity is about to break upon the land and relieve the people from the reign of faction plunder, and misrule.

## PROTECTION OF AMERICAN CITIZENS ABROAD.

[Remarks made in the House of Representatives, January 6, 1871, upon the imprisonment of American Minister, Washburn, and other American citizens, in Paraguay.]

MR. SPEAKER:—I expect to support by my vote the resolutions reported by the majority of the Committee on Foreign Affairs, and I desire to explain, in a few words, my reasons for doing so. It is with extreme reluctance that I part company with the minority of the committee on this or any other subject. For those gentlemen, I entertain the highest respect for their abilities, and in every other way. But this debate has convinced me that I ought to follow the lead of the gentleman from Kentucky [Mr. Beck], who has so powerfully presented my views, as well as his own, upon this question.

In the brief minutes allotted to me by the courtesy of my colleague [Mr. Orth], I can but glance at the facts of this case; I shall not go into details. In this transaction, I see an American minister abroad at his post of duty, imprisoned for many months. I hear him call in vain upon officers of the United States navy for assistance. I see members of his legation, living in his house, taken from under his roof by the power to which he was accredited, placed in prison, and scourged and racked upon the torturing-wheel.

If any American citizen can hear these wrongs and outrages simply recited, whatever may be the character of the persons on whom they were inflicted, without his blood boiling in his veins and his heart beating high to avenge the atrocity, I do not envy his patriotism or love of country. It matters not to me what may be the character of Bliss

and Masterman. If an officer of the American navy should stand by and see a man scourged and tortured by a foreign power, even if he were the veriest thief, darker and deeper in crime than he who suffered on the cross of old, while from his lips came the cry, "I am an American citizen;" if an officer, under those circumstances, should plead that he was waiting for orders from some superior at a distance, I would, had I the power, not merely load him with the censure of this House, but condemn him to be shot for recreance to duty. Talk not to me about waiting for orders on a foreign port under these circumstances, while American flesh was being torn and American bones were being crushed on the rack! Such a plea is a mockery, a horrible mockery, and a burning insult to our national spirit.

Nor does any law of nations or of nature require such an ignoble attitude on the part of the navy. The history of nations is full of instances where naval officers have placed themselves under the immediate orders of the diplomatic agents of their governments. But the highest orders in the world are the orders of humanity; the orders of a just and powerful patriotism; a patriotism which, on desperate emergencies, makes its own orders, and waits to hear from no superior, save only that God who inspires noble deeds. It is on such occasions that immortal actions occur. At such times, heroes are born in a moment, and spring, full grown and undying, into the arena of history. If these officers, whose conduct is under consideration, had been equal to their station, their names would now be spoken with universal honor, instead of being coupled with terms of reproach and indignation.

Had they been patriotic men, they would have known their duty without waiting for orders. Instead, however, of promptly acting in behalf of the honor of their country, they, for more than a year, threw every obstacle in the way of the American minister, Mr. Washburn; they embarrassed him in every conceivable mode; they even refused him transportation. If they had been avowed allies of the desperate, bloody, brutal tyrant, who imposed stripes and

chains upon American citizens, they could not more effectually have played their part than they did.

I do not know these men. It is no pleasure to me to censure anybody. I would not carry pain to any breast unnecessarily. But upon questions of this kind, the American Congress can not take too high ground. We can not do too much in these degenerate days toward restoring the once high, but now fallen, standard of our foreign policy. I use the term "degenerate" as applied to that policy; for I have been long impressed with the weak and disgraceful foreign policy of this government.

For nearly a quarter of a century, we have lived upon the fame of one glorious action on the part of our government—on the conduct of one officer of our navy in reclaiming from bondage Martin Koszta. In every speech since that event, it has been used to adorn our history. We have had nothing else. We have banqueted on this diet alone. Let us have something more than the Martin Koszta case. Let us not live forever upon the fame achieved by rescuing one citizen, and only one, from foreign oppression and outrage. Let us replenish the barren pages of our history with new and fresh glories of a similar kind.

## TRIBUTE TO JUDGE HUNTINGTON.

[Remarks made in the United States Circuit Court, at Indianapolis, Indiana, May 7, 1863, announcing the death of Judge Elisha M. Huntington.]

MAY IT PLEASE THE COURT:—In the midst of the rushing and stormy scenes of life, we are now and then called to pause, withdraw our minds from the cankering cares and duties of the hour, and pay mournful tribute to the memory of those who have fallen asleep by the wayside. It is a task of sorrow and tears, but it is a task from which the soul rises refreshed and purified. The world, with its hot choking vapors, recedes and becomes a small and distant planet when we give over our thoughts to the contemplation of the virtuous dead. The sounds of strife, the voice of bitterness, the cry of hate, the clamor of arms, are all lost to the ear which is listening at the portals of the tomb. The eye is withdrawn from the spectacle of crime, of misery and woe, and rests gratefully for a while on beautiful and ravishing glimpses of eternity, which greet it in its longing gaze after the departure of some friendly spirit. In such an hour, the oppressed heart, weary and heavy laden, casts off for a season its galling burdens, listens to the music of another sphere, and enjoys in anticipation the rest which awaits it when the narrow stream is crossed at the close of life. From such reflections, we return to resume the wearisome journey before us, wiser and better men; with a new strength to promote virtue and repel the allurements of vice.

The grave is in no sense the end of life. Even the wasted body, which there submits to decay, is yet to hear that voice which will command the earth and sea to give up their dead. And while the liberated spirit is tasting its immor-

tality in regions beyond the sun, still here, in the midst of his old familiar associations, he who sleeps beneath the sod, and at the same time dwells in eternity, continues to live and partake of the affairs of time. Life is but expanded by the stroke of death. Another world, yea many worlds, are added to the boundaries of existence; but the one which we now inhabit is not abandoned. We can not, if we would, trammel up the consequences of having lived. The channels of influence for good or for evil, once started, flow forever, even here on these mortal plains. No man ever lived for himself, or drew after him, into the grave, when he died, the results of his life. Brass and marble are enduring monuments, and glowing epitaphs transmit from age to age the names and meritorious deeds of those who sleep beneath them; but the perpetual influence of human conduct, never ceasing until time itself shall cease, survives all that skill and affection can bring to the tomb to rescue the dead from oblivion. We are living to-day in the midst of the accumulated influences of an endless past. The bitter taste of the forbidden fruit which Adam ate in the garden is yet on our lips; and to heal its burning poison, we invoke, each hour of this living present, the aid of One who, nearly two thousand years ago, was put to death in a Roman province for seditious teachings against the reigning Cæsar. In civil affairs, affairs of state, principles of government, the explorations of science, the triumphs of art, the acquisitions of literature, in all the wide scope and vision of human effort, there is nothing new; nothing save the combination of the results of former ages, and their application to the demands of the world as it now exists. In this, it is true, there is progress, but it is progress for which the present is indebted to the past. That vast and silent region, which stretches back to the hour when the stars sung their strains of triumph in the sky, is not to us the region of darkness. There is a great light hung up in its mighty dome, as bright, blazing, and eternal as the sun in the heavens, by which we guide our feeble and wandering steps. It is the light of experience, the vestal fire on whose altar every human being who

has acted his part in this universal theater has laid his offering to increase the flame. It is history in its highest significance, beaming with the influences of those who are no longer visible to the natural eye. No one is dead to him who reads history aright. The page becomes illuminated, and each actor there recorded starts into life and becomes a living teacher, an admonishing and impartial friend. It is in this view that the dead are useful to the living. Their destiny is fixed. Their book is closed, and the seals are set. To them we can bring no change. But how different the power which the tenants of the grave wield over those who have not yet joined them! Our minds are enriched, our judgments formed, our hearts touched, softened, and elevated, the whole current of our lives controlled and directed by the examples, the influences of those whom we see no more.

These thoughts are irresistibly suggested to my mind by the position in which I stand before this court to-day. I rise to announce the death of one whose name and influence will be forever associated with the judicial history of the country. I rise to announce the death of one who contributed largely during his life to give shape and force to surrounding events, and from whose grave there now springs up the enduring and beautiful light of virtuous example. **JUDGE HUNTINGTON IS DEAD.** It is a fact long since known to us all, and yet how mournfully the announcement sounds here in the theater of his long career of usefulness and fame! *Judge Huntington is dead.* He is dead, it is true, as it is appointed unto all once to die, but how little of man there is that altogether dies! That feeble, languishing frame is resting to be awakened again after a long sleep. That is all. He still lives in every other respect. Not only has he put on the robes of infinite existence, beyond the thin veil which hides him from our view, but here in this sanctuary of justice, here in the forum of his labors, he still lives, and impresses his mind and character, as in the days of his vigorous manhood. He lives in the learning and integrity which he displayed on the bench. He lives in the decisions of his court, which stand

as a monument to his wisdom and justice. He lives in the pleasing recollections which we all cherish of an urbane, kind, and courteous judge and gentleman. But he lives in a wider sphere than this. He has given the example of his life to all—to the old for reflection and approval, and to the young for study and imitation. It survives, and will never perish. It is so much of added treasure to the true wealth of the world. Let us study, as becomes the part of wisdom, this example, and profit by the lessons which it imparts.

Elisha Mills Huntington was born in Otsego county, in the State of New York, March 26, A. D. 1806. He died in the city of St. Paul, Minnesota, on the 26th day of October, A. D. 1862.

At a very early age, Judge Huntington was left, by the death of his father, without the advantages of paternal guidance and support. To a most intelligent mother, however, he was greatly indebted, during his boyhood, for the promotion of those lofty traits of character which so greatly distinguished him in the days of his manhood. He paid grateful and tender tribute to her memory in every stage of his career. A kind and just Providence rewards the mother for her anxiety, pain, and care, in that reverence and devotion which men of cultivation and distinction always cherish for the sacred guardian of their infant minds, and the author of their earliest ideas.

In 1822, when sixteen years of age, Judge Huntington came west with his brother, Nathaniel Huntington, older than himself, and settled in the county of Vigo, in the then new State of Indiana. Forty years ago, the unknown boy commenced the journey of life in the midst of the same generous community where, but yesterday, they and their descendants laid him down to his last, long sleep, and planted flowers on his honored grave. There was a space of ten years, it is true, during that time, that he made his residence on the banks of the Ohio; but when the angel of death darkened his door, and bore away from his hearthstone the light of his house and heart, he came back and sought repose amidst the scenes of his early attachments



and early triumphs. Upon my introduction to him, in the city of Terre Haute, he was just completing his return to that place. I shall never forget the mournful pathos and beauty with which he alluded to that circumstance. "I have come home, come home to stay. I have been away ten years, but this has always been home." Yes, he came home to stay. The day was closing; the evening shadows were coming gently but surely on; the curfew of life was tolling, and the exile instinctively "homeward plodded his weary way." The night has come, but it is full of stars more beautiful than the day. His labors are over, and he is taking his rest at home.

Judge Huntington, in an eminent degree, throughout his life, enjoyed the public confidence. The people are safe and appreciative judges of merit and integrity. At the very early age of twenty-three, he was elected prosecuting attorney of a circuit which at that time embraced an extensive scope of country, and a peculiarly distinguished array of legal talent. He was equal to the position, and laid the foundation of that character for clearness and just discrimination, which was in after life so universally conceded to him by the bar of Indiana. In 1831, he was elected to the Legislature by the people of Vigo county, and was twice re-elected under the most flattering circumstances. But little is preserved of the legislative proceedings of that early period, but enough is known to assure to Judge Huntington a high position. He took rank at once among the gifted and rising young men of the State. As very strong evidence of this fact, when he retired from the Legislature he was elected by that body presiding judge of the judicial circuit in which he lived. To be selected at this early age, by those who were best acquainted with his legal abilities, to preside over a circuit in which lawyers whose names are now historical were then in the full tide of their practice and the meridian of their fame, is all the proof we need that his advancement in the walks of his profession was but the just appreciation of substantial merit. The period of his service as circuit judge was always a pleasant one for him to

recall. He loved to summon up its buried treasures of friendship, association, wit, learning, and genius. The incidents of the court-room thirty years ago, the intellectual struggles of the forum, the triumphs and the defeats, the streams of classic eloquence shaking the rude temple of justice, unhappily now lost to all save tradition, the merry meeting of hopeful and joyous spirits at the village tavern, the ambrosial nights, where Curran and his contemporaries would have found congenial conversation, where the Attic taste of Erskine and Sheridan would have lingered with delight over disquisitions into history, poetry, art, and the philosophy of life, all these were recalled by Judge Huntington with a beaming eye, and a voice musical with affectionate memory. It was easy to observe how great a personal favorite he had been with his professional brethren. He would call over their names one by one, and recount their virtues and their accomplishments with a love which showed that he himself had been by them beloved. That period had been to him an invigorating fountain of refreshment for the mind and the heart. And, indeed, where in all the expansive fields of human action is found such profound lessons of philosophical importance as in the practice of the law? Where is human nature, that mystery which has almost baffled the control of the Deity who fashioned it, so fully portrayed, so wonderfully developed as in a court of justice? The depths to which it can descend are there all fathomed. The heart of man, which has been pronounced past finding out, there gives up all its secrets. Murder there stands naked, to be studied in all its various moods. Robbery, plunder, theft, are there, with avarice, the mocking fiend who tempted them on. The extortioner is there, and the faces of the poor which he has sharpened are there also. The broken and dishonored vows of the marriage altar are all there paraded; and domestic grief and household tragedies bring their tears to the judgment-seat of this earthly tribunal. All that is sinful and all that is weak in the infirm nature of fallen man is poured into the ear of the judge and the advocate. But is this all that we learn of life in the duties of the

profession? If it was, the mind of every lawyer would be dragged down from the recognition of virtue to the dark and degrading belief of universal vice and depravity. But it is not so. Spirits of light are here as well as spirits of darkness. Virtue in the very hues of heaven has here achieved its greatest victories. The true hero, with God's own courage in his soul, here fights the battles of truth and justice, bowed down to the earth by temptations, sorrow, and shame. The frail and shrinking woman here displays the divinity of love and her kindred to a merciful Master, by clinging with imperishable devotion to the seared and blackened ruin who sits in the dock of criminals.

Who that has ever conducted a trial involving the all of wealth, the all of happiness, the all of liberty, or the all of life of a party, but has witnessed at some stage of the drama, and from some actor in the scenes, the highest exhibition of human virtue and the most sublime points of moral heroism? Whose eye has not moistened, whose lip has not trembled, whose breast has not heaved at the touching, pathetic, and perhaps almost unconscions manifestations of the loftiest attributes, the brightest glories of human nature, by one whose unlettered mind left him no other guide than the instincts of a true nobility.

The study of the true lawyer is his fellow-man as well as the written laws. This brings knowledge of the world in its highest and noblest sense; for of man and his varied interests and relations the world is made. And he who has acquired this kind of knowledge of the world, will never take a narrow or illiberal view of human conduct. He will spend his time in seeking for matter of approval, rather than matter of condemnation. He will find excuses for the erring, and carry a mantle of charity for frailty. He will not ask, "Who is my neighbor?" All the world is of kin to him who has acquired a correct view of the weakness as well as the strength, the vice as well as the virtue of human nature. His hate is turned to pity, and curses die away with blessings on his lips.

Judge Huntington had profited largely by his extensive experience in the courts, and had acquired a more perfect

knowledge of the world than any man whose intimacy I ever possessed. It gave to his mind that cool and philosophic cast which no one ever approached him without observing. It also gave him a broad vision of affairs, and lifted him to a great extent out of the reach of the sharp and narrow passions and prejudices of the hour. He looked out upon the world without expecting perfection; and while maintaining very decided opinions on all questions of moment himself, he never regarded a difference of opinion as even a shadow across the pathway of friendship.

Judge Huntington continued to act as circuit judge until in April of 1841, when the administration then in power called him to fill the position of Commissioner of the General Land Office. This office he held but a short period. But brief as was his discharge of its duties, yet his ability, kindness, and winning manners left an impression at the capital which time has not yet effaced. The clerks of that department, when he retired from it, manifested their appreciation of his high qualities, in a handsome and enduring testimonial. Indeed, I have been unable to find any portion of Judge Huntington's career, either in public or private life, which fails to give marked and singular evidence of the warm personal esteem of his fellow-citizens.

During the year 1841, however, the death of Judge Holman left the office of Judge of the District Court of Indiana vacant.

It was tendered to Judge Huntington, and he wisely accepted it. Here commenced the long, the faithful, the brilliant career of Judge Huntington as a judicial officer. In this capacity, he was principally known for more than twenty years by the people of Indiana. In this capacity, his mind matured, his judgment ripened, and in the conscientious and acceptable discharge of his duties, he reached the full measure of his ambition—tasted the full fruition of all his hopes. He was but thirty-five years of age when he put on the ermine of this court, and though he fell at the high noon of mental vigor and experience, yet he had worn it during an ordinary lifetime of activity and labor.

It was upon his shoulders when the insatiate archer struck him down, and it will descend to each successor, identified with his name, his character, and his influence.

In estimating the character of a judge in the discharge of duties on the bench, there are a few very plain and obvious tests to be applied. No man ever ascended to the seat of judgment with a view to his own aggrandizement and the gratification of a selfish ambition who was successful in rearing up an unsullied fame as an impartial judge. A single purpose to pursue the right under all circumstances, is the first and most important element of a brilliant judicial career.

Justice is blind when she poises her scales. She sees neither one of the suitors before her. They bring their causes and weigh them without being seen or known by the fabled goddess. This is heathen mythology, it is true, but it most faithfully portrays the great moral scales which, in the hands of the single-minded judge, determine the hands of right and wrong in these days of Christian revelation. He becomes blind to all save the inward light of an enlightened conscience. He sees neither friends nor enemies in those who come to ask judgment on their conduct. Love and hate are alike banished from his heart when he assumes the awful task of judging his fellow-men. A deep and overwhelming sense of responsibility purges his breast of all passion and prejudice, the common inheritance of us all, and elevates his mind for support and guidance upward toward the source and fountain of all wisdom. He bends his lips toward the inspiring waters of "Siloa's brook, which flows fast by the oracles of God." This deep moral sense, this keen and active appreciation of right and wrong, this blind devotion to the principles of omnipresent and eternal justice, is the broad enduring basis, the majestic rock on which judicial eminence has been founded in every age of civilized jurisprudence. Mansfield and Hale built upon it. Marshall and Story, and all the great lights of American jurisprudence, have done the same. The pedestal of fame springing upward toward the sky from such a foundation, never falls. Storms beat

on it in vain. The lightnings are harmless against its head. It is as immortal and imperishable as justice itself, for the spirit of justice animates all its parts.

Judge Huntington often dwelt, in his conversation, and especially with young men, on this essential element of judicial character; and was himself a most perfect example of its complete and beautiful development. How unmeasured was his devotion to the demands of justice! How unclouded was his vision when he surveyed the equities of a case! Nothing obscured his moral perceptions. Who of us will ever forget his easy, temperate, cool, and impartial bearing upon that bench? He was never lost, obscured, or confused in following and elucidating the great fundamental principles on which government, laws, and social order all depend. He tried everything by primary truths, by just principles, and then turned to the law, not as a code of barren and technical rules, but as the "perfection of reason," for authority to support him in his conclusions.

Much has been said and much has been written in regard to the various kinds of legal ability, which we find at the bar and on the bench. Opinions differ on this subject just as minds are differently constituted. It is said of Chief Justice Marshall, that he often delivered most important opinions, and, at the close, requested a brother judge to find the authorities to sustain him. His decisions were drawn from general principles, which, like the demonstrations of the physical sciences, can not lead us into error. To remember the book, the page, and the case in which some other court had made a similar decision, is a mere effort of memory; but to determine what the law is in the light of reason and justice, requires the exercise of the loftiest attributes of the human mind. In one case, we simply appropriate, very properly, it is true, the labors of other men. In the other case, we launch out upon our own strength, and come in laden with the rich spoils of original thought. To combine these two qualities of professional life, is to make the perfect lawyer; but if one has to exist without the other,

then the mind which is guided and governed by general principles, has all the advantages.

Judge Huntington was, in a very marked and eminent degree, an original thinker, and controlled in his judicial capacity by general principles, growing out of the reason and nature of law. I have often known his decisions sustained by authorities examined and produced after the decisions were made. He had followed the science, the reason, the spirit of the law, and that is always harmonious, consistent, and just. If I may be allowed an expression, often used by him, he was a devout believer in the plain and familiar maxims of common sense, and always brought them to bear in the discharge of his official duties. Will any one say that such traits of mental character make an unsafe jurist? Let the records of this court for more than twenty years answer the objection. Perhaps not in the United States can there be found so long a line of decisions, with so few of them disturbed by a higher court, as is presented here in this theater of Judge Huntington's labors. His fame as a ripe, learned, and profound jurist rests upon no slight or accidental basis. Every legal question that ever came for solution into a court of justice was presented to the analysis of his mind. Every variety of interest was pressed upon his judgment. A bar, second to none in the United States, crossed their blades in many a fierce encounter in his presence. Above him was that august tribunal of ultimate resort, the Supreme Court of the United States, to revise and correct his errors. It was a matter of honest and commendable pride with him, that, under these circumstances, he could look back upon a record of decisions almost untouched by the revision of a superior court. Such a career can only be achieved by great ability. Our profession is one in which distinction can not be attained without merit. The empty pretender must seek other fields. Solid, patient, and laborious ability can alone climb the ladder of legal eminence. Estimating the professional career of Judge Huntington in this light, he will forever stand in the history of Indiana, and in the history of the

Federal judiciary, as one of their brightest legal ornaments.

But it was not merely as the presiding officer of this court that we knew and admired Judge Huntington. He loved and upheld the law not merely as a professional calling, but because it was to his mind the symbol of government and national existence. Judge Huntington was, in the highest and purest sense, a patriot. The love of country was to him an absorbing passion. He omitted no occasion, in court or elsewhere, to inspire his countrymen with a devotion to the government of our fathers. The constitution was with him a sacred covenant, not to be broken. It was in his eyes "the supreme law." There was none higher. He often from the bench proclaimed his solemn belief that our only safety as a people—our only hope for unity, peace, and liberty, consisted in a faithful observance of the constitution and the laws. And he died as he had lived, announcing his belief in the sufficiency of the constitution for all times and for all purposes, and his hope and conviction that its benignant supremacy would once more be established over a united and fraternal people. May he soon, from the abodes of the blessed where he now inhabits, behold the joyful, the glorious consummation of his dying hopes!

But public officer, legislator, judge, patriot, all become absorbed in a brighter and more exalted character as he approaches that narrow stream which flows round the world, and divides things temporal from things eternal. No proper estimate can be placed on the life of a man until the manner of his death is known. Judge Huntington had for years been slowly yielding to the advancing foe, whose approaches none can resist. His mind was naturally inclined to the investigation of religious questions. In the close intimacy with which he honored me, I often heard him dwell for hours on the great mysteries which gather around the grave. The future world and his relation to it, was a practical question to his practical mind. He met it as he met every other requirement of his situation. He looked it plainly and fearlessly in the face, and



spoke of it calmly. He earnestly sought in every way to discover his duty, with the full determination to do it. Some doubts there were that occasionally obscured his belief in a future state of existence; but they were as floating clouds before the face of the sun, passing rapidly away, and succeeded by brilliant light. He dwelt upon the inspired pages of revelation with all the pleasure of a great mind and an elevated heart. He examined, studied long, and anxiously, for the pathway of duty in regard to an open profession of religion. He at last reposed his head with the humility of a child on the bosom of that Church which comes down to us from Apostolic days, and has survived the shocks and tempests of more than eighteen hundred years. He died with the blessed emblems of Calvary on his lips, and, by a Christian's death, gave evidence to the world of a well-finished life.

"Nor e'er was to the bowers of bliss conveyed  
A fairer spirit, or more welcome shade."

May it please the Court, there is much in the life, the character, and death of Judge Huntington to give useful reflection. His example will not be lost. It is a part of the history of the State, and will be cherished by all who believe that a well-spent life is a portion of the public honor. His death, in the prime of his manhood, is full, too, of matter for solemn and profitable thought. Death has been busy, very busy, with this court, within a few short years. For three years, the happiest of my life, I stood in official connection with this court—the attorney for the government. The learned, the kind, the paternal Judge McLean was here. His memory dwelt among the tall spirits of other days, and I revered him as if he had brought an odor of sanctity with him from former generations. And who will not pardon me for a moment's thought on this occasion given to my friend, who was also an officer for many years of this court, the brave, kind-hearted, warm, and generous Robinson. They are all gone. This courtroom is craped in mourning to my eyes. You and I, Mr. Clerk, alone remain of that once genial and happy circle. Others have taken their places, and the succession is clothed

with dignity, ability, and honor; but who can fail, in the presence of these visitations of death, to pause, and pay the tribute of a tear to the memory and virtues of those who were here but yesterday? We should be admonished, too, of the fleeting, evanescent nature of life. Our stay is but for an hour, and then comes the great change. How poor and painful the strife, the bitterness, and the passions of the day seem when we bring them close to the tomb! And we walk by its open mouth every step of our existence.

“Leaves have their time to fall  
And flowers to wither at the north wind’s breath,  
And stars to set—but all,  
Thou hast *all* seasons for thine own, O Death!”

My duty is accomplished. I have announced to this court the death of its late presiding officer, and dwelt feebly and imperfectly on the leading elements of his character, and some of the prominent incidents of his life. Much more I might say. The social circle, the domestic fireside, the altar of private friendship, all render to his memory the dearest, the tenderest tributes of love that were ever laid as evergreen garlands on the grave of the beloved dead. But I will not draw aside the veil which makes that portion of life so sacred. It belongs to the cherished few to whom his heart was opened with all its wealth of affection.

Just and learned judge, enlightened patriot, devoted Christian, kind friend, courteous gentleman, farewell! Sacred be thy memory, and peaceful and sweet be thy slumbers.

I am directed by the bar of this court to move the following resolutions:

“WHEREAS, The bar of this court have, with profound sorrow, learned that Hon. E. M. Huntington, late Judge of the United States Court for the District of Indiana, on the 26th day of October, 1862, departed this life; therefore, to indicate the esteem in which we held him while living, and the respect and veneration in which we hold his memory—

“*Resolved*, That the many virtues which adorned the

character of the Hon. Elisha M. Huntington, and which, during a period of over twenty years, shone conspicuously in his course as Judge of the United States District Court for Indiana, have endeared his memory to us, and made for him an enduring monument as an able and upright judge, a courteous and accomplished gentleman, and a sincere and disinterested friend.

“*Resolved*, That his death is a public calamity; in which the bench loses one of its brightest ornaments and most honorable examples of impartiality, firmness, patience, learning, sagacity, and suavity of deportment; the bar, one of its most warmly cherished professional brethren, and the whole country an exalted patriot and a useful citizen.

“*Resolved*, That in testimony of our grief for the public and private bereavement in his death, we will wear crape upon the left arm for a period of thirty days; that these resolutions be presented to the court now in session by Hon. D. W. Voorhees, with a request that they be made of record; and that a copy be transmitted to his family under the seal of said court.

“ROBERT C. GREGORY, *Chairman*.

“JNO. H. REA, *Secretary*.”



















